



## **Municipality of Temagami**

### **Draft Official Plan**

Draft 2 for Public Meeting – August 2024

Council Adoption Date: TBD  
Ministry Approval Date: TBD

# TABLE OF CONTENTS

<b>A</b>	<b>PLAN FRAMEWORK</b> .....	<b>1</b>
A.1	HOW TO USE THE PLAN .....	1
A.2	CONTEXT .....	3
A.3	BASIS .....	4
<b>B</b>	<b>PURPOSE, VISION AND OBJECTIVES</b> .....	<b>5</b>
B.1	PURPOSE .....	5
B.2	VISION.....	5
B.3	GUIDING PRINCIPLES AND OBJECTIVES .....	6
<b>C</b>	<b>BUILDING TEMAGAMI</b> .....	<b>9</b>
C.1	POPULATION AND HOUSING .....	9
C.2	ECONOMIC DEVELOPMENT .....	10
<b>D</b>	<b>GENERAL LAND USE CONCEPT</b> .....	<b>13</b>
D.1	URBAN NEIGHBOURHOOD .....	13
D.2	LAKE TEMAGAMI NEIGHBOURHOOD .....	14
D.3	RURAL NEIGHBOURHOOD .....	18
<b>E</b>	<b>LAND USE DESIGNATIONS</b> .....	<b>20</b>
E.1	RESIDENTIAL .....	20
E.2	URBAN COMMERCIAL .....	22
E.3	HIGHWAY COMMERCIAL .....	23
E.4	RESIDENTIAL WATERFRONT – LAKE TEMAGAMI .....	24
E.5	RESIDENTIAL WATERFRONT .....	24
E.6	LAKE SERVICE DESIGNATION .....	25
E.7	TOURIST COMMERCIAL.....	26
E.8	INDUSTRIAL .....	29
E.9	RURAL.....	31
E.10	MINERAL AGGREGATE .....	33
E.11	PARKS AND OPEN SPACE .....	33
E.12	FUTURE DEVELOPMENT .....	34
E.13	CROWN LAND .....	35
E.14	CROWN LAND - PROTECTED AREA .....	37
E.15	MOBILE HOME PARK.....	38

---

E.16	RESTRICTED RURAL/WATERFRONT – LAKE TEMAGAMI .....	39
<b>F</b>	<b>CARING FOR THE WATERFRONT .....</b>	<b>41</b>
F.1	WATERFRONT DEVELOPMENT .....	41
F.2	SHORELINE VEGETATIVE BUFFER .....	43
F.3	SHORELINE STRUCTURES.....	43
<b>G</b>	<b>PRESERVING TEMAGAMI’S CULTURAL HERITAGE .....</b>	<b>45</b>
G.1	CULTURAL HERITAGE RESOURCES .....	45
<b>H</b>	<b>PRESERVING TEMAGAMI.....</b>	<b>47</b>
H.1	INTRODUCTION .....	48
H.2	NATURAL HERITAGE FEATURES AND AREAS .....	48
H.3	SURFACE AND GROUNDWATER QUALITY .....	52
H.4	LAKESHORE CAPACITY ASSESSMENT.....	53
H.5	LAKE TROUT LAKES.....	54
H.6	MINERAL RESOURCES .....	55
H.7	FOREST MANAGEMENT.....	56
<b>I</b>	<b>NATURAL HAZARDS .....</b>	<b>58</b>
<b>J</b>	<b>SERVICING TEMAGAMI.....</b>	<b>59</b>
J.1	INFRASTRUCTURE AND PUBLIC SERVICES .....	59
J.2	PUBLIC WORKS .....	62
J.3	TRANSPORTATION.....	62
J.4	LAKE ACCESS.....	67
J.5	WASTE MANAGEMENT .....	70
J.6	POTENTIALLY CONTAMINATED SITES.....	70
J.7	TEMPORARY WAYSIDE PITS AND ASPHALT PLANTS .....	70
<b>K</b>	<b>GENERAL POLICIES.....</b>	<b>71</b>
K.1	AGRILCULTURE .....	71
K.2	LAND USE COMPATIBILITY.....	71
K.3	ALTERNATE ENERGY GENERATION SYSTEMS.....	72
K.4	ADDITIONAL DWELLING UNITS.....	72
K.5	HOME OCCUPATIONS.....	75
K.6	HOME INDUSTRIES .....	75

---

K.7	CONTRACTOR'S YARD .....	76
K.8	BED AND BREAKFAST ESTABLISHMENTS .....	76
K.9	WILDLAND FIRE .....	77
K.10	URBAN DESIGN .....	77
<b>L</b>	<b>IMPLEMENTATION.....</b>	<b>78</b>
L.1	IMPLEMENTATION.....	78
L.2	PLANNING ADMINISTRATION.....	78
L.3	REVIEW AND MONITORING OF THE PLAN .....	79
L.4	AMENDMENTS TO THE PLAN.....	79
L.5	EXISTING USES .....	80
L.6	NOTIFICATION AND CONSULTATION.....	81
L.7	COMMUNITY IMPROVEMENT .....	82
L.8	LAND DIVISION .....	83
L.9	ZONING BY-LAW .....	87
L.10	HOLDING ZONES .....	88
L.11	INTERIM CONTROL BY-LAWS .....	88
L.12	TEMPORARY USE BY-LAWS.....	88
L.13	SITE PLAN CONTROL.....	89
L.14	SHARING ECONOMY .....	90
L.15	FINANCIAL IMPACT DEVELOPMENT.....	90
L.16	CASH-IN-LIEU OF PARKLAND.....	91
L.17	MAINTENANCE AND OCCUPANCY BY-LAWS .....	91
L.18	TREE REMOVAL & BLASTING.....	91
L.19	PUBLIC WORKS .....	91
L.20	SITE ALTERATION BY-LAW.....	92
L.21	SEWER AND WATER ALLOCATION.....	92
L.22	PRECONSULTATION .....	92
L.23	COMPLETE APPLICATION .....	92
<b>M</b>	<b>INTERPRETATION .....</b>	<b>95</b>

---

# A PLAN FRAMEWORK

---

## A.1 HOW TO USE THE PLAN

### A.1.1 Introduction

A.1.1.1 This Plan has several interrelated components that must be read in order to determine those policies that have an impact on any individual parcel of land within the Municipality of Temagami. For clarity, the Municipality of Temagami Official Plan applies to all lands within the municipal boundary save and except for lands owned by the Federal government, and lands which are part of Indigenous communities. Crown Land and land owned by the Province have been designated as part of this Plan, however the Municipality recognizes that it does not have jurisdiction over these lands.

A.1.1.2 The Plan Framework, found in Part A, provides the context and basis within which the general and detailed land use policies have been prepared. The Plan Framework is not part of the Official Plan but should be read in order to understand what the policies strive to achieve.

A.1.1.3 Part B of the Plan consists of the Purpose, Vision and Objectives of the Plan that provide that provide direction to establish a policy framework to guide the physical, economic and social development of the Municipality and to protect the natural environment within the Municipality.

A.1.1.4 Part C of the Plan, *Building Temagami* provides background on population and housing as well as housing and economic development policies.

A.1.1.5 Part D of the Plan consists of the Land Use Concept for the Municipality, including policies that apply to the three Neighbourhoods within the Plan.

A.1.1.6 Part E of the Official Plan establishes the Land Use designations and outlines permitted uses and policies for each designation.

A.1.1.7 Part F, *Caring for the Waterfront*, provides general policies that apply to waterfront development.

A.1.1.8 Part G, *Preserving Temagami's Cultural Heritage* includes policies regarding the protection of cultural heritage features.

A.1.1.9 Part H, *Preserving Temagami*, contains policies regarding the Environment and Resources within the Municipality. These policies are to provide protection of natural heritage features and functions including water quality, and other resources.

A.1.1.10 Part I of the Plan consists of the Natural Hazard policies that direct development away from hazards and promote public health and safety.

- A.1.1.11 Part J of the Plan provides servicing policies related to infrastructure, roads, lake access and other related service implications.
- A.1.1.12 Part K, *General Policies*, provide policy direction, guidance, measures and procedures to manage and direct physical change and the effects on the social, economic and natural environment of the Municipality.
- A.1.1.13 Part L references Implementation policies related to land division, and various mechanisms for implementing the Official Plan.
- A.1.1.14 Part M of the Plan consists of Interpretation policies. These policies provide direction to Council regarding administrative matters.
- A.1.1.15 The Schedules designate all land within the Municipality of Temagami in the appropriate Neighbourhood and land use designation. The Schedules that have been included are:
- Schedule A: Land Use
  - Schedule B1: Land Use: Temagami Settlement Area
  - Schedule B2: Land Use: Temagami North Settlement Area
  - Schedule C: Transportation
  - Schedule D: Values
- A.1.1.16 The following process should be used in determining land use designations and identifying the associated policies:
- a) Locate the parcel on the Schedules and determine the appropriate land use designation and other mapped features that may apply to the parcel and adjacent lands;
  - b) Review the Land Use Concept and Land Use designation sections of the Plan that correspond to the Neighbourhood and land use designation(s);
  - c) Review the other policies in Section F to Section L to determine other matters that apply to the parcel and adjacent lands; and,
  - d) Municipal staff may be consulted in determining the land use designation(s) and policies that apply.
- A.1.1.17 Due to the sensitivity of some environmental values and features, the entirety of the information is not shown on Schedule D of the Plan. The Municipality has internal information that is to be used for internal screening purposes and is to be updated if relevant information is updated over the life of this Plan.

## **A.2 CONTEXT**

### **A.2.1 Crown Land**

A.2.1.1 The majority of land (approximately 96%) in the Municipality of Temagami is Crown Land and Crown Land planning policy has greatly shaped the landscape.

### **A.2.2 Urban Neighbourhood**

A.2.2.1 The Temagami Settlement Area is the service centre for the area and is where the municipal administration centre is located. The Temagami North Settlement Area is a residential community servicing the Municipality. Along the Highway 11 corridor these two communities and the rural lands between comprise the Urban Neighbourhood of the Municipality.

### **A.2.3 Lake Temagami Neighbourhood**

A.2.3.1 Lake Temagami has character quite different from other lake communities. There are approximately 1,259 numbered islands in Lake Temagami and most development takes place on these islands. The “Island Only” development pattern was influenced by the Temagami Forest Reserve that was created in 1901, and for the most part precluded mainland development on Lake Temagami.

### **A.2.4 Rural Neighbourhood**

A.2.4.1 The form of development on the numerous other lakes in the Municipality is primarily mainland development. The overall character of these lake communities and rural areas is essentially one that protects privacy and exists in harmony with the natural environment. This community character is, to a large extent, the reason why people choose to visit or reside (permanently or seasonally) in Temagami.

### **A.2.5 Political History**

A.2.5.1 On January 1, 1998, the Municipality of Temagami was created as a “Town”, by order of the Temagami/West Nipissing Restructuring Commission.

### **A.2.6 Temagami First Nation**

A.2.6.1 The Municipality of Temagami is within the Traditional Lands of the Teme-Augama Anishnabai and Temagami First Nation. The Municipality of Temagami would like to work with the Temagami First Nation and Teme-Augama Anishnabai to develop complimentary land use policies to the mutual benefit of all.

The Teme-Augama Anishnabai, Temagami First Nation and the Municipality are collaboratively working on a Memo of Understanding with the following vision: The Temagami First Nation, the Teme-Augama Anishnabai and the Municipality of Temagami recognizes that future political, economic, social and cultural growth, development and prosperity are dependent upon a positive interdependent relationship with respect to one another's government, laws and citizens and our vision is to achieve this goal by working together.

Mapping and historic information provided by Teme-Augama Anishnabai and Temagami First Nation has been included in this Plan as Appendix 6 and Appendix 7.

## **A.3 BASIS**

### **A.3.1 Background Review**

A.3.1.1 This Plan is based on information collected and summarized in the Background Report. The Background Report relies on existing reports and maps obtained from a number of sources including the Teme-Augama Anishnabai, Temagami First Nation, Provincial Government, Temagami Lake Association, local interest groups, private landowners and industry.

A.3.1.2 Notwithstanding the valuable input received during the Official Plan Review and the resulting Official Plan policies, the Municipality of Temagami acknowledges that the Temagami Land Use Plan for the Temagami Comprehensive Planning Area is the governing land use planning document applicable to Crown Land within the Municipality of Temagami except in the geographic Township of Sisk. The Tenets for Temagami (Lake Temagami) are found in Appendix 1 to the Official Plan.

### **A.3.2 Sustainability**

A.3.2.1 The policies of this Official Plan represent an attempt to create a model of sustainable development that will ensure the Municipality's future stability by properly integrating ecological sustainability, economic objectives and social concerns.



# **B PURPOSE, VISION AND OBJECTIVES**

---

## **B.1 PURPOSE**

### **B.1.1 Purpose**

B.1.1.1 The purpose of the Official Plan is to establish a policy framework to guide land use and physical development affecting the economic, social, and natural environments within the Municipality to the year 2045.

B.1.1.2 Through this Official Plan, it is the intent of the Municipality to:

- a) Establish and foster a vision of the future for Temagami that reflects the needs and values of both the current and future population; recognize the value of Lake Temagami and the unique semi-wilderness environment around Lake Temagami; and recognize the value of other lakes in the Municipality;
- b) Achieve an orderly pattern of development that makes efficient use of land and infrastructure;
- c) Protect and where possible enhance the quality of the natural environment;
- d) Encourage and support local economic development that is consistent with community values;
- e) Identify and support the community’s social values and priorities with respect to the need for health and welfare, housing, education, services, and a community identity;
- f) Establish balanced policies to evaluate development proposals; and,
- g) Consult with the Temagami First Nation in the development and planning process.

## **B.2 VISION**

The primary goal of this Official Plan is to secure a sustainable future for the community of permanent and seasonal residents. This will be achieved by giving equal weight to three long-term objectives: economic prosperity, social well-being and environmental stewardship.

Land use planning will embrace and enhance Temagami's unique characteristics, especially the pristine health and natural beauty of its lakes and surrounding lands. These physical features together with its rich heritage of diverse peoples define Temagami today, speak to its meaningful history, and guarantee its bright future.

**B.3 GUIDING PRINCIPLES AND OBJECTIVES**

The following statements of intent and principles are intended to guide land use planning decisions in the Municipality of Temagami.

**B.3.1 Natural Environment**

B.3.1.1 The Municipality shall recognize the natural environment as the foundation upon which the community rests and shall support the protection of the unique wilderness environment associated with Temagami.

Objectives:

- a) To ensure that new and existing developments respect the conservation of wilderness and semi-wilderness values and characteristics, as well as the community’s natural and cultural heritage;
- b) To protect significant cultural and natural heritage resources;
- c) To respect Indigenous communities;
- d) To encourage sustainable coexistence amongst the natural environment, resource extraction, urban, rural and shoreline development;
- e) To maintain and where possible improve existing water quality and fisheries;
- f) To minimize negative impacts to air quality and climate change through site design;
- g) To promote green infrastructure, energy efficiency and conservation where feasible;
- h) To recognize and plan for the impacts of a changing climate; and,
- i) To implement the Tenets for Temagami.

**B.3.2 Community Interest and Engagement**

B.3.2.1 The Municipality shall promote collaboration and equitable public participation in the land use planning process in achieving the objectives of the Official Plan.

Objectives:

- a) To recognize the diverse interests of the community;
- b) To encourage and foster a relationship with Indigenous communities;
- c) To establish communication and engagement processes which will reduce barriers, foster co-operation and ensure co-ordination with all groups and individuals;

- d) To encourage the development of relationships with Provincial government ministries, and neighbouring municipalities on issues of common concern; and,
- e) To encourage the development of partnerships with the Ministry of Northern Development, Mines, Natural Resources and Forestry and the Temagami First Nation/Teme-Augama Anishnabai regarding initiatives to develop, use, or manage Crown Land.

### **B.3.3 Economic Opportunity**

B.3.3.1 The Municipality shall support opportunities for a diversified, year-round local economy that provides increased employment opportunities for residents.

Objectives:

- To create a diverse, mixed economy based on forestry, mining, manufacturing, recreation, institutional services, services that support local residents and visitors and government services;
- To prepare an economic development strategy which addresses the current and future needs of the community;
- To ensure compatibility between land uses;
- To establish a four-season economy in all sectors; and,
- To support the designation of additional lands to ensure a sufficient supply of lands are available to support employment uses.

### **B.3.4 Growth and Development Form**

B.3.4.1 The Municipality shall encourage sustainable development and promote growth which meets the needs of current and future residents.

Objectives:

- a) To promote efficient, cost effective development and land use patterns;
- b) To direct development to the existing settlement areas within the Urban Neighbourhood;
- c) To ensure that development operates within the limits of a local definition of sustainability and conserves wilderness and semi-wilderness values of the Municipality;
- d) To promote development that creates local benefit;
- e) To direct development away from areas where there is a risk to public health or safety or of property damage;
- f) To ensure sufficient designated lands and the provision of municipally serviced lands to meet projected needs; and,

- g) To support the expansion of settlement areas to ensure sufficient land is available for future residential, commercial and employment needs.

## **C BUILDING TEMAGAMI**

---

These policies are intended to apply to more than one land use designation and must be read in conjunction with the other policies of this Plan.

### **C.1 POPULATION AND HOUSING**

#### **C.1.1 Introduction**

C.1.1.1 Based on the 2021 Census, the population of the Municipality was 862. There are 928 private dwellings and 432 of those dwellings are occupied permanently throughout a year. The Municipality provides recreational properties for a number of seasonal residents and tourists. Youth camps, Provincial Parks, tourist lodges, canoeists, and extended cottage use greatly increase the seasonal population.

C.1.1.2 Clear population and housing targets are difficult to establish in the Municipality of Temagami. The difficulty is the result of a small population base, an economy that is dependent on the more fluid components of the provincial economy such as tourism and resource development, and the fact that some of the population growth may be related to the conversion of residences from seasonal to year-round.

C.1.1.3 The Municipality recognizes the importance of sustaining a stable population in order to maintain both the hard and soft services that the Municipality relies on, including local schools and businesses. The Municipality further recognizes that it needs to attract and maintain younger families, and that a diversified economy and family supportive social and recreational services are important to achieve that goal.

#### **C.1.2 Population**

C.1.2.1 In recognition of the need to protect the characteristics that make the Municipality desirable while providing opportunities for an economically viable community, a modest increase in population is expected to occur to the year 2045.

C.1.2.2 Although difficult to quantify, it is anticipated that some of the new permanent population in the rural areas and shoreline areas may take the form of the conversion of seasonal residences to permanent residences. Seasonal population growth may be accommodated in new cottages on new or existing lots, and additional dwellings on existing lots.

C.1.2.3 In the settlement areas, a balance between population increase and housing availability will be achieved. However, consideration needs to be given to housing for the aging population and affordable lots and dwelling units for residents.

C.1.2.4 The Municipality recognizes the importance of providing developable lands to accommodate housing that will support new residents in the community and support population growth in the Urban Neighbourhood.

### **C.1.3 Housing**

C.1.3.1 Given the size of the Municipality, it has the opportunity to offer a variety of living environments in the urban, rural and shoreline settings. It is important to maintain the potential for diversity in style, density and form of development while having regard for the existing development patterns.

C.1.3.2 It is the goal of the Municipality to maintain at least a 5-year supply of residential lots or units and at least a 15-year supply of land designated and available for new residential development and residential intensification in the urban areas. There is a limited inventory of privately and municipally held vacant lots in the Urban Neighbourhood. Many of the vacant lots have constraints to development including topography, and availability of services. Appendix 2 and 3 illustrate the vacant lots in the Temagami Settlement Area and the Temagami North Settlement Area and Appendix 4 provides a summary of the vacant lots. These figures illustrate the limited supply of lands that are available.

C.1.3.3 The Municipality may undertake an amendment to this Plan to enlarge the Temagami Settlement Area and the Temagami North Settlement Area to provide additional lands for residential and non-residential development in order to meet future needs. In order to provide sufficient lands to meet future demand, the Municipality may need to pursue additional Crown Lands from the Province. Settlement Area expansion shall not occur into the Lake Temagami Neighbourhood and shall be consistent with the policies of the Provincial Policy Statement.

C.1.3.4 The Municipality has an affordable housing target of 10 percent. This target shall be based on the Provincial definition of affordable housing.

