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OFFICIAL PLAN FOR THE CITY OF ELLIOT LAKE

1.0 INTRODUCTION

Elliot Lake is a young, progressive community in a state of transition. While the loss of primary sector employment in the uranium mining industry created an employment exodus in the early 90's, Elliot Lake has rebounded as a community of leisure excellence, as a centre for Retirement Living, as a centre for environmental research and drug and alcohol addiction treatment, and as a City with a full range of commercial and community services. Elliot Lake will continue to diversify and strengthen its economic base. This Official Plan is intended to create opportunities to facilitate the transition and guide land use decisions made by Council, the community, and provincial Ministries over the next 20-years.

As a new Official Plan for the community, the Plan's objectives are:

- To encourage adequately serviced quality development;
- To provide opportunities for economic development;
- To provide modern urban services for all ages;
- To maintain a pristine natural environment;
- To support a community which is affordable, healthy, and resilient;
- To provide a balance between effective land use control and flexibility to respond to changing market and housing conditions; and
- To sustain lifestyles and activities in a northern living environment.

The Plan builds upon the City's strengths: a diverse and well-maintained housing stock; an airport; modern health facilities; secondary and post-secondary educational services; local transit; a mature commercial base; and four seasons recreation facilities.

Elliot Lake juxtaposes an urban community of 10,741 residents (2016 Census) with a large and substantially undeveloped rural hinterland. With a land area exceeding 75,000 hectares, it is the largest City in Algoma District. There is the opportunity for a variety of residential environments in both an urban and rural setting. The extensive land base encompasses a rich resource base for outdoor recreation, mineral exploration and development, forestry, mineral aggregate extraction, tourism, and wildlife conservation. The City is responsible for management of these resources and ensuring the remediation of past producing mines and tailings areas.

1.1 Goal and Objectives of the Official Plan

The goal of the Official Plan is to provide a decision-making framework for land use within the Planning Area (City) over the next twenty years (2017 to 2037).

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Objectives of the Official Plan are as follows:

1. To implement the City's Vision and Economic Development Strategic Planning initiatives, within the context of orderly and sustainable growth.
2. To ensure that development is consistent with the 2014 Provincial Policy Statement (PPS) and conforms to the 2011 Growth Plan for Northern Ontario (GPNO).
3. To develop a strong community in which the focus of growth is the urban area, where sufficient land will be made available through intensification, redevelopment, and designated growth areas to accommodate the anticipated and desired growth over the next twenty years.

Opportunities will also be provided for rural, resource and recreational activities, including limited shoreline residential and rural estate development.

4. To ensure that provision is made for adequate municipal infrastructure and public service facilities. In the rural area recognition will be given to on-site (private) or communal servicing where appropriate.
5. To protect sensitive land uses from incompatible land uses.
6. To maintain a minimum ten-year overall land supply and a three-year supply of approved lots for residential development, and to provide for a range of housing to meet various socio-economic needs.
7. To provide effective waste management services and support a Reduce-Reuse-Recycle program.
8. To protect areas of undeveloped mineral aggregate resources for future development and extraction and to provide for commercial forestry activities.
9. To conserve natural heritage features and avoid development of hazard lands where it may compromise public health and safety.
10. To conserve the City's cultural heritage and archeological resources.
11. To strengthen and make provision for a diversified economic base. through:
 - Addressing economic issues related to the transition of the City from a resource based single industry (mining) community to a diversified economic base with a specialty in providing services to seniors.
 - Establishing a policy framework for home-based businesses.
 - Revitalizing the Central Commercial Core (downtown) and industrial areas.
 - Strengthening Elliot Lake as a destination community.
 - Developing a comprehensive, sustainable shoreline cottage lot program.
 - Recognizing the role of the Highway 108 Corridor through the Urban Area as an integral component of the commercial and recreational sectors of the City's economy.

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- Promoting the recreational potential of the Mount Dufour Ski Area as a Recreational Development Area.
 - Maintaining the Timber Road Industrial Area for industrial uses and tourist commercial land uses where appropriate, particularly near the shore of Elliot Lake and along the Highway 108 Corridor.
12. To provide a context for orderly development within the rural area particularly with respect to shoreline residential development.
 13. To ensure an adequate level of public consultation in the decision making process.
 14. To apply the principles of ecological planning to development.

2.0 THE PLANNING ENVIRONMENT

Elliot Lake has been subject to Official Plan policies since 1971. New plans have been adopted in 1985 and 1997, and amended in 2006. This is a new Official Plan.

The *Planning Act* requires that municipalities review and update their Official Plans every 5 years (or 10 years after a new plan is prepared). It is intended that the policies of the Plan will be reviewed periodically, and modifications made to the Plan to reflect desired changes in growth and development opportunities as well as with conservation and preservation issues. Such general reviews are expected at five (5) year intervals, or sooner depending on growth pressures.

This OP was reviewed and adopted in conformity with the requirements of the *Act* and is consistent with the 2014 PPS and other policy statements issued under the *Act*.

The new OP conforms with the 2011 Growth Plan for Northern Ontario (GPNO), and aims to build upon those strategic directions identified in the GPNO to strengthen the Northern Ontario economy.

The Planning Area comprises all lands within the boundaries of the City of Elliot Lake.

A Planning Committee of Council administers the Official Plan while a Committee of Adjustment has been delegated consent granting authority by Council and administers the granting of minor variances and permissions for non-conforming uses.

As a single tier City, Elliot Lake is responsible for subdivision approval and review of Planning Applications. The City will act as one window in soliciting and coordinating technical and other comments on such applications. The City is subject to the Official Plan Amendment provisions of the *Planning Act*.

The City will exercise its authority under the *Planning Act* to utilize various Planning tools such as zoning; site plan control; bonus, holding, temporary use and interim control, where appropriate; subdivision control; community improvement and property standards; community planning permits; cash-in-lieu of parkland and parking; demolition control, complete applications, and pre-consultation, etc. Other legislation will also be used where it is complementary to the implementation of land use planning decisions.

The City will levy fees under Section 69 of the Planning Act to recover the costs associated with the processing of Planning Applications.

This Plan is generally based on a twenty year time frame; however, it does not have a specific terminal year.

3.0 BASIS OF THE PLAN

3.1 Population

The variation in the population of Elliot Lake over the past 20 years is indicative of a community in transition. The population has gone from 17,984 in 1986 to 10,741 in 2016.

From 2001 to 2011, population decline had subsided and the population slowly increased due largely to the success of the City's retirement living program. The City's shoreline development project is likely to impact future population, although the majority of these residents are likely to be seasonal. Municipal infrastructure and public services are generally capable of sustaining a population of 35,000, and thus population growth is unlikely to generate significant changes to municipal infrastructure.

Elliot Lake's age distribution has changed to have the oldest average age in the Province at 52.7 years according to the 2016 Census. This will increase the public service requirements for the 55 and over age group. Service requirements of an increased seasonal population will also have to be addressed.

3.2 Housing and Settlement Pattern

Within the designated Urban Settlement Area, there is a sufficient land supply for housing to meet the demands of the community over the next twenty years and beyond. The demand for housing will be met through a combination of:

- Infill on existing vacant lots of record in approved plans of subdivision;
- Occupancy of vacant existing housing stock;
- Development of vacant lands in draft and approved plans of subdivision; and
- New development opportunities of housing targeted towards seniors focused primarily between Hector Lake and Elliot Lake.

The future housing mix will see an increase of medium and high density housing (townhouses and apartments) and executive single detached and multiple housing.

The primary focus of housing development will continue to be urban centred. Development of the urban fringe will be avoided where it may interfere with the efficient expansion of the urban area. However, provisions will be made for shoreline residential development on a select number of accessible lakes capable of sustaining development impacts of permanent residential development and large lot rural estate development. Infill and intensification will be encouraged in the Central Commercial Core through the adaptive reuse of non-residential buildings where appropriate and development of accessory and secondary units.

Temporary use by-laws will be utilized to make provision for garden suites.

Residential design principles will be utilized to ensure energy conservation and land use compatibility, provide for a livable winter city, and create contiguous and compact development.

3.3 Employment

Employment forecasts are largely dependent on the success of economic diversification strategies. The labour force composition has shifted from the primary sector to employment that is focused on the public sector, service commercial, manufacturing, and transportation services. Although resource-based industry now represents a small part of the City's labour force and is expected to keep declining, it still remains above the Provincial average. Public sector employment is expected to be highly skilled in the areas of health services, education, culture, administration, and research.

The Timber Road Industrial Area is proposed to be maintained as an industrial area for employment uses. Other tourist commercial employment uses may be considered, particularly along the shoreline of Elliot Lake and the frontage of Highway 108.

3.4 Healthy Community Principles

Elliot Lake will be a healthy community which strives for a high quality of life for all of its citizens. The City will be an attractive location for families and individuals, of all ages, backgrounds, and abilities, offering a high quality of life for all those who live here. The mental and physical health of the City's residents will depend upon the effective delivery of:

- a) Professional health care services;
- b) Affordable housing (rental and ownership) for people of all ages and levels of independence;
- c) Health and community services, including those that rely greatly on the efforts and donations of volunteers from within the community;
- d) Education that provides skills for healthy living, leadership development, and self-fulfillment, including employment opportunities within the City;
- e) Recreational programs and events that encourage physical activity, social interaction, and an appreciation of the City's culture and heritage;
- f) Opportunities to experience the natural environment; and
- g) Community design which promotes mixed uses, linkages, and active transportation and sustainable mobility, rather than urban sprawl.

3.5 Infrastructure and Public Service Facilities

The community is well-endowed with municipal infrastructure (roads, water, sewer, waste management systems, airport, transit, gas and power utilities) and public service facilities (schools, health care facilities, police and fire protection and cultural services). However, with a changing demographic profile and continued growth, there will be a need to expand and maintain infrastructure and public service facilities. Most of the current facilities are designed for a population of 35,000. The Plan requires that services be adequate as a prerequisite to development. The Plan also encourages a pro-active role in providing for new facilities e.g. a long term care facility to meet the needs of an aging population.

3.6 Resource Management

There is a responsibility for the wise stewardship of the renewable and non-renewable resource base for its economic value for current and future generations. The Plan identifies the location or potential of these resources and establishes a framework for their conservation/management, development, extraction, and rehabilitation for sequential resource use.

Past mining activities have generated hazards and the necessity for environmental rehabilitation and monitoring. Lands associated with the uranium industry have been identified and designated as Tailings Management Areas and are excluded from development.

3.7 Natural Heritage Features

With the assistance of the Ministry of Natural Resources and Forestry (MNR), natural heritage features have been identified and mapped. The Plan establishes procedures for undertaking an Environmental Impact Study to evaluate potential impacts of proposed development on such features and to provide, where necessary, mitigative measures and monitoring. Given the presence of lake trout lakes, the Plan requires the protection of fish habitat by imposing a cap on development and the undertaking of a lake capacity study to assess development impacts.

3.8 Economic Development

To continue the success of the City's transition from a mining-based economy and to plan for a strong and diverse economic base, the Plan recognizes the City's Mission Statement as setting an appropriate framework for stimulating and providing for economic initiatives.

The Plan articulates a statement for economic development and establishes a process for guiding the development of new economic opportunities. The Plan recognizes the role and scope of home-based business and sets out policies to ensure compatibility with the character of residential neighbourhoods.

Furthermore, the Plan recognizes the economic stimulus that may be provided through the increase in shoreline development on selected lakes within the City and surrounding area, and through the development of new residential construction in the vicinity of Hector and Elliot Lakes.

3.9 Community Improvement

Community improvement is crucial to the revitalization of the Commercial Core Area, Highway 108 Corridor, older Residential Areas, Neighbourhood Commercial Areas, and Industrial Areas of the City. The Plan carries forth the policies of the previous Plans in providing the enabling authority for revitalization of services and the building stock.

3.10 Land Use Schedules

The policies of the Plan are to be read in conjunction with the three Land Use Schedules (A-C). These schedules illustrate the various land use designations, natural heritage features, infrastructure and resources:

A - Urban Area

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- B - Rural Area Land Use and Mineral Overlays and Hazards
- C - Rural Area Natural Heritage and Hazards Overlays

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4.0 GENERAL DEVELOPMENT POLICIES

4.1 General Statement

All development will take place in accordance with the land use designations and policies of this Plan. Any Zoning By-law passed shall conform with this Plan; any public works which may be undertaken by the City of Elliot Lake shall comply with the provisions of this Plan.

4.2 Community Gardens, Greenhouses, and Temporary Farmers' Markets

Council shall encourage community gardening and greening efforts to allow for growing local food, enhancing community aesthetics, and providing quality green spaces within the City.

1. Community gardens, small-scale greenhouses, and temporary farmers' markets will generally be permitted in all land use designations, provided that the design and siting of any buildings and structures are in keeping with the character of the surrounding area, sufficient parking is available, and the community garden or greenhouse use will not detract from the primary function and use of the area.
2. Large-scale commercial greenhouses are not included in the above policy, and shall be located in the Industrial or Rural designations.

4.3 Community Improvement

Community Improvement may be defined as activities that maintain, rehabilitate and redevelop the existing physical environment of an area to accommodate the social and economic priorities of the community.

4.3.1 Goal

To improve the quality of life for the residents of Elliot Lake by maintaining and developing a physical environment that is attractive, complementary to the surrounding area, of a standard of construction suitable to the public health and safety of the residents and that provides for the community service and facility needs of residents.

4.3.2 Objectives

1. Maintain, upgrade, and extend municipal services such as piped water supply and sewage disposal, street and pedestrian walkway lighting, road, traffic managements and parking services and facilities;
2. Maintain, upgrade, and provide new areas for municipal parks, recreation, and cultural facilities throughout the City;
3. Encourage the maintenance, rehabilitation, and renovation of existing buildings and streets;
4. Develop an attractive and accessible pedestrian network system throughout the City;

5. Maintain, rehabilitate, and further develop the Central Commercial area and Highway 108 Corridor into an area that provides a focus for the retail commercial, institutional, community public service, and cultural needs of residents;
6. Provide the basis for a program for municipal financial incentives to encourage the rehabilitation and improvement of private lands;
7. Encourage consistency in urban design and signage while recognizing the importance of diversity and character of the existing built form; and
8. Improve connections between commercial areas, lakes, and recreational trails.

4.3.3 Criteria for Selection of a Community Improvement Project Area

Council when determining the need to delineate a part or parts of the City as a Community Improvement Project Area shall apply the following criteria:

1. Inadequate pressures and volume in the piped water and undersized or deteriorated sewer facilities servicing area;
2. Lack of or inadequacy of pedestrian walkways or recreational trails;
3. Lack of or inadequacy of space and facilities for public parks, recreational and cultural features;
4. Substandard construction or maintenance of existing buildings that cause a public health and safety problem, negative aesthetic impression and/or an unattractive physical atmosphere that decreases the potential for retaining or developing a viable residential, commercial, industrial, or institutional area;
5. Lack of parking facilities and/or inadequate design of such facilities;
6. Lack of or inadequacy of local roads to provide efficient and safe transportation service;
7. Lack of visual and social amenities such as street and pedestrian landscaping and furniture, buffering, display centres, sheltered pedestrian areas and lighting systems;
8. Lack of community cultural and entertainment facilities; and
9. Conflicts between neighbouring land uses (e.g. where noxious conditions from an industrial use impact a residential area) or the under-utilization of existing lands in areas intended to serve as major community focus or activity areas.

4.3.4 Delineation of Community Improvement Project Areas

Types of Community Improvement Project Areas that may be delineated are: Central Commercial area and Highway 108 Corridor, Institutional, Residential, and Industrial areas that may require rehabilitation or development in accordance with the criteria established in this section of the Plan. When a Community Improvement Project Area is designated it shall be shown on the appropriate Schedule to this Plan.

In 2017 the City adopted amendments to the 2008 Community Improvement Plan for the Central Commercial area and Perini Road area.

The City has also indicated an intention to develop an Industrial Lands Community Improvement Plan.

4.3.5 Implementation

The tools of implementation may include the following:

1. Designation of Community Improvement Project Areas and preparation of Community Improvement Plans under Section 28 of the *Planning Act*.
2. Use of public funds obtained through municipal, provincial and federal programs;
3. The acquisition of land;
4. The holding of land acquired within a Community Improvement Project Area in accordance with the policies of this Plan;
5. Enforcing a Property Standards By-Law;
6. Rezoning lands in a manner that provides for mixed land uses;
7. Passing and enforcing Increased Density (bonus) By-Laws under Section 36 of the *Planning Act*. Bonus By-Laws will be used to achieve the Community Improvement objectives by passing such by-laws when a development is proposed that would be considered infilling in the Central Commercial Area or where additional pedestrian walkways, lighting, landscaping, parking facilities and public park facilities are proposed as part of the development or a grant to the City is made for the implementation of these improvements. Furthermore, in the Central Commercial and Residential areas, Bonus By-Laws may be passed where a development proposal would encourage the maintenance of or provide the rehabilitation/renovation of existing buildings to a standard that improves the appearance of an area or enhances the historical character of an area;
8. The encouragement of rehabilitation or redevelopment; and

9. Downtown revitalization programs and Business Improvement Area Program.

4.4 Economic Development

The prosperity of Elliot Lake will be dependent on a public-private sector partnership focused on identifying opportunities, attracting and encouraging investment and business development, redeveloping and revitalizing industrial and commercial districts, developing the tourism sector on a four season basis and endeavouring to maintain healthy businesses and institutions that exist in the community today.

Job creation will occur through the expansion of secondary and service industry employment. Council encourages job creation in a variety of commercial, industrial and institutional facilities.

Council considers the role of the Official Plan as one of supporting economic development initiatives while adhering to the principles of good land use planning. The policies of the Plan with respect to developing and sustaining an economically prosperous community are as follows:

1. To expedite planning approvals that conform with the policies of this Plan.
2. To develop programs and initiatives that support the implementation of the City's Mission Statement, specifically:
3. "To continue the growth and cultural diversity of Elliot Lake as a modern, well connected community with business opportunities, active retirement and all-season tourism, in a pristine natural environment."
4. To develop public-private sector partnerships as a mechanism for attracting investment and business development.
5. To provide and maintain adequate municipal infrastructure and public services to service and support community based economic development.
6. To initiate or facilitate programs for commercial core and industrial area revitalization.
7. To ensure that there is an adequate supply of available land for all forms and types of land use.
8. To provide for a more broad mix of land uses in the commercial land industrial land use designations respectively.
9. To facilitate the acquisition and development of Crown Land where it may be utilized for economic development activities. This may include a program for cottaging as an economic initiative for the City.
10. To manage the renewable and non-renewable resource base by conserving resources for the benefit of the community.

4.5 Energy Conservation

To encourage the economical and efficient use of energy within Elliot Lake, the following criteria should be considered when reviewing development applications:

1. Development should be compact and continuous with existing development;
2. Medium- and high-density development is encouraged in the core areas of the urban area, especially along major transportation corridors;
3. Existing underutilized areas, vacant lots, and existing underutilized buildings are encouraged to intensify use to promote a more medium- and high-density development. The multiple use or intensified use of existing non-residential buildings should be encouraged as an alternative to the construction of new buildings;
4. Mixed land use developments with employment, education, recreation, shopping opportunities, and other services should be within easy access of residential areas, minimizing travel distances and increasing opportunities for pedestrian and bicycle access. Concentrated, mixed use development in the Central Commercial Area of the urban area is, therefore, encouraged;
5. Major public facilities, employment, and commercial services should be located in the Central Commercial Area or in major activity nodes where they can be easily accessed by public transit;
6. Shared parking facilities should be encouraged;
7. In the design of residential, commercial and industrial subdivisions, Council shall encourage street layouts and the siting of buildings that provide for passive solar (gain) features, with particular regard for solar access on winter days for all solar collector panels and south-facing glass on existing and proposed buildings;
8. The design of residential, commercial, and industrial subdivisions and pedestrian areas, the siting of buildings, and the location and type of vegetation proposed for a development should, whenever possible, have regard to proper wind orientation that reduces the energy consumption in buildings and provides acceptable wind levels for pedestrians;
9. Council shall c take steps to reduce consumption of energy (e.g. energy audits and building retrofits), where feasible, in all municipally owned and operated buildings, facilities and equipment, including garbage and snow disposal, piped services and maintenance systems and public buildings designs;
10. Development should be phased to make effective use of existing facilities, services and resources to create a cohesive urban form;
11. Building and site design concepts that incorporate energy conservation features shall be encouraged. Drawings submitted for Site Plan Approval should indicate where Council deems necessary, such details as solar orientation, wind patterns, surfacing, surrounding

features, pedestrian links, parking facilities and building design features that may affect the energy efficiency of the proposal and the surrounding area;

12. Council shall encourage energy conservation through home renovation, the retrofitting of the existing building stock, and through the construction of new buildings; and
13. A public information program should be pursued to educate citizens on energy conservation, community and site planning techniques, and benefits.

4.6 Housing

4.6.1 Affordable Housing

The City may participate in federal and provincial housing programs designed to provide affordable housing in the community and may collaborate with the Algoma District Services Administration Board (ADSAB) and other agencies as appropriate, to identify and respond to affordable housing needs in the community.

1. Affordable housing shall be encouraged through infilling and intensification where servicing is appropriate, by encouraging non-profit housing, and providing an appropriate mix of housing types and low to medium densities. Council will encourage affordable rental housing accommodation in existing and new housing stock. Secondary dwelling units and garden suites shall be considered a form of affordable housing.
2. The City will target a 10% ratio of affordable housing units in all new development.
3. The City will encourage expanding the supply of affordable supportive housing units for seniors.
4. “Affordable” is based on the definition in the PPS.

4.6.2 Garden Suites

A Garden Suite is a one-unit detached residential structure containing bathroom and kitchen facilities that is accessory to an existing residential structure and designed to be portable. Garden suites are intended for people who are largely capable of living independently but who, by virtue of their age or disability require some support to live on their own.

Council may use a temporary use by-law under the Planning Act to permit a garden suite for a period of up to twenty (20) years. Extensions for further periods of not more than three years each during which the temporary use is authorized may be granted by Council by by-law.

Council may require a homeowner proposing a garden suite to enter into an agreement with the City under the *Municipal Act* to govern: the appearance and

maintenance; stipulate the removal of the garden suite when the occupant (named in the agreement) moves out, is deceased, or the temporary use by-law expires; and provide for monetary or other form of security required for actual or potential costs related to the garden suite.

The City shall provide opportunities for garden suites on a site-specific basis. In substantiating the need for a garden suite, the proponent shall:

1. Demonstrate compliance with all applicable zoning standards for lot size, setbacks, and parking;
2. Demonstrate that there will be no adverse impacts to adjacent land uses (e.g. drainage, access for fire protection, barrier free access, etc.);
3. Demonstrate sufficiency for compliance to the Building Code; and
4. Demonstrate sufficiency of services (e.g. on-site sewage and water services where located in a rural setting etc.)

Garden suites shall only be established under the enactment of a Temporary Use By-Law under the *Planning Act*.

4.6.3 Mobile Home Parks and Mobile Homes

A mobile home means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons and may include a park model unit, but does not include a trailer or travel trailer otherwise designed.

New mobile home parks or mobile homes on individual lots in the urban area or in the Shoreline Residential areas will not generally be permitted without amendment to this Plan.

4.6.4 Secondary Units

Secondary units (also known as accessory apartments, basement apartments, or in-law suites) are self-contained dwelling units with a separate entrance, located within and subordinate to a single-detached, semi-detached, or row house dwelling unit or within an accessory building.

1. Secondary dwelling units will be permitted throughout the City in any land use designation that permits a residential use, provided that the unit complies with the Ontario Building and Fire Codes.
2. The Zoning By-law shall include regulations for unit size, on-site parking, and other performance standards.

4.7 Home Based Businesses

In order to recognize changing lifestyles and to provide for economic development opportunities within the community, it is the policy of Council to permit a home based business, in a dwelling unit within the areas where residential uses are permitted subject to the provisions for the implementing Zoning By-Law and other City by-laws. In permitting such uses, Council's policy is to ensure that they do not create a nuisance for the surrounding neighbourhood.

For the purposes of this Plan, a home based business is defined as a privately operated legal business located within a residential dwelling by the occupant or owner thereof, and which is compatible with the residential neighbourhood and accessory or clearly secondary to the principal residential use.

Home-based businesses which can no longer be considered secondary to the residential use of the property shall be subject to a Zoning By-law Amendment or required to relocate to appropriately zoned lands.

4.8 Infilling and Intensification

It shall be the policy of Council to encourage infilling on vacant lands and the intensification of residential and non-residential buildings within the City, which are already provided with municipal services.

4.9 Public Service Facilities

In planning for the long-term prosperity of the community, it is Council's policy to ensure the adequacy of public service facilities. Council will monitor the delivery of health care services, educational services, protection services (fire and police), and cultural services. Council will ensure in the review of planning applications, that public service agencies are consulted, when necessary, in assessing the capacity of these services to meet future requirements generated by the proposed development (e.g. school and busing capacity, hospital services, fire and police response times, etc.). Council may also work with public service agencies in planning for future needs (e.g. a long-term or nursing home facility, recycling, or multiple use of institutional facilities, scope of fire prevention services, policing needs and response times, library services, arts and cultural needs, etc.).

4.9.1 Asset Management Planning

Planning for infrastructure, electricity generation facilities and distribution systems, and public service facilities shall be coordinated and integrated with land use planning so they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

The City's Asset Management Plan shall be referenced in the planning of all public infrastructure projects.

4.9.2 Community Hubs

Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness, service integration, and active transportation.

4.9.3 Facility Accessibility Design Standards

The purpose of these standards is to meet the needs of persons with disabilities in a meaningful way, including all persons who may have a spectrum of disabilities, whether it be mobility, cognitive, hearing or vision impaired, or limited dexterity or stamina. The City will stay on top of technological advances and new construction practices, as well as changes to barrier free design requirements of the *Ontario Building Code* and the CSA Standard on Barrier Free Design. It is the intent of Council to incorporate these design standards for newly constructed and retrofitted facilities owned, leased or operated by the City, to the extent practical.

At a minimum, facility accessibility design standards shall be consistent with the *Ontario Building Code*, and any other applicable legislation, as amended.

4.9.4 Public Utilities and Corridors

Electric power facilities and corridors, transportation and infrastructure corridors, public services, and uses incidental to construction are permitted in all land use designations without an amendment to the Plan, provided that the planning of all such facilities is carried out having regard for the other applicable policies of this Plan. Furthermore, Ontario Hydro and other public agencies shall consult with the Council on the location of any new electric power facilities and corridors.

With respect to the gas pipeline corridor, no structures or excavations (other than those undertaken by the pipeline authority) shall be allowed on the pipeline right-of-way and no permanent structures or buildings shall be permitted within 10 m (32 ft.) of the edge of the right-of-way without prior consultation and approval of the pipeline authority.

In protecting the provincial highway corridor, restrictions will apply to entrances and signs adjacent to this highway system as governed by the Ministry of Transportation (MTO).

In the development of rural land uses, Council will endeavour to maintain the integrity and continuity of recreational corridors for snowmobiling, cross country skiing, hiking, equestrian, canoeing, and other recreational activities. Along provincial highways, the MTO setback requirements will apply unless the municipal setback requirement is greater.

4.10 Alternative Energy Systems and Renewable Energy Systems

A renewable energy generation facility, a renewable energy project, a renewable energy testing facility or a renewable energy testing project, as defined in

Subsection 1(1) of the Planning Act is exempt from provisions of the Planning Act except as set out in Subsection 62.0.2 of the Act.

4.11 Servicing Policies for Water and Sewer

The following hierarchy of servicing shall apply to the Planning Area, consistent with the provisions of the Provincial Policy Statement:

4.11.1 Urban Development

Development within the Elliot Lake Urban Settlement Area shall proceed on the basis of full municipal water and sanitary sewage disposal services.

In general, where full municipal water and sewer services are not available, development should not occur until services are available. However, development of existing lots of record, infilling, or the creation of a limited number of lots may be permitted on private or partial services, where, in the opinion of the City, the extension of the services is not feasible, practical, or available in the foreseeable future, subject to the following:

1. site conditions are suitable for the long-term provision of such services with no negative impact;
2. the uses are restricted to those of a “low-effluent” producing nature;
3. the use does not preclude the eventual connection to full services when they become available, and does not preclude future urban intensification;
4. an agreement is entered into with the City to require the connection to full services when they become available;
5. a private sewage disposal system (if required) can be accommodated on the lot; and
6. not more than three lots are created on private services.

4.11.2 Rural Development

1. Lands within the rural area may be serviced by on-site (private) water and sewer systems. Planning applications for new development shall be supported by a terrain analysis and hydro geological report for an assimilation capacity study to demonstrate that the proposal will not have an adverse impact on the environment or public health and shall, unless otherwise exempted, provide the following information:
 - A recommended minimum lot size suitable for private waste disposal systems;
 - A calculation of the projected water demand and assessment of the quantity and quality of water available;

- An assessment of the rate of groundwater recharge and discharge and where applicable, the need for protective land use measures;
- Design details on the requirements for well water construction;
- The identification of any potential negative impacts of development on adjacent lands or previous phases of development as well as required mitigation measures;
- An environmental impact evaluation, which establishes a quantitative method for determining minimum lot sizes.

The above provisions shall apply with necessary revisions where the water supply is surface water.

2. The requirement for a terrain analysis and hydro geological report or assimilation capacity study may be waived where the scale of development or lot size proposed is not considered by the approval authority to warrant such a study. Generally, lot sizes of 1 ha. (2.4 ac.) or more for a single detached dwelling, or development on an infill lot will be exempt. Such a study will be required for any development where the use will generate more than 4,500 litres (1,000 gals.) per day of sewage. (*As a benchmark, the average household generates approximately 1,224 litres of sewage per day.*)

4.11.3 Communal Services

Council may consider communal services for multiple lot development in areas where full municipal sewage and water systems are not or cannot be reasonably provided. Where such a system is approved, Council may choose to operate the system or may consider entering into a legal agreement for the operation and maintenance of the system on a private basis subject to the approval of the MOECC. Council will assume responsibility for the communal system according to the agreement.

Communal Services are sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water, but which are not connected to full municipal sewage and water services; are for the common use of five or more residential or non-residential lots or units; and are owned, operated, and managed by the City, another public body, a condominium corporation or single owner under an agreement pursuant to the *Planning Act*.

4.11.4 Storm Water Management

Where required by the City, all major development proposals (i.e. multiple residential, commercial, industrial, institutional) shall be accompanied by a Storm Water Management (SWM) Report. The SWM Report shall be prepared by a qualified professional to the satisfaction of the City in accordance with the following criteria:

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- considers the most appropriate storm water practices as may be deemed appropriate by the City Engineer;
- meets the appropriate level of protection as may be set out by the City or the MOECC;
- ensures that post-development run-off rates will not be greater than the pre-development run-off rates;
- identifies and minimizes the impacts of development on watershed flow regimes, including the relationship between groundwater, infiltration, discharge and interflow;
- promotes the use of centralized facilities; and
- identifies that the placement of facilities such as retention ponds will be directed away from stream corridors and hazardous areas such as steep slopes and lands susceptible to flooding.

Management of storm water on site is an important component of shoreline protection. As a condition of approval, including the issuance of building permits, appropriate storm water controls shall be implemented to ensure that increased run off does not reach lakes. Remedial drainage work will be designed so that such work will not negatively affect adjacent lands, habitat or water resources.

Where practical and feasible, SWM facilities shall be designed for open space use and integrated, where possible, into the City's open space network.

4.12 Waste Management

It is a policy of Council to make adequate provision for the management and recycling of waste materials through the provision of a waste management facility and participation in a recycling program. Waste management facilities including active and closed sites are identified on Land Use Schedules 'A' and 'B'.

Within the City, there are three (3) open and seven (7) closed landfill sites with environmental compliance approvals as indicated in the table below. The active municipal site is located on Scott Road, 1.5 kilometres south of the urban area of Elliot Lake, and north of Esten Lake.

Certificate # and Description	Name / Location	Status
A560802, issued 1972 Client: Rio Algom Mines	Claim # 66632	Closed
A560803, issued 1980 Client: the Town of Elliot Lake	Elliot Lake Landfill Mining Claim # S-101389, Plan 5598	Closed
A560807, issued 1981 Client: Rio Algom Limited	Panel Mine Landfill Site Box 1500 Elliot Lake	Closed
A560808 Client: Rio Algom Limited	Quirke Mine Landfill	Closed
A560809, issued 1984 Client: Rio Algom Limited	Stanleigh Mine 75 Dieppe Avenue; Plan 5388	Closed
A560810, issued 1982	Town of Elliot Lake Landfill	Open

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Client: The Corporation of the City of Elliot Lake	1.5 kilometres south of Town of Elliot Lake	
A560811, issued 1981 Client: Rio Algom Limited	Quirke Mine Manfred Lake Trails Area, Plan 2333	Open
A560812, issued 1983 Client: The Town of Elliot Lake	Town of Elliot Lake Landfill, Sewage sludge Part of Mining Claim S-86916	Open
A560813, issued 1984 Client: Rio Algom Limited	Panel Mine Part 1 CL 2885	Closed
A560814, issued 1984 Client: Rio Algom Limited	Stanleigh Mine 75 Dieppe Avenue	Closed
A560815, issued 1985 Client: Denison Mines Limited	Denison Mines Ltd Landfill Mining Claim Nos. S-86120, S-86121, S-86116 & S-86117	Closed

The location of new Waste Management Sites will require an amendment to this Plan. New Waste Management Sites are not contemplated within the horizon of this Plan and will be in accordance with MOECC requirements, and depending on the volume, shall require approvals under the *Ontario Environmental Assessment Act*, following *Ontario Regulation 101/07*, as amended from time to time.

Development within proximity to open or closed Waste Management Sites will be carefully regulated to minimize land use conflicts and the potential for any adverse impacts.

Use of any closed Waste Management Sites will be in accordance with the Certificate of Approval and the applicable underlying designation of this Plan, provided that:

1. Residential and other sensitive land uses will not normally be permitted except as may otherwise be permitted by the MOECC under the *Environmental Protection Act*.
2. Development proposals within 500 m (1,640 ft.) of lands used for waste disposal purposes, will be accompanied by a study prepared by the proponent that meets the requirements of MOECC Guidelines and addresses any mitigation measures required.

4.13 Wayside Pits and Quarries and Portable Asphalt Plants

4.13.1 Wayside Pits and Quarries

A wayside pit or quarry means a temporary pit or quarry opened and used by a public road authority or their agent, solely for the purpose of a particular project or contract of road construction or maintenance.

Wayside pits and quarries are permitted throughout the City without an amendment to this Plan or to the Zoning By-Law except in areas of existing development, specifically the urban area and on lands identified as having significant Natural Heritage Features. Wayside pits and quarries shall not be permitted where, in Council's opinion, their operations would have an adverse effect on an adjacent sensitive land use.

Polluted water from washing or screening operations shall not be discharged into any creek or water course. The operation of a wayside pit or quarry will be conducted in accordance with the applicable requirements of the *Aggregate Resources Act*, the *Planning Act* or the *Municipal Act*.

4.13.2 Portable Asphalt Plants

Portable asphalt plants used by a public road authority or their agents shall be permitted throughout the City without an amendment to this Plan or to the Zoning By-Law. Portable asphalt plants, however, are not permitted in the urban area or on lands designated as having significant Natural Heritage Features.

A portable asphalt plant means a facility:

1. with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
2. which is not of permanent construction, but is designed to be dismantled and moved to another location as required.

If asphalt for a public road project cannot be obtained from an existing asphalt plant, attempts should be made to locate the portable plant in a wayside pit or quarry, vacant industrial site, or on the highway right-of-way.

Portable asphalt plants are subject to the following provisions:

1. Portable asphalt plants will be removed from the site upon completion of the project.
2. All portable asphalt plants must have a Certificate of Approval from the MOECC and must meet the minimum separation distance of that Ministry.
3. The District Officer of the MOECC must approve each operating site before the plant is operated.

4.14 Urban Design Principles

4.14.1 General Urban Design

>>Insert reference to City's CIP design guidelines<<

The potential for crime will be minimized through the use of such design approaches as Crime Prevention through Environmental Design (CPTED) principles.

4.14.2 Accessible Design

Private development by new construction or renovation will be encouraged to design to accessible standards, to the extent practical. The City will implement requirements through Site Plan Control and development proponents may take advantage of incentives to undertake accessibility improvements through the City's Community Improvement Plan.

4.14.3 Adaptive Design for Climate Change

Council shall encourage community infrastructure and proposed developments that take into account the potential impacts from climate change by promoting the following:

- The protection, enhancement, and restoration of significant natural heritage features and areas;
- Green industries, building technologies, and construction practices;
- Environmental designs and retrofits of buildings and infrastructure that reduce the quantity and improve the quality of stormwater runoff;
- The incorporation of active transportation networks and linkages in proposed developments;
- Tree planting and innovative green space designs that reduce energy use through shading and sheltering;
- The planting of native and non-native, non-invasive tree and vegetation species in proposed developments that are resilient to climate change and reduce carbon footprints;
- Artificial shading in appropriate locations;
- Greater use of permeable surfaces and pervious pavement, where appropriate, to reduce flood risk and strains on sewer and stormwater infrastructure;
- The establishment of community gardens in suitable locations that have maximum exposure to sunlight; and
- Public education and awareness of measures to reduce the effects of climate change.

4.14.4 Ecological Planning Principles

This Plan supports the concepts of community ecological planning and design for sustainable development. Ecological planning and design is the strategy for the optimum management of the ecological components on a site, within the context of the surrounding community.

Ecological planning and design integrates nature in development and views the natural environment as a benefit for development, and not an obstacle.

New development shall address the following ecological planning principles:

- Development should result in a net gain for natural features;

- Balance is to be maintained where land uses co-exist in harmony with the existing or restored ecosystem;
- Landscape disturbance should be kept to a minimum to create the least site development alteration, reduce site development costs, and create a unique site signature;
- Connections to areas beyond the development site improve the natural features of the site.

Targets may be established by the City to provide benchmarks for sustainable development including increased open space and natural areas, minimizing road construction, improved storm water management, improved waste and energy efficiency, and more intensive development clustering in appropriate locations.

4.14.5 Landscaping

Landscaping standards for streets, open space, residential, institutional, commercial, industrial, and rural areas shall be provided for in the Zoning By-Law and Site Plan Control By-Laws, and other by-laws as appropriate.

Landscaping shall be required as part of site development where it serves to enhance the aesthetics of the proposed development and/or where it provides a specific function such as drainage or erosion control, shelter or wind belt, a visual separation, noise barrier, or snow storage area, etc.

Council may initiate a landscaping or beautification program for City streets, boulevards, and public places.

4.14.6 Winter City Design Principles

To mitigate the impacts of a winter climate on the urban landscape Council encourages winter city design principles set out herein. Diagrams showing how the principles may be achieved are shown in Appendix 1. :

1. Sunlight exposure:

Consider the angle of the sun relative to the height of the buildings in determining the separation between buildings. In winter months, sunlight exposure should be enhanced by the penetration of sun on areas of high pedestrian activity in such places as transit stops, sidewalks, outdoor malls, meeting places, parks, and major lobbies.

2. Snow drifting:

Design buildings to minimize the potential for drifting snow at entrance points and particularly at emergency exits and avoid structures or features which would allow accumulated snow and ice to drift, fall, or slide onto pedestrian paths and walkways. Use vegetation and berms along roads for snow drifting and control.

3. Winter control:

Implement winter control quality standards that provide for de-icing or the removal of snow at transit stops, on sidewalks, at intersections, and at access and egress points to institutional, commercial, and industrial properties where public safety may be at risk. Ensure that areas of high pedestrian traffic utilize construction standards and materials that optimize traction.

4. Vegetation:

Use species that are adaptive and functional to winter conditions such as salt tolerant species in areas that are exposed to salt concentration and species, such as evergreens (coniferous), which provide effective barriers in modulating or minimizing the impact of wind. The City could develop and provide a list of species suitable for local circumstances. Consider vegetative species that can also be used for shade and cooling in warmer months.

5. Wind control:

Design buildings and landscaping to minimize the impact of wind patterns which may impact pedestrians. A wind study may be required as a condition of development.

6. Walkways and Winter Trails:

Design pathways and recreational trails to provide sheltered conditions for users by increasing the density of vegetation along the trail alignment. Develop standards for trail construction and maintenance that provides reasonable opportunities for usage by seniors and the disabled.

7. Bus Shelters:

Provide bus shelters at key transit stops and at stops with high usage.

8. Slopes and grades:

Develop and implement standards for roads, sidewalks, walkways, and accesses to ensure slopes and grades are minimal and that there is universal barrier free access.

5.0 DETAILED DEVELOPMENT POLICIES

This Section of the Official Plan establishes detailed land use policies as they relate to each land use category and should be read in conjunction with the Land Use Schedules. The Schedules are intended to broadly indicate the spatial distribution of predominant land use categories and their interpretation is subject to the policies contained in this Plan. The detailed definition of boundaries for land use control will be established in the Zoning By-Law that implements the Official Plan.

5.1 Residential Areas in the Elliot Lake Urban Settlement Area

5.1.1 Development Concept

It is the intent of the Official Plan that 90-95% of the future housing demand will be met through fully serviced development within the Urban Settlement Area of Elliot Lake.

Residential development on the edges of the existing built up areas within the Residential area in the Urban Area shall only occur on designated lands with full municipal services as an efficient expansion of the built up area.

5.1.2 Permitted Uses

Within the areas designated Residential on Land Use Schedule “A”, the predominant use of land shall be for residential dwellings including low-density (singles and two unit dwellings), medium-density (three unit dwellings, row or townhousing, small block apartments) and high-density (apartments). Various types of dwellings will be permitted but similar types shall be grouped together for aesthetic and functional reasons. To achieve this aim, residential zones shall be established in the implementing Zoning By-Law to delineate areas with varying residential densities.

Other uses which are compatible and necessary to serve residential neighborhoods may be permitted. Such uses may include parkland, neighbourhood commercial uses, institutional uses, public service facilities where specifically zoned, and utilities. In considering proposals for these uses, regard shall be had for the following matters:

1. The compatibility of the use with adjacent developments, and the compatibility of the visual appearance of the use with adjacent development;
2. The appropriateness of the location to serve the neighbourhood and to minimize potential traffic impacts; and
3. A preferred location on or in close proximity to an urban collector road.

Home-Based Businesses may be permitted in dwelling units in 'Residential' areas designated on Schedules "A" and "B" subject to the policies contained in this the Plan and the implementing Zoning By-law.

5.1.3 Density

A mix of residential densities and dwelling types are recognized in the Residential areas. Compatibility between the various types and densities of residential development will be accomplished through appropriate design measures.

Residential development shall be designed in such a manner as to minimize land consumption and efficiently use infrastructure and public service facilities, and by encouraging cost effective development at appropriate densities and in appropriate locations.

The density provisions may be exceeded for multiple unit residential development where bonuses are provided by the developer and are legally secured by appropriate agreements with the City. Such bonuses may include, amongst other matters, underground parking, increased or specialized activity areas, significant recreational or open space features and facilities, public easements or conveyances of shoreline areas, or other public benefits.

All residential densities stated are net densities (exclusive of lands used for streets, parks and open space, public facilities, neighbourhood commercial uses, and utilities and transportation corridors) and thus consider only land used for residential purposes.

5.1.3.1 High-Density Residential Development

High-density residential development shall include apartments and be developed at a maximum of 60 units per hectare (24 units per acre). High-density residential uses shall be zoned in an appropriate residential zone in the Zoning By-Law.

Each proposal for high-density residential development shall satisfy the following criteria:

1. The proposed development shall have adequate road access;
2. The site shall be adjacent or suitably connected to adequate recreational facilities and open space;
3. Site plan approval shall be obtained prior to the issuance of a building permit;
4. Consideration shall be given to the principles of this Plan on residential design, energy conservation, adaption for climate change, and winter city design;

5. The site shall be within reasonable walking distance of a public transit stop;
6. The site shall be of adequate size and free from topographic constraints that may impede cost efficient servicing or access; and,
7. The visual impact of the project shall be given adequate consideration bearing in mind that a high-rise building in Elliot Lake will be the focus of considerable attention from most focal viewpoints. Council may request a professional appraisal of such a proposal.

5.1.3.2 Medium-Density Residential Development

Medium-density residential areas shall be developed as a maximum of 45 units per hectare (18 units per acre) and may include townhouses, three unit dwellings, small block apartments of 12 units or less or other forms similar thereto. Medium density residential uses shall be zoned in appropriate residential zones in the Zoning By-Law.

1. Consideration shall be given to the principles of residential design, energy conservation and water city design in developing proposals for medium density housing.
2. Site plan approval shall be obtained prior to the issuance of a building permit for group housing, townhouses and small block apartment proposals.

5.1.3.3 Low-Density Residential Development

Low-density residential areas shall be developed at a maximum density of 30 units per hectare (12 units per acre) and include primarily single detached and two unit (semi-detached, duplexes) dwellings. Low-density residential uses shall be zoned in appropriate residential zones in the Zoning By-Law.

5.1.4 Residential Design Principles

The following principles shall be considered in the design of residential areas:

(Note: Diagrams are shown in Appendix 2 are for illustration and do not form part of policy content.)

1. A diversity and variety of housing types and arrangements of housing areas is intended to provide an interesting streetscape, provide opportunities for offering choice for consumers, and facilitate the integration of a range of socio-economic groups within the community.
2. Natural site features will be recognized in the siting of housing units including:

- Preserve existing vegetation, trees, and topsoil wherever possible;
 - Provide final road and lot grades that ensure suitable pedestrian and vehicular access to the dwellings and also permit adequate drainage of the site (e.g. target of 5% slope for handicapped or elderly);
 - Balance cut and fill to minimize earth movement;
 - Match the proposed building form to the existing topography;
 - Conserve natural drainage features such as ravines, rivulets and streams;
 - Incorporate natural features into residential design (e.g. rock cuts, vistas, ridgelines, visual landmarks, and landscapes that exhibit scientific or historic value).
3. The design of play areas in multiple residential complexes should ensure that such areas are readily visible for supervision, include active and passive play elements, are arranged to take advantage of the sun most of the day, and are protected from conflicting uses (e.g. parking areas or utility structures).
4. Housing should be suitable for the intended housing market by:
- Encouraging housing forms and densities to be affordable to moderate and lower income households in addition to meeting the needs for an upscale market.
 - Establishing housing mix targets of approximately 45-55% for low density, 8-12% for medium density, and 33-47% for high-density.
 - Encouraging a mix of tenure arrangements e.g. freehold, rental, and condominium.
 - Meeting the particular housing needs of the elderly e.g. functional layouts that minimize stairs, optimize maintenance, provide easy access to services (postal, transit, convenience commercial, and banking).
5. Compatibility of housing with existing developed areas will be achieved by:
- Using site plan control or natural features of the landscape to visually screen or buffer residential development from non-residential uses;

- Requiring noise attenuation barriers, distance separation or setbacks or other measures to maintain acceptable sound levels within residential areas e.g. 50 dbA nighttime and 55 dbA daytime;
 - Requiring minimum distance separations from incompatible land uses such as sewage treatment plants, waste management facilities, mine hazards etc.
6. Planning for the safety, security, comfort and convenience of residents by:
- Ensuring the walking distance to bus stops in the urban area does not exceed 300-400 m (1,000 – 1,200 ft.) for a residence and closer distances for residential uses that house seniors, handicapped or other specialized households. Planning for bus shelters for high traffic transit stops;
 - Ensuring that walkways and trails are built to acceptable construction standards e.g. width, height clearance, grade, material composition, barriered against vehicular use, lighting;
 - Requiring sidewalks on collector roads to be ramped or depressed at intersections and clearly marked crossovers for pedestrians with good sight lines;
 - Installing vandal proof street furniture and providing seating and waste receptacles at transit stops;
 - Providing for day lighting at all intersections;
 - Incorporating traffic calming features into street design e.g. curvilinear streets, controlled intersections, speed zoning, parking, restrictions on heavy trucks;
 - Protecting the integrity of privacy areas from visual and acoustical intrusions from adjacent properties;
 - Facilitating convenient and direct access by emergency vehicles.
7. Carefully planning the siting, massing, and grouping of buildings by considering:
- Solar orientation;
 - Cost efficiency of servicing;
 - Topography and grading;
 - Protection from elements;

- Facilitating social interaction by creating “people places”;
 - External linkages (vehicular and pedestrian) to shopping, public transit and community services;
 - Optimizing the full use of the lot; and
 - Balancing the building coverage with the need for open space and privacy areas.
8. Encouraging the use of innovative housing forms e.g. conversions of non-residential buildings, park model trailers, garden suites, walk up apartments etc.

5.1.5 Sequence of Development

5.1.7.1 Urban Area

Residential development within the Residential designation in the urban area shall generally take place in the following sequence:

1. Infilling of vacant lots and blocks in predominantly built-up areas;
2. Completing plans of subdivision already under development. This may include the re-subdivision of large vacant blocks.
3. Residential development, which is generally contiguous or adjacent to existing development and which constitutes a logical extension and which, can be serviced within the limits of economic feasibility.

5.1.5.1 Residential Development Outside of the Residential Designation

The sequence of development shall not be deemed to limit the development of residential uses in the Central Commercial area or the development of residential uses in the Rural area subject to the policies of this Plan.

5.1.6 Deeming

Council may deem plans of subdivision or parts thereof not to be plans of subdivision, where it is evident that the development of such subdivisions is considered premature or the costs of extending services do not make for cost efficient development.

5.2 Parkland

The Parkland designation refers to lands used for community parks, neighbourhood parks, sub-neighbourhood parks, recreational trails, seasonal trailer parks operated by or under the authority of the City, cemeteries, and natural areas such as beach areas, woodlots, valley lands, exposed bedrock

areas, and other areas where development is restricted due to natural environmental constraints.

The Parkland Designation shown on Schedule “A” only identifies some of the parkland uses in the Urban Settlement Area, and primarily includes areas beyond the Residential areas that are not proposed for development within the time frame of the Official Plan, and some of the major park and public facilities. Parkland facilities are also located and permitted in the Residential Areas or Commercial Areas designations. The provisions of this Section apply to parkland uses in those areas.

1. Community Parks

Community parks shall be ideally provided on the basis of 1.25 ha (3 ac.) per 1,000 residents, with at least two community park sites of approximately 12 ha (30 ac.) each in the Urban area. Community parks will be primarily dedicated to providing major community-wide indoor/outdoor recreation facilities. Large passive areas should be integrated with active uses. Community parks shall be centrally located, easily accessible to all residents and compatible with adjacent land uses.

Some community parks may be appropriate for use as “special event parks” to accommodate performing arts, cultural events, intergenerational activities, festivals, and special events.

2. Neighbourhood Parks

Neighbourhood parks shall be provided throughout the areas designated Residential in the Plan. Neighbourhood parks shall be provided on the basis of 1.75 ha (4.3 ac.) per 1,000 residents. Individual neighbourhood parks shall not be less than 2 ha (4.94 ac.) and ideally not less than 4 ha (9.9 ac.) when combined with a primary school site.

Such parks shall be primarily dedicated to neighbourhood level facilities such as baseball diamonds, tennis courts, playgrounds and outdoor skating rinks. Neighbourhood parks may also be exclusively passive in character, primarily for seniors and may include garden plots and passive recreational features. Passive areas may be provided in an integrated manner in neighbourhood parks with active recreational components. Existing neighbourhood parks may be converted to a more passive character where such needs are identified.

Neighbourhood parks shall be evenly distributed with respect to population and where possible, located adjacent to primary schools. Natural amenities as lakes or wilderness areas should also be considered. Neighbourhood parks shall be provided by any of the following policies:

- Dedication of land in new development to the City for local parks;
- Payment of money in lieu of land by the developer to the City to be used to purchase suitable lands for local parks or to equip or upgrade such parks with recreation facilities; and,
- Purchase of suitable sites for local parks by the City in existing built-up areas where the standard outlined herein has not been met.

3. Sub-Neighbourhood Parks (Parkettes)

Sub-neighbourhood parks (parkettes) shall be provided throughout the areas designated in this Plan, and particularly in areas of townhouses or apartments. Such parks are intended to serve the recreation requirements that would normally be provided by the private yards in low-density housing areas. Parkettes shall follow neighbourhood park requirements. The recommended size of these areas is 500 m² (5,382 ft²).

4. Recreational Trails

A recreational trail system connecting parks, other open spaces, schools, community facilities, and shopping areas may be provided within and between residential areas. Such facilities are intended to be used for linear recreational activities and as a functional link between activity areas. Recreational trails may be devoted exclusively to single purpose use such as walking or cross country skiing or may be designed and developed as a multi-use facility (for non-motorized) travel e.g. walking, jogging, cycling, in-line skating. Recreational trails may utilize a roadway (including an unopened or closed road allowance), lane or boulevard component, or other linkages. Recreational trails shall be built to appropriate standards for safety with regard to width, slope, clearance height, construction materials, lighting, bridge structures etc. Sections of the trail should be constructed to provide access and use by all ages and abilities. The design and development of a trail system may be phased and the alignment and function of the trail determined on the basis of a recreational trails master plan. In considering and providing for future trail development, it is the intent of Council not to sell or convey unopened or closed road allowances or laneways.

5. Seasonal Trailer Parks

Seasonal trailer parks operated by the City may be permitted within the Parkland designation on a selective basis.

For the purposes of this Plan, a seasonal trailer park is defined as a parcel of land used or maintained for activities such as seasonal camping where campers provide their own sleeping facilities such as

seasonal trailers or tents, but, such campers are provided with other facilities such as sanitary and recreational facilities by the trailer park management. A seasonal trailer is defined as any vehicle so constructed to be suitable for attachment to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, despite that such vehicle is jacked up, but not including any vehicle unless it is used or intended for the short term camping, living, sleeping or eating accommodation of persons therein.

The following factors should be considered when reviewing an application for seasonal trailer parks:

- The lands are properly zoned in the Open Space Zone in the Zoning By-law, or are subject to rezoning to the Open Space Zone.
- Topography, soil and drainage characteristics of the site;
- The accessibility of the site;
- The future effects of such a use on the adjoining properties; and
- The availability and adequacy of proposed sanitary and water facilities, to the satisfaction of the City and that agency having jurisdiction.

6. Natural Areas

Passive recreational activities shall be encouraged in natural open space areas. Adequate public access shall be provided to shoreline lands, public woodlots, recreational trails, and other areas designated for public use.

Where possible, shoreline land shall be utilized to satisfy some of the recreational needs of the community. Particular attention should be given to the development and protection of beaches and the protection of water quality.

5.3 Commercial Areas

Commercial areas are divided into three distinct types according to economic function, scale of development, range of activities, and locational requirements. These types of commercial activity are identified as Central Commercial, Tourist-Highway Commercial, and Neighbourhood Commercial.

5.3.1 Central Commercial

5.3.1.1 Development Concept

The Central Commercial area is the main commercial and civic focus within the City. The vision for the Central Commercial area is a

downtown village atmosphere, complete with mixed use commercial, residential, institutional and public service development. The animated and inviting streetscapes provide for pedestrian integration and improved traffic circulation. This Central Commercial area is the core of the City and is vital to the economic development of the community.

The intent of the Plan is to encourage the strengthening of the Central Commercial Area through a program for revitalization of community improvement. The City's Community Improvement Plan should be referenced for incentive programs and development guidelines in this area.

In particular, redevelopment of 151 Ontario Avenue is a priority for the City for a community hub / multi-purpose recreation centre, private sector commercial, or mixed use development.

5.3.1.2 Permitted Uses

Within areas designated Central Commercial, the predominant use of land shall be for commercial uses, retail, and service businesses including hospitality industry (hotels, motels). Permitted uses shall also include arts and entertainment facilities. Tourist recreation facilities and services, restaurants, automotive uses, public service facilities and medium- and high-density residential uses may also be permitted subject to the locational criteria set out in this section of the Plan.

Temporary structures may be permitted in the Central Commercial area by a temporary building permit for a period of time not to exceed one year. These temporary structures shall not be connected to municipal water or sewage services. For the purposes of this section, a temporary structure includes structures built of traditional construction materials and structures that can move under their own power or be moved on their own chassis.

Central Commercial uses may be placed in one or more Commercial zones in the implementing Zoning By-Law. Zoning categories are intended to reflect the locational criteria set out above as well as standards appropriate to the scale of development e.g. lot size, setbacks, lot coverage, parking etc.

5.3.1.3 Locational Criteria

Uses that generate or are dependent on large volumes of traffic shall be located with direct access onto a collector road or highway or other locations where traffic can be safely and efficiently accommodated as demonstrated through a traffic study.

Residential and public service uses may be integrated into the Central Commercial area as part of a mixed-use building or as a freestanding building. The location of such uses shall take into consideration safe access, barrier free access where required by the Building Code, compatibility with the adjacent use e.g. residential uses should not be permitted in association with automotive uses, and the capacity to provide cost efficient municipal services.

5.3.1.4 Site Plan Control and Buffering

Development within the Central Commercial area, including residential uses and public service facilities in other than the second storey, are subject to Site Plan Control.

Adequate buffering shall be provided between Central Commercial areas and any adjacent Residential areas and abutting highways and such buffering may include grass strips, berms, fences, tree and shrub plants, landscaping, or any combination thereof.

5.3.1.5 Control of Future Development

Development of the Central Commercial area is expected to take the form of redevelopment of existing underutilized facilities.

The expansion of the Central Commercial area beyond those identified in this Plan or the identification of new areas will be subject to the preparation and approval of an official plan amendment, which would address such matters as the range, type, density and scale of uses, access, staging, and impact on the planned function of the existing commercial areas.

As part of the consideration of an official plan amendment, or if required by Council in advance of a zoning amendment that proposes a large scale retail commercial development, a retail market demand and impact report shall be prepared to the satisfaction of the City.

Where a retail market demand and impact report is required, it shall:

- a) Identify the trade area that will be affected and indicate where the consumer support would originate, and where any market impact would be expected;
- b) Assess the market impact of the proposal on existing and designated commercial areas, and demonstrate that the planned functions of such other areas (particularly the Central Commercial area) will not be prejudiced, with resulting adverse impacts on legitimate matters of public interest – namely, levels of retail service and /or a significant risk of urban blight; and

- c) Identify the benefits of the proposed development and how it will complement the existing commercial base, with particular regard to the objectives of adding a facility not currently available in the local market, expanding the range of shopping choice, and enhancing the convenient distribution of retail facilities.

The intent of the retail market demand and impact report is to examine each of the City's commercial areas as a total entity from a planned function standpoint, rather than evaluate the competitive effect of the proposed development on individual businesses.

5.3.2 Tourist-Highway Commercial

5.3.2.1 Development Concept

The Tourist-Highway Commercial designation provides commercial services and facilities to the travelling public or accommodates commercial activities which may not be conveniently located elsewhere, which require extensive land areas for structural space, vehicular parking, outdoor storage, and display of goods or materials, particularly related to automotive, construction, accommodation, recreation, and eating establishments.

The Tourist-Highway Commercial area is located along portions of the Highway 108 Corridor, to take advantage of the locational characteristics of the Corridor.

Not all uses are appropriate along all portions of the area designated Tourist-Highway Commercial. Those lands that abut or have frontage on Elliot Lake, Horne Lake or Porridge Lake should be developed or redeveloped for Tourist related commercial uses rather than Highway Commercial uses. Other sites not on the water are more suited to a mix of tourist commercial and traditional highway commercial uses.

5.3.2.2 Permitted Uses

Within areas designated Tourist-Highway Commercial classification, the predominant use of the land shall be for businesses which primarily serve the Elliot Lake market area and which rely heavily upon vehicular traffic for their economic existence. Such permitted uses may include restaurants including fast food and drive through facilities, hotels, motels, tourist recreation facilities, automotive uses, warehouses, bus terminals, trading posts, retail service uses, places of assembly, museums, government offices, commercial parks, and camping grounds.

Residential dwellings may be permitted as accessory uses to highway commercial uses.

Residential uses may be developed as an integral part of a tourist commercial development, in accordance with the provisions of Section 5.1.

Tourist and Highway Commercial uses may be zoned in one or more appropriate Commercial zones.

5.3.2.3 Control of Future Development

Tourist-Highway Commercial facilities shall be located in clusters rather than in strip development along major roads.

The expansion of the Tourist/Highway Commercial area beyond those identified in this Plan or the identification of new areas is not envisioned by this Plan and will be subject to the preparation and approval of an official plan amendment.

5.3.2.4 Site Plan Control and Buffering

Development within the Tourist-Highway Commercial area is subject to Site Plan Control.

Council shall make provision for landscaping and sign control through appropriate by-laws. Sufficient off-street parking facilities and safe and convenient points of ingress and egress shall be provided, and shall be oriented away from the area between the buildings and the Highway Corridor.

Adequate buffering shall be provided between the Tourist-Highway Commercial area and any adjacent Residential areas and abutting highways, and such buffering may include grass strips, berms, fences, tree and shrub plants, landscaping, or any combination thereof.

5.3.3 Neighbourhood Commercial

5.3.3.1 Development Concept

Existing Neighbourhood Commercial Plazas or groups of neighbourhood commercial uses have been designated on Schedule A as Neighbourhood Commercial. Others that may be subject to redevelopment proposals may be in the Residential designation, to provide for residential redevelopment, particularly where they do not have a long term commercial viability. Individual, or small-scale commercial uses may also be permitted in the Residential area, subject to the policies of this Plan and appropriate zoning.

5.3.3.2 Permitted Uses

Neighbourhood Commercial uses are those commercial uses that serve the day-to-day local commercial needs of neighbourhood residential

areas in Elliot Lake. Such uses may include local retail and service businesses; small business, professional, or medical offices; convenience stores; and accessory dwelling units . No supermarkets or large-scale retail shopping markets shall be permitted.

Neighbourhood Commercial uses shall be placed in the appropriate zone for Neighbourhood Commercial uses in the implementing Zoning By-Law.

5.3.3.3 Locational Criteria

The location of neighbourhood commercial uses shall be controlled through zoning subject to the following criteria.

Neighbourhood Commercial uses shall only be permitted when the following criteria have been satisfied:

1. The proposed use and visual appearance of the use shall be compatible with adjacent development;
2. The location and proposed use shall be appropriate to serve the surrounding neighbourhood and minimize traffic impacts;
3. Adequate off-street parking, loading, and buffering development shall be provided;
4. The size and scale of the proposed development shall not deter from the predominantly residential character of an area, and in no way result in a commercial development that would detract from the core commercial focus in the City, the Central Commercial area;
5. To avoid the establishment of several neighbourhood commercial uses in a neighbourhood, regard shall be had to the location of existing commercial uses in a neighbourhood. Council may request a business or marketing Plan in support of proposed neighbourhood commercial uses in developed areas; and
6. Council shall be satisfied that signs do not detract from the visual amenity of the area, and that the noise generated from such a use will not create a disturbance to residents in the area.

5.3.3.4 Site Plan Control

Neighbourhood Commercial uses are subject to Site Plan Control.

5.4 Mount Dufour Recreational Mixed Use Development

The Mount Dufour Recreational Mixed Use Development area is identified as a special policy area. The area may be developed as a mixed use area that incorporates residential development with public and private tourist and recreational facilities.

Residential development will be subject to the provisions of Section 5.1 of this Plan.

An Official Plan Amendment is not required, provided the following criteria are addressed:

- A master plan is prepared showing the ultimate development of the area with the scale of the development (number of units, etc.) and linkages with the open space and trail system in the City;
- Reports are submitted to address:
 - the overall development concept for the area, including principles, objectives and assumptions for the development of the area;
 - storm water management, water and sanitary sewer facilities;
 - transportation and infrastructure improvements required;
 - urban design guidelines;
 - fiscal impacts on the City; and
 - other matters identified by the City.
- An Impact Assessment is completed;
- A Zoning By-law Amendment will be required to accommodate the development. Several zone categories may be provided in the implementing zoning by-law.

5.5 Industrial and Light Industrial

5.5.1 Development Concept

It is the intent of the Plan to provide for a sufficient land base for industrial development, to provide for adequate servicing, and to create a framework for revitalization of the three existing industrial areas. The focus of new industrial development will be largely urban based where development can be adequately serviced. In recognition of the difficulty of finding large open tracts of suitable land with favorable topography, access and serviceability, lands outside of the urban area will also be considered for industrial development. The focus of industrial uses in the rural area will be on “dry industries” except where lands can be serviced with piped water and sewer systems.

Lands within the Urban Area have been designated for Industrial and for Light Industrial purposes. Those areas designated for Light Industrial uses are located along the frontage of Pearson Road and Esten Road North, and are intended to be developed in a “business park” or “industrial park” style, where light industrial and office uses are developed with a high standard of design, large storage areas are not required, and uses do not provide emissions into the environment.

For the purposes of Section 5.5.4 – Industrial Park, the intent of the Plan is to examine a number of candidate areas that may have potential for an industrial

park since there is limited land within the urban area or urban fringe which is suitable, either because of physical constraints or land use incompatibility. Primary candidate sites in the rural area include former industrial areas such as uranium mine sites, land adjacent to the Elliot Lake airport, and former aggregate resource extraction areas. These areas are not intended to exclude other sites for consideration. Any candidate site will be evaluated according to the criteria in Section 5.5.4 before an amendment is proposed.

5.5.2 Permitted Uses

Within the Industrial land use designation, areas may include plants for manufacturing, extracting, assembly and processing of raw materials or partially manufactured components, repair workshops, storage of goods, research or commercial laboratories, printing houses, and transportation facilities. Certain other uses, including offices, eating places, banking services, wholesale and distribution operations, retail outlets in association with an industrial use, establishments that provide supportive services to the industrial area, automotive commercial uses and a limited number of other uses, such as laundries and dry-cleaning establishments, shall be permitted.

The permitted uses in the Light Industrial area will be more limited than in the Industrial area and will only include uses that are for small scale, self-contained facilities which produce or store products which have low probability of noise, odour, dust or vibration emissions. Uses tend to be daytime operations only, with infrequent movement of products and/or heavy trucks, and no outside storage.

The Zoning By-Law implementing this Plan may in turn divide the industrial areas into industrial zones so that classes of industrial activities likely to give rise to noise and other nuisances are located where they may least affect the amenity of adjacent areas. Council may establish “minimum distance separations” between classes of industry and adjacent sensitive land uses in accordance with the MOECC’s Guidelines.

5.5.3 Site Plan Control and Landscaping

Development within this land use designation is subject to Site Plan Control.

Adequate buffering shall be provided between the “Industrial” areas and any adjacent “Residential” areas and abutting highways. Such buffering may include grass strips, berms, fences, tree and shrub plantings, landscaping, or any combination thereof that is sufficient for the purpose.

5.5.4 Timber Road Industrial Area

The Timber Road Industrial area has been, and continues to be designated for industrial use.

In the future, the long term conversion of the uses from industrial to tourist commercial may occur with pressures to develop around Elliot Lake, if suitable Industrial lands are located elsewhere.

Should a sensitive land use be proposed, the City shall ensure land use compatibility between existing industrial and proposed sensitive land uses is reviewed, in order to minimize the potential for adverse impacts between the two types of uses and ensure that they can co-exist during the transition from industrial to mixed uses.

5.5.5 Industrial Park

An industrial park may be developed in the rural area subject to an amendment to the Official Plan and to meeting the following criteria.

- The land area is sufficient for the intended use;
- The area is accessed from a public road;
- The location is appropriate to the type or mix of industrial uses e.g. consideration should be given to transportation costs, visibility, marketing, technological support, and labour supply;
- The lands can be adequately serviced in accordance with the policies of this Plan. Servicing options may include individual on-site or communal services. The extension of piped water and sewer services from the urban area to remote locations is not intended;
- The lands can meet the applicable minimum distance separations for industrial classifications to ensure compatibility with surrounding land uses;
- The location will not impede the development of resource uses as set out in the Resource Management policies of this Plan; and,
- The size and use would not detract from the existing industrial base of the urban area.

An industrial park developed in the vicinity of the airport may be considered, provided such a park shall be required to meet the criteria noted above.

5.5.6 Industrial Revitalization

Improvements to existing industrial areas may be undertaken under the auspices of Community Improvement Plans. It is the intent of the City through private and/or public sector initiatives to revitalize existing industrial areas to improve their appearance, their function and enhance opportunities to attract new businesses or expansions to existing businesses.

5.6 Institutional

5.6.1 Permitted Uses

Institutional uses include public service facilities, schools, hospital and health care facilities, medical clinics, nursery and day care facilities, homes for the aged and rest homes, government offices, police stations, fire halls, public libraries, museums, churches, and cultural facilities.

Existing institutional uses located within residential neighbourhoods should be redeveloped for other institutional uses or for appropriately scaled residential uses. Such uses should not be redeveloped for other non-residential uses unless the impact of the new use on the surrounding neighbourhood is less than the impact from the existing institutional use.

Institutional uses permitted shall be placed in an appropriate Institutional zone in the implementing Zoning By-Law. Institutional uses are intended to be located in the urban area and are also permitted in the Residential and Parklands designations subject to being appropriately zoned.

5.6.2 Large Scale Institutional Uses

Large scale institutional uses are considered to be those which are substantially out of character with land uses in the surrounding area, taking into account building area and height, building coverage of lot area, vehicular traffic and parking requirements, among others. Large scale institutional uses should be:

- a) located on or in close proximity to urban collector streets in order to provide adequate vehicular access to individual sites and to keep traffic out of residential areas;
- b) located centrally within the service area;
- c) located adjacent to or in combination with other institutional uses, where appropriate and possible; and
- d) appropriately sited to accommodate demands with regard to parking facilities, servicing or other similar matters.

5.6.3 Site Plan Control

Institutional uses are subject to Site Plan Control.

5.7 Rural

5.7.1 Development Concept

The rural area is rich in renewable and non-renewable resources and has the capacity to support a compatible mix of rural residential, rural recreational, and other rural land uses. It is the intent of the Plan to strike a balance amongst

these various land uses' needs by giving priority to the wise stewardship of resources, protecting the natural environment, and providing for orderly and sustainable limited rural residential development.

It is the intent of the Plan to provide for the management of the resources for mining, forestry, and mineral aggregate extraction. Policies recognize the respective capacity of the land base for resource extraction or development, and rehabilitation or sequential use where appropriate. The Plan also recognizes the impact of past mining practices on the landscape, in particular, Tailings Management Areas, and establishes policies which to divert development away from such areas.

It is the intent of the Plan to recognize the sensitivity of the natural environment and the need to conserve wildlife and fish habitat and other sensitive areas from development that may have an adverse or unacceptable negative impact.

The intent is to provide for the orderly development of shoreline areas of select lakes and other rural areas for limited residential development. Scattered rural residential development will not be permitted.

5.7.2 Permitted Uses

Within areas designated Rural, the predominant use of the land shall be of a non-urban nature and shall include:

1. Resource uses such as mineral resource development, mineral aggregate resource extraction, forestry, and agricultural uses. Accessory or directly related resource-related industrial uses shall be permitted such as a sawmill, aggregate crushing operation, or smelter.
2. Rural residential uses and shoreline residential in accordance with this Plan. A residential use that is accessory and essential to a primary rural use shall also be permitted e.g. the dwelling of a proprietor or operator of a business.
3. Rural recreational uses such as a golf course, tourist lodges and campgrounds, outfitters, outdoor recreation, equestrian facilities, recreational trails/corridors for snowmobiling, hiking, canoeing, cross country skiing, equestrian.
4. Single purpose uses appropriate and typically located in a rural area such as a kennel, salvage yard, or garden centre.
5. Public service facilities and infrastructure such as airport facilities, cemeteries, radio and television antenna services telecommunications facilities, and transportation and infrastructure