OFFICIAL PLAN FOR THE TOWNSHIP OF O'CONNOR

Office Consolidation
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PREPARED BY:

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SECTION 1 - INTRODUCTION

1.1 PREAMBLE

The Township of O'Connor is located within the Planning Area of the Lakehead Rural Planning Board in the District of Thunder Bay in Northwestern Ontario. O'Connor is located west and south of the City of Thunder Bay and is bordered by the Township of Gillies to the south, Paipoonge to the east, Marks to the west and by the Township of Conmee to the north.

The Township is located in an area of the Province that has a unique history of development and economy based on the natural environment. The Township can be described as an area of rural development exhibiting a "rural" lifestyle having a local economy based on natural resources. The protection and maintenance of the rural environment is important to the residents of the Township. The concentration of development into distinct settlement areas is not a desired development pattern. The Township as a whole is considered to be a rural "settlement" area by the residents.

Currently, O'Connor does have official plan coverage and they do have an implementing zoning by-law. Through the preparation and approval of this Plan, the Township of O'Connor will have and up-dated Official Plan which conform to the Provincial Policy Statement.

1.2 GOALS OF THE PLAN

1.2.1 The goals and objectives of this Plan form the foundation of planning principles and provide direction to guide detailed policies and programs. The goals reflect the present and future needs and values of the Council and the residents of the Township.

1.2.2 The goals of this Official Plan are to:

(a) protect and maintain the rural quality of life in the Township;
(b) establish policies which manage and direct physical change and the effects on the social, economic and natural environment, of the Township, over the next 15 years;
(c) secure the health, safety, convenience and welfare of the residents of the Township;
(d) ensure the Township's resources are rationally used and natural features protected;
(e) permit the delegation of approval to the Township with respect to decisions regarding land use planning matters for such matters as consents, official plan amendments and plans of subdivision;
(f) qualify the Township for various programs funded by senior levels of government;

(g) provide policies which will encourage the expansion and diversification of the local economic base;
(h) provide policies that guide development that is environmentally compatible and supports sustainable development;
(i) inform the residents of the Township of the policies that affect the development of land;
(j) provide a guiding framework for implementing by-laws and for decisions of local boards, commissions, committees and other authorities; and

1.3 OBJECTIVES

1.3.1 The Municipality is committed to actively seeking and encouraging new development in the Township that maintains the rural quality of life, maintains the health of existing businesses and diversifies the economy. This Official Plan represents a step in this process.

1.3.2 The Council shall encourage patterns of development which facilitate the provision of local services with minimal or no impact on local finances.

1.3.3 The Council shall preserve and enhance, where possible, the environmental quality of the area and minimize impacts of land uses on the natural environment and protect the integrity of ecosystems.

1.3.4 The Council shall encourage recreational opportunities that are compatible with the natural environment and are economically feasible.

1.3.5 The Council shall have regard for the importance of natural resources within the Township with respect to the contribution to the economic, social and well being of the Township and its residents.

1.36 The Council shall encourage the creation of housing which is affordable, accessible, adequate and appropriate to the full range of households in the Township and shall encourage that an adequate supply of land is available to meet the housing needs of the residents of the Township.

1.3.7 With this Plan, the Council has achieved the goal of establishing a policy framework for the future, to address the unique circumstances in O'Connor Township.

1.4 AMENDMENT AND REVIEW

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

1.4.2 All official plan amendments are subject to the approval of the Minister of Municipal Affairs and Housing.

1.5 RESPONSIBILITIES OF THE MUNICIPALITY OF THE TOWNSHIP OF O'CONNOR

1.5.1 With respect to official plans, the Municipality of the Township of O'Connor has the responsibility to:

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

1.6 OFFICIAL PLAN

1.6.1 This document constitutes an Official Plan of the Municipality of the Township of O'Connor and has been prepared in accordance with the provisions of the Ontario Planning Act, R.S.O. 1990, c.P.13, 1996 Edition.

1.7 TITLE

1.7.1 This Plan may be known as the "Official Plan for the Township of O'Connor".

1.8 SCOPE

1.8.1 This Plan applies to all lands within the Municipality of the Township of O'Connor.

1.9 PUBLIC WORKS

1.9.1 Any public works undertaken in the Township of O'Connor shall conform to the policies of this Plan, in accordance with Section 24 of The Planning Act.

1.10 ZONING BY-LAWS

1.10.1 All zoning by-laws passed after this Plan is in effect shall conform to the policies of this Plan.

1.11 PRIVATE INTERESTS

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

1.12 APPROVAL AUTHORITY

1.12.1 The Municipality of the Township of O'Connor shall encourage and actively seek the delegation of consent granting authority and municipal plan review authority from the Ministry of Municipal Affairs and Housing.

The delegation of consent granting authority and municipal plan review from the Ministry of Municipal Affairs and Housing to the Municipality of the Township of O'Connor is consistent with Provincial policy to provide local autonomy and empowerment to townships.

SECTION 2 - GENERAL PROVISIONS

2.1 GENERAL

2.1.1 The following land use policies apply to all lands in O'Connor Township unless specifically mentioned for exclusion.

2.1.2 The designation of land for a particular use in this Plan only indicates that the land so designated may be considered for the designated use, subject to the more detailed criteria of this Plan and other legislation. There is no guarantee that any individual parcel may be used for any permitted use in a particular designation.

2.1.3 Mobile Home Parks shall not be allowed in the Township of O'Connor as the density and servicing requirements are not compatible with the desired rural environment.

2.2 ZONING

2.2.1 The policies of this Plan and all land use designations shall be implemented through a Zoning By-law. Any land use designation may have more than one zone category that regulates and controls the permitted uses.

2.3 LOT CREATION

2.3.1 The division of land shall take place by consent only. Subdivision of land by new plans of subdivision shall not be permitted. Development by new plans of subdivision does not maintain the rural character and environment of the Township.

2.3.2 Consents shall only be granted that conform with the policies of this Plan and provided that:

(a) the retained and severed lot(s) can be adequately and safely serviced by private water supply and private sanitary sewage disposal systems;
(b) the soil and drainage conditions are adequate for the proposed use and permit the proper siting of buildings and the installation of private sewage disposal systems;
(c) the lands front onto a public road that is maintained year round by the Township or the Ministry of Transportation and is of an acceptable standard of construction as determined by the Township;
(d) no traffic hazard is created by the consent and safe access/egress to the retained and severed lot(s) is feasible;
(e) the consent does not result in land use conflicts with existing nearby uses.
(f) the requirements of the Minimum Distance Separation I criteria shall be adhered to when a consent is being proposed in proximity to existing livestock operations;
(g) the lot size and configuration shall be suitable for the proposed use and, where possible, be consistent with adjacent development;
(h) the consent does not result in land locked parcel(s) being created.
(i) a parcel held under unity of ownership as of November 1, 1997 is not subdivided by consent into more than two (2) parcels, exclusive of the retained parcel, except for the purpose of boundary adjustment, partial discharge of mortgage, easements and rights-of-way;
(j) where only one consent has been granted from a parcel held under unity of ownership as of Novemer 1, 1997, the potential for an additional consent in conformity with this Plan shall remain with the retained parcel

unless the retained parcel cannot be severed under the existing provisions of this Plan and the Zoning By-law; and

(k) notwithstanding the above paragraphs (i) and (j), parcels previously held under unity of ownership prior to March 31, 1979, that have since merged on title, and are defined for purposes of the Planning Act as one lot, containing 160 acres or more are not thereafter subdivided by consent into more than four (4) parcels, which shall mean one (1) retained and three (3) severed parcels, except for the purposes of boundary adjustment, partial discharge of mortgage, easement and right-of-way.

(l) the consent policies, in terms of numbers of lots permissable from a parcel held under unity of ownership as of November 1, 1997, shall be reviewed at the next five year review of this plan.

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

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

2.3.4 Consents for non-aggregate uses shall not be permitted in areas of high or moderate aggregate resource potential unless it can be demonstrated to the satisfaction of the Ministry of Natural Resources and the Municipality of the Township of O'Connor that:

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

2.3.5 Consents for non-aggregate use may be permitted on lands within 90 metres abutting high or moderate aggregate resource areas provided:

(a) there is no negative impact on an existing or future aggregate extraction operation; and
(b) no negative land use impact will result from the existing or future aggregate use on the non-aggregate use, i.e. noise, dust, traffic impacts.

2.3.6 Consents shall not be permitted in mineral resource areas that precludes or hinders future access to, and use of these resources, unless it can be demonstrated to the satisfaction of the Ministry of Northern Development and Mines and the Township of O'Connor that:

(a) the use of the resource is not feasible; and

(b) the existing or proposed use serves the greater long-term interest than the resource.

2.3.7 Consents shall not be permitted in agricultural areas except for the following:

(a) for primary agricultural uses;
(b) for existing agriculture-related uses;
(c) for a severance of a habitable residence surplus to an agricultural operation as a result of farm consolidation;
(d) residential infilling;
(e) for a farm retirement lot for a farmer retiring from active working life;
(f) for infrastructure that cannot be accommodated through easements or rights-of-way; and
(g) for legal or technical reasons

Consents regarding these exceptions in agricultural areas shall be to the satisfaction of the Ministry of Agriculture, Food and Rural Affairs and to the Township of O'Connor.

2.3.8 Residential infilling in agricultural areas means the creation of a residential lot between two existing non-farm residences on separate lots which are situated on the same side of the road and not more than 100 metres apart.

2.3.9 Consents shall not be permitted in any hazardous site that could be unsafe as a result of naturally occurring or man-made hazards unless it can be demonstrated that the hazard will not result in public health, safety or potential property damage to the satisfaction of the Ministry of Natural Resources, Ministry of Northern Development and Mines and/or the Ministry of the Environment and Energy and the Township of O'Connor.

A hazardous site may include unstable lands or areas subject to change as a result of:

(a) previous use such as sites used for petroleum operations;
(b) sites prone to erosion, unstable slopes and steep banks;
(c) unstable soils or bedrock; and
(d) sites containing orphaned wells, suspended wells, capped wells, underground caverns and areas of past mining activity.

2.3.10 The following may be considered as conditions of consent by the Township of O'Connor:

(a) that the Zoning By-law be amended, if required;
(b) that an access permit be granted by the Ministry of Transportation for consent on a provincial highway;
(c) that approval be obtained from an approval authority recognized and designated by the Township of O'Connor for the suitability of operating a sewage disposal system;
(d) that any necessary land for road widening, allowances or easements be dedicated to the township or appropriate authority;
(e) that the applicant improve road access, grading, drainage, etc. to a standard satisfactory to the township; and
(f) any other condition reasonable to the granting of the consent.

2.4 PROVINCIAL HIGHWAYS

2.4.1 In addition to the requirements of the Township of O'Connor, all development adjacent to provincial highways is subject to the requirements and permits of the Ministry of Transportation.

2.5 CULTURAL HERITAGE PRESERVATION

2.5.1 The Township of O'Connor shall encourage the conservation, protection and rehabilitation of heritage resources, as well as encourage and foster public awareness, participation and involvement in the conservation of these resources. Heritage resources include, but are not limited to the following:

(a) archaeological remains and sites;
(b) buildings and structural remains of historic, architectural and contextual value; and
(c) man-made rural and village districts or landscapes of historic and scenic interest.

2.6 LAND USE COMPATIBILITY

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

2.7 CONTAMINATED SITES

2.7.1 A preliminary site audit will be necessary to assess the nature and extent of possible contamination when development is proposed on a potentially contaminated site.

Contaminated sites may include, but are not limited to, sites for industrial, transportation or utility purposes.

2.7.2 If necessary, a full environmental audit/decommissioning report shall be undertaken and a site remediation plan prepared and implemented by a qualified consultant, in accordance with the Ministry of the Environment and Energy's policies and guidelines, and in consultation with the Township of O'Connor prior to development approval being granted.

2.8 ACCESSORY USES

2.8.1 Where a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory and essential to the use will also be permitted.

2.9 DRAINAGE

2.9.1 The management and removal of stormwater is the responsibility of the property owner and must be managed to the satisfaction of the Ministry of Natural Resources and the Ministry of Environment and Energy.

2.9.2 No development shall be permitted which would interfere with or reduce the drainage capacity of any natural watercourse or where the watercourse represents a hazard to the proposed development.

2.9.3 Any development which involves the channelization, diversion, damming, walling and dredging of a natural watercourse, or the installation of a culvert, causeway or dock in a natural watercourse, is subject to the approval of the Ministry of Natural Resources in accordance with the provisions of the Lakes and Rivers Improvement Act and the Ministry of the Environment and Energy in accordance with the Ontario Water Resources Act and the Lakehead Region Conservation Authority.

2.10 CROWN LANDS

2.10.1 The Ministry of Natural Resources is encouraged to have regard for the policies and schedules of this Plan and to consult with the Township of O'Connor with respect to the use and disposition of Crown Lands.

2.10.2 Authorization for occupation or use of Crown Lands is required from the Ministry of Natural Resources.

2.10.3 The Ministry of Natural Resources is encouraged to obtain a letter of approval from the Township of O'Connor prior to the issuance of work permits on Crown Lands.

2.10.4 The Township of O'Connor recognizes that resource management activities on Crown Lands are desirable for environmental, social and economic reasons. Resource management activities shall be conducted in accordance with the standards and guidelines established by the Ministry of Natural Resources.

2.10.5 Development proposals on lands adjacent to Crown Lands shall be reviewed in consultation with the Ministry of Natural Resources.

2.11 HOME INDUSTRIES AND HOME OCCUPATIONS

2.11.1 Home occupations and home industries shall be permitted in the Rural area provided they are not offensive or create a nuisance as a result of noise, hours or operation, odour, traffic generation or other means and shall not detract from the principal residential use.

2.11.2 The Zoning By-law shall contain regulations with respect to home industries and home occupations. These regulations shall indicate, among other matters, the zones in which home industries and home occupations are permitted, the types of activities which shall be considered as home industries and home occupations and appropriate buffering for home industries.

2.11.3 Generally, home occupations shall include occupations or professions which are conducted entirely within a dwelling unit, while home industries are conducted primarily within an accessory building.

2.11.4 The home industry or home occupation shall be secondary to the main use of the property and not generate adverse or incompatible effects with the surrounding area. The home industry or home occupation shall relocate to an appropriately zoned site at such time when the home industry or home occupation can no longer be considered secondary to the main residential use of the property.

2.12 GROUP HOMES

2.12.1 Group homes are permitted in all areas in which residential uses are permitted.

2.12.2 A Group Home is defined as a housekeeping unit in a residential dwelling in which up to six (6) residents, excluding staff, live as a family under responsible supervision.

2.12.3 The following group homes will be permitted in all areas where residential development is permitted:

(a) Accommodation Services for the Developmentally Handicapped;
(b) Satellite Residences for Seniors; and
(c) Homes for Special Care.

2.12.4 All group homes shall be licensed or approved under provincial statute and be in compliance with the Zoning By-law.

2.12.5 No group home shall be established within one (1) kilometer of another group home.

2.13 BED AND BREAKFAST

2.13.1 Bed and Breakfast establishments may be permitted in areas residential uses are permitted subject to an amendment to the Zoning By-law, and based upon the following criteria:

(a) a Bed and Breakfast establishment shall be located on an open road maintained year round by the Township of O'Connor or the Ministry of Transportation;
(b) a Bed and Breakfast establishment shall have sufficient site area to accommodate on-site recreation amenities, adequate on-site parking and provide adequate buffering for any adjacent use; and
(c) a Bed and Breakfast establishment shall be located in an existing residential dwelling which requires no external expansion to accommodate the proposed tourist facility.

2.14 WAYSIDE PITS AND QUARRIES

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

2.14.2 Wayside pits and quarries shall be permitted throughout the Township except for the following:

(a) in areas zoned residential;
(b) within 250 metres of an existing residential use; and
(c) where severe environmental disruption will occur.

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

2.14.4 The Ministry of Transportation shall ensure that wayside pits and quarries used for its purposes are rehabilitated to the satisfaction of the Township of O'Connor. Progressive rehabilitation of wayside pits and quarries shall be encouraged.

2.15 PORTABLE ASPHALT PLANTS

2.15.1 A portable asphalt plant means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process. A portable asphalt plant is not of permanent construction, but is designed to be dismantled and moved to another location as required.

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

(a) in areas zoned residential;
(b) within 250 metres of an existing residential use; and
(c) where severe environmental disruption will occur.

2.15.3 Portable asphalt plants shall be permitted without an amendment to this Plan or the Zoning By-law provided the Township of O'Connor is given adequate notice and an opportunity to express concern regarding the location of the plant.

2.15.4 Portable asphalt plants shall be removed from the site upon completion of the road project. Sites used for portable asphalt plants within agricultural areas shall be rehabilitated to their former agricultural capability.

2.16 ENVIRONMENTAL PROTECTION

2.16.1 No development shall be permitted that results in the degradation of the quality and integrity of an ecosystem including air, water, land and plant and animal life.

Where the quality and integrity of an ecosystem has been diminished, the Township shall encourage its restoration or remediation to healthy conditions.

SECTION 3 - LAND USE POLICIES

3.1 GENERAL

3.1.1 Land use designations have been established for the Township of O'Connor.These land use designations have related functions and do not ordinarily conflict with one another.

For each of the land use designations, development control and constraint policies have been prepared. The Land Use Plan as detailed on Schedule "A" illustrates the land use designations and Schedule "B" identifies the development constraints within the Township. Schedules "A" and "B" should be read together in conjunction with the policies of Section 3 and 4.

3.1.2 The intent of this section of the Plan is to promote the optimum land use function by minimizing land use conflicts and providing an attractive development pattern consistent with the rural setting and economic development of theTownship.

3.2 RURAL

3.2.1 It is the intent of this Plan to protect the rural character and environment of the Township of O'Connor. The Township is capable of supporting development that is resource and non-resource based. It is not realistic to attempt to precisely define where these uses may best occur. Rather, a general Rural land use designation in which these uses can be accommodated in accordance with the specific policies of this Plan and through implementation of the Zoning By-law and zoning amendments, would allow flexibility in determining the appropriate uses of land.

3.2.2 The Rural area is characterized as a low density, multi-purpose area in which a variety of land uses can be accommodated in a compatible manner. Land designated as Rural is shown on the Land Use Plan, Schedule "A".

3.2.3 Permitted uses in the Rural area include rural residential dwellings, commercial, industrial, institutional and recreational uses in accordance with the specific policies of this Plan. It is also the intent of the Rural designation to permit and encourage such rural uses as forestry, aggregate resource extraction, pits and quarries, agriculture, mining and mineral exploration, resource management and conservation uses. In addition, the existing waste disposal site is permitted.

3.2.4 It is the intent of the Rural land use designation to:

(a) maintain the low density rural character of the Township;
(b) provide flexibility by permitting a variety of land uses;
(c) allow development of natural resources and economic activities in a manner compatible with the rural character;
(d) protect potential aggregate operations from incompatible land uses and ensure their viability; and
(e) protect existing agricultural operations from incompatible land uses and ensure their long term viability.

3.2.5 While land in the Rural designation may be developed for a variety of uses, regard shall be given to ensure that development is compatible with surrounding land uses and appropriate for the site before development approval is given. Development within the Rural area shall not conflict with existing livestock operations and must comply with the Minimum Distance Separation I criteria, as amended from time to time.

3.2.6 A limited number of rural residential uses shall be permitted in the Rural designation on existing lots of record and on lots created through the consent process in accordance with the consent policies of this Plan (Section 2.3) and provided that:

(a) one single detached dwelling be permitted on one lot;
(b) new rural residential uses should be a reasonable distance from industrial uses to minimize the adverse effects of odour, dust, noise, vibration and other contaminants;
(c) new rural residential uses adjacent to areas of high or moderate aggregate potential shall be located a minimum of 90 metres from the side and rear lot lines. Existing lots of record that cannot accommodate this standard shall obtain a minor variance to the zoning by-law as long as the intent of the separation distance and buffering is maintained;
(d) new rural residential uses shall not conflict with existing agricultural operations and must comply with the Minimum Distance Separation I criteria, as amended from time to time; and
(e) new lots for rural residential uses should be a minimum area necessary for the use permitted and the installation of a private water supply and sanitary sewage disposal system approved by the appropriate approval authority. However, no new residential lot shall be smaller than 2.0 hectares, or have a lot frontage less than 90 metres.

3.2.7 Agricultural uses including livestock and poultry uses, greenhouses, horticulture, forestry and conservation uses, agriculture related commercial and industrial uses, and farm related residential uses shall be permitted in the Rural designation. New or expansions to existing livestock operations shall comply with the Minimum Distance Separation II criteria, as amended from time to time.

3.2.8 Commercial and industrial uses providing personal, professional or retail services or relating to natural resources shall be permitted in the Rural designation provided that:

(a) commercial and industrial uses generating high volumes of traffic or heavy truck traffic preferably be located on provincial highways or in areas that are located in close proximity to provincial highways;
(b) small scale commercial and industrial uses or recreational commercial uses should be located on provincial highways or on open roads maintained year round by the Township of O'Connor;
(c) buffering shall be provided where a commercial or industrial use is located adjacent to a residential or recreational use;
(d) there is no adverse impact on the amenity and character of the rural environment;
(e) adequate parking is provided;
(f) an amendment to the Zoning By-law is required;
(g) small scale processing of forest products, such as portable sawmill operations, are considered an industrial use and are permitted in the Rural area provided that no equipment or machinery is located:
    (i) within 120 metres of a residential lot or a lot used for recreational, institutional or commercial uses; and
    (ii) within 30 meters of any road or road allowance.
(h) aggregate processing operations, such as crushing, screening and washing of aggregate products are considered an accessory use to an aggregate extraction operation and are permitted in the Rural area provided setbacks for buildings, machinery and equipment from lot lines is determined on a site specific basis in consultation with the Council for the Township of O'Connor and with the Ministry of the Environment and Energy through the issuance of a Certificate of Approval; and
(i) related aggregate industrial uses such as asphalt plants, concrete batching plants and aggregate recycling operations shall also be permitted without an amendment to this Plan provided they are compatible with adjacent land uses and are permitted in the Zoning By-law.

3.2.9 Aggregate extraction operations shall be allowed in the Rural designation in areas of high and moderate aggregate potential areas provided that:

(a) the operation is compatible with surrounding land uses;
(b) adequate buffering is provided;
(c) an amendment to the Zoning By-law is required;
(d) a development agreement is required between the land owner, the aggregate operator and the Municipality of the Township of O'Connor.

The agreement shall address the following matters, but not be limited to:
    (i) hours of operation;
    (ii) location of proposed buildings, machinery and equipment;
    (iii) setbacks, landscaping and buffering;
    (iv) stormwater management;
    (v) existing and anticipated final grades of excavation;
    (vi) access/egress;
    (vii) haulage routes;
    (viii) improvements/maintenance to local roads as a result of increased truck traffic on existing roads; and

(ix) site rehabilitation.

(e) there is a need for additional aggregate extraction operations;

(f) the Ministry of the Environment and Energy is satisfied with respect to the disposal of liquid wastes, pumping operations and the control of air and noise pollution, among other matters; and

(g) no excavation, building, equipment, machinery or stockpiling of material is allowed:

(i) within 90 metres of a lot line of an adjacent lot used for residential,recreational, institutional or commercial purposes;

(ii) within 30 metres of any road or road allowance; and

(iii) a quarry with blasting operations is to be setback a minimum of 450 metres from a residential building.

3.2.10 Institutional uses that provide local public services such as schools, public offices, churches, cemeteries and fire halls are permitted in accordance with the following:

(a) adequate parking is provided;

(b) adequate buffering is provided where necessary; and

(c) an amendment to the Zoning By-law is obtained;

3.2.11 Lands used for forestry purposes as defined by the Forestry Act includes the production of wood and wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation and protection and production of water supplies. Forestry uses shall be allowed without an amendment to the Zoning By-law. The processing of forest products is considered an industrial use and subject to the policies of 3.2.8.

3.2.12 Lands used for public or private recreational purposes are permitted in accordance with the following provisions:

(a) an amendment to the Zoning By-law is required;

(b) development shall only take place in areas suitable for the use taking into consideration the location, surrounding uses, water quality, drainage, soil conditions and traffic generation;

(c) development shall take place only after consultation with the Ministry of the Environment and Energy and the Ministry of Natural Resources; and

(d) a development agreement pursuant to Section 41 of the Planning Act may be required.

SECTION 4 - DEVELOPMENT CONSTRAINTS

4.1 GENERAL

4.1.1 The Township exhibits various development constraints with respect to future development of property as a result of physical conditions of the land,

environmental concerns, presence of non-renewable natural resources, hazardous sites, etc. The areas containing development constraints are illustrated on Schedule “B”. The policies of this Section should be read together with Section 3 - Land Use Policies and in conjunction with Schedule “A” the Land Use Plan.

4.1.2 It is the intent of this section to provide policies that provide for the protection, control and/or mitigation of development constraints thereby minimizing land use conflicts with respect to future development.

4.2 AGGREGATE RESOURCE AREAS

4.2.1 It is the intent of this Plan to protect those areas with high and moderate aggregate potential for aggregate use. These areas shall be protected from land uses which are incompatible with possible future extraction of the aggregate resource.

4.2.2 Consents for non-aggregate land uses may only be permitted in aggregate resource areas or on lands abutting high and moderate aggregate potential in accordance with the provisions of Section 2.3.4 and 2.3.5.

4.2.3 In addition, non-aggregate uses such as residential, commercial and industrial uses, may be permitted in aggregate resource areas where it can be demonstrate that:

(a) the extraction of aggregate resource has been exhausted;
(b) land use conflicts would not result from the development of a non-aggregate use on the surrounding area; and
(c) appropriate buffering and separation distance measures can be accommodated on the site.

4.2.4 Other non-aggregate uses such as forestry, agriculture, conservation, fish and wildlife uses, shall be permitted provided these uses will not preclude future extraction of the resource.

4.2.5 Rehabilitation of exhausted pits and quarries shall be encouraged and implemented through a site rehabilitation plan.

4.3 MINERAL AND PETROLEUM RESOURCE AREAS

4.3.1 Mineral and petroleum resource operations, deposits and areas of potential mineral and petroleum resources will be protected from incompatible land uses.

4.3.2 Land uses that preclude or hinder future access to and use of mineral and petroleum resources shall not be permitted unless it can be demonstrated that

the use of the resource is not feasible and the proposed use serves a greater long-term public interest than does the resource.

4.3.3 Development on lands adjacent to mineral and petroleum resource operations or adjacent to areas of deposits will be permitted if:

(a) the development would not preclude or hinder the continuation of existing operations;
(b) the development would not preclude the development of the resource; and
(c) issues of potential public health and safety and environmental protection are addressed.

4.3.4 Rehabilitation of mineral and petroleum resources lands will be required after extraction and other related activities have ceased.

4.3.5 Development will be restricted in areas of past mining activity until it can be demonstrated to the satisfaction of the Ministry of Northern Development and Mines that the area does not constitute an abandoned mine hazard or until measures have been taken to address and mitigate known or suspected abandoned mine hazards that may impact on the proposed development.

4.4 PRIME AGRICULTURAL AREAS

4.4.1 Prime agricultural areas are areas predominately comprised of Class 1, 2, and 3 agricultural soils according to the Canada Land Inventory and include prime agricultural areas as identified on Schedule B.

4.4.2 Prime agricultural areas will be protected for agricultural uses including primary agricultural uses, secondary agricultural uses and agriculturally related uses.

4.4.3 Non-agricultural uses are not permitted within prime agricultural areas except for residential infilling in accordance with Section 2.3.8. New infrastructure may be permitted after it has been approved through an environmental assessment process.

4.4.4 Consents in prime agricultural areas may be permitted in accordance with the provisions of Section 2.3.7.

4.4.5 Lots created for residential uses as a result of a consent should be located to avoid the most productive portion of the farm, where possible and in accordance with the Minimum Distance Separation I criteria.

4.4.6 Mineral aggregate extraction may be permitted on areas of prime agricultural lands provided that the site is rehabilitated so that relatively the same area and the same average soil quality is restored.

4.5 WETLANDS

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

4.5.2 Development may be permitted in provincially significant wetlands and adjacent lands, provided it can be demonstrated by an Environmental Impact Study to the satisfaction of the Ministry of Natural Resources and the Township that the development does not result in the following:

(a) loss of wetland functions;
(b) subsequent demand for development will negatively impact on existing wetlands functions; and
(c) conflicts with existing wetland management practices.

4.5.3 Existing agricultural activities are permitted in provincially significant wetlands and adjacent lands.

4.5.4 New utilities/facilities shall be located outside provincially significant wetlands, where possible.

4.6 FORESTRY

4.6.1 Forest resources provide a significant economic, social and environmental benefit in the form of:

(a) income from forest products;
(b) recreation;
(c) education;
(d) soil and water conservation;
(e) wildlife habitat;
(f) buffers between land uses; and
(g) natural amenities.

4.6.2 Property owners are encouraged to seek the assistance of the Ministry of Natural Resources in the management of their forest resources.

4.6.3 The maintenance of forest cover along river and stream banks is encouraged.

4.6.4 Reforestation in areas where forest resources have been depleted is encouraged.

4.7 WILDLIFE

4.7.1 Wildlife areas include wildlife habitat areas, feeding and nesting areas and areas that provide protection, cover and food, that combined contribute to self-sustaining wildlife populations.

4.7.2 Development that would negatively impact on wildlife resources is restricted. An Environmental Impact Study, completed to the satisfaction of the Ministry of Natural Resources and the Township, may be required to assess the impacts of proposed development on wildlife resources.

4.7.3 Property owners are encouraged to seek the assistance of the Ministry of Natural Resources in the management of wildlife resources.

4.7.4 Opportunities to maintain, enhance and improve the quality of air, land, water and plant and animal life and maintain the biodiversity of indigenous natural systems and the protection of natural links and corridors used for wildlife migration is encouraged.

4.8 FISHERIES

4.8.1 Fish habitat areas include spawning grounds and nursery, rearing, food and migration areas on which fish depend on in order to carry out their life cycle.

4.8.2 Development may be permitted provided it does not harmfully alter, disrupt or destroy fish habitat areas and there will be no net loss or net gain of productive capacity of the fish habitat area.

4.8.3 Opportunities for fish resource management is encouraged in consultation with the Ministry of Natural Resources.

4.8.4 Where development will result in harmful alteration, disruption, or destruction of fish habitat, prior authorization of the federal Department of Fisheries and Oceans in required under the federal Fisheries Act.

4.9 AREAS OF NATURAL AND SCIENTIFIC INTEREST

4.9.1 Areas of Natural and Scientific Interest (ANSI'S) mean areas of land and water containing natural features which have been identified as having value related to natural heritage protection, scientific study or education.

4.9.2 Areas of Natural and Scientific Interest shall be protected.

4.9.3 Development may be permitted that does not negatively impact on the natural features or ecological functions for which the area has been identified.

4.10 USE LIMITATION LANDS

4.10.1 Lands subject to a Use Limitation shall be zoned in the Zoning By-law. An amendment to the Zoning By-law is required to remove lands from the Use

Limitation zone category provided appropriate site mitigation/rehabilitation has occurred, if necessary, and shall be to the satisfaction of the Ministry of Natural Resources, the Lakehead Region Conservation Authority and the Township of O'Connor.

4.10.2 Development shall not be permitted in areas where conditions or location may pose a danger to public safety or public health or result in property damage.

4.10.3 Property owners are encouraged to provide a coordinated approach to the use of land and management of water in areas subject to flooding in order to minimize social disruption in consultation with the Lakehead Region Conservation Authority and the Township of O'Connor.

4.10.4 The Lakehead Region Conservation Authority has identified those areas prone to flooding and have mapped the floodplains of the various lakes, rivers and streams in the Township.

4.10.5 Development within the floodplain is restricted and may be permitted provided suitable floodproofing measures are applied to the satisfaction of the Lakehead Region Conservation Authority.

4.10.6 Access/egress to any new building shall be such that vehicular and pedestrian movement is not impeded during times of flooding.

4.10.7 Areas of steep and unstable bedrock have been identified by the Ministry of Natural Resources.

4.10.8 New development adjacent to steep slopes or unstable bedrock shall be set back 20 metres and be sited on the property to the satisfaction of the Township of O'Connor.

4.11 ARCHEOLOGICAL AND CULTURAL HERITAGE SITES

4.11.1 Development proposed in areas known to have a moderate to high potential for archaeological resources shall be assessed by a qualified archaeologist licensed under the Ontario Heritage Act, to determine the nature and extent of the resource prior to development approval being granted.

4.11.2 If an archaeological assessment determines that significant archaeological resources are present on a site, the resource shall be documented and conserved to the satisfaction of the Ministry of Citizenship, Culture and Recreation through excavation or on-site preservation prior to final approval of the development proposal.

4.11.3 Significant cultural heritage landscapes and built heritage resources should be conserved, where possible when development and infrastructure decisions may affect these resources.

4.11.4 Significant landscapes, vistas and ridge-lines should be conserved in their natural state, where possible when development and infrastructure decision may affect these resources.

4.11.5 The Ontario Heritage Act may be utilized to conserve, protect and enhance any identified cultural heritage resources in the Township, through the designation of individual properties and/or districts.

4.12 WASTE DISPOSAL SITES

4.12.1 Development shall be prohibited on all waste disposal sites located in the Township, including closed sites.

4.12.2 Development proposed within 500 metres of an existing or closed waste disposal cell shall be restricted unless it can be demonstrated that there is no evidence of leachate, methane gas migration or other contaminants present in the soils or ground water supply to the satisfaction of the Ministry of Environment and Energy and the Township of O'Connor.

SECTION 5 - COMMUNITY SERVICES AND FACILITIES

5.1 GENERAL

5.1.1 The intent of this Plan is to maintain a level of public service that is appropriate for the rural character and environment of the Township. It is recognized that servicing in a rural area is generally difficult and expensive to provide due to dispersed development patterns consistent with the rural character. It is not expected that there will be additional significant demands for community services or facilities above the level that presently exists.

5.1.2 The objectives of this section of the Plan is to provide policies that will ensure adequate services are provided that recognize the Township's financial capabilities and not place undue strain on the Township's financial resources.

5.2 ROADS

5.2.1 Safe and efficient movement of people and goods within the Township and to and from adjacent municipalities is encouraged by this Plan. The road system should safely serve the Township but should not be developed to a standard or extended beyond which would result in a burden to the residents and taxpayers of the Township.

5.2.2 The classification of roads in the Township is as follows:

(a) Provincial Highways - this system of roads applies to all numbered provincial highways under the jurisdiction of the Ministry of Transportation. The primary purpose of provincial highways is to move people and goods between major centres and through the Township. Access to provincial highways is restricted to allow for this primary purpose; and

(b) Township Roads - this system of opened roads applies to all roads under the jurisdiction of the Township of O'Connor. The Township has a Council that is responsible for the maintenance of all opened roads within their jurisdiction. The primary purpose of Township roads is to facilitate local traffic and areas for development. Direct access to Township roads is normally permitted from any abutting lot provided there are adequate sight lines, suitable grades and the access will not cause traffic hazards. Township Roads shall be identified as opened roads and shall not include unopened road allowances or easements.

5.2.3 The existing road system is considered adequate to accommodate the anticipated future development over the life of this Plan. Therefore, it is the intent of this Plan to restrict development of new roads and restrict new development to the existing road system.

5.2.4 Should the construction of a new road or extension of an existing road be warranted, the road shall be designed and constructed to a standard approved by the Township and the road shall be suitable for assumption into the Township road system by the Council for the Municipality of the Township of O'Connor.

5.2.5 The Township is not responsible for the costs associated with the design and construction of new roads or the extension of existing roads. These costs are the direct responsibility of the proponent for the new road and/or road extension.

5.2.6 Unless it is clearly in the public interest, private roads will not be assumed by the Council into the Township road system.

5.2.7 Year-round maintenance will be provided on all roads under the jurisdiction of the Township, unless it is in the public interest not to do so.

5.3 WATER SUPPLY

5.3.1 The major source of water supply in the Township of O'Connor is from private individual wells.

5.3.2 The need for public water supply is not considered feasible over the life of this Plan. Therefore, the responsibility for water supply will be with each property owner. The Municipality of the Township of O'Connor shall assume no responsibility whatsoever to ensure that lots have a supply of potable water.

5.3.3 Individual private wells serve as an adequate supply of water for the rural development of the Township. It is intended that lot sizes remain large enough to ensure that private wells remain the primary source of water in all areas of the Township.

5.4 SEWAGE DISPOSAL

5.4.1 Private individual septic tanks and tile field systems are the primary means of sewage disposal in the Township.

5.4.2 The need for public sanitary sewage disposal is not considered feasible over the life of this Plan. Therefore, each individual property owner is responsible for the provision of private sanitary sewage disposal approved by the appropriate approval authority as identified by the Township of O'Connor.

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

5.4.4 All new individual private sewage disposal systems require the approval of the appropriate approval authority as identified by the Township of O'Connor.

5.5 NON-HAZARDOUS SOLID AND LIQUID WASTE DISPOSAL

5.5.1 All non-hazardous solid waste disposal sites in the Township of O'Connor are located on municipally-owned lands. No additional solid waste disposal sites or expansion to the existing facilities is anticipated over the life of this Plan.

5.5.2 If additional solid waste disposal sites are required or an expansion to an existing facility is required, these sites should:

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

5.5.3 Liquid waste disposal sites may be permitted subject to an amendment to this Plan and provided the applicant has demonstrated to the satisfaction of the Ministry of the Environment and Energy that the facility may be established without adverse impacts on surrounding land uses and the natural environment.

5.6 RECREATION AND OPEN SPACE

5.6.1 The existing recreation and open space facilities that are available to the residents of the Township are considered suitable. However, due to the varied scenic qualities of the Township, opportunities are available to provide for additional recreational and open space facilities.

5.6.2 It is the intent of this Plan to encourage the provision of additional public and private recreational and open space facilities at appropriate locales for the use by Township residents, District residents and tourists.

5.6.3 It is the intent of this Plan, that new public and private recreational opportunities shall not provide an undue financial burden on the Township.

5.7 COMMUNITY FACILITIES AND SERVICES

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

5.7.2 The existing school facilities within the Township and the school boards' jurisdictions fulfill the educational needs of the residents for the foreseeable future.

5.7.2 It is the policy of this Plan to encourage the joint use of recreational facilities between the community at large and the school boards where appropriate.

SECTION 6 - IMPLEMENTATION AND ADMINISTRATION

6.1 IMPLEMENTATION

6.1.1 This Official Plan shall be implemented by means of the powers conferred to the Municipality of the Township of O'Connor by The Planning Act and other statutes which may be applicable. In particular, the Plan shall be implemented through:

(a) the preparation, adoption and enforcement of a Zoning By-laws;
(b) the preparation, adoption and enforcement of other zoning provisions such as property maintenance and occupancy standards by-laws, interim control, temporary use by-laws and holding by-laws;
(d) the consent process;
(e) the site plan control process; and
(f) participation in programs funded by senior levels of government for housing, community improvement, etc.

6.2 PUBLIC SECTOR AND PRIVATE SECTOR

6.2.1 The activities and undertakings of the Provincial and Federal Governments, and the private sector shall serve to implement the policies and objectives of this Plan. It is also intended that the construction of public works within the Township shall conform to the policies of this Plan.

6.3 NON-CONFORMING USES

6.3.1 Where a legally existing use of land does not comply with the land use designations and policies of this Plan, it may be zoned in the Zoning By-law in accordance with the existing use, after due consideration, provided that:

(a) the zoning will not permit any change of use or performance standard that may aggravate or cause conflicts with adjacent complying uses;
(b) the use of land will not constitute a danger or nuisance to surrounding uses and persons by virtue of a hazardous nature, poor property conditions, traffic generation or similar characteristics;
(c) there is no pollution of air or water to the extent of interfering with the ordinary enjoyment of the property and surrounding uses;
(d) the use does not interfere with the desirable development of the surrounding area that is in conformity with this Plan; and
(e) where the existing use is discontinued for more than one (1) year, any rezoning may only take place in accordance with the policies of this Plan.

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

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

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

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

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

6.4 PUBLIC PARTICIPATION

6.4.1 The Council for the Municipality of the Township of O'Connor intends that the public be involved in the formulation and implementation of planning policies. To this end, the Township shall notify and seek the views and participation of the public prior to making decisions regarding planning amendment applications pursuant to the provisions of the Planning Act.

6.4.2 A minimum of one (1) public meeting shall be held and depending on the nature or complexity of the proposal, open houses, public displays, workshops or other appropriate forums may also be added.

6.4.3 A minimum of twenty (20) days notice of the public meeting shall be given for an Official Plan amendment and twenty (20) days notice for a Zoning By-law amendment. Notice of the public meeting shall be given by personal service or pre-paid, first class mail to:

(a) every owner of land and persons assessed within an area of 120 metres to which the proposed amendment would apply; and
(b) every person and agency that has given the Township a written request for such Notice in respect of the proposed amendment, provided this written request shows the person's or agency's address.

6.4.4 Notice of the public meeting shall also be posted, clearly visible and legible from a public highway or other place to which the public has access on the lands to which the proposed amendment would apply. If posting of the notice on the

property is impractical, notice shall be posted at a nearby location chosen by the Council.

6.4.5 Unless a person or public body advises that they do not wish to receive notice, all relevant person or public bodies prescribed to be circulated through regulation of The Planning Act will receive notice of the public meeting.

6.4.6 Where a proposed amendment is considered to be applicable through the general area of the Township, notice of the public meeting shall be placed in a local newspaper that is of the opinion of the Council to have sufficient circulation in the area the proposed amendment would apply.

6.4.7 The notice of public meeting shall contain the following information, among other matters:

(a) date, time and location of the public meeting;
(b) a map illustrating the location of the subject lands, if applicable;
(c) an explanation and description of the proposed amendment or matters which may be addressed in the proposed amendment;
(d) an indication that any person may attend the public meeting and/or make written or verbal representation in support of, or in opposition to the proposed amendment; and
(e) an indication that additional information relating to the proposed amendment is available for inspection during regular office hours at the Township's offices.

6.4.8 The Council may forego public notification and public meetings in connection with a technical official plan or zoning by-law amendment if such amendment will not affect the provisions and intent of the Official Plan, the Zoning By- law or amendments thereto, and may include the following matters:

(a) altering the number and arrangement of any provision;
(b) correcting punctuation or altering language to obtain a uniform mode of expression;
(c) correcting clerical, grammatical, dimensions or typographical error;
(d) effecting changes in format; and
(e) consolidating previous amendments into the parent document.

6.5 OFFICIAL PLAN - AMENDMENTS AND REVIEW

6.5.1 No developments or activities shall occur which contravene the intent and policies of this Plan.

6.5.2 Developments or activities deemed beneficial to the Township, but not in conformity with the Plan, shall require an amendment to the Official Plan before proceeding.

6.5.3 The Official Plan shall be amended to reflect the existing policies of the Township.

6.5.4 The Plan shall be subject to a continual review by the Township. Whenever it is necessary to refine existing policies or amend, delete or add policies based on new information or trends, this shall be done by amendment to the Official Plan.

6.5.5 The Official Plan shall be subject to a formal review at least once every 5 years.

6.5.6 In general, applications for an Official Plan amendment shall proceed as follows:

(a) a complete Official Plan Amendment application shall be submitted by the applicant;
(b) a background report may be prepared by the applicant and provided to the Township, along with a copy of the complete application for their review;
(c) the Township shall pre-consult with the appropriate authority;
(d) advertise a notice of a public meeting;
(e) a public meeting is held;
(f) the Township will review the application and send a recommendation to the Ministry of Municipal Affairs and Housing; and
(g) the applicant will be advised of the Minister's decision;

6.6 ZONING BY-LAW

6.6.1 After the Official Plan is approved, a Zoning By-law shall be prepared to conform with the Official Plan. The Zoning By-law divides the lands within the Township into a number of zones, each of which will have regulations to control the use of the lands and use, character and location of buildings and structures built upon the land.

6.6.2 The Zoning By-law is one of the main methods of implementing the Official Plan policies.

6.6.3 The Zoning By-law shall ensure that all lands within the Township are zoned for purposes compatible with the Official Plan.

6.6.4 All amendments to the Zoning By-law shall be in conformity with the Official Plan.

6.7 ZONING BY-LAW - AMENDMENTS AND REVIEW

6.7.1 In general, applications for an amendment to the Zoning by-law shall proceed as follows:

(a) a complete Zoning By-law amendment application shall be submitted by the applicant;
(b) a background report may be prepared by the applicant and will be provided to the Township along with a copy of the complete application for their review;
(c) advertise a notice of a public meeting;
(d) a public meeting is held;
(e) the Council for the Municipality of the Township of O'Connor will review the application; and
(f) appropriate Notice shall be sent in accordance with the Planning Act.

6.8 COMPLETE APPLICATION

6.8.1 Information and material which must be submitted as part of an Official Plan Amendment application, Zoning By-law Amendment application, Consent application or Minor Variance application, in order for the application to be considered complete, is prescribed by regulations to The Planning Act. For reference, Appendix "A" through "D" identify the material prescribed by the regulations at the time of approval of this Plan.

6.8.2 The Township will endeavor to undertake an initial review of an application to determine if the application is complete. If the application is incomplete, the Township will advise the applicant. The Township will begin a review of the application once it has been determined that the application is complete.

6.9 STREAMLINING REVIEWS OF OFFICIAL PLAN AMENDMENTS, ZONING BY-LAW AMENDMENTS AND CONSENT APPLICATIONS

6.9.1 In an effort to streamline the review of planning amendment and development applications, the applicant should consult with at least the following:

(a) relevant Official Plan policies and zoning by-law regulations;
(b) the Township of O'Connor;
(c) the Thunder Bay District Health Unit;
(d) the Ministry of Transportation, if applicable;
(e) the Ministry of Natural Resources if the lands are near any sensitive areas, natural resource areas or protection areas;
(f) the Ministry of Northern Development and Mines if the lands are within 1 kilometre of areas of past mining activity or within an areas designated as a mineral resource area;
(g) School Boards (with an estimate of the number of students and busing equipment, if appropriate);
(h) Ontario Hydro;
(i) the Ministry of the Environment and Energy;
(j) the Lakehead Rural Planning Board;
(k) the Lakehead Region Conservation Authority; and
(l) any other ministry or agency which the Township feels may have an interest in the proposal.

6.9.2 The Council for the Municipality of the Township of O'Connor may undertake an initial review of an application to determine if the application is complete.

6.9.3 With evidence of the pre-circulation process, described above, the Township will endeavor to respond to amendment and development applications within 30 days, depending on receipt of comments from other agencies.

6.10 IMPLEMENTING COMMUNITY IMPROVEMENT POLICIES

6.10.1 The Council for the Municipality of the Township of O'Connor shall attempt to use all possible means to implement Community Improvement Policies and these may include:

(a) participation in and support for Federal and Provincial community improvement programs;
(b) use of authority granted under Section 28 of The Planning Act, to designate a Community Improvement Area, develop Community Improvement Plans and acquire and redevelop land;
(c) enforcement of the Property Maintenance and Occupancy Standards By-law;
(d) support for historical preservation through the application of The Heritage Act, where possible;

(e) cooperation with school boards, service clubs, the business community, industrialists, etc., to provide new facilities and the efficient utilization and/or refurbishing of existing facilities to provide new services to the community;
(f) encouragement for the rehabilitation of private buildings by advising owners of government subsidies and programs and assisting, where possible, private owners to obtain grants when available;
(g) continuation of support for the tourism industry and an investigation of means by which to develop the tourism potential of; and
(h) encouragement of activities aimed at developing the economic viability and attractiveness of the Township.

6.11 MINOR VARIANCE

6.11.1 The Township shall recommend minor variances for relief from regulations to the Zoning By-law, in accordance with Section 44 of The Planning Act, the rules of procedure and regulations issued by the Minister under The Planning Act and the policies of this Plan.

6.11.2 The Township may also recommend minor variances to other by-laws, such as interim control by-laws and the Property Maintenance and Occupancy Standards By-law.

6.12 FEES

6.12.1 Pursuant to Section 69 of The Planning Act, the Township may prescribe tariff of fees, for the processing of applications made in respect of planning matters, through by-laws.

6.12.2 The above by-laws shall prescribe the fees to be charged for processing applications for an amendment to the Official Plan, an amendment to the Zoning By-law, minor variance applications and applications for a consents. The by-laws shall also indicate the authority to which the fee is payable.

6.13 TEMPORARY USE BY-LAWS

6.13.1 Pursuant to Section 39 of the Planning Act, the Council for the Municipality of the Township of O'Connor may approve the temporary use of land, buildings or structures.

6.13.2 Temporary Use By-laws shall be for uses which will not preclude the future development of any lands for their most appropriate use, as defined by the Official Plan.

6.13.3 The Township shall consult with property owners and any other agencies or individuals who might have knowledge of when conditions might suit the

development of the property, in accordance with the Official Plan and Zoning By-law, prior to approval of a Temporary Use By-law.

6.13.3 Only uses which will not create land use conflicts or disrupt the use and development of neighbouring properties shall be authorized by Temporary Use By-laws.

6.13.4 Notwithstanding the policies of this Plan, temporary uses that are not otherwise permitted by the Official Plan and the Zoning By-law as permanent uses, may be permitted by Temporary Use By-laws, subject to the above.

6.14 HOLDING PROVISIONS

6.14.1 In accordance with Section 36 of The Planning Act, the Township may approve a Zoning By-law which identifies a use of land but prohibits the actual development of this land until a later date when identified conditions have been met.

6.14.2 The Township shall ensure that one or more of the following objectives is attained:

(a) the appropriate phasing of development or redevelopment;
(b) the restriction of development until adequate services are provided; and
(c) the implementation of policies for locations of developments which require special design features.

6.14.3 The holding provisions described under this section may apply to all undeveloped lands in the Township or where the Council considers that specific concerns may develop in respect to a particular development.

6.14.4 The Township, at any time, may approve to designate any zone or part of a zone as a holding zone through the placing an ‘H’ in conjunction with the zone symbol in order to meet one of the above mentioned objectives.

6.14.5 During the interim period, when the holding zone is in place, uses permitted on the affected lands are limited to existing uses only.

6.14.6 Prior to the removal of the holding symbol, the Township must be satisfied that the following conditions have been met:

(a) that servicing requirements for the subject lands are in place;
(b) that any impacts on surrounding lands can be mitigated through the use of site plan control or other design requirements;
(c) that a site plan agreement has been signed in accordance with the policies of this Plan and The Planning Act.
(d) that existing mine hazards have been rehabilitated to the satisfaction of the Province;

(e) that an archaeological assessment, to the satisfaction of the Province, has been undertaken by an archaeologist licensed under the Ontario Heritage Act, and any significant archaeological resources have been conserved by removal and documentation, or preservation on site, to the satisfaction of the Province;

6.14.7 It shall be the responsibility of the applicant requesting the removal of the holding symbol to demonstrate that the conditions for the removal of the holding symbol as stated in policy 6.14.6 have been satisfied.

6.15 INTERIM CONTROL

6.15.1 In areas where the Township wishes to review the existing land uses or establish new policies and where a study of land use planning policies for the area has been directed, the Township may approve an interim control by-law.

6.15.2 The interim control by-law restricts the use of lands to its present use until the required studies are completed, at which time the zoning by-law may require an amendment to reflect the findings of the study and desired use.

6.15.3 Pursuant to Section 38 of the Planning Act the length of time the interim control by-law is in effect shall be specified in the by-law and shall not exceed one (1) year from the date of approval of the by-law. The interim control by-law may be amended to extend the period of time the by-law is in effect provided the total period of time does not exceed two (2) years from the approval of the by-law.

6.16 SITE PLAN CONTROL

6.16.1 The Official Plan may be implemented through the use of site plan control subject to the provisions of Section 41, of the Planning Act. All of the area affected by the Official Plan shall be deemed to be a site plan control area with the exception of single and two unit residential dwellings and agricultural operations.

6.16.2 All major projects related to the extraction and processing of natural resources shall be subject to site plan control.

6.16.3 The goals of implementing site plan control are to:

(a) ensure safe and efficient vehicular and pedestrian patterns;
(b) ensure that development will not have a detrimental visual impact on adjacent uses;
(c) ensure industrial and commercial developments do not reduce the enjoyment of adjacent lands; and
(d) ensure parking, storage, loading facilities and garbage disposal areas are located in a manner that does not negatively impact on traffic flows or create adverse visual impacts.

6.16.4 A site plan control by-law may require site plans and/or detailed drawings of a proposed development to be submitted for approval by the Township. Such site plans and/or drawings will show any or all the required information deemed necessary from the items listed in policy 6.16.5.

6.16.5 Prior to issuance of a building permit, the applicant must enter into a site plan agreement respecting the matters outlined in this section. The agreement may address one or more of the following matters:

(a) widenings to any roads or highways that abut the lands subject to the application. Any proposed widenings requested must be shown on the site plan drawing;
(b) provision of sufficient parking, access driveways and similar matters;
(c) the construction of walkways, ramps and pedestrian access;
(d) proper lighting of buildings and lands;
(e) the provision of adequate landscaping and buffering in the form of trees, shrubs, walls, and berms;
(f) storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
(g) the conveyance of any easements for the construction, maintenances and improvements of any drainage works, water works and other public utilities;
(h) adequate drainage and management of surface stormwater and waste water from the lands, buildings or structures; and
(i) the location of all buildings and structures to be erected and the location of all facilities and works to be provided in conjunction with the buildings and structures.

6.17 PROPERTY MAINTENANCE AND OCCUPANCY STANDARD BY-LAW

6.17.1 The Township is committed to the maintenance and development of a safe, healthy and attractive environment. The Township may adopt a By-law pursuant to Section 31 of The Planning Act, which sets out standards for the maintenance and occupancy of property and prohibits the use of property which does not conform with the standards. The By-law shall require that all substandard properties be repaired in conformance with the By-law or be cleared of all buildings, debris, structures or refuse and left in a graded and

levelled condition. The By-law shall specify the manner in which the By-law will be administered and enforced.

6.17.2 The above By-law may address, but is not limited to addressing, the following items:

(a) the physical condition of yards and passageways, including an accumulation of debris and rubbish and discarded motor vehicles and trailers;
(b) the adequacy of sanitation, including drainage, waste disposal and garbage;
(c) the physical condition of accessory buildings; and;
(d) the physical condition of all buildings and dwellings.

6.17.3 After passing the above By-law, a Property Standards Officer shall be appointed and a Property Standards Committee shall be established. The appointment and responsibility of the Property Standards Officer and Property Standards Committee shall be in accordance with Section 31 of The Planning Act.

6.18 AGENCY NAMES AND RESPONSIBILITIES AND LEGISLATION

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

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

6.19 LAND USE BOUNDARIES

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

O'CONNOR TWP.

12 11 10 9 8 7 6 5 4 3 2 1

CONMEE TWP.

CON. VII

CON. VI

CON. V

CON. IV

CON. III

CON. II

CON. I

MARKS TWP.

PAIPOONGE TWP.

GILLIES TWP.

RU.

REC.

O'Connor Cr.

HWY. 590

7TH. CON. RD.

REGP PLAN 385

Rock Run Cr.

Cedar Cr.

Marks

6TH. CON. RD.

2ND. SIDE RD.

1ST SIDE RD.

O'CONNOR TOWNLINE RD.

Tin Pail Cr.

5TH. CON. RD.

Whitewood Creek

Whitewood Cr.

F15

F14

4TH. CON. RD.

4TH. SIDE RD.

HWY. 595.

F16

River

3RD. CON. RD.

Flint

Creek

143 T

144 T

Pitch

Whitefish

Silver

F18

155 T

142 T

2ND. CON. RD.

Beaver Dam Cr.

Y1 Cr.

HWY. 588.

Beaver Mtn.

F17

140 T

141 T

97 T

145 T

Drews Mtn.

SCALE 4" = 1 MILE

MILES 1 3/4 1/2 1/4 0 2 3 MILES

KILOMETRES 1 0 1 2 3 4 5 KILOMETRES

LAKEHEAD PLANNING BOARD.

N

SCHEDULE 'A'
LAND USE PLAN

RURAL **RU**

RECREATION **REC**

SEPTEMBER 1989

O'CONNOR TWP.

12 11 10 9 8 7 6 5 4 3 2 1

CONMEE TWP.

CON. VII

CON. VI

CON. V

CON. IV

CON. III

CON. II

CON. I

MARKS TWP.

PAIPOONGE TWP.

GILLIES TWP.

M.A.P.

O'Connor Cr.

Cedar Cr.

Marks Cr.

Tin Pail Cr.

Whitewood Creek

Pitch Cr.

Beaver Pond Cr.

Rock Cr.

Silver Cr.

Pine River

Flint Cr.

7TH. CON. RD.

6TH. CON. RD.

5TH. CON. RD.

4TH. CON. RD.

3RD. CON. RD.

2ND. CON. RD.

1ST SIDE RD.

2ND. SIDE ROAD.

4TH. SIDE RD.

TOWNLINE RD.

O'CONNOR

590

595

588

REGP PLAN 365

F14 F15 F16 F17 F18 Y1

143 T 144 T 155 T 142 T 141 T 97 T 145 T

Drews Mtn.

Beaver Mtn.

SCALE 4" = 1 MILE

MILES 1 3/4 1/2 1/4 0 1 2 3 MILES

KILOMETRES 0 1 2 3 4 5 KILOMETRES

LAKEHEAD PLANNING BOARD.

N

SCHEDULE 'B'
DEVELOPMENT CONSTRAINTS

HAZARD LANDS

MINERAL AGGREGATE POTENTIAL

M.A.P.

MINING HAZARDS

- SHAFT
- ADIT