C.1.3.5 It is the policy of the Municipality to permit a wide variety of housing by type, size and tenure in the urban areas of the Municipality. Housing in the urban area may include single detached, semi-detached, mobile home units in mobile home parks and other forms of low, medium and high density residential development.

## **C.2 ECONOMIC DEVELOPMENT**

### **C.2.1 Goal**

C.2.1.1 It is the goal of the Municipality to have a diversified, year-round local economy.

## **C.2.2 General Policies**

- C.2.2.1 The policies of this section build on the principles of economic development outlined in the Growth Plan for Northern Ontario and the Provincial Policy Statement.
- C.2.2.2 The Municipality recognizes the importance of a healthy local economy. The health of natural resources, lakes and natural heritage features is the foundation of the local economy. The utilization of natural resources, cottage development, seasonal residents, tourism development, access to technology and the public travelling along Highway 11 all contribute to the local economy.
- C.2.2.3 Commercial uses will be encouraged to develop and expand to provide for the needs of the year round residents, seasonal residents and tourists. Every effort will be made to increase economic activity in the tourism sector.
- C.2.2.4 The existing commercial structure will be strengthened. The Temagami Settlement Area shall continue to be the central location of retail and service commercial uses for the general population and travelling public. The urban commercial core will be pedestrian friendly, and its visual identity will be strengthened.
- C.2.2.5 All commercial uses are permitted in the Temagami Settlement Area. Home occupations, home industries and tourism services may be established in Temagami North, the Lake Temagami Neighbourhood and the Rural Neighbourhood, subject to the policies of this Plan. New industrial development is generally focused to strategic areas in the Temagami Settlement Area to limit impacts on the natural environment and to reduce land use incompatibility.
- C.2.2.6 The Municipality shall foster a favourable climate for sustainable economic development and shall promote the Municipality as a desirable location for new business investment by:
- Expediting planning approvals that conform with the policies of this Plan;
  - Continuing support for various economic development initiatives which could include the establishment of an Economic Development Corporation;
  - Pursuing opportunities to partner with private sector investors to create year-round jobs in the Municipality and improve the experience for residents and tourists alike, when warranted, and financially feasible;
  - Pursuing opportunities afforded by the government and corporate agencies, from time to time;

- Providing and maintaining adequate municipal infrastructure and public services to service and support community based economic development;
- Maintaining a supply of serviced, serviceable and unserved land to meet commercial and industrial needs;
- Identifying areas for specific types of development that are key to the economic base of the community. These include lands for future development, tourist facilities, commercial growth and industrial development; and,
- Initiating and/or facilitating programs for commercial core and industrial area revitalization.

C.2.2.7 The Municipality will, where appropriate, facilitate the acquisition and development of Crown Land and resources where it may be utilized for economic development purposes in an environmentally sound manner.

C.2.2.8 Most of the natural resources found in the Municipality of Temagami are held and governed by the Ministry of Natural Resources and Forestry and Forestry on behalf of the Province of Ontario. The Municipality encourages the development of partnerships with the Ministry of Natural Resources and Forestry and Forestry regarding initiatives to develop, use, or manage Crown Land resources.



# **D GENERAL LAND USE CONCEPT**

---

## **D.1 URBAN NEIGHBOURHOOD**

### **D.1.1 Introduction**

D.1.1.1 The boundary of the Urban Neighbourhood, as shown on Schedule A encompasses the urban area of the Temagami Settlement Area, the Temagami North Settlement Area and rural lands around these two urban areas and along the Highway 11 corridor.

D.1.1.2 Schedules B1 and B2 show the Settlement Area Boundary of the Temagami Settlement Area and the Temagami North Settlement Area.

### **D.1.2 Principles and Goals**

D.1.2.1 This section sets out land use principles and goals for the Urban Neighbourhood that will help to create a climate that further advances opportunities for economic growth and social development.

### **D.1.3 Land Use**

D.1.3.1 It is the goal of the Municipality to have settlement areas that provide a variety of housing styles that are affordable, and to provide economic opportunities and lifestyle considerations that support a vibrant year round population and focus growth to settlement areas.

D.1.3.2 Facilities such as schools, libraries, municipal offices, public works yards and fire stations should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration and active transportation.

D.1.3.3 For the purpose of this Plan, Temagami Shores, Finlayson Provincial Park and Leisure Island Boathouses are deemed to be within the Settlement Area Boundary of the Temagami Settlement Area and are more specifically described as follows:

- Temagami Shores Inn and Resort – Strathcona RP NR1075, Parts 1 & 2 Parcel 21093NIP, together with Right of Way; and, Strathcona Township, Parcel 18497 NIP, RP 36R10311, Parts 1,2,3,5; RP 36R9321, Parts 1,2,3,4; RP 36R8983, Parts 1,2,, Parcels 28037, 28747, 27278 NIP;
- Finlayson Provincial Park - Strathcona Township - as defined by regulation under the Provincial Parks Act; and,
- Leisure Island Houseboats - Strathy Location ETW 340pt Parcel 15224.

## **D.2 LAKE TEMAGAMI NEIGHBOURHOOD**

### **D.2.1 Introduction**

D.2.1.1 The Lake Temagami Neighbourhood is shown on Schedule A and includes islands and mainland areas contained within the Skyline Reserve around Lake Temagami, but excludes the Bear Island.

D.2.1.2 Lake Temagami has, over the years, developed a distinct character that is easily recognizable to both the occasional visitor and the long-term resident. This character is based on the natural features, historical development patterns, controlled access and the availability of public recreational opportunities. The natural features include the clear water of Lake Temagami and the old growth vegetation in the Skyline Reserve and on the islands. The historical development pattern reflects virtually no mainland development but rather island development. Recreational opportunities, including canoeing, camping, fishing, and lake cruising extend beyond the Neighbourhood through a network of trails and portages. The wilderness values on the mainland and semi-wilderness values on the islands characterize the Lake Temagami Neighbourhood.

### **D.2.2 Principles and Goals**

D.2.2.1 The land use strategies for this Neighbourhood are based upon the Tenets for Temagami and the Provincial policies for Area 39 of the Temagami Land Use Plan. These documents describe the key features and development principles that form the basis of the policies of this section. These principles call for the conservation of wilderness and semi-wilderness values through the preservation of the skyline and its vegetation, island only development, restricted mainland development and restricted access.

D.2.2.2 Goals for the Lake Temagami Neighbourhood, and the Lake itself are as follows:

- To implement the Tenets for Temagami;
- To protect the ecological functions of the Lake Temagami Neighbourhood;
- To ensure the protection of visual aesthetics;
- To protect fish and wildlife resources;
- To maintain high water quality;
- To ensure the character of existing development is reflected in new development;
- To encourage the development of patented land before creating new lots from Crown Land;
- To support continuing Crown Land management for the public good and to ensure there is local benefit;

- To ensure long term economic benefits to the area through appropriate development;
- To encourage growth consistent with the policies of this Plan;
- To establish limits to growth to ensure that resources that the economy depends on are managed for long term sustainability; and,
- To establish procedures to guide new development.

### **D.2.3 Land Use**

D.2.3.1 It is the fundamental principle of the Municipality that private residential development and commercial development in the Lake Temagami Neighbourhood shall only be permitted on the islands in Lake Temagami. This type of development is not permitted within the Skyline Reserve around the lake. It is also a fundamental principle that no further unauthorized access be permitted to Lake Temagami. It is recognized that there is a need for improvements at the access point and a need to provide mainland opportunities for services that support the residents and business on Lake Temagami. The Municipality supports the development of an improved access point and limited opportunities for service providers to have mainland access to Lake Temagami. These considerations will be carefully planned and managed in accordance with the policies of this Plan.

D.2.3.2 It is also a goal of the Municipality to preserve the natural environment of Lake Temagami while permitting some development and, therefore some change. However, the anticipated extent of change is such that the wilderness and semi-wilderness values of the Neighbourhood are sustainably conserved. Further, because the visual character presented by Lake Temagami, its islands and shoreline are critical, the Municipality, in conjunction with the permanent and non-permanent residents on Lake Temagami, have developed and adopted development principles for the Lake Temagami shoreline. These principles, commonly referred to as the Tenets for Temagami, are embodied in the Skyline Reserve policies of this Plan.

D.2.3.3 While development is permitted on islands, it shall not be assumed that all islands in Lake Temagami are suitable for development. The suitability of an island or portion of an island for development will be assessed on a site by site basis.

D.2.3.4 On Lake Temagami, a maximum of five (5) lots from patented or Crown Land shall be permitted per year through lot creation applications.

D.2.3.5 New lot creation by plan of subdivision is not permitted in the Lake Temagami Neighbourhood.

## **D.2.4 Rural Residential**

D.2.4.1 Rural Residential lots are lots located on a municipal road. No Rural Residential lots exist within the Lake Temagami Neighbourhood and none shall be permitted in the future.

## **D.2.5 Prohibited Uses**

D.2.5.1 Mobile homes, mobile home parks, multiple residential structures, development on the mainland unless specifically permitted by this Plan and mineral aggregate extraction in the Skyline Reserve are not permitted in the Lake Temagami Neighbourhood.

D.2.5.2 There shall be no new development on islands in the following areas of Lake Temagami: Kokoko Bay, Pickerel Bay, Partridge Neck, and Couch Bay in order to preserve their pristine nature of these islands and their environs. There shall be no new development on Cross Lake and, no new public roads, or new permanent structures or hunt camps built on the mainland within two (2) kilometres of Cross Lake.

D.2.5.3 There shall be no new public roads within two (2) kilometres of Lake Temagami. There shall be no new permanent structures or hunt camps built on the mainland within two (2) kilometres of Lake Temagami.

## **D.2.6 Skyline Reserve**

D.2.6.1 This Plan recognizes the importance of wilderness and semi-wilderness values as well as the reality that mining and forestry operations will continue to occur over most of the lands within the Municipality.

D.2.6.2 The Skyline Reserve is an area within the Lake Temagami Neighbourhood intended to create a landscape ecology area bordering Lake Temagami. This landscape ecology area is meant to:

- Maintain the lake as a significant recreation and tourism resource;
- Protect significant areas of unique cultural and heritage landscapes; and,
- Protect the high value natural lake trout fishery

D.2.6.3 In addition, the Skyline Reserve is to be maintained for its aesthetic beauty.

D.2.6.4 The Skyline Reserve is of varying depth back from the shoreline of Lake Temagami and Cross Lake. It consists of the entire mainland shorelines of Lake Temagami and Cross Lake within the Lake Temagami Neighbourhood, and is shown on Schedule D to this Plan. Its external boundary reflects Crown forest management dating back to 1935, as currently expressed in the Crown Land Use Policy Atlas. Its continuation as

a planning policy applying to both Crown and private land was reaffirmed in the Tenets for Temagami.

D.2.6.5 A very small portion of mainland within the Skyline Reserve is patented. Most patented land is located on islands. The following policies are applicable to patented land within the Skyline Reserve and are intended to guide the Municipality's discussions with the Province regarding uses permitted in the Skyline Reserve.

D.2.6.6 Permitted Uses on the mainland within the Skyline Reserve shall be limited to:

- Existing tourist commercial uses;
- Forest renewal and maintenance;
- Hunting, trapping, and angling;
- Mineral exploration, subject to the Ontario Mining Regulations;
- Water based camping;
- Snowmobile, hiking, and ski trails; and,
- Non-extractive resource use, (i.e. trapping, sugar bush, harvesting pine cones).

Uses permitted on specific parcels of land on the mainland within the Skyline Reserve shall be limited to legal uses legally existing on those specific parcels on the date of adoption of this Plan by Council. Any new structures or modifications to the existing structures except those deemed to be minor by the Municipality shall be subject to site plan approval.

D.2.6.7 The Official Plan does not support the following on Crown Land:

- a) New land use permits, structures or hunt camps in the Skyline Reserve or within two (2) kilometres of the shoreline of Lake Temagami or Cross Lake; and.
- b) The conversion of existing land use permits to patented lands, except in the area of the access point and where related to the access point and service uses in accordance with the policies of the Plan.

D.2.6.8 Items a) and b) above do not apply to lands in the Highway 11 corridor, Urban Neighbourhood, extractive uses and operations in accordance with the Temagami Land Use Plan or development on patented lands on islands in Lake Temagami.

D.2.6.9 Land use permits are supported by this Official Plan which restrict unauthorized access, and may be issued to prevent access.

D.2.6.10 Prior to any development along the shoreline of Lake Temagami from Boatline Bay, through the Manitou and Mine landings and Strathcona

Landing, extra scrutiny shall be taken. The matters to be considered include:

- The physical constraints and capability of the land to accommodate the proposed use;
- Compatibility with and separation from other land uses;
- Infrastructure requirements;
- The provision of waste disposal facilities;
- Tourist and lake resident transfer needs;
- The growth of home industries on the islands;
- Tourism related service requirements;
- Health and safety issues regarding the handling of any potentially contaminating materials and wastes, including fuel and sewage; and,
- The need for infrastructure to support the social and economic needs of the Lake Temagami Neighbourhood.

## **D.3 RURAL NEIGHBOURHOOD**

### **D.3.1 Introduction**

D.3.1.1 The Rural Neighbourhood consists of areas of the Municipality that are not located within the Urban Neighbourhood and not located within the Lake Temagami Neighbourhood. The Rural Neighbourhood is general comprised of lake-based recreational development, rural uses, limited rural residential development, tourist commercial and tourist accommodation uses and resource development such as forestry, mining and aggregate extraction.

### **D.3.2 Principles and Goals**

D.3.2.1 This section sets out a series of land use principles and goals for the Rural Neighbourhood that protects the environment, while providing opportunities for economic growth.

### **D.3.3 Land Use**

D.3.3.1 It is the fundamental goal of the Municipality for the Rural Neighbourhood to protect natural heritage features while encouraging tourist commercial and tourist accommodation development, throughout the Neighbourhood.

### **D.3.4 New Development**

D.3.4.1 Proposals for new lot creation on the Cassels, Net and Rabbit Lake systems will be required to demonstrate that lake capacity exists to support the proposed development.

D.3.4.2 There shall be no new development on Cross Lake; and, no new public roads, or new permanent structures or hunt camps built on the mainland within two (2) kilometres of Cross Lake.

**D.3.5 Prohibited Uses**

D.3.5.1 Mobile homes, mobile home parks and multi-unit attached residential structures are not permitted in the Rural Neighbourhood.

# **E LAND USE DESIGNATIONS**

---

These policies are intended to apply to the various land use designations within the Neighbourhoods.

## **E.1 RESIDENTIAL**

### **E.1.1 Introduction**

E.1.1.1 The majority of new residential development in the Municipality will take place on municipal roads in the Village of Temagami and Temagami North. Generally, new urban residential development will take place on land currently designated Residential.

E.1.1.2 The Future Development areas shall be the first areas considered for the expansion of the Residential Designation. Such expansion shall proceed by way of amendment to this Plan.

E.1.1.3 It is the intent of the Municipality that a broad range of housing types and tenure be permitted in the Residential Designation to meet the current and long-term needs of the Municipality.

E.1.1.4 The Residential Designation recognizes the existing and future residential areas in the Temagami Settlement Area and Temagami North Settlement Areas as shown on Schedules B1 and B2.

### **E.1.2 Permitted Uses**

E.1.2.1 Permitted uses in the Residential Designation include low density, medium density and high density residential uses, secondary dwelling units, bed and breakfast establishments and home occupations. Public uses and institutional uses such as churches, day care centres, libraries, schools, senior citizens housing and parks, public recreational facilities and Neighbourhood Commercial uses are also permitted.

### **E.1.3 Low Density Residential**

E.1.3.1 Low density residential uses include single detached, semi-detached, and duplex dwelling units.

### **E.1.4 Medium Density Residential**

E.1.4.1 Medium density residential uses include townhouses, low profile apartment buildings and similar multiple attached dwelling unit buildings.

E.1.4.2 When considering proposals for new medium density residential development, the Municipality shall have regard for the following criteria:



- a) The compatibility of the proposed development and the adjacent land uses;
- b) The screening, planting and/or fencing proposed to buffer the medium density residential development from adjacent low density residential uses;
- c) The suitability of the road network to accommodate the additional traffic;
- d) The ability of the site to accommodate the proposed residential units, associated parking and on site amenities;
- e) The method by which stormwater runoff from the site will be managed;
- f) The massing and orientation of the proposed buildings in comparison to nearby development; and,
- g) The treatment and preservation of existing vegetation.

**E.1.5 High Density Residential**

E.1.5.1 High density residential uses include apartment buildings, retirement homes, long-term care homes and nursing homes.

E.1.5.2 When considering proposals for new high density development, the Municipality shall have regard for the following criteria:

- a) The compatibility of the proposed development and the adjacent land uses;
- b) The screening, planting and/or fencing proposed to buffer the high density development from adjacent medium or low density residential land uses;
- c) The suitability of the road network to accommodate the additional traffic;
- d) The availability of municipal water capacity and sewage disposal capacity;
- e) The ability of the site to accommodate the proposed residential building, accessory buildings, resident and visitor parking and on site amenities;
- f) The method by which stormwater runoff from the site will be managed;
- g) The massing and orientation of the proposed buildings in comparison to nearby development; and,
- h) The treatment and preservation of existing vegetation.

## **E.1.6 Neighbourhood Commercial**

E.1.6.1 Neighbourhood Commercial uses to serve the daily shopping needs of residents are permitted in the Residential land use designation subject to:

- a) The gross floor area of the commercial use or a group of commercial uses shall not exceed 300 square metres;
- b) No more than one commercial structure or building shall be permitted on any site;
- c) Building height shall be limited to one storey unless residential apartments are located on the upper floor in which case the maximum building height shall be two storeys;
- d) Parking and required loading spaces shall be located at the rear of the structure;
- e) Full municipal services are available;
- f) Landscaping, fencing, berming and other screening shall be provided adjacent to residential land uses;
- g) All required parking shall be provided on the site, cash-in-lieu shall not be accepted by the Municipality;
- h) Driveway access shall be approved by the Municipality; and,
- i) The facility shall be subject to site plan control.

## **E.2 URBAN COMMERCIAL**

### **E.2.1 Introduction**

E.2.1.1 Commercial development within the Village of Temagami that services the residents, visitors and travelers along Highway 11, is a significant contributor to the economy of the Municipality. The commercial policies of this Plan are intended to maintain and strengthen the commercial sector.

E.2.1.2 The Municipality recognizes that permanent year-round jobs are an important component of a healthy and vibrant community. As market conditions permit, the range of commercial services and facilities provided in the Municipality should expand. In this regard, new commercial uses not contemplated by this Plan, but which will address an identified need, shall be permitted in the appropriate commercial land use designation without amendment to this Plan, subject to satisfying the applicable policies.

E.2.1.3 The Urban Commercial land use designation recognizes existing and future commercial areas in the Urban Neighbourhood.

### **E.2.2 Permitted Uses**

E.2.2.1 Permitted uses include retail and service commercial facilities, tourist commercial and highway commercial uses, professional offices, entertainment facilities, neighbourhood commercial uses, restaurants,

higher density residential uses such as apartment buildings, subject to the provisions of Section F.1.5, accessory apartments above commercial uses, and public uses.

### **E.2.3 General Policies**

E.2.3.1 The Urban Commercial land use designation shall provide the largest concentration and widest range of facilities and shall function as the primary service centre within the Municipality.

E.2.3.2 Urban Commercial uses shall be subject to site plan control.

## **E.3 HIGHWAY COMMERCIAL**

### **E.3.1 Introduction**

E.3.1.1 The Highway Commercial land use designation applies to uses typically requiring highway access and exposure. Recognizes existing highway oriented commercial use including recreational commercial, accommodation commercial and tourist commercial facilities located in the Urban Neighbourhood.

### **E.3.2 Permitted Uses**

E.3.2.1 Permitted uses include highway oriented commercial uses including recreational commercial, accommodation commercial, retail commercial and tourist commercial facilities, restaurants, motor vehicle sales and service outlets, service stations, tourist outfitters.

### **E.3.3 General Policies**

E.3.3.1 In considering the designation of new areas for Highway Commercial Uses, consideration shall be had to the existing supply of Highway Commercial Uses, proximity to the Village of Temagami, proximity to residential uses, safe access and egress and potential environmental impacts.

E.3.3.2 In approving new Highway Commercial uses, the Municipality shall consult with the Ministry of Transportation regarding access points, sight lines, setbacks and other matters that fall within the jurisdiction of the Ministry of Transportation.

E.3.3.3 Highway Commercial uses shall be subject to site plan control.

## **E.4 RESIDENTIAL WATERFRONT – LAKE TEMAGAMI**

### **E.4.1 Introduction**

E.4.1.1 The Residential Waterfront – Lake Temagami land use designation applies to Patented Land on the islands of Lake Temagami and Cross Lake, except those lands that are designated Tourist Commercial.

### **E.4.2 Permitted Uses**

E.4.2.1 Permitted uses include existing and new low density residential uses on islands, including the following accessory uses: home occupations, home industries, cabin secondary dwelling units, sleep cabins and contractor's yards.

### **E.4.3 General Policies**

E.4.3.1 New residential development shall take the form of single unit development on islands.

E.4.3.2 New lots shall generally have a minimum lot area of 1 hectare and a minimum lot frontage of 90 metres. New lots less than 1 hectare in lot area will require a hydrogeological assessment.

E.4.3.3 The Zoning By-law shall establish a Shoreline Residential Zone for those patent lands on islands on Lake Temagami.

E.4.3.4 All development in the Residential Waterfront - Lake Temagami Designation shall be in accordance with the general policies found in Sections F to K of this Plan.

E.4.3.5 New residential development shall be subject site plan approval.

## **E.5 RESIDENTIAL WATERFRONT**

### **E.5.1 Introduction**

E.5.1.1 The Residential Waterfront land use designation applies to Patented Land on the shoreline of lakes in the Municipality that are not located in the Temagami Urban area, Temagami North or on Lake Temagami.

### **E.5.2 Permitted Uses**

E.5.2.1 Permitted uses include existing and new low density residential uses on islands, including the following accessory uses: home occupations, home industries, cabin secondary dwelling units, sleep cabins and contractor's yards.

### **E.5.3 General Policies**

E.5.3.1 New residential development shall primarily take the form of single unit shoreline development.

New lots shall generally have a minimum lot area of 1 hectare and a minimum lot frontage of 60 metres. New lots less than 1 hectare in lot area will require a hydrogeological assessment.

E.5.3.2 The Zoning By-law shall establish a Shoreline Residential Zone for patent lands.

E.5.3.3 All development in the Residential Waterfront Designation shall be in accordance with the general policies found in Sections F to K of this Plan.

E.5.3.4 New residential development shall be subject to site plan approval.

## **E.6 LAKE SERVICE DESIGNATION**

### **E.6.1 Introduction**

E.6.1.1 The Lake Service Designation applies to uses that provide services to residential and tourist commercial lots on lakes within the Municipality, but are not commercial in nature and exhibit characteristics commonly associated with a light industrial use.

### **E.6.2 Permitted Uses**

E.6.2.1 Permitted uses in the Lake Temagami Service designation include waterfront landings, storage and laydown areas for construction materials and aggregate materials, buildings for the storage of materials and equipment associated with the delivery of services to residential and tourist commercial lots on Lakes and the assembly of products that service residential and tourist commercial lots.

### **E.6.3 General Policies**

E.6.3.1 Lots within the Lake Service designation may have accessory structures and facilities including, but not limited to an accessory office, docks, and boat launch.

E.6.3.2 Storage areas shall be screened from view from the lake.

E.6.3.3 The access path to the water should be limited in width, and if possible, not perpendicular to the shoreline to limit potential impact on views from the lake.

- E.6.3.4 Vegetation within 10 metres of the Lake shall be maintained in a natural state with the exception of the limited area for access to the water.
- E.6.3.5 The Zoning By-law shall establish implementing zone standards.
- E.6.3.6 Lots within the Lake Service designation shall be subject to site plan control.
- E.6.3.7 The Municipality may undertake a study to identify lands suitable for the Lake Service Designation in order to support the needs of residential and tourist commercial uses on Lake Temagami. At the time of preparation of the Plan, there are not currently any lots within the Lake Service Designation.

## **E.7 TOURIST COMMERCIAL**

### **E.7.1 Introduction**

- E.7.1.1 The Tourist Commercial land use designation recognizes existing commercial recreational and tourist facilities that serve lake residents and visitors.

### **E.7.2 Permitted Uses**

- E.7.2.1 Permitted uses in the Tourist Commercial Designation include:

- a) Motels (not permitted in Lake Temagami Neighbourhood and the Rural Neighbourhood),
- b) Tourist lodges;
- c) Tourist cabin rental establishments;
- d) Youth and adult camps;
- e) Tourist outfitters;
- f) Marinas (not permitted in the Rural Neighbourhood);
- g) Floatplane base;
- h) Restaurants (not permitted in Rural Neighbourhood);
- i) Outfitters base camps;
- j) Outpost camps;
- k) Existing houseboat operators; and,
- l) Accessory residential dwelling unit.

### **E.7.3 Expansion of Existing Tourist Commercial Uses**

- E.7.3.1 In considering applications for expansion of existing Tourist Commercial uses the following shall be considered:
- a) The expanded use can be appropriately serviced;
  - b) The scale of the expansion is appropriate for the site;
  - c) Sufficient parking exists (this includes lake access parking where applicable);

- d) The expansion is compatible with surrounding land uses;
- e) The expansion does not negatively impact the semi-wilderness value of the Municipality, where applicable;
- f) The expansion does not negatively impact water quality or the natural environment;
- g) Where applicable, shoreline vegetation is maintained or improved; and,
- h) Site plan control is applied.

#### **E.7.4 New Tourist Commercial Uses**

E.7.4.1 New Tourist Commercial Uses shall demonstrate:

- a) The use can be appropriately serviced;
- b) The scale of the use is appropriate for the lot frontage and lot area;
- c) Sufficient parking exists (this includes lake access parking where applicable);
- d) The use is compatible with surrounding land uses;
- e) The use does not negatively impact the semi-wilderness value of the Municipality, where applicable;
- f) The use does not negatively impact water quality or the natural environment;
- g) Where applicable, shoreline vegetation is maintained or improved;
- h) A suitable dock location exists, where applicable;
- i) A study which includes an inventory of all existing natural heritage features both on the site and in the water adjacent to the site, if applicable;
- j) A study of all cultural heritage features on or in proximity to the site, if applicable; and,
- k) Site plan control is applied.

E.7.4.2 In the Rural Neighbourhood, the following additional requirements must be met:

- a) Tourist Commercial establishments shall be located no closer together than one (1) kilometre, straight line distance from another tourist commercial establishment;
- b) Tourist Commercial establishments shall be located at least one (1) kilometre, straight line distance, from any municipal road or water access point; and,
- c) Tourist Commercial establishments shall be located at least 500 metres straight line distance from any residential property.

#### **E.7.5 Conversions of Tourist Commercial Uses to Residential Uses**

E.7.5.1 The Official Plan does not support the conversion of a Tourist Commercial use to a residential use. Tourism has an important role to the local economy

and the conversion of Tourist Commercial uses to residential use can negatively impact the tourism economy.

E.7.5.2 Where the conversion of a Tourist Commercial use is proposed, an amendment to the Official Plan shall be required. In support of the amendment, it must be demonstrated that there is a surplus supply of Tourist Commercial land in the Municipality and the subject Neighbourhood over the short and long term in order to justify the conversion.

E.7.5.3 Any conversion shall also demonstrate:

- a) The use can be appropriately serviced;
- b) Sufficient parking exists (this includes lake access parking where applicable);
- c) The use is compatible with surrounding land uses;
- d) The use does not negatively impact the semi-wilderness value of the Municipality, where applicable;
- e) The use does not negatively impact water quality or the natural environment;
- f) Where applicable, shoreline vegetation is maintained or improved;
- g) A suitable dock location exists, where applicable; and,
- h) Site plan control is applied.

E.7.5.4 Consideration of the conversion of part of a lot on which a Tourist Commercial use is located to residential use may be given if it can be demonstrated that the lands to be converted are surplus to the tourist commercial use and it can be demonstrated that the conversion does not negatively impact the integrity and viability of the existing Tourist Commercial operation and the ability of the remainder of the lot to continue to be used for Tourist Commercial uses.

## **E.7.6 Conversion of Youth Camps to another Tourist Commercial Use**

E.7.6.1 A Zoning By-law Amendment may be required, subject to the requirements of the Zoning By-law. A Site Plan Control Agreement will be required and the new use shall be subject to the policies of this plan that apply to new Tourist Commercial uses.

## **E.7.7 Special Policies**

E.7.7.1 Boatline Bay Marina is permitted as a Tourist Commercial use but the uses on the site are limited to a marina and accessory uses.

E.7.7.2 The Tourist Commercial land use designation for Camp Wanapitei recognizes the youth camp and accessory uses located on the westerly portion of the site and the tourist lodge and accessory uses located on the easterly portion of the site. These uses shall be recognized in the Zoning By-law.



E.7.7.3 Notwithstanding any other policies of this Plan, the Tourist Commercial uses on Island 1022 in Lake Temagami shall be limited to eight (8).

E.7.7.4 This Plan shall permit a Tourist Commercial use on lots which historically contained a Tourist Commercial use. Notwithstanding this, appropriate zoning must be provided and the policies of this Plan for new Tourist Commercial Use shall apply.

## **E.8 INDUSTRIAL**

### **E.8.1 Introduction**

E.8.1.1 The Municipality supports various economic development initiatives. It is the intent of the Municipality that industrial uses be consolidated in specific areas. Land designated for Industrial use is shown on Schedule A. Ensuring there is a sufficient supply of Industrial designated land is important to support the local year round economy.

E.8.1.2 The Industrial land uses designation recognizes existing and future industrial areas in the Municipality. It is the intention of the Municipality to maintain flexibility to accommodate non-hazardous (as defined by the *Environmental Protection Act*) and non-obnoxious (as defined by the *Public Health Act*) resource and non-resource related industries in designated industrial areas to minimize potential land use conflicts.

### **E.8.2 Permitted Uses**

E.8.2.1 Permitted uses within the Industrial land use designation include a full range of non-hazardous and non-obnoxious resource and non-resource related industries including manufacturing, the processing of goods, warehousing and the servicing and storage of goods, materials and equipment.

### **E.8.3 General Policies**

E.8.3.1 A proposal to establish an industry characterized as a 'wet industry' shall be accompanied by a servicing study that identifies the impact of the industry on the municipal water supply and sewage disposal systems.

E.8.3.2 Within the Industrial designation the outside storage of goods and materials shall be limited to those areas that are not in the direct view of the public. The outside storage of goods and materials may be screened from public view through the use of fences, berms and landscaping, or the outside storage may take place in a relatively isolated area, out of public view.

E.8.3.3 Industrial uses shall be serviced in accordance with the servicing policies of this Plan.

#### **E.8.4 New Industrial Development**

- E.8.4.1 New industrial development outside areas designated Industrial shall require an amendment to the Official Plan and shall be subject to site plan control. New industrial development in areas designated Industrial shall be subject to site plan control.
- E.8.4.2 In approving an industrial site plan, the Municipality shall have regard to the requirements of the *Planning Act* and shall give special consideration to the methods proposed to screen and buffer the industrial use from adjacent uses and road.
- E.8.4.3 Temporary industrial uses on Crown land permitted by a Forestry Management Plan or the *Mining Act* are not subject to the policies of this Plan.

#### **E.8.5 Special Industrial Designation**

- E.8.5.1 The policies of this section apply to those lands identified as Special Industrial Designation on Schedule A to this Plan.
- E.8.5.2 Notwithstanding the permitted uses in the Industrial land use designation, the uses permitted on these lands shall be restricted to 'dry' industrial uses, unless the applicant is able to demonstrate the ability to meet either the Health Unit or the Ministry of the Environment, Conservation and Parks' requirements for a sewage disposal system. 'Dry' industrial uses are those uses which do not have 'process' water flowing to septic tanks or into Link Lake. Accessory uses to the permitted industrial uses shall not include sensitive land uses such as residences, day care centres, educational or health facilities. Mineral exploration and mining, authorized under the *Mining Act* with applicable approved closure/rehabilitation plans, are also permitted uses.
- E.8.5.3 Implementation of the above policy shall include a site specific zoning which places the lands in a holding category in accordance with Section 36 (1) of the *Planning Act*, restricting the permitted uses to those noted in the paragraph above and that further requires all buildings and structures to be set back a minimum of 15 metres from the Link Lake shoreline.
- E.8.5.4 Prior to approving any development, an erosion and sedimentation control plan (construction mitigation plan) shall be required for each lot describing how erosion will be minimized and sediment will be retained on site throughout all phases of construction in order to ensure downstream areas are not adversely affected during the construction phase.
- E.8.5.5 There are portions of the land identified on Schedule A as having high potential for archaeological and cultural heritage resources; however, due to the extensive disturbance on the site, impacts to these potential

resources are minimal. If archaeological remains, burials or other significant cultural heritage resources are identified on the lands at any stage of the re-development process, contact is to be made with staff of the Ministry of Heritage, Sport, Tourism and Culture Industries.

## **E.9 RURAL**

### **E.9.1 Introduction**

E.9.1.1 The Rural designation includes all patented lands in the Municipality that are not in the Temagami Settlement Area or Temagami North Settlement Area and are not located on the shoreline of a lake or within another Commercial or Industrial land use designation. The Rural designation accommodates a range of uses including agriculture, forestry, open space, rural residential, small-scale commercial and rural industrial operations, aggregate extraction, and mining. Over the lifetime of this Plan, the Rural area will experience limited development and is intended to maintain its rural character and preserve the natural environment.

### **E.9.2 Permitted Uses**

E.9.2.1 Permitted uses include agriculture uses, forestry, open space, single detached residential dwellings, bed and breakfast operations, secondary dwelling units, small-scale commercial, industrial operations, tourist commercial uses, institutional uses, pits, mineral exploration and development, resource management activities, home occupations, home industries and contractor's yards.

E.9.2.2 Agricultural uses shall be encouraged not to locate in proximity to watercourses or waterbodies.

E.9.2.3 Small-scale commercial and industrial uses may be permitted by Amendment to the Zoning By-law where the use has a low traffic generation, no nuisance effects on surrounding areas, a scale consistent with existing uses, and minimal environmental impact. Before considering such an Amendment, Council shall be satisfied that:

- a) The size of the proposed commercial or industrial use is appropriate for the area;
- b) The building housing the use is set back an appropriate distance from adjacent uses and from lot lines;
- c) The use is located at least 500 metres from lands within the Residential Waterfront Designation, Temagami Urban Area or Temagami North
- d) No outside storage shall be permitted;
- e) Any noise emanating from the use will not have an adverse impact on the enjoyment of adjacent properties; and,

- f) The use can be appropriately serviced with water, sanitary and stormwater.

- E.9.2.4 The lands designated Rural shall be placed in specific zones in the Implementing Zoning By-law to reflect existing uses.
- E.9.2.5 Forestry operations are encouraged to follow sound forest management practices and shall be set back from all shorelines an appropriate distance so that clearing and cutting operations do not impact the visual quality and character of the shoreline from the waterbody on patented lands. Clear cutting shall be prohibited within 300 metres of any lake.
- E.9.2.6 The establishment of new sand and gravel aggregate operations or the expansion of existing operations shall be subject to the policies of this Plan and the *Aggregate Resources Act*, and shall require an Amendment to the Zoning By-law.
- E.9.2.7 New Quarry Operations shall require an Official Plan Amendment and shall be placed in the Mineral Aggregate Designation.
- E.9.2.8 Extractive uses shall also be subject to Site Plan Control where matters are not addressed in the *Aggregate Resources Act*, its regulations, or the provisions of a licence of *Aggregate Resources Act* site plan.
- E.9.2.9 In reviewing Planning Act applications to permit new pits or quarries, or expansions to existing operations Council shall consider the following:
  - a) The natural heritage features and ecological functions on the site and in the area;
  - b) Nearby communities and residential uses;
  - c) Agricultural resources and activities;
  - d) The character of the area;
  - e) The quality and quantity of groundwater and surface
  - f) The cultural heritage resources in the area;
  - g) Significant geologic formations on the site and in the area;
  - h) Nearby wells used for drinking water purposes;
  - i) Ground water recharge areas;
  - j) The effect of the increased truck traffic;
  - k) The suitability of the proposed haul routes;
  - l) The effect of the noise, odour, dust and vibration generated by the proposed use and the use of the haul route on adjacent land uses; and,
  - m) How the site can be progressively rehabilitated.

**E.10 MINERAL AGGREGATE**

**E.10.1 Introduction**

E.10.1.1 The Mineral Aggregate land use designation recognizes existing mineral aggregate extraction operations. Where possible, priority shall be given to utilizing aggregate resources outside the Urban Neighbourhood in order to minimize impacts on the greatest number of existing residents.

**E.10.2 Permitted Uses**

E.10.2.1 Uses permitted in the Mineral Aggregate designation include pits, quarries, crushing, stockpiling, concrete batching plants and asphalt plants.

E.10.2.2 Aggregate extraction is not permitted in the Skyline Reserve.

**E.10.3 General Policies**

E.10.3.1 The establishment of a new mineral aggregate operation in the Mineral Aggregate designation, shall be subject to an amendment to the Zoning By-law and shall satisfy the provisions of the *Aggregate Resources Act*. Where the aggregate resource is located on Patented Land, the proponent shall enter into an agreement with the Municipality. Such an agreement shall include:

- a) Provisions for the sequential rehabilitation of the site as extraction proceeds and for the ultimate rehabilitation of the site after the operation ceases, including a site plan;
- b) Specified times for blasting and crushing operations;
- c) Visual screening;
- d) Provision for the use and maintenance of access roads;
- e) The method of processing or treating waste water or other pollutants such as engine oil; and,
- f) The requirements for certain financial guarantees related to road maintenance and pit rehabilitation.

**E.11 PARKS AND OPEN SPACE**

**E.11.1 Introduction**

E.11.1.1 The Parks and Open Space land use designation recognizes existing municipal parks, certain community and passive open space areas in the Urban Neighbourhood.

**E.11.2 Permitted Uses**

E.11.2.1 Permitted uses include active and passive parks and open space areas. Community facilities such as community centres and arenas shall be subject to a Zoning By-law amendment and site plan control.

**E.12 FUTURE DEVELOPMENT**

**E.12.1 Introduction**

E.12.1.1 The Future Development designation recognizes areas both inside and outside the settlement areas where the potential for development may exist, but where the lands may not be required to meet the 30 year land needs of the Municipality or where site development constraints remain unresolved.

**E.12.2 Permitted Uses**

E.12.2.1 Permitted uses shall be existing uses and detached dwellings.

**E.12.3 General Policies**

E.12.3.1 In approving an Official Plan amendment to re-designate Future Development land, the Municipality shall consider the following:

- a) The need for additional land, if it is to be used for residential purposes;
- b) The use for which the land is needed and compatibility with existing and future adjacent uses;
- c) The need for and availability of municipal water and sewer services;
- d) A Servicing Options Study;
- e) The adequacy of road access;
- f) The need and cost to extend other services;
- g) The potential impact of the development on natural resources; and,
- h) The potential impact on the ability of the remaining Future Development land to develop in an efficient manner.

E.12.3.2 Redesignation of Future Development lands outside the settlement areas is considered to be an expansion of the settlement area boundary, and in addition to the above matters, the Municipality shall also consider:

- a) Whether the amendment is based on a review of population and growth projections; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
- b) Whether the amendment utilizes opportunities to accommodate projected growth through intensification and redevelopment;

- c) Whether the amendment is integrated with planning for infrastructure and public service facilities; and,
- d) Whether the amendment considers cross-jurisdictional issues.

E.12.3.3 The Municipality may allow the expansion of a settlement area boundary only where it has been demonstrated that:

- a) Sufficient opportunities for growth are not available through intensification, redevelopment and designated development areas to accommodate the projected needs over the identified planning horizon; and,
- b) The infrastructure and public service facilities which are planned or available are suitable for the development over the long term and protect public health and safety.

E.12.3.4 Any existing development within the Future Development land use designation may be recognized in the implementing Zoning By-law.

E.12.3.5 The Municipality may consider rezoning land within the Future Development land use designation to permit new development related to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses on a site specific basis without the need for an amendment to this Plan and without carrying out the study referred to in this section. However, prior to approving a rezoning application, the Municipality shall be satisfied that:

- a) There is adequacy of road access;
- b) There is adequate municipal water and sewer services available; and,
- c) The development will not negatively impact the ability of the remaining Future Development land to develop in an efficient manner.

## **E.13 CROWN LAND**

### **E.13.1 Introduction**

E.13.1.1 The majority of land within the Municipality of Temagami is Crown Land. The Temagami Land Use Plan for the Temagami Comprehensive Planning Area, (MNR, 1997), is the governing land use planning document applicable to Crown Land within the Municipality of Temagami. Nothing in the Official Plan shall be interpreted as infringing on the Provincial authority.

E.13.1.2 The Province follows a comprehensive planning process for all Crown Land planning matters. The process includes consultation with the public and with municipal government. It is anticipated that the Province will use the policies of the Official Plan as a guideline for discussions with the Municipality of

Temagami regarding land use decisions on Crown Land within the Municipality.

E.13.1.3 The Crown Land designation recognizes those Crown Land areas where resource management activities and recreational uses may be integrated. To achieve this, resource extraction activities shall be carefully managed to ensure compatibility with the significant uses and values.

E.13.1.4 Immediately following any disposition of Crown land, the Municipality will amend the Official Plan to change the designation of the land from Crown Land to the designation appropriate to its intended use. Such an amendment will be considered to be a technical amendment not subject to the notice and consultation requirements of Section L.6.

### **E.13.2 Permitted Uses**

E.13.2.1 Uses permitted within the Crown Land designation are limited to low intensity recreational uses such as campsites, provincial parks and conservation areas.

E.13.2.2 Other permitted uses include commercial timber harvesting, and mining and they shall be carefully managed in order to ensure compatibility with other permitted uses.

### **E.13.3 General Policies**

E.13.3.1 Access to lakes within the Crown Land shall be controlled. Access by existing municipal road or lake access point, motorboat, canoe, trail (snowmobile, ATV, cross- country ski, hiking, mountain bike, and horse) is permitted.

E.13.3.2 The Municipality of Temagami Official Plan supports land use permits and additional patent lands that are in accordance with the goals and policies of this Plan. However, despite any other policy of this Plan, the Municipality does not support any patent or other Crown Land disposition within the Skyline Reserve.

E.13.3.3 No new public roads and no new permanent structures are to be located within two (2) kilometres of Cross Lake.

E.13.3.4 Commercial timber harvesting is, but shall be carefully managed in order to ensure compatibility with other permitted uses and values.

E.13.3.5 The Municipality encourages the Province to have regard to the Municipal Official Plan when issuing land use permits or disposing of Crown Land.



## **E.13.4 Municipal Objectives**

E.13.4.1 The following objectives are intended to guide Municipal discussions with the Ministry of Natural Resources and Forestry throughout their planning process with regard to Crown Land, the creation of new access roads and lake access points, the issuance of land use permits and patents, and the approval of amendments to the Temagami Land Use Plan to permit new development. In addition, the Ministry of Natural Resources and Forestry support for these objectives will ensure that the Municipality can respond to the Ministry Natural Resources in a timely fashion on land use matters when called upon to do so. It is the hope of the Municipality that no decision or decisions, either individually or cumulatively, be made that would compromise the ability of the Municipality to achieve these long-term objectives:

- To recognize and protect land with sensitive natural features;
- To protect the quality of lake water;
- To recognize and protect land with high potential for recreation, forestry and mining;
- To encourage the proper management of resources in order to minimize negative environmental impact;
- To harmonize, to the extent possible, municipal objectives with the Temagami First Nation and the Teme-Augama Anishnabai objectives;
- To conserve the wilderness or semi-wilderness character of the Municipality so that in the future everyone can enjoy the existing character of the Temagami area;
- To ensure that new development conforms to the provisions of this Plan and the implementing Zoning By-law;
- To ensure new development will contribute to the long-term health and safety of the residents and the financial and economic well-being of the municipality;
- To establish a partnership between the Municipality and the Ministry Natural Resources to co-ordinate their respective activities and policies to ensure effective and efficient administration of land; and,
- To encourage private parking agreements on Crown Land be made available to individuals who access their properties from Crown.

## **E.14 CROWN LAND - PROTECTED AREA**

### **E.14.1 Introduction**

E.14.1.1 The Crown Land - Protected Area land use designation that includes Crown land with representative 'old growth' red and white pine sites, some

watersheds containing the headwaters of rivers flowing through the wilderness park, significant wetlands, provincially significant ecological and geological features and significant recreation areas and applies to a portion of Temagami Island. These lands also include Provincial Parks and Conservation Reserves.

## **E.14.2 Permitted Uses**

E.14.2.1 Permitted uses within the Lake Temagami Neighbourhood are limited to those uses permitted in the Skyline Reserve. Outside of the Lake Temagami Neighbourhood, permitted uses include low intensity, non-consumptive recreation and tourism, such as small cabins, hunt camps and warm-up shelters for day use and campsites; along with activities to ensure the protection of significant ecological values/features.

## **E.14.3 General Policies**

E.14.3.1 Access to the Protected Area shall be by air, snow vehicle, or water except that temporary road access can be established across Protected Areas for the purpose of resource extraction. Travel within the Crown Land - Protected Area shall be limited to cross-country skiing, dog sleds and hiking.

E.14.3.2 Any existing tourist commercial facilities of a more substantive nature than would otherwise be permitted by the policies of this Plan may continue to operate. However, it is the intent of the Municipality of Temagami that these facilities will cease to operate in the long term and that the sites will be allowed to regenerate. Consistent with this policy, no major expansions to these facilities shall be permitted. Further, these facilities shall not be specifically recognized on the Official Plan schedules or in the Zoning By-law.

E.14.3.3 It is not the policy of the Province to grant new land use permits or patents in the Crown Land - Protected Area. The Municipality of Temagami supports this approach. As a result, the Zoning By-law shall zone the Protected Area in a non-development zone, consistent with the policies of the Ministry of Natural Resources and Forestry and of this Official Plan.

## **E.15 MOBILE HOME PARK**

### **E.15.1 Introduction/Permitted Uses**

E.15.1.1 The Mobile Home Park land use designation includes mobile home or modular home dwellings, parks and recreational facilities, a community centre that may include a day care centre, all for the use of the residents of the mobile home park.

## **E.15.2 General Policies**

- E.15.2.1 New mobile home parks or expansions to existing mobile home parks shall proceed by way of an amendment to this Plan and shall be subject to site plan approval.
- E.15.2.2 When considering proposals for Mobile Home Park development, the Municipality shall have regard for the following criteria:
- a) The physical characteristics of the site including landscaping, grading, soils and drainage;
  - b) The screening, planting and/or fencing proposed to buffer the mobile home park use from adjacent uses; and,
  - c) The ability of the site to accommodate the proposed mobile homes, parking, access and on site amenities.
- E.15.2.3 New mobile home parks or expansions to existing mobile home parks shall only be approved by the Municipality if the following criteria are satisfied:
- a) The site is serviced or will be serviced as part of the development of the site by municipal water and sewer services or an approved communal system;
  - b) Any communal system conforms to the servicing policies of this Plan;
  - c) The site is located on a municipal road that is open and maintained on a year round basis;
  - d) The site has two access points from a municipal road;
  - e) The site is serviced by existing school bus routes; and,
  - f) The maximum density shall be 17 units per hectare.
- E.15.2.4 The Site Plan shall illustrate the size and shape of all mobile home lots, the location of all mobile homes and all other proposed buildings, parking areas, driveways, landscaped areas and other information to indicate how the proposal addresses the above criteria.

## **E.16 RESTRICTED RURAL/WATERFRONT – LAKE TEMAGAMI**

### **E.16.1 Introduction**

- E.16.1.1 The Restricted Rural/Waterfront – Lake Temagami land use designation applies to Patented Lands that are located on the mainland areas of Lake Temagami and within portions of the Skyline Reserve.

## **E.16.2 Permitted Uses and General Policies**

Permitted uses include those listed under Section D.2.6 of this Plan due to the location of these lands being on the mainland of Lake Temagami and within portions of the Skyline Reserve.

# **F CARING FOR THE WATERFRONT**

---

## **F.1 WATERFRONT DEVELOPMENT**

### **F.1.1 Goal**

F.1.1.1 It is a goal of the Municipality to protect the water quality and semi-wilderness value of the shoreline area by maintaining shoreline areas in a natural state while balancing carefully planned development.

### **F.1.2 General Policies**

F.1.2.1 The area between the shoreline and any buildings in their natural state and as a vegetative buffer, to protect the visual and environmental integrity of the lakes. The principle of development in the vegetative buffer shall be minimal disturbance on the ground, shrub and canopy layers.

F.1.2.2 Natural vegetation within the setback shall be disturbed as little as possible, consistent with passage, safety and provision of views and ventilation. Rehabilitation of vegetation shall take place when it has been disturbed due to construction.

F.1.2.3 In order to implement these policies and to protect the natural shoreline, the Municipality shall use the policies of this Plan, the provisions and standards in the Zoning By-law, site plan control and prescribed conditions that result from Planning Act approvals. As a guide, the following policies shall apply to the natural shoreline:

F.1.2.4 Lot lines should follow existing features and terrain and shall be configured to minimize conflicts with abutting properties at the shoreline.

F.1.2.5 The natural waterfront landscape shall prevail with the buildings blending into the landscape:

- a) Native species should be used for buffers or where vegetation is being restored;
- b) Rockfaces, steep slopes, vistas and panoramas should be conserved;
- c) Buildings should not exceed the height of the tree canopy;
- d) Building mass and coverage should be limited in relation to the lot size and frontage;
- e) Site alterations on lots should be limited and the maximum amount of natural vegetation should be retained on a lot;
- f) The Municipality shall ensure that best management practices and interim measures are utilized during construction projects adjacent to the waterfront in order to reduce sedimentation and erosion;

- g) Roads, trails, temporary construction accesses should generally follow the contours of the land, fit into the landscape and wherever possible not run directly perpendicular to the waterbody; and,
- h) A setback from the flood elevation or the normal or controlled high-water mark shall be set out in the Zoning By-law, in order to:
  - Protect the upland, shoreline and near shore habitats;
  - Protect adjacent surface water quality from phosphorous loading;
  - Prevent erosion, siltation and nutrient migration;
  - Maintain shoreline character and appearance; and,
  - Minimize the visual impact of development.

F.1.2.6 An access trail and a viewing/ventilation corridor are permitted within the natural vegetative buffer/setback, in accordance with the vegetative buffer section of the Plan.

F.1.2.7 Within the front yard of a shoreline residential lot, a Shoreline Activity Area is permitted. The Shoreline Activity Area is a portion or cumulative portions of a shoreline frontage of a lot where accessory shoreline structures such as boathouses, docks, pumphouses, gazebos and decks are permitted, as well as access to the water for activities such as swimming or boat launching. To maintain an appropriate balance between a natural shoreline and built form, the Shoreline Activity Area should be focused within a defined area and be limited in extent. The extent of the Shoreline Activity Area shall be a function of the shoreline frontage and the primary use of the lot and shall be set out in the Zoning By-law.

F.1.2.8 The Municipality shall also encourage, through planning approvals and other mechanisms such as landowner education, the use of Best Management Practices for shoreline development.

F.1.2.9 Where development will result in the harmful alteration, disruption, or destruction of fish habitat, prior authorization from the federal Department of Fisheries and Oceans is required under the *Federal Fisheries Act*.

F.1.2.10 Council shall ensure that cultural heritage resources, both on shore and in the water, are conserved not adversely affected. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources.

F.1.2.11 The Municipality will consider adopting and implementing a re-inspection program for in individual on-site sewage systems, on waterfront lots in the Lake Temagami and Rural Neighbourhoods.

## **F.2 SHORELINE VEGETATIVE BUFFER**

### **F.2.1 General Policies**

F.2.1.1 A shoreline vegetative buffer is an area of natural vegetation or enhanced vegetation that provides separation from a lake towards a dwelling. The vegetative buffer either extends from the shoreline to the front wall of the main building on the lot, or extends back from the shoreline a distance equal to the minimum front yard setback for the main building on the lot, whichever distance is greater. The vegetative buffer is comprised of all vegetation including, but not limited to grasses, shrubs, bushes and trees.

F.2.1.2 It is the intent of this Plan that all vegetation in the shoreline vegetative buffer be preserved and maintained in its natural state, with the exception of hazardous vegetation from a safety and fire safety perspective. The purpose of the shoreline vegetative buffer is to screen the view of buildings and structures on the lot from the water and to help mitigate potential impacts on water quality and fish habitat. This policy should not be interpreted as precluding development within the shoreline activity area in accordance with the policies of this Plan and the provisions of the Zoning By-law. Wherever possible, the access trail and the ventilation/viewing corridor should be one and the same. However, in no case should an access trail be wider than approximately two (2) metres and a ventilation/viewing corridor be wider than approximately six (6) metres and should not be cut at right angles to the shoreline. When the access trail and the ventilation/view are one and the same, the maximum width shall be approximately six (6) metres. These policies are intended to minimize the visual impact of buildings and structures, when viewed from the water.

## **F.3 SHORELINE STRUCTURES**

### **F.3.1 General Policies**

F.3.1.1 The size and location of shoreline structures, including docks, decks, gazebos, boatports and boathouses, both water based and land based, pumphouses, saunas, utility structures and storage units have the potential for significant visual impact and environmental impact. Wherever possible, utility structures shall be located back from the shore a distance greater than the minimum setback for the main dwelling on the lot. In order to minimize impacts when locating a new boathouse, consideration should first be given to siting of the boathouse/boatport such that it is screened from adjacent dwellings and passing boat traffic and to protect the sight lines of adjacent properties. This may be achieved by orienting the boathouse beyond the immediate view of adjacent dwellings, away from known boating routes or behind rock outcrops and/or trees.

F.3.1.2 While the exterior appearance of boathouses, including the paint scheme is beyond the legislative authority of the Municipality to control, owners are strongly encouraged to design boathouses as small as is practical and to apply earth tone exterior finishes, that are in keeping with the natural setting of the lake and the surrounding area.



# **G PRESERVING TEMAGAMI'S CULTURAL HERITAGE**

---

## **G.1 CULTURAL HERITAGE RESOURCES**

### **G.1.1 General Policies**

G.1.1.1 The Municipality is located within the traditional territories of the Teme-Augama Anishnabai and Temagami First Nation.

The Municipality may undertake the preparation of an Archaeological Management Plan.

The Municipality may establish a Municipal Heritage Committee pursuant to Section 28 of the *Ontario Heritage Act* to advise and assist on matters pursuant to sections IV and V of the Act and such other heritage matters as the council may specify by By-law.

The Municipality shall maintain a Register of Properties in accordance with the requirements and restrictions of Section 27 of the Ontario Heritage Act.

G.1.1.2 Cultural Heritage resources include built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. Such resources may include, but are not limited to, buildings, structures and/or areas identified as having cultural heritage value or interest, and archaeological sites and artifacts.

G.1.1.3 Over time, through research and study, new cultural heritage features may be identified, or existing cultural heritage features may be refined. Any such information, when reviewed and approved by the appropriate governmental authorities, may be used to inform Council when evaluating development applications. The identification, acquisition, restoration, repatriation and conservation of the historical, cultural, architectural and archaeological resources within the Municipality is encouraged. The Municipality views these resources as important factors in drawing tourists to the area. The Municipality will also encourage the repatriation of archaeological artifacts to the Teme-Augama Anishnabai and Temagami First Nations.

The Municipality will require the preparation of technical cultural heritage studies (e.g., conservation plan, heritage impact assessment) when development proposals affect recognized (or known) or potential cultural heritage resources.

G.1.1.4 Development shall not be permitted on lands containing archaeological resources or on areas of archaeological potential unless significant archaeological resources have been conserved.

G.1.1.5 The Municipality shall consult appropriate government agencies, including the Heritage, Sport, Tourism and Culture Industries when an identified cemetery, marked or unmarked human burial is affected by land use development. The provisions of both the *Heritage Act* and the *Cemeteries Act* shall apply.

When development has the potential to impact a known or potential cemetery or burial site, Council shall require an archaeological assessment by a licensed consultant archaeologist. Provisions under both the Ontario Heritage Act and the Funeral, Burial and Cremation Services Act shall apply. If human remains are encountered, all activities must cease immediately, and the local police and coroner must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified.

G.1.1.6 The Municipality shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources. Areas of Archaeological Potential are identified on Schedule D to the Official Plan.

G.1.1.7 Archaeological resource areas are determined through the use of provincial screening criteria, or potential mapping developed based on the known archaeological record or features within the Municipality and is usually developed with a licensed archaeologist. Such criteria include features such as proximity to water, current or ancient shorelines, sandy soils, rolling topography, the remains of any building, structure, place, activity, cultural feature or object such as unusual landforms, portage routes or other places of past human settlement, which due to the passage of time, are on or below the surface of land or water and are significant to history and understanding of a people or place. Significant Native and non-Native cemeteries or unmarked burial sites may also be considered as archaeological resources.

G.1.1.8 The following policies apply to areas of Archaeological Potential:

- a) Where a development proposal or site alteration encroaches on lands with significant archaeological resources or is within an area considered to have archaeological potential, the Municipality may require an applicant to undertake an Archaeological Assessment of the lands in accordance with requirements of the Ministry of Heritage, Sport, Tourism and Culture Industries to determine the nature and extent of the resources on the site. The study shall be conducted by an archaeologist licensed under the *Ontario Heritage Act* as a condition of any development proposal. The

- study will be submitted to the Municipality and to the Ministry of Heritage, Sport, Tourism and Culture Industries;
- b) Notwithstanding the above policy, the need and/or scope of an Archaeological Assessment may be discussed with Temagami First Nation. Factors such as the amount of site disturbance, location of development, type of development and existing conditions may be considered when confirming if an Archaeological Assessment is required;
  - c) Where resources are found on site, the Municipality shall require further Archaeological Assessment. The study will be submitted to the Municipality and to the Ministry of Heritage, Sport, Tourism and Culture Industries for review and comment. Any features identified may be preserved in situ to ensure that the integrity of the resource is maintained. Excavation of any significant archaeological features by a licensed archaeologist may also be considered. If the site is determined to be significant the development may be prohibited;
  - d) Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the *Ontario Heritage Act*, and,
  - e) Council shall consider the interests of local Indigenous communities and proponents are encouraged to consult with Temagami First Nation prior to new development applications.

# **H PRESERVING TEMAGAMI**

---

## **H.1 INTRODUCTION**

### **H.1.1 General Policies**

H.1.1.1 It is a general policy of the Municipality that the conservation of the overall natural landscape, tree cover, and vegetation shall, be encouraged and in some cases required in an effort to preserve the natural appearance, character, and aesthetics of the area and to provide a natural buffer, particularly in the area along the shoreline. Preservation and where possible enhancement of the natural landscape, tree cover and vegetation shall be incorporated within any development or redevelopment proposal through applicable implementation mechanisms, where applicable.

H.1.1.2 Where natural vegetation has been artificially altered in a manner which is not environmentally sound or in keeping with the wilderness and semi-wilderness goals of this Plan, regeneration of vegetation cover or buffers using native species will be encouraged and in some cases required.

## **H.2 NATURAL HERITAGE FEATURES AND AREAS**

### **H.2.1 General Policies**

H.2.1.1 The natural heritage system is composed of natural heritage features and areas, which are linked by natural corridors. Natural heritage features, areas and corridors are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems.

H.2.1.2 The diversity and connectivity of natural features and the long-term ecological function and biodiversity of the Municipality's natural heritage systems shall be maintained, restored, or improved, recognizing linkages between and among natural heritage features and areas, surface water features, and ground water features.

H.2.1.3 Natural heritage features and areas come from the Provincial Policy Statement include the following elements:

- Fish habitat;
- Habitat of endangered species and threatened species;
- Provincially Significant Wetland;
- Significant Wildlife Habitat; and,
- Areas of Natural and Scientific Interest.

- H.2.1.4 Due to the sensitivity of some of the features listed above, all features may not be identified on Schedule D of the Plan. Although this information is not available to the public, prior to and during the review of development proposals, the internal data is utilized by Municipal staff for screening purposes.
- H.2.1.5 Important habitat and natural values are constantly changing. As these habitats and values change, the Schedules of this Plan will be updated. As these changes are usually minor in nature, formal amendments will not be required.
- H.2.1.6 Prior to development and/or site alteration, the Municipality may require a site-specific impact assessment to confirm the location or presence of natural heritage features.

## **H.2.2 Fish Habitat**

- H.2.2.1 The Municipality supports the management of fisheries. Such management has important economic, social and environmental benefits. It is also recognized that it is the mandate of the Department of Fisheries and Oceans to protect and preserve fish habitat on Crown Land and patented land under the *Fisheries Act*. Under this *Act*, fish habitat is defined as water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas.
- H.2.2.2 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.
- H.2.2.3 Where development and site alteration is proposed within 120 metres of fish habitat, the development shall be designed to ensure that there are no negative impacts on the natural features or their ecological functions. The Municipality may require the proponent to prepare an Environmental Impact Statement in accordance with the policies of this Plan.
- H.2.2.4 Development and site alteration shall not be permitted within Fish Spawning Areas unless an Environmental Impact Statement demonstrates that there will be no negative impact on the fish habitat or its ecological function.
- H.2.2.5 Lake Temagami is a premiere cold-water lake, which was formerly recognized as a specially designated waterbody within the province. In most areas on the lake, in-water work is not permitted from September 1 to June 20, in order to avoid disruption to spawning behavior of species such as Walleye and Lake Trout.

### **H.2.3 Endangered and Threatened Species**

- H.2.3.1 The presence of Species at Risk (extirpated, endangered, threatened or special concern species) shall be identified through the use of the Natural Heritage Information Centre Provincial database, and through consultation with Ministry of Environment, Conservation and Parks staff, and/or other agencies or levels of government and
- H.2.3.2 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

### **H.2.4 Unevaluated Wetlands**

- H.2.4.1 Wetlands are essential components of ecosystems that contribute to the high quality of the environment. Wetlands control and store surface water to assist in flood control, function as sediment traps to improve water quality, provide habitat for a variety of plant and animal species, and function as recharge areas for groundwater resources.
- H.2.4.2 For a wetland that is unevaluated but may have characteristics or contain components that are typical of a significant wetland, the Municipality may require a wetland evaluation to determine the significance of the wetland prior to processing any planning approvals. The Ministry Natural Resources is the approval authority for decisions regarding the significance of wetlands.
- H.2.4.3 Development and/or site alteration shall not be permitted within an unevaluated wetland or within 120 metres of an unevaluated wetland unless an Environmental Impact Statement demonstrates that there will be no negative impact on the Provincially Significant Wetland or its ecological function.

### **H.2.5 Provincially Significant Wetlands**

- H.2.5.1 The Ministry of Natural Resources and Forestry evaluates the biological, social, hydrological and special features of wetlands to determine their relative significance in Ontario and identifies certain areas as Provincially Significant Wetland.
- H.2.5.2 Provincially Significant Wetlands are identified on Schedule D of this Plan.
- H.2.5.3 Development and/or site alteration shall not be permitted within an identified Provincially Significant Wetland unless an Environmental Impact Statement demonstrates that there will be no negative impact on the Provincially Significant Wetland or its ecological function.

H.2.5.4 Where development and/or site alteration is proposed within 120 metres of the boundary of a Provincially Significant Wetland, the proponent shall provide the Municipality with an Environmental Impact Statement, prepared by a qualified professional and in accordance with the Environmental Impact Statements Section of this Plan, which demonstrates that there will be no negative impacts on the wetland or its ecological function. Where warranted by site and species-specific factors, development proposals further than 120 metres the Provincially Significant Wetland may also require an Environmental Impact Statement.

H.2.5.5 Any change or interference within or adjacent to a Provincially Significant Wetland may require a permit from the Ministry of Natural Resources and Forestry.

H.2.5.6 Changes to the boundaries of a Significant Wetland shall not require an amendment to the Official Plan. Approval is required from the Ministry of Natural Resources and Forestry for any refinements to the boundary of a Significant Wetland.

## **H.2.6 Significant Wildlife Habitat**

H.2.6.1 Wildlife habitat are areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species. Significant wildlife features are ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area.

H.2.6.2 Development and site alteration shall not be permitted within areas identified as significant wildlife habitat unless an Environmental Impact Statement demonstrates that there will be no negative impact on the natural features or their ecological function.

H.2.6.3 Where development and site alteration is proposed within 120 metres of significant wildlife habitat, the Municipality shall require the proponent to prepare an Environmental Impact Statement in accordance with the policies of this Plan. It must be demonstrated that there will be no negative impacts on the natural features or their ecological functions.

## **H.2.7 Areas of Natural and Scientific Interest**

H.2.7.1 Development and/or site alteration in or adjacent to a significant area of natural and scientific interest shall not be permitted unless it has been demonstrated by an Environmental Impact Statement that there will be no negative impacts on the natural features or their ecological functions.

H.2.7.2 All lands within 120 metres of a significant areas of natural scientific interest (life science) and 50 metres of a significant area of natural scientific interest (earth science) be considered adjacent lands.

## **H.2.8 Raptor Nesting Sites**

H.2.8.1 No development and site alteration activities should occur within 300 metres of nesting site during the sensitive breeding season (April 1 to August 15).

H.2.8.2 No development and site alteration are permitted within 150 metres of a nesting site at any time throughout the year.

H.2.8.3 Development and site alteration within 151 metres to 300 metres shall not be permitted until an Environmental Impact Statement is completed that demonstrates no negative impact.

H.2.8.4 Development and site alteration within 120 metres shall not be permitted until an Environmental Impact Statement is completed that demonstrates no negative impact on the natural features or their ecological functions.

## **H.2.9 Moose Calving Sites, Moose Aquatic Feedings Areas; and Moose Wintering Areas**

H.2.9.1 The significant wildlife habitat policies shall apply to Moose Calving Sites, Moose Aquatic Feedings Areas; and Moose Wintering Areas.

## **H.3 SURFACE AND GROUNDWATER QUALITY**

### **H.3.1 General Policies**

H.3.1.1 Policies that require the preservation of water quality are included in the Provincial Policy Statement. For any proposed development within 300 metres of a lake, the policies regarding lake trout lakes may apply.

H.3.1.2 Development shall not be permitted where the potential exists for contamination of aquifers and groundwater supplies. For individual development applications, potential impacts on groundwater shall be addressed in accordance with policies applying to privately serviced development. Council may require a hydrogeology study to determine potential impacts of the development on the groundwater resources.

H.3.1.3 Where development would result in sedimentation, stormwater contaminants, or a significant increase in storm water run-off, the Municipality may require the proponent to complete a drainage/storm water management plan/report to demonstrate that off-site surface water quality and quantity will not be adversely impacted by the development.



H.3.1.4 A drainage/stormwater management report/plan shall be prepared by the proponent with the assistance of a qualified engineer licensed in the Province of Ontario, and reviewed and approved by the Ministry of Transportation for those developments, located adjacent to, or in the vicinity of, a Provincial highway whose drainage would impact the highway and/or downstream properties.

## **H.4 LAKESHORE CAPACITY ASSESSMENT**

### **H.4.1 General Policies**

H.4.1.1 Lakeshore capacity assessment is a planning tool that is used to predict how much development can take place along the shorelines of inland lakes without impairing water quality (i.e., by affecting levels of phosphorus and dissolved oxygen). This planning tool is used for lake trout lakes.

H.4.1.2 The Province and the Lakeshore Capacity Assessment Handbook establishes parameters that determine when a lake trout lake may be determined to be at capacity for shoreline.

H.4.1.3 A Lakeshore Capacity Assessment may be required to be completed prior to the consideration of planning approvals allowing for development utilizing a private sewage disposal system within 300 metres of a lake trout lake where the lake is known to be at capacity or where the lake may be near capacity. The Assessment must demonstrate that such development will not result in a decline in the water quality or quality of the lake and that lake capacity is available. Where the creation of lots on private sewage systems within 300 metres of the shoreline or any waterbody is proposed, the Municipality will consult with the Ministry of the Environment, Conservation and Parks to determine if a Lakeshore Capacity Assessment is required.

H.4.1.4 Where Ministry of the Environment, Conservation and Parks has determined that a Lakeshore Capacity Assessment is necessary, the creation of lots or units within 300 metres of a lake shall be considered only where the results of a Lakeshore Capacity Assessment, completed in accordance with Ministry of the Environment, Conservation and Parks requirements, has identified that there is sufficient development capacity remaining to support the proposed development, or under one of the following circumstances:

- To separate existing habitable dwellings, each of which is on a lot that is capable of supporting a Class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorus loading to the lake;
- Where all new tile fields would be located such that they would drain into a drainage basin which is not at capacity; or,

- Where all new tile fields would be set back at least 300 metres from the shoreline of lakes, or such that drainage from the tile fields would flow at least 300 metres to the lake.

The following additional site-specific criteria can be applied where new development is proposed on at-capacity lakes and where certain municipal planning tools and agreements are in place such as a Development Permit site plan control under the Planning Act:

- Where a site-specific soils investigation prepared by a qualified professional has been completed showing the following site conditions in accordance with the Lakeshore Capacity Handbook.

H.4.1.5 The Municipality, where considered necessary, will promote the use of best management practices to minimize the impacts of development on water quality. Best management practices may include, and are not limited to, measures such as: large lot sizes and increased lot frontage requirements; enhanced setbacks for buildings, structures, and septic systems; protection of lakeshore vegetated buffers; avoidance of steeply graded lots; restrictions on the amount of impervious surfaces such as parking areas and patios; the use of lot-level Stormwater management practices such as infiltration from roof leaders to reduce runoff; limitations on the use of fertilizers; and the use of erosion control measures during site development and construction.

## **H.5 LAKE TROUT LAKES**

### **H.5.1 General Policies**

H.5.1.1 Lake trout lakes are rare. The lake trout is the only major, indigenous sport fish species in Ontario that is adapted to oligotrophic lakes (i.e. lakes with low nutrient levels, high dissolved oxygen levels and typically deep areas with very cold water). The lake trout's slow growth, late maturity, low reproductive potential and slow replacement rate make it a unique species in the Province. As a top predator, the lake trout is an important part of the Province's natural heritage and an excellent indicator of the health of these fragile aquatic ecosystems.

H.5.1.2 Lake trout and lake trout lakes are particularly vulnerable to the impacts of human activities including harvesting, increased phosphorus inputs from cottage septic systems and other sources of nutrient enrichment, acidification, species introductions, and habitat destruction. Development on lake trout lakes may result in habitat degradation, diminished lake trout populations and a lower quality fishing experience.

- H.5.1.3 The Province has implemented a number of policies and guidelines to manage this sensitive resource and maintains a list of lakes that are designated for lake trout management. Lake trout lakes are designated as either naturally reproducing (Natural) or Put-Grow-Take stocked (PGT). Some policies apply to both Natural and PGT lake trout lakes equally (e.g. dissolved oxygen criterion for lakeshore development capacity). Some policies differ in their application depending on whether a lake trout lake is designated Natural or PGT (e.g. Crown Land Disposition Policy).
- H.5.1.4 Given the importance and ecological sensitivity of lake trout lakes, the Ministry of Natural Resources and Forestry and the Ministry of Environment, Conservation and Parks has historically worked and continues to protect lake trout lakes from adverse impacts of lakeshore development.
- a) Development shall be permitted that will not negatively impact upon fish habitat in compliance with municipal, Provincial and Federal requirement, including the Fisheries Management Plan;
  - b) Development and site alteration proposed in or within 120 metres of a lake trout lake shall provide details of how the development will impact lake water quality (defined by ice-free phosphorus concentrations) and optimal lake trout habitat as defined by Ministry of Natural Resources and Forestry policy; and,
  - c) Pre-consultation with the Municipality and with the Ministry of Natural Resources and Forestry shall be required prior to the submittal of any development application.

## **H.6 MINERAL RESOURCES**

### **H.6.1 General Policies**

- H.6.1.1 This Plan recognizes the importance of mineral resources for their resource and economic value within the Municipality of Temagami. Mining, including mining rights such as staked mining claims, mining leases and mining patents used or intended to be used for mining purposes, is permitted within the Municipality of Temagami subject to the provisions of the *Mining Act*, *Public Lands Act*, and pursuant to Ontario Regulations which impose requirements for environmental studies and public consultation. The establishment of new mines will require an amendment to the Official Plan and an amendment to the Zoning Bylaw. However, the *Planning Act* applies to fee simple Mining Patents of surface rights, including a planning approval to sever or subdivide surface rights. It is intended that new mining operations will exclude lands that are already developed. The Municipality has an agreement with the Province to limit Mine development within the Skyline Reserve.
- H.6.1.2 It is a policy of this Plan that mineral resources, including past producing mining operations, existing mineral mining operations and areas of high

mineral potential will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

H.6.1.3 Development, which would preclude or hinder the establishment of new operations or access to the resources, will only be permitted if:

- a) Resource use would not be feasible;
- b) The proposed land uses or development serves a greater long-term public interest; and,
- c) Issues of public health, public safety and environmental impact are addressed.

H.6.1.4 Rehabilitation to accommodate subsequent land uses will be required after extraction and other related activities have ceased. Progressive rehabilitation will be under taken where feasible.

## **H.6.2 Mineral Aggregate Resources**

H.6.2.1 Mineral Aggregate Potential areas are identified on Schedule A by the Mineral Aggregate Potential Overlay.

H.6.2.2 It is a policy of the Municipality to protect lands within the Mineral Aggregate Potential Overlay on Schedule A for their long-term use, with the exception of the Skyline Reserve on Lake Temagami where extraction shall not be permitted.

H.6.2.3 In known deposits and areas within the Mineral Aggregate Potential Area Overlay, development and activities which would preclude or hinder the establishment of new operations, expansion of existing operations or access to the resources shall only be permitted if:

- a) Resource use would not be feasible;
- b) The proposed land use or development serves a greater long-term public interest; and,
- c) Issues of public health, public safety and environmental impact are addressed.

## **H.7 FOREST MANAGEMENT**

### **H.7.1 General Policies**

H.7.1.1 It is the policy of the Municipality to recognize the importance of forests as a renewable and sustainable resource within the Municipality of Temagami and to encourage and support both commercial timber operators licensed by the Ministry of Natural Resources and Forestry as well as to permit associated forest related activities and other compatible land uses.

H.7.1.2 The Municipality shall also encourage complementary activities such as wildlife habitat improvement or ecosystem improvement and the active or passive use of forested areas for Crown Land recreational activities and facilities.

# I NATURAL HAZARDS

---

## I.1.1 Goal

To protect public health and safety by ensuring buildings, structures and use are located in a manner that will not result in property damage or compromise public health and safety as a result of natural hazards.

## I.1.2 General Policies

I.1.2.1 Within Temagami certain natural hazards exist including defined flood elevations for some waterbodies such as:

- Lake Temagami (294.20 metres above sea level);
- Rabbit Lake (292.34 metres above sea level);
- Net Lake (298.0 metres above sea level);
- Snake Lake (292.5 metres above sea level);
- Cassels Lake (292.5 metres above sea level);
- Lady Evelyn Lake (289.09 metres above sea level); and,
- High water marks for other waterbodies.

I.1.2.2 Development, excluding boathouses and structures associated with flood control shall not be permitted below defined flood elevations or below the high water mark. The Ministry of the Environment, Conservation and Parks and Ontario Power Generation shall be consulted for technical advice when proposing development that may be impacted by flooding or fluctuating water levels.

I.1.2.3 Steep slopes often present desirable development sites due to the views and panoramas offered. However, if development on steep slopes can be hazardous. The Zoning By-law will establish special development setbacks from steep slopes. Where development is proposed in proximity to a steep slope, studies may be required to ensure the potential hazard impacts have been appropriately evaluated and mitigated.

I.1.2.4 Within Temagami certain mine hazards exist in the form of abandoned mine sites and rehabilitated mine sites, as shown on Schedule B to this Plan. Development on, abutting or adjacent to lands affected by mine hazards or former mineral resource operations shall be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed. A proponent of development within 1 km. of an abandoned mine is encouraged to contact the Ministry of Natural Resources and Forestry to obtain technical information related to the site and for advice on establishing setback distances for the proposed development.

# **J                   SERVICING TEMAGAMI**

---

## **J.1               INFRASTRUCTURE AND PUBLIC SERVICES**

### **J.1.1           General Policies**

- J.1.1.1       The municipal infrastructure consists of roads, water treatment facilities, water lines, sewer lines, wastewater treatment facilities, stormwater management and solid waste management systems. In addition, there are many other services and utility providers operating in the Municipality. There will be a continuing need to assess the adequacy of municipal infrastructure and public service facilities or to maintain or rehabilitate existing facilities, as necessary.
- J.1.1.2       With respect to the gas pipeline corridor, no structures or excavations (other than those undertaken by a pipeline authority) shall be permitted on the pipeline right-of-way and no permanent structures or buildings shall be permitted within 10 metres of the edge of the right-of-way without prior consultation and approval of the pipeline authority.
- J.1.1.3       The Municipality may restrict residential and other types of development in close proximity to municipal sewage treatment facilities through minimum setback standards in the implementing Zoning By-law. The proponent of development proposed within the minimum setback from a municipal sewage treatment facility shall prepare a report in accordance with provincial legislation, policies and regulations to demonstrate that the proposed development will not be adversely affected by the facility. Approval of new development, including new lot creation, will require a confirmation of available reserve capacity in accordance with applicable Ministry of Environment, Conservation and Parks guidelines.
- J.1.1.4       New residential development shall not be permitted within 500 metres of a landfill site or within a specified distance of a sewage treatment facility as determined through the Ministry of the Environment, Conservation and Parks regulations.
- J.1.1.5       All development within the Municipality shall have an approved water supply and sewage disposal system, where required. Only dry industrial uses will be permitted on private services, and water will be used only for domestic purposes. Unless otherwise approved by the Ministry of Environment Conservation and Parks, all industrial uses that use water as part of their industrial operations shall be connected to a municipal sewer and water system.
- J.1.1.6       The Municipality shall require the proponent of development or redevelopment with greater than five (5) lots to prepare a Servicing Options

Study to initially determine the nature of servicing that is feasible before considering further studies to determine the viability of private services, if appropriate. A Water Supply Assessment Report and a Water Quality Impact Risk Assessment Report, in accordance with the Ministry of Environment, Conservation and Parks Guidelines may also be required.

- J.1.1.7 Where a Servicing Options Study concludes that multiple lot development may proceed by individual drilled wells and septic systems, lot sizes shall be a minimum average of one (1.0) hectare with no lot being smaller than eight tenths (0.8) hectares, and supported by a hydrogeological study.
- J.1.1.8 The minimum lot size for new single lot creation proposed on a private septic system and individual drilled well will be encouraged to have a minimum lot size of one (1.0) hectare unless a smaller lot size can otherwise be supported by a hydrogeological study.
- J.1.1.9 New lots proposed to be serviced by an individual surface water supply and private septic system may have a lesser minimum lot size, unless otherwise specified by the policies of this Plan.
- J.1.1.10 Approval of new development, including new lot creation, will require confirmation of a sufficient reserve sewage and water system capacity within municipal sewage and water services or private communal sewage and water services in accordance with applicable Ministry of Environment, Conservation and Parks guidelines. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services. Approval of new development on individual onsite sewage and water services will require confirmation of sufficient reserve sewage system capacity from the holder of an Environmental Compliance Approval (ECA) for an approved septage disposal facility.

## **J.1.2 Stormwater**

- J.1.2.1 The Municipality, in conjunction with the appropriate public agencies may require a proponent of development to submit studies of stormwater runoff and its impact on the water quality and quantity of the receiving waterbody, both during and after construction. The proponent may be required to indicate how nutrient inputs into surrounding water bodies and municipal storm sewers will be controlled and reduced after construction. Construction-mitigation plans may be required to outline how the impacts during construction will be mitigated by securing/stabilizing/rehabilitating a site that has been disturbed.
- J.1.2.2 The Municipality shall require the proponent of development that requires a stormwater management system to:



- a) Use stormwater management measures to manage the storage and control the flow of water to receiving waterbodies;
- b) Use stormwater management measures that prevent siltation and erosion and do not negatively impact the water quality of receiving waterbodies; and,
- c) Consider, where appropriate, enhancing the vegetation along the stormwater management system and the receiving waterbody.

### **J.1.3 Communication Facilities**

J.1.3.1 The Municipality of Temagami recognizes that the installation of communication facilities is required to supply, improve, and maintain the quality of service.

J.1.3.2 A proponent seeking to establish a communications tower shall work with the Municipality, seek input from the community. Communication facilities are encouraged to co-locate and to use best practices to reduce visual impact.

### **J.1.4 Urban Neighbourhood Servicing**

J.1.4.1 Full municipal sewage and water services; followed by communal and private services is the hierarchy of the preferred forms of servicing in the Temagami Settlement Area and the Temagami North Settlement Area. In this area, development will be permitted to connect to the central sewage and water systems only if sufficient reserve water and sewage capacity will be available to accommodate the development. All lots within the serviced areas, must connect to municipal services when they are available.

J.1.4.2 Within the Settlement Areas and Urban Neighbourhood, where servicing is not available, development may proceed on the basis of partial servicing where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development or within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

J.1.4.3 Development proposals in excess of five (5) residential lots shall be accompanied by a Servicing Options Study to determine the most appropriate long term servicing scheme for the development.

J.1.4.4 Provided there is a supporting Servicing Options Study prepared according to Ministry of Environment, Conservation and Parks guidelines, communal water and/or sewage systems that service more than five freehold residential lots may be considered for development in areas where the municipal sewage system cannot reasonably be provided due to cost, and where site conditions are suitable for the long term operation of the systems.

Such systems shall only be permitted with the approval of the Health Unit and/or the Ministry of Environment, Conservation and Parks.

J.1.4.5 The proponent of a private communal sewage system shall enter into a Responsibility Agreement with the Municipality before development occurs. The agreement shall also specify the amount of up-front funds required for any remedial measures that may be necessary in the event of default.

J.1.4.6 When vacant lots that have been allocated sewer and/or water capacity remain vacant, the Municipality may re-allocate water and/or sewer capacity, as required to permit other development.

J.1.4.7 Where municipal sewer and water capacity has been re-allocated from vacant lots, Council shall place these vacant lots in a Holding Zone until such time that sewer and water capacity becomes available.

J.1.4.8 Council shall not draft approve any new lot or unit development by way of consent, plan of subdivision or condominium in the Municipality without first confirming there is sufficient existing sewer and water capacity available to provide the development with full municipal services. If there is capacity in only one of the two municipal systems, draft approval shall not be granted on the basis of partial services, except where necessary to address failed services, or because of physical constraints.

## **J.1.5 Rural Neighbourhood Servicing**

J.1.5.1 In areas outside of the Urban Neighbourhood, development is expected to proceed on the basis of individual on-site water supply and sewage disposal systems.

## **J.2 PUBLIC WORKS**

### **J.2.1 General Policies**

J.2.1.1 The construction of public works shall be used to implement the policies of this Plan.

J.2.1.2 No public works shall be carried out and no by-law shall be passed under the provisions of the *Planning Act* that are not in conformity with this Plan or that will permit development that is not in conformity with this Plan.

## **J.3 TRANSPORTATION**

### **J.3.1 General Policies**

J.3.1.1 The road system within the Municipality is composed of a hierarchy of Provincial highways, municipal public roads that are maintained year round, municipal public roads that are maintained seasonally and private roads

(Crown access/unassumed roads). In addition, there are numerous Lake Access Points, Recreational Trails, and Canoe Routes (including portages and campsites). Each type of road, lake access point, trail and canoe route varies in its function, the type and volume of traffic it handles and the speed of traffic it can accommodate. As a result, designs and standards also vary. The transportation network provides a basis for the local economy by allowing the safe and efficient movement of people and goods from one place to another. In addition, it provides access to individual properties and allows for sightseeing.

J.3.1.2 Major goods movement facilities and corridors, such as provincial highways and railways, shall be protected for the long term. New development proposed in the vicinity of existing or planned corridors should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

J.3.1.3 The transportation network and hierarchy is generally illustrated on Schedule C to this Plan. The Municipality will continue to encourage and develop a safe and efficient road network, which has regard for natural and cultural heritage resources, environmentally sensitive area and the character of the Neighbourhood and the Municipality.

### **J.3.2 Provincial Highways**

J.3.2.1 Highway 11 provides the main road link, and Highway 64 provides a secondary road link, within and through the Municipality. These highways provide access to many of the tourist commercial establishments. Highway 11 forms the commercial backbone in the Village of Temagami.

J.3.2.2 For any development abutting a Provincial highway or development that is located within the permit control area of a Provincial highway, a Ministry of Transportation permit will be required prior to any construction or grading being undertaken.

### **J.3.3 Municipal Roads**

J.3.3.1 All municipal roads shall be constructed to an appropriate standard and the Municipality will develop appropriate road standards policies. There shall be a continuing program of municipal improvement to existing municipal roads. Priorities for the improvement of existing municipal roads should be based on Roads Needs studies that shall be conducted from time to time. The Municipality may consider alternate standards in particular circumstances where the function of the road will not be negatively affected and where public health and safety will be safeguarded.

J.3.3.2 Municipal roads are divided into two categories, year round maintained and seasonally maintained.

- J.3.3.3 Every effort should be made to preserve the character and scenic amenity of a roadway, while ensuring that the function and safety of that roadway will be maintained.
- J.3.3.4 Where new roads are proposed, such roads will be located and designed to co-ordinate with existing roads and provide for connections to abutting parcels which have development potential. In this regard, roads should be linked, wherever possible and appropriate, and blocks of land should be provided, where necessary, to facilitate future access to abutting properties.
- J.3.3.5 The establishment of new public seasonally maintained roads will be discouraged.
- J.3.3.6 Where property abuts a municipal or provincial road, the Municipality and/or the Ministry of Transportation may require the dedication of land for road widening purposes. Such dedications may be requested at the time consideration is being given to *Planning Act* applications.
- J.3.3.7 As authorized by the *Planning Act*, the dedication of a widening of a municipal road allowance, to a standard width of 20 metres may be required along all or part of the abutting lot line. This required road allowance width may be increased as necessary to 26 metres, in order to address matters such as additional turning lanes, curve alignments, sidewalks, utilities, road cuts and embankment slopes. Dedication of an additional area may also be required along all or part of the abutting lot line for:
- a) Dedication of sight triangles and turning lanes primarily at intersections of public roads to meet municipal standards; and,
  - b) Dedication of areas necessary to construct grade improvements, separation or road alignments, where the proposed development would result in the need for such improvements due to traffic volumes or to eliminate hazards.
- J.3.3.8 Road widening of municipal road allowances will generally be dedicated in equal widths from the centre line on each side of the road allowance. Exceptions to this may be considered where:
- a) Topographic constraints exist;
  - b) An alternate decision would be consistent with the prevailing pattern of dedication;
  - c) Heritage features and natural or environmentally sensitive areas would be preserved;
  - d) A landowner owns both sides of the road allowance; and,
  - e) Local municipal services are a constraint.
- J.3.3.9 Development and maintenance of municipally owned roads will be at the discretion of the Municipality. There will be no commitment or requirement for the Municipality to maintain or open unimproved road allowances.

Conversely, nothing in this section will limit the Municipality's ability to open, improve or maintain any road, as identified in a Road Needs Study.

### **J.3.4 Private Roads**

J.3.4.1 The Temagami area has many existing or abandoned forest access roads primarily associated with past and current logging and mining operation which, when combined with portages and other recreational trails are an important feature in the area. This existing network of unassumed roads, primarily on Crown land provides access to residential properties.

J.3.4.2 All roads within the Municipality of Temagami not owned and maintained by the Ministry of Transportation (or its designate), or owned and maintained by the Municipality, are categorized in this Plan as Private Roads.

J.3.4.3 The municipality may establish a road assumption by-law to provide requirement for the assumption of a private road by the Municipality.

J.3.4.4 The Municipality shall be cautious not to assume liability for such roads and it should be recognized that the level of public services will continue to be limited where there is only water access or private road access. Such limitation should be recognized in zoning by- laws or municipal agreements, such as site plan control agreements.

J.3.4.5 Where a public road allowance is used for a private road, the benefiting landowner(s) shall enter into an agreement with the Municipality to address such matters as financial contribution, liability insurance, road standards, stormwater management and construction mitigation measures and rehabilitation.

J.3.4.6 The Ministry of Natural Resources and Forestry is encouraged to consult with the Municipality when contemplating granting permission for new private roads and Crown access points within the Municipality. In addition, when access is proposed over Crown Land, the proponent shall be required to obtain a written assurance from the Ministry of Natural Resources and Forestry that the Ministry has no objection to the continuing use of Crown Land for access by the proponent.

### **J.3.5 Development on Private Roads**

J.3.5.1 The Municipality may permit rural residential development on the basis of private road access in the following circumstances:

- a) Where two abutting patented lots located on a private road existed in the past and could have been independently conveyed but have merged on title due to the provisions of a will, a bequest, gift or similar situation, those same lots may be recreated by consent. New development on those lots is subject to the policies of this

- Plan, the provisions of the Zoning By-law and, as appropriate, an approved water supply and sewage disposal system;
- b) Where an existing patented lot with private road access in the Rural Neighbourhood can be severed so that both the new lot or lots, to a maximum of three (3) new lots and the retained lot meet the applicable zoning standards;
  - c) Where the private road is part of the land owned by a condominium corporation, a fractional ownership development or other similar type of ownership tenure development; and,
  - d) A new lot or a cluster of up to four (4) lots created in the Rural Neighbourhood that are not accessible from an approved Lake Access Point.

J.3.5.2 Plans of subdivision based on private road access are not permitted.

J.3.5.3 For lots created on the basis of private road access, the Municipality shall require the entering of a limited services agreement to recognize that lots on private roads will receive limited services in comparison to a lot on a municipally maintained road.

### **J.3.6 Recreation Trails**

J.3.6.1 Existing trails in the Municipality include hiking trails (day hike and overnight hike), cross- country ski trails (backcountry and track-set), ATV trails, mountain biking, dog sledding trails, and groomed Ontario Federation of Snowmobile Clubs (OFSC) snowmobile trails. Other trail opportunities exist which are not groomed or maintained and include snowshoeing on lakes and portages or snowmobiling and ATVing on other trails and forest access roads. It should be noted that many of these trails are part of the Temagami Anishnabai and Temagami First Nation heritage.

J.3.6.2 Trail-related recreation may provide additional tourism opportunities since only snowmobile trails and short distance hiking and ski trails have developed significantly in the Municipality.

J.3.6.3 The Municipality supports trail-related recreation provided that the uses respect the sensitive character of the Temagami area. Co-operation between trail users is encouraged by the Municipality to ensure maximum use and benefit from the trail system.

J.3.6.4 New snowmobile trail access points to lakes shall be kept to a maximum width of 3 metres and shall enter lakes at an oblique angle to minimize visual impact. Tree cutting at access points and along trails shall be limited to that required for trail maintenance.

### **J.3.7 Camp Sites**

J.3.7.1 It is the Municipality's intent that no new campsites be located closer than 500 metres to a lake access point or within 500 metres of an existing residential dwelling or vacant patented lot, or existing campsite.

### **J.3.8 Railways**

J.3.8.1 Existing and planned intercommunity passenger and freight transportation services facilitate vital connections to and from surrounding areas. The Municipality will plan for current railway infrastructure by protecting its long-term operation and economic role. Land uses immediately adjacent to railways will be planned to facilitate local economic development by supporting current freight activity and potential future passenger rail service.

## **J.4 LAKE ACCESS**

### **J.4.1 Introduction**

J.4.1.1 Lake access points provide the link between the road network and the lake transportation network. The Municipality of Temagami shall endeavour to control lake access points in accordance with the policies set out in this Plan in order to:

- a) Protect the sensitive character of the lake communities within the Municipality of Temagami; and,
- b) Mitigate the potential impact of development on key natural resources.

### **J.4.2 General Policies**

J.4.2.1 It is the policy of the Municipality that any lake access point that provides the sole access to development on a lake shall remain open and available to the users of the lake.

J.4.2.2 For clarity, the term lake access point does not include a pedestrian access point provided within a lakeshore plan of subdivision for the use of residents of lots that do not have direct access to the water.

J.4.2.3 With the exception of the Town Waterfront Access Point, all existing approved access points, as shown on Schedule C to this Plan, are on Crown Land. Wherever desirable and affordable, the Municipality will work with the Ministry of Natural Resources and Forestry to obtain appropriate tenure to approved lake access points. The Municipality will pursue management agreements with the Province for lake access points where neither a patent nor a land use permit can be secured.

### **J.4.3 Approved Lake Access Points**

J.4.3.1 Sixteen lake access points currently approved by the Ministry of Natural Resources and Forestry and maintained by either the Ministry or the Municipality of Temagami are identified on Schedule C to this Plan. Additional lake access points are located throughout the Municipality however, they shall not be considered as approved for the purposes of this Plan.

J.4.3.2 Certain uses and facilities are permitted at the approved access points. The uses or facilities permitted at each approved access point are dependent on the site characteristics of the individual access point. The uses or facilities permitted include:

- Camping (CP);
- Municipal maintenance (M);
- Commercial lodge pick up and retail deliveries (C);
- A large parking lot with multiple trailer ramps (AP1);
- A small parking lot with one trailer ramp (AP2);
- A small parking lot with no trailer ramp (AP3);
- Transit of industrial/building supplies (I);
- Sanitary facilities (S);
- Dockage (D)
- Security; and,
- Garbage collection facilities (G).

J.4.3.3 The approved access points, as shown on Schedule C to this Plan, and the uses or facilities permitted at each are as follows:

- Finlayson Provincial Park - AP1, CP, S, D;
- Strathcona Road - AP1, C, I, M, D;
- Lake Temagami Access Road - AP1, C, I, M, S, D, G;
- Town Waterfront - AP1, C, M, D, G;
- Baie Jeanne - AP2 (10 spaces), CP, S;
- Rabbit Lake - Southwest Bay, Houghton Landing - M, AP2, C and Lowell Lake Road, Camp 16 - AP2, CP;
- Snake Island Lake - Temagami Boat Livery – AP2, C, M;
- Cassels Lake - Northshore – AP2;
- Red Cedar Lake - Loon Bay, MTO maintained - AP1, C;
- Marion Lake - Marion Lake (150m south of gas station) - AP2;
- Jumping Caribou Lake - Raynor's Road - AP3;
- Marten River - Marten River Provincial Park - AP1;
- Herridge Lake - Herridge Lake Access Point- AP2, D; and,
- Wilson Lake - Wilson Lake Access Point, north side of camp- AP3, D.



- J.4.3.4 Boat launching facilities should be designed to be functional and be as unobtrusive as possible.
- J.4.3.5 Parking areas must be screened with a vegetative buffer from the main body of the lake. Illegal access points are to be closed.
- J.4.3.6 New snowmobile trails accessing Lake Temagami/Cross Lake are to be no wider than three (3) metres and zoned exclusively for winter snowmobile use. No new private structures should be permitted.

#### **J.4.4 New Lake Access Points**

- J.4.4.1 Should consideration be given to the establishment of new public motorized lake access points, the following should be given full consideration:
- a) The need for the additional access point;
  - b) The ability of the site to be developed without any significant visual impact that cannot be mitigated;
  - c) The potential for environmental impacts;
  - d) The uses or facilities to be permitted;
  - e) The availability of existing municipal road accesses to the proposed access point; and,
  - f) If Ministry of Natural Resources and Forestry grants approval for a new lake access point, the following policies shall apply:
    - o The Municipality shall consider obtaining a patent for the site and operating the facility;
    - o Municipal approval of a detailed site plan;
    - o No new public motorized road and/or access point should be permitted within two (2) kilometres of the shore of Lake Temagami and Cross Lake; and,
    - o Existing gates are to be maintained and new ones installed to prevent new public access roads to Lake Temagami and Cross Lake.

#### **J.4.5 Lake Temagami Access Point**

- J.4.5.1 The Lake Temagami Access point is a gateway to Lake Temagami. Residents, seasonal residents, tourists, campers, business owners, government and First Nations all use the access point to the Lake. The Lake Access point requires expansion and improvement to safely service the users.
- J.4.5.2 The Municipality supports collaboration in the undertaking of improvements to the Lake Temagami access point.

## **J.5 WASTE MANAGEMENT**

### **J.5.1 General Policies**

J.5.1.1 Waste management facilities including active and defunct sites are identified on Schedule D to this Plan. Land in proximity to land formerly used for waste disposal purposes may be used in accordance with the applicable land use designation and the land use policies of this Plan.

Where development is proposed within 500 metres of an open or closed waste disposal site, a D-4 Study shall be required in accordance with Ministry of Environment, Conservation and Parks legislation and guidelines.

## **J.6 POTENTIALLY CONTAMINATED SITES**

### **J.6.1 General Policies**

J.6.1.1 Potentially Contaminated Sites including brownfield sites are land, buildings and/or structures where it is reason to suspect that substances, either individually or collectively, are present that may pose a danger to public health, safety and/or the environment.

J.6.1.2 If the site of a proposed use is known or suspected to be contaminated due to its previous use, the Municipality will not approve the development until the proponent has demonstrated that the site has been assessed and if necessary, remediated in accordance with the requirements of Ministry of Environment, Conservation and Parks. The proponent shall have a Record of Site Condition prepared by a qualified professional.

## **J.7 TEMPORARY WAYSIDE PITS AND ASPHALT PLANTS**

### **J.7.1 General Policies**

J.7.1.1 Although the Municipality does not have jurisdiction over temporary wayside pits and asphalt plants, such pits and plants opened for the purpose of public road construction or maintenance are generally permitted. However, these uses are not permitted in the Protected Area land use designation, in the Skyline Reserve or in recognized environmentally sensitive areas.

# **K GENERAL POLICIES**

---

## **K.1 AGRICULTURE**

### **K.1.1 Agricultural Uses**

No prime agricultural areas have been identified within the Municipality. However, some agricultural and agriculture-related uses including the production of maple syrup and keeping of trail riding horses and similar uses occur. Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices are permitted in the Municipality outside the Urban Neighbourhood and Lake Temagami Neighbourhood. New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the Minimum Distance Separation formulae, as established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time.

### **K.1.2 Minimum Distance Separation**

K.1.2.1 The Provincial Minimum Distance Separation Formulae and Implementation Guidelines, as amended from time to time, shall be used to determine appropriate minimum separation distances between new land uses, and existing agricultural uses and to determine appropriate separation distances between new or expanded livestock facilities and existing non-farm uses. The MDS Formulae and Implementation Guidelines shall be applied throughout the Municipality.

K.1.2.2 Implementation of the Provincial Minimum Distance Separation Formulae shall not apply to development within a settlement area, consents involving existing dwellings and development on closed cemeteries.

K.1.2.3 Minimum Distance Separation Formulae requirements shall be included within the Township’s Zoning By-law.

## **K.2 LAND USE COMPATIBILITY**

### **K.2.1 General Policies**

K.2.1.1 Sensitive land uses such as residential uses, day care centres, educational facilities and health facilities shall be appropriately buffered and/or separated from major facilities in order to prevent adverse effects from odour, dust, traffic, pests, litter visual impact, noise, and other contaminants. Major facilities include highway and rail corridors, sewage disposal facilities, waste disposal sites, aggregate and mining activities and other industrial uses. Consideration shall be given to the Ministry of Environment, Conservation and Parks D-Series guidelines.

**K.3 ALTERNATE ENERGY GENERATION SYSTEMS**

**K.3.1 General Policies**

K.3.1.1 Private green energy infrastructure, including wind and solar energy generation systems are encouraged by the Municipality, particularly for those residential lots and non-residential facilities that are not on the ‘power grid’. In selecting the type and colour of the generation system and the installation location, care should be taken to minimize possible visual impacts on nearby properties. The Zoning By-law shall include provisions related to the siting of private green energy infrastructure in order to ensure the wilderness and semi-wilderness values of the Municipality are preserved. Stand-alone commercial green energy infrastructure projects shall not be permitted in proximity to Lake Temagami.

**K.4 ADDITIONAL DWELLING UNITS**

**K.4.1 Standard Secondary Dwelling Units in the Urban Neighbourhood**

K.4.1.1 Standard secondary dwelling units may be permitted in single detached or semi-detached dwellings or townhouses, or in a building or structure ancillary to a single detached or semi-detached dwelling or townhouse provided that:

- a) Not more than one standard secondary dwelling unit is permitted in association with each principal dwelling on the same lot;
- b) All requirements of the Zoning By-law, including the provision of adequate parking, of the Building Code and other relevant municipal and provincial regulations can be satisfied; and,
- c) It has been determined that municipal services and community facilities are adequate to meet the anticipated demand for secondary dwelling units.

**K.4.2 Garden Suites**

K.4.2.1 On lots not in the settlement area and not on a waterbody a garden suite may be permitted on the same lot as an existing single detached dwelling unit. Each application will be reviewed for eligibility and other considerations on a case by case basis, including:

- a) Located on a sufficiently large lot to ensure appropriate siting and buffering of the ‘garden suite’;
- b) Located where appropriate servicing can be provided;
- c) Anticipated that the occupant(s) will generally be elderly relatives of the owners/occupants of the main dwelling; and,
- d) Permitted on a temporary basis through a site specific, temporary use by-law.

### **K.4.3 Secondary Dwelling Units**

- K.4.3.1 A standard secondary dwelling units is a self-contained residential unit with a private kitchen, bathroom facilities and sleeping areas created by an interior renovation or exterior addition to the primary dwelling unit or accommodated within part of an accessory building. Such residential unit is an accessory use to the main dwelling.
- K.4.3.2 A cabin secondary dwelling unit is a self-contained residential unit with a private kitchen, bathroom facilities and sleeping areas that is the entirety of an accessory building. Such residential unit is an accessory use to the main dwelling
- K.4.3.3 A sleep cabin is an accessory building for sleeping accommodation that is not a residential premises and is an accessory use to the main dwelling, in which a private kitchen or bathroom facilities may be permitted. A sleep cabin is not a secondary dwelling unit.

### **K.4.4 Secondary Dwelling Units in the Rural Areas**

- K.4.4.1 Housing in the rural areas is currently limited to single detached dwelling units, in keeping with the existing character of the area and in recognition of the servicing constraints. The policies of this Plan contemplate the possible introduction of higher density residential uses in the form of condominium and similar developments, subject to the policies of this Plan. Standard secondary dwelling units are permitted in the Urban Neighbourhood and the rural area on non-shoreline residential lots, subject to the policies of this Plan. The Zoning By-law shall contain provisions to regulate the establishment of standard secondary dwelling units and cabin secondary dwelling units.
- K.4.4.2 Standard secondary dwelling units may be permitted in single detached dwellings or in a building or structure accessory to a single detached dwelling within the Urban Neighbourhood and the rural area on non-shoreline residential lots.
- K.4.4.3 Standard secondary dwelling units, cabin secondary dwelling units and sleep cabins on non-shoreline lots shall only be permitted provided:
- a) All requirements of the Zoning By-law, including the provisions to govern compatibility with the principal dwelling and surrounding land uses, as well as the size of the standard secondary dwelling unit or cabin secondary dwelling unit and other standards including the Ontario Building Code and other relevant municipal and provincial regulations can be satisfied;
  - b) It has been determined that on-site servicing, including a septic system and private wells, have sufficient capacity for the secondary dwelling unit;

- c) A standard secondary dwelling unit or cabin secondary dwelling unit shall not be permitted in the front yard or in the minimum distance from the shore as defined by the Zoning By-law; and,
- d) The standard secondary dwelling unit or cabin secondary dwelling unit shall comply to all other policies of this Plan.

#### **K.4.5 Sleep Cabins and Cabin Secondary Dwelling Units**

- K.4.5.1 Cabin secondary dwelling units and sleep cabins are permitted on shoreline lots subject to the policies of this Plan.
- K.4.5.2 Sleep cabins are accessory building used for sleeping and may include a washroom. Cabin secondary dwelling units are accessory buildings on waterfront lots that contain a washroom and a kitchen.
- K.4.5.3 Sleep cabins and cabin secondary dwelling units are permitted on waterfront lots within the rural areas of all Neighbourhoods, subject to the following policies and the provisions of the Zoning By-law.
- K.4.5.4 The size and number of sleep cabins and cabin secondary dwelling units on a lot affects the intensity of use on the property. In order to reduce visual impact, sleep cabins and cabin secondary dwelling units should be located no closer to the lake than the main residential dwelling or the minimum front yard setback (minimum distance from shore for shoreline lots) specified in the Zoning By-law whichever is the lesser.
- K.4.5.5 Sleep cabins are not permitted in the Urban Neighbourhood except in association with rural residential development.
- K.4.5.6 The maximum number of sleep cabins and cabin secondary dwelling units permitted on a residential lot in the Lake Temagami Neighbourhood is set out in the Zoning By-law.
- K.4.5.7 The total number of sleep cabins and cabin secondary dwelling units shall not detract from the main residential use of the property and shall not exceed a total of two per lot, only one of which may be a cabin secondary dwelling unit.
- K.4.5.8 Cabin secondary dwelling units may be permitted subject to an approved connection to an independent, on-site sewage disposal system. A cabin secondary dwelling unit shall be located on the lot so that the cabin secondary dwelling unit and the associated sewage disposal system could be severed from the remainder of the lot. Further, the minimum lot size for a lot with a cabin secondary dwelling unit shall be such that the severed and retained lots would conform to the provisions and standards for the Zoning By-law.

K.4.5.9 For the purpose of this section, a boathouse with sleeping accommodations that lawfully existed as of April 18, 2013 came into effect is deemed to be a sleep cabin.

## **K.5 HOME OCCUPATIONS**

### **K.5.1 General Policies**

K.5.1.1 Home occupations are permitted on lots within all Neighbourhoods. Home occupations shall only be carried out in part of a residential dwelling and/or part of or all of a building accessory to a dwelling, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling or the character of the dwelling or the lot.

K.5.1.2 Where a home occupation exists on a shoreline property, the sale of goods or the provision of a service shall only be permitted if adequate docking facilities can be provided and an unacceptable level of increased boat traffic does not result, and these activities do not become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

K.5.1.3 Home occupations shall be permitted in accordance with the Zoning By-law, however as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations.

## **K.6 HOME INDUSTRIES**

### **K.6.1 General Policies**

K.6.1.1 Home industries may be permitted in all or part of a building accessory to a dwelling, and/or in part of a single detached dwelling unit on a Residential lot in the Municipality.

K.6.1.2 Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the building for the use proposed, the potential impact of the home industry on adjacent residential areas, the size of the operation, the visual impact from the shore, and the potential for the home industry, including any outside storage to become a nuisance because of noise, fumes, dust, odour, traffic or to otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood, water quality, the environment and other matters as may be set out in the Zoning By-law.

K.6.1.3 There shall be no outside storage associated with the home industry, unless the storage area is limited in size to support the on-site use, and is completely screened and not visible from off site.

K.6.1.4 The Zoning By-law may prescribe minimum shoreline setbacks and vegetative buffer widths for home industry outside storage on water access lots. Relief from any such provisions shall only be considered if it has been demonstrated that due to lot configuration or physical or environmental constraints, it is not possible to comply with the provisions.

K.6.1.5 A Home Industry shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

## **K.7 CONTRACTOR'S YARD**

### **K.7.1 General Policies**

K.7.1.1 Contractor's yards may be permitted on a rural residential lot in all Neighbourhoods as an accessory use, subject to an amendment to the Zoning By-law and site plan approval in accordance with the following policies.

K.7.1.2 The contractor's yard shall be used for the outside storage of tools, equipment and in-transit building materials, except noxious or hazardous goods or materials and shall be screened by a solid vegetative buffer from the viewing public.

K.7.1.3 The contractor's yard shall:

- In the case of a lot fronting on a public road, be located in the rear yard;
- In the case of a lot fronting on both a public road and a lake, be located in the yard abutting the road;
- In the case of a water access lot, the contractor's yard may be located in any yard, but shall be screened from view from the shoreline; and,
- At all times be clearly incidental to the primary residential use of the property.

K.7.1.4 The Zoning By-law may prescribe minimum shoreline setbacks and vegetative buffer widths for contractor's yards on water access lots. Relief from any such provisions shall only be considered if it has been demonstrated that due to lot configuration or physical or environmental constraints, it is not possible to comply with the provisions.

## **K.8 BED AND BREAKFAST ESTABLISHMENTS**

### **K.8.1 General Policies**

K.8.1.1 A bed and breakfast establishment, licensed by the Municipality, is permitted within a single detached dwelling in the Urban Neighbourhood



provided that the physical character of the dwelling is not substantially altered. The single detached dwelling must clearly be the principal use of the land, the owner must live in the dwelling and the bed and breakfast must clearly be an accessory use to the dwelling. Bed and Breakfast accommodation shall not be provided in a sleep cabin or boathouse. The local health unit shall be consulted when a new bed and breakfast establishment is proposed and, if required, approval of this agency shall be first obtained before a bed and breakfast establishment begins operating. The implementing Zoning By-law shall define a Bed and Breakfast use and the appropriate zone provisions.

## **K.9 WILDLAND FIRE**

### **K.9.1 General Policies**

K.9.1.1 In accordance with the Wildland Fire Risk Assessment and Mitigation Manual provided by the Province, development shall be directed away from areas having hazardous forest types and development applications in areas of high to extreme risk for wildland fire must be supported by a risk assessment that identifies mitigation measures to lower the risk. Refer to Appendix 5 for mapping of the high to extreme risk areas.

## **K.10 URBAN DESIGN**

### **K.10.1 General Policies**

K.10.1.1 The Municipality is committed to strengthening the visual identity of the Municipality, particularly in the downtown core while maintaining the potential for diversity in style, density and form of development. All types of commercial development are encouraged to exhibit a high standard of physical design. The Municipality encourages both proposals for new development and redevelopment in commercial areas to consider the following urban design principles:

- Strengthen the visual identity of the downtown core;
- Consistent building setbacks along Highway 11;
- Appropriate signage for pedestrian and vehicular movement;
- Promote pedestrian friendly designs;
- Provide parking in rear of buildings where possible;
- Uniformity in architectural style;
- Barrier-free design standards;
- The use of native trees for shade / landscaping purposes;
- The use of local building materials such as rock and wood; and,
- Uniformity of landscape architecture elements and site furnishings (i.e., trash receptacles, benches, lighting, signage).

# L IMPLEMENTATION

---

## L.1 IMPLEMENTATION

### L.1.1 General Policies

L.1.1.1 This Plan shall be implemented utilizing the powers conferred on the Municipality by the *Planning Act*, the *Municipal Act* and such other statutes as may be applicable. Implementation tools may include but not be limited to the following:

- Zoning By-laws, in conformity with the provisions of this Plan and the Planning Act;
- Legislation pursuant to the Municipal and Building Code Acts;
- Subdivision control and part-lot control;
- Capital works programs and the construction of public works;
- Site Plan Control;
- Development Permits;
- Building Permits issued only in conformity with the Official Plan, the Zoning By-law and the Building Code Act;
- Holding By-laws;
- Temporary Use and Interim Control Bylaws;
- Other enabling legislation including but not limited to the Environmental Assessment Act, Environmental Protection Act, the Ontario Water Resources Act;
- Studies leading to the development of policies, diction, and implementation strategies; and,
- Agreements with the Province or the use and management of Crown lands.

## L.2 PLANNING ADMINISTRATION

### L.2.1 General Policies

L.2.1.1 In accordance with the *Planning Act*, Council may delegate authority given by the Minister under the *Planning Act* to a Committee of Council or an appointed officer.

L.2.1.2 Council may also delegate authority for granting minor variances and/or consent granting authority to a Committee of Adjustment.

L.2.1.3 Council may appoint a Planning Advisory Committee to make recommendations to Council on planning matters

**L.3 REVIEW AND MONITORING OF THE PLAN**

**L.3.1 General Policies**

L.3.1.1 The Municipality shall review the Official Plan at regular intervals in accordance with the requirements of the *Planning Act*. When necessary, the Plan shall be revised to reflect the changing needs of the residents of Temagami and to ensure consistency with the Provincial Policy Statement and other provincial plans, in accordance with the provisions of the *Planning Act*.

**L.4 AMENDMENTS TO THE PLAN**

**L.4.1 General Policies**

L.4.1.1 The Municipality may undertake amendments to the Plan on its own initiative. The Municipality may also consider, at the request of other levels of government, private individuals, companies or organizations, other amendments to this Plan. An amendment to this Plan is required to permit the establishment of uses other than those provided for and to change Settlement Area boundaries in accordance with the policies of this Plan. In considering an amendment to this Plan, the Municipality shall consider the following:

- a) Provincial Policy Statement and other Provincial Plans, legislation and regulations;
- b) The completion of supporting studies, information, and materials that may be required as part of a development application, in accordance with the policies for complete applications in this Plan;
- c) The desirability and appropriateness of changing the Official Plan to accommodate the proposed use in light of the General Development Policies of this Plan;
- d) The objectives and policies of this Plan;
- e) The need for the proposed use including justification for the amount of land proposed for a change in designation based on existing undeveloped lands available for development;
- f) Whether the lands are within or adjacent or in close proximity to fish habitat significant wetlands, significant woodlands, significant valley lands, areas of natural and scientific interest (ANSIs), significant wildlife habitat, significant habitat of endangered and threatened species, other locally significant natural heritage features and areas, and the subsequent results of an Environmental Impact Statement which is required for development and site alteration within or adjacent to these features;
- g) The effect on the economy and financial position of the Municipality;

- h) The compatibility of the proposed use with existing uses or potential uses in adjoining areas and the effect of such use on the surrounding area including the natural environment;
- i) The location of the site with respect to the transportation system, the adequacy of the potable water supply, sewage disposal facilities, solid waste disposal, and other municipal services as required including whether or not logical extensions to services could be provided; and,
- j) The physical suitability of the land for the proposed use.

L.4.1.2 In support of the application, the applicant shall consult with the Municipality and provide the prescribed information and any other information or material that the Municipality considers it may need, as set out in this Plan.

## **L.5 EXISTING USES**

### **L.5.1 General Policies**

L.5.1.1 It is the intent of this Plan that existing uses that do not conform to the provisions of this Plan shall, in the long term, be brought into conformity with this Plan. However, this Plan is not necessarily intended to prevent the continuation, expansion, or enlargement of uses that do not conform to the designations and provisions of this Plan. At its discretion, the Municipality may zone or grant minor variances to permit the continuation, expansion or enlargement of legally existing non-conforming uses, or as an exception to permit minor variations of existing uses to similar types of uses, provided that such expansions, enlargement or similar uses:

- a) Have no adverse effect on the present surrounding uses;
- b) Will not detrimentally effect the implementation of this Plan; and,
- c) Will not create or further aggravate a traffic hazard.

### **L.5.2 Non-Conforming Uses and Buildings**

L.5.2.1 Any use of land, buildings and structures that legally existed at the date of adoption of this Plan that do not conform to the land use designation within which it is located, may be recognized in the Zoning By-law as a legal non-conforming use. The enlargement of the lot area of the non-conforming use shall not be permitted. The buildings or structures within which such non-conforming use is located, may be expanded, provided that the expansion would not have a negative impact on the environment or abutting properties and the expansion is in accordance with all provisions of the Zoning By-law.

### **L.5.3 Non-Complying Lots and Buildings**

L.5.3.1 Lots that legally existed at the date of adoption of this Plan that do not comply with the minimum lot frontage and/or lot area requirements of this

Plan or buildings and structures that legally existed at the date of adoption of this Plan that do not comply with one or more zone provisions or standards may be recognized in the Zoning By-law.

L.5.3.2 A use that conforms to the policies of the Official Plan and the provisions of the Zoning By-law may be permitted to develop on a vacant non-complying lot provided that:

- a) The lot is suitable and of sufficient size to accommodate the use proposed and the necessary water and sewage disposal systems;
- b) The lot is in general character with the surrounding lots;
- c) The environmental and development constraints policies of the Plan can be addressed; and,
- d) Any other policies of this Plan respecting the development of an existing lot are satisfied.

L.5.3.3 The expansion of a non-complying building or structure may be permitted provided that the non-compliance is not exacerbated by the expansion and/or a new non-compliance is not created.

L.5.3.4 The Municipality may require the preparation of a site evaluation report to ensure that these matters can be properly addressed and that the lot, building and structure are suitable for the development proposed.

L.5.3.5 The adherence to coverage provisions, careful siting of development and maintenance or restoration of vegetation on existing undersized lots, particularly in the waterfront and rural areas, will be required and implemented through the Zoning By-law and site plan control to ensure that the intent of the Official Plan is maintained.

## **L.6 NOTIFICATION AND CONSULTATION**

### **L.6.1 Public Notice**

L.6.1.1 The Municipality shall provide notification of any *Planning Act* application, in accordance with the requirements of the *Planning Act*. Public notice shall take into consideration the geographic and temporal considerations of all ratepayers in the Municipality.

### **L.6.2 Public Consultation**

L.6.2.1 By using a variety of techniques, the Municipality shall encourage and provide the opportunity for public participation, when the Municipality is considering changes to this Plan, in accordance with the provisions of this Plan and the requirements of the *Planning Act*. Equitable participation in the land use planning process will be promoted.

L.6.2.2 The Municipality shall establish the public consultation program it feels will best be able to deal with the matters before it, recognizing that there are many non-permanent residents in the Municipality. Innovative methods to overcome barriers faced by seasonal residents will be developed to improve the municipal public consultation processes as well to facilitate the active participation of residents in the decision making process.

### **L.6.3 Public Education**

L.6.3.1 Council may undertake a program of planning education for all the residents of the Municipality whenever opportunities may arise and shall be satisfied that an adequate level of public understanding of the Plan exists at the time of formal approval and with any future amendments to the Plan, as they arise.

### **L.6.4 Indigenous Communities**

L.6.4.1 The Municipality shall notify the Band Council of the Indigenous Community of a complete application for Official Plan or Zoning By-law amendment, minor variance, or land division (subdivision, condominium or consent) which is proposed within the Municipality. The Municipality may notify the First Nation of an application that has been received for pre-application consultation.

L.6.4.2 Upon the request of the Indigenous Community, the Municipality will provide the Indigenous Community with copies of any supporting studies or documentation submitted in support of an application. Requests for supporting studies or documentation are more likely for applications such as a large-scale plan of subdivision or a change of use. The Municipality may require proponents to provide additional copies of supporting studies or documentation for the purpose of circulation to the Indigenous Community.

## **L.7 COMMUNITY IMPROVEMENT**

### **L.7.1 General Policies**

L.7.1.1 The Municipality, may by By-law, designate land in the Municipality as a 'Community Improvement Project Area' and will prepare a plan for that project area. The following matters should be considered in the preparation of a community improvement project plan:

- a) The basis for the selection of the project area;
- b) The boundary of the area;
- c) The land use designations and intent of the Official Plan;
- d) The nature of existing land uses, the physical condition of the buildings and structures;

- e) The existing level of services and the nature of improvements proposed to municipal infrastructure, such as roads, water supply, sanitary and stormwater sewers, public utilities, and other community and recreational facilities;
- f) The identification of properties proposed for acquisition and/or rehabilitation;
- g) The phasing of improvements to permit a logical sequence of events to occur without creating unnecessary hardship for area residents and/or businesses; and,
- h) The estimated costs, means of financing, and the potential for stimulating private sector investment and an improved municipal tax base.

## **L.8 LAND DIVISION**

### **L.8.1 Introduction**

L.8.1.1 The preferred means of lot creation shall be by Plan of Subdivision. Where a limited number of lots are proposed, new lots may be created by consent or by other mechanisms available under the Planning Act.

### **L.8.2 Consents to Sever Patented Land**

L.8.2.1 The Municipality of Temagami has consent granting authority to sever patented land. Applications to create new parcels on Crown land shall proceed in accordance with the Province's planning process however, the Municipality encourages the Province to consider the policies of each Neighbourhood and this Section during its deliberations.

L.8.2.2 Consents to sever land for the purpose of creating a new building lot shall only be granted where:

- a) The intended use of the severed and retained parcels conform with the intent and policies of this Plan;
- b) Generally the number of lots created does not exceed three;
- c) A registered plan of subdivision is not required;
- d) The size and dimensions of the severed and retained parcels comply to the provisions of the Zoning By-law;
- e) The application represents an orderly and efficient use of land and the severance would not hinder development of the retained lands;
- f) The size and dimensions of the severed parcel and the retained parcel, are adequate to accommodate the proposed use or uses;
- g) Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;
- h) The lot shall be subject to site plan control which shall include:

- Visual screening, setbacks, protection of vegetation, and landscaping;
  - Utilization of existing vegetation and topography to minimize visual impacts;
  - Lots with sparse or no vegetative buffer where the siting of buildings or structures have the potential for significant visual impact;
  - Buildings and structures located in the shoreline activity area;
  - Rehabilitation of vegetation disturbed due to construction and
  - Mitigation techniques to minimize impacts on surrounding development and uses.
- i) Adequate access to the severed and retained parcel can be provided;
  - j) If located within 500 metres of a known sanitary landfill site, a D4 Study has been completed in accordance with Provincial requirements;
  - k) Suitable lake access and adequate vehicle parking is available;
  - l) Where central sewage and water facilities are not available, it has been established that the soil and drainage conditions on the severed and retained parcels are suitable or can be made suitable to permit the proper siting of buildings and the installation of an approved water supply and Class IV or VI sewage disposal systems;
  - m) Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted;
  - n) The applicant, when required, has provided a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to mitigate the anticipated impacts of the development on the features;
  - o) The financial impacts on the Municipality have been considered;
  - p) The intended use is a permitted use in accordance with this Plan;
  - q) The applicant, when required, shall provide a study or studies acceptable to the Municipality that may include any of the required studies identified in the required studies section of this Plan;
  - r) Demonstration that the proposed lots have regard to Section 51(24) of the *Planning Act*;
  - s) Access to Provincial Highway or Maintained Municipal Road or Water access is provided. Or, the new lot is located on a private road and is within two (2) kilometres of a highway or maintained municipal road or is an infill lot between existing lots of record. All



- development on a private road shall demonstrate legal access and shall enter into a limited service agreement;
- t) Where access to the lot is by water, adequate long term parking and docking facilities and a receiver for garbage shall be secured to the satisfaction of the Municipality;
  - u) For waterfront lots, demonstration of a suitable dock locations; and,
  - v) The lot shall be subject to site plan control.

### **L.8.3 Crown Land Consent Policies**

L.8.3.1 In addition to the above policies, the following policies also apply to tenure created by the Crown for residential uses:

- a) In order to preserve the privacy of neighbouring properties and to mitigate auditory and visual intrusion, a Crown land buffer area shall be maintained between existing and new lots, as set out in the Zoning By-law. Notwithstanding the intent of the buffer policy, individual undeveloped Crown islands may be considered for single ownership development provided the other policies of this Plan and the provisions of the Zoning By-law can be met;
- b) The lot created by the Crown shall be located at least a minimum distance from any public access point accessible by motor vehicle, as set out in the Zoning By-law;
- c) The lot shall be located at least 500 metres from an existing tourist lodge;
- d) The lot shall be subject to a Zoning By-law amendment;
- e) The lot shall be located at least 500 metres from other land uses/activities such as approved campsites, trails, portages, beaches and 120 metres from spawning areas, and cultural heritage sites;
- f) The lot shall be at least 200 metres straight line distance from a residential lot;
- g) The lot shall be located to avoid sites on narrow boat channels and/or major canoe routes; and,
- h) The lot shall be subject to the policies of G.8.1 of this Plan.

### **L.8.4 Urban Neighbourhood**

L.8.4.1 In addition to the provisions of Section L.8.2, consents to sever land for the purpose of creating a new building lot in the Urban Neighbourhood shall also be subject to the following:

- a) The severed and retained parcels front on and have access to a municipal road that is maintained on a year round basis;
- b) Access to the severed or retained parcels shall not create, or increase, an existing traffic hazard due to limited site lines; and,

- c) Where the severed or retained parcel obtains its access from a provincial highway, approval of the access point shall be obtained from the Ministry of Transportation.

## **L.8.5 Plan of Subdivision**

L.8.5.1 A plan of subdivision is required when generally more than three residential lots are being created or when a new municipal road will be created, or when the extension of an existing municipal road will occur, or when an extension to municipal water and/or sewer services is necessary to support the development. In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety and welfare of the present and future inhabitants of the Municipality. In considering an application for approval of a draft plan of subdivision, the Municipality shall have regard to, and the applicant shall provide information to address to the satisfaction of the Municipality the matters outlined in Section 51(24) of the *Planning Act* and the following:

- a) All existing natural and cultural heritage features and functions within and adjacent to the subject lands both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to mitigate the anticipated impacts of the development on the features;
- b) The area of land that is to be conveyed or dedicated for public purposes; and,
- c) The financial impact on the Municipality.

L.8.5.2 Prior to filing a formal subdivision application, the applicant shall undertake a pre-consultation meeting with municipal staff and commenting agencies to ensure that all required supporting studies and documentation are identified and prepared by the applicant.

L.8.5.3 The Municipality may require that the applicant provide any other information or material that the Municipality considers it may need to adequately consider the application.

L.8.5.4 The Municipality shall attach to the approval of a plan of subdivision such conditions it deems appropriate.

## **L.8.6 Plan of Condominium**

L.8.6.1 In considering a plan of condominium, regard shall be had, among other matters, the requirements of Section 51(24) of the *Planning Act* and the following:

- a) The Condominium Act, other provincial legislation, policies, regulations and guidelines;
- b) Provision of adequate sewage and water service, amenities and public facilities;
- c) Impact on the transportation system and adjacent land uses;
- d) The condominium, condominium units and common elements are suitable for their intended use and implement the requirements of the implementing Zoning By-law;
- e) The feasibility of the proposal with regard to the other provisions of this Plan, provincial legislation, policies, regulations and guidelines and supporting studies for the use proposed.
- f) All existing natural and cultural heritage features and functions within and adjacent to the subject lands both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to mitigate the anticipated impacts of the development on the features;
- g) The area of land that is to be conveyed or dedicated for public purposes; and,
- h) The financial impact on the Municipality.

L.8.6.2 Prior to filing a formal condominium application, the applicant shall undertake a pre-consultation meeting with municipal staff and commenting agencies to ensure that all required supporting studies and documentation are identified and prepared by the applicant.

L.8.6.3 The Municipality may require that the applicant provide any other information or material that the Municipality considers it may need to adequately consider the application. The Municipality shall attach to the approval of a plan of condominium such conditions it deems appropriate.

## **L.9 ZONING BY-LAW**

### **L.9.1 General Policies**

L.9.1.1 This Plan shall be implemented, in part, through the enactment of a zoning by-law in accordance with Section 34 of the *Planning Act*.

L.9.1.2 Council may, in accordance with the provisions of Section 34 (16) of the *Planning Act* impose conditions in any by-law passed that regulates the use of land or the erection, location or use of buildings or structures, once regulations come into effect to support Zoning with conditions.

L.9.1.3 The size of a dwelling, combined with its location, will have a direct effect on the visual impact of the development. As such, the Zoning By-law may provide standards to limit dwelling size. Dwelling size may be regulated

through a combination of restrictions on the total footprint, floor area, width and height, combined with building setback and landscaping standards.

## **L.10 HOLDING ZONES**

### **L.10.1 General Policies**

L.10.1.1 In accordance with the provisions of the *Planning Act*, the Municipality may utilize a holding symbol '(H)'.

L.10.1.2 The holding symbol may be used anywhere in the Municipality in situations where the specific future use of the land is known or determined to be appropriate, but the development of the land is premature until a specific requirement is met. Demonstration of adequate services or site plan control are common reasons that a holding symbol is used.

## **L.11 INTERIM CONTROL BY-LAWS**

### **L.11.1 General Policies**

L.11.1.1 The Municipality may pass interim control by-laws pursuant to the provisions of the *Planning Act* where the Municipality has directed that a review or study be undertaken of land use planning policies in the Municipality or a defined area of the Municipality.

## **L.12 TEMPORARY USE BY-LAWS**

### **L.12.1 General Policies**

L.12.1.1 The Municipality may pass by-laws pursuant to the provisions of the *Planning Act* in order to authorize the temporary use of any land, buildings or structure.

L.12.1.2 A by-law authorizing a temporary use shall define the area to which it applies and set out the period of time for which the authorization shall be in effect but shall not exceed three years from the day of passing of the by-law. The Municipality may through a by-law, grant further periods of not more than three years each during which the temporary use is authorized. Once the by-law or extending by-law(s) has lapsed, the use shall cease and otherwise will be in contravention of the Zoning By-law.

L.12.1.3 Prior to the approval of a temporary zoning by-law, the Municipality shall be satisfied that the following is met:

- a) The proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in

reverting to the original use upon the termination of the temporary use provisions;

- b) The proposed use shall not be incompatible with adjacent land uses and the character of the surrounding area;
- c) The proposed use shall not require the extension or expansion of existing municipal services;
- d) The proposed use shall not create any traffic circulation problems within the area nor shall it adversely affect the volume and/or type of traffic serviced by the Municipal roads; and,
- e) Parking facilities required by the proposed use shall be provided entirely on-site.

L.12.1.4 Notwithstanding the policies contained in this Plan, the Municipality may authorize the temporary use of land which may not comply with the land use designation as established by the Official Plan, provided that such temporary use is determined to not have any detrimental effect upon the existing land uses in the area.

## **L.13 SITE PLAN CONTROL**

### **L.13.1 General Policies**

L.13.1.1 The Municipality shall enact a Site Plan Control By-law that recognizes all areas as being subject to Site Plan Control. The Site Plan Control By-law may establish uses or circumstances that do not require the execution of a Site Plan Control Agreement.

L.13.1.2 Prior to submitting an application for site plan approval, the applicant shall pre-consult with the Municipality.

L.13.1.3 Under Section 41 (7) of the *Planning Act*, and as a condition of granting Site Plan approval, Council may require the owner of a parcel of land to provide certain information, maintain certain works or facilities and enter into certain agreements with the Municipality. Some of the considerations that the municipality will have due regard for during the site approval process are:

- a) The preservation of the natural viewscape and landscape;
- b) The design of structures to ensure they are harmonious with the terrain and neighbourhood;
- c) That traffic areas and parking areas are safe and convenient; and,
- d) That surface water drainage will not negatively impact neighbouring properties.

L.13.1.4 The entire area covered by this Plan is hereby designated as a proposed site plan control area.

- L.13.1.5 The Municipality may, through by-law, designate the whole or any part of the proposed site plan control area as a site plan control area.
- L.13.1.6 In addition to detailing the location of buildings and structures, entrance locations, parking and loading spaces, the Site Plan Agreement shall address:
- a) The location of existing natural trees, shrubs and ground cover vegetation to be removed and retained;
  - b) The re-vegetation plan to take place during the post-construction and the timing of such re-vegetation; and,
  - c) The location of view/ventilation/access corridors from the shoreline to the buildings and structures on the site.

## **L.14 SHARING ECONOMY**

### **L.14.1 General Policies**

- L.14.1.1 The Municipality may use the tools available under the Planning Act and Municipal Act to regulate areas of the sharing economy.

## **L.15 FINANCIAL IMPACT DEVELOPMENT**

### **L.15.1 General Policies**

- L.15.1.1 It is the policy of the Municipality that new development shall bear the full cost of its share of growth related capital costs.
- L.15.1.2 It is the policy of the Municipality not to undertake any actions that would place the Municipality at financial risk.
- L.15.1.3 It is the policy of the Municipality to ensure that municipal costs attributable to new development are recovered through development charge levies or any other method of financing, in accordance with the *Development Charges Act*, the *Municipal Act* and/or any other applicable statutes.
- L.15.1.4 It is the policy of the Municipality, in reviewing any development proposal to consider the following matters to determine its financial impact on the municipality:
- a) The effect of the proposal on the municipal general tax levy;
  - b) the potential revenue-generating ability of the proposal; and,
  - c) Any other financial considerations that the Municipality may deem necessary.

**L.16 CASH-IN-LIEU OF PARKLAND**

**L.16.1 General Policies**

L.16.1.1 Cash-in-lieu of parkland is authorized by the *Planning Act* for park or public recreational uses. Cash-in-lieu may be required for residential severances or residential subdivisions at the rate of 5% or for commercial or industrial severances at the rate of 2%.

L.16.1.2 For the purpose of calculating cash-in-lieu under Section 42 of the *Planning Act*, the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment. Construction of a building on the land to be developed or redeveloped shall not commence unless the cash-in-lieu payment has been made or arrangements for payment have been made to the satisfaction of Council.

L.16.1.3 For the purpose of calculating cash-in-lieu under Sections 51 and 53 of the *Planning Act*, the value of the land shall be determined as of the day before the day of approval of the draft plan of subdivision or the day before the granting of the provisional consent is given.

**L.17 MAINTENANCE AND OCCUPANCY BY-LAWS**

**L.17.1 General Policies**

L.17.1.1 It is the policy of the Municipality to pass by-laws establishing minimum standards of maintenance and occupancy to conserve, sustain and protect the existing and future development in the Municipality.

**L.18 TREE REMOVAL & BLASTING**

**L.18.1 General Policies**

L.18.1.1 The Municipality may, from time to time, utilize the provisions of the *Municipal Act* to regulate or prohibit the destruction or injuring of trees or the removal of rock.

**L.19 PUBLIC WORKS**

**L.19.1 General Policies**

L.19.1.1 The construction of public works shall be used to implement the policies of this Plan.

L.19.1.2 No public works shall be carried out and no by-law shall be passed under the provisions of the *Planning Act* that are not in conformity with this Plan.

**L.20 SITE ALTERATION BY-LAW**

**L.20.1 General Policies**

L.20.1.1 The Municipality may pass a Site Alteration By-law when substantial alterations to the natural landscape are proposed or development is proposed in or adjacent to natural heritage features and areas.

**L.21 SEWER AND WATER ALLOCATION**

**L.21.1 General Policies**

L.21.1.1 When vacant lots that have been allocated sewer and/or water capacity remain vacant, the Municipality may re-allocate water and/or sewer capacity, as required to permit other development.

L.21.1.2 Where municipal sewer and water capacity has been re-allocated from vacant lots, Council shall place these vacant lots in a Holding Zone until such time that sewer and water capacity becomes available.

L.21.1.3 Council shall not draft approve any new lot or unit development by way of consent, plan of subdivision or condominium in the Municipality without first confirming there is sufficient existing sewer and water capacity available to provide the development with full municipal services. If there is capacity in only one of the two municipal systems, draft approval shall not be granted on the basis of partial services, except where necessary to address failed services, or because of physical constraints.

**L.22 PRECONSULTATION**

**L.22.1 Pre-Application Consultation**

L.22.1.1 If a person or public body files *Planning Act* application, the person or public body should and is encouraged to consult with the Municipality, prior to submitting a formal application, to among other things determine the information required in support of the application.

L.22.1.2 The Municipality may enact a Pre-consultation By-law that prescribes a pre-consultation process for the Municipality.

**L.23 COMPLETE APPLICATION**

**L.23.1 General Policies**

L.23.1.1 Certain supporting studies, information and materials shall be required as part of a development application, as identified throughout this Plan. The need, extent, and timing of such supporting studies, information and



materials shall be determined by the Municipality on a site-specific basis in consideration of the site's land use context and regard to the policies of this Plan.

L.23.1.2 Applicants seeking development approval shall participate in a pre-application consultation meeting to determine the information, supporting studies, and application materials that will be required as part of a complete application.

L.23.1.3 The following information and supporting studies may be identified during pre-application consultation as part of a complete application at the time of submission for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, Consent or Minor Variance in accordance with accepted professional standards and/or guidelines, as applicable:

- Deed and/or Offer of Purchase;
- Topographic Plan of Survey;
- Site Plan (Conceptual);
- Floor Plan and/or Elevations;
- Record of Site Condition (RSC);
- Municipal Financial Impact Statement;
- Draft Plan of Subdivision;
- Condominium Description; and/or,
- Other information relevant to the development and lands impacted by the proposed development.
- Owner's authorization, where agents are making applications;
- Planning Rationale Report;
- Retail Market Impact Study;
- Urban Design Study;
- Archaeological Study;
- Hydrogeological Study;
- Groundwater Impact Study;
- Environmental Impact Statement;
- Phase I Environmental Site Assessment (ESA);
- Approved Class Environmental Assessment;
- Noise and/or Vibration Study;
- Transportation Impact Study;
- On-Street Parking Study;
- Geotechnical Study;
- Functional Servicing Report;
- Stormwater Management Plan;
- Comprehensive Development Master Plan;
- Heritage Impact Study;

- Tree Survey and Protection Report including a Tree Retention Plan;
- Lot grading and Drainage Report;
- Lighting Study;
- Lakeshore Capacity Assessment as per the provincial Lakeshore Capacity Assessment Handbook;
- Aggregate Impact Assessment; and,
- Other supporting studies or information relevant to the development and lands impacted by the proposed development.

L.23.1.4 Supporting studies may vary in scope, depending upon the size, nature and intent of the development approval application and the site's land use planning context. Applicants of development approval applications shall be advised in writing by the Municipality of the required supporting study contents during the pre-consultation process.

L.23.1.5 At the discretion of the Municipality, supporting studies may be peer reviewed at the cost of the development proponent.

L.23.1.6 The following additional materials may be identified during pre-consultation as part of a complete application at the time of submission for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, Consent or Minor Variance:

- Completed application form;
- Current application fee; and,
- Draft proposed amendment, including schedules and text.

L.23.1.7 Under the provisions of the *Planning Act*, when the pre-consultation process for a proposed development approval application identifies the need for information, supporting studies, and materials, the application shall not be considered complete for processing proposes until the required information, supporting studies, and materials is prepared and submitted to the satisfaction of the Municipality.

L.23.1.8 Notification of a complete application shall be given in writing to the applicant and all other parties by the Municipality in accordance with the *Planning Act*.

L.23.1.9 The Municipality shall ensure that information, supporting studies, and materials provided by an applicant as part of a complete application shall be made available to the public for review.

L.23.1.10 While the need for additional studies may emerge through the circulation of the application, it is intended that at the conclusion of the pre-consultation meeting, the potential applicant will know what studies and material needs to be filed with the application to have a complete application.

# **M INTERPRETATION**

---

## **M.1.1 GENERAL**

M.1.1.1 Unless otherwise specified in this Plan, major deviations from the provisions of the text and Schedules A, B1, B2, C and D of this Plan shall require an amendment to this Plan.

M.1.1.2 In order to provide for flexibility in the interpretation of the numerical figures and quantities in the text, it is intended that such figures and quantities be considered to be approximate. However, where a maximum number of lots is specified, these are not flexible and are not subject to interpretation.

M.1.1.3 The examples of permitted uses are included in this Plan to illustrate the range of activities permitted in each designation. Specific uses shall be defined in the implementing Zoning By-law but shall not alter the intent of this Plan.

M.1.1.4 In the case of a perceived discrepancy between policies, the more restrictive policy shall apply.

## **M.1.2 Editorial Changes**

M.1.2.1 Council may make editorial changes to the Plan without notice and without amendment to this Plan to correct grammatical or reference errors, Ministry/agency change in name or function, punctuation, or to alter formatting, numbering, sequence or arrangement provisions, provided there is no change to any meaning, intent or interpretation of the Plan, including the Schedules.

## **M.1.3 Schedules**

M.1.3.1 Schedules A, B1, B2, C and D demonstrate the extent of the land use designations. Where the boundaries of the land use designations about a road, railway, transmission line, lake or watercourse, or any other physical feature, it is intended that these boundaries coincide with these features. In the backcountry area where boundaries of land use designations are not defined by identifiable physical features, boundaries shall be established by scaling from the Schedules. However, in doing so caution should be exercised. It is not the intent of this Plan that a distance scaled on a Schedule should be interpreted as a precise distance. There is some degree of flexibility in interpreting the location of a feature, if the only way of determining its location is through a measurement on a Schedule.

M.1.3.2 The boundaries between features shown on Schedules A, B1, B2, C and D are approximate except where they coincide with roads, railway lines, rivers, transmission lines, lot lines or other clearly defined physical features and in

these cases are not open to flexible interpretation. Where the general intent of the Plan is maintained, minor adjustments to boundaries will not require amendment to this Plan.

- M.1.3.3 Changes as a result of new information shall be made to Schedules A, B1, B2, C and D without amendment to this Plan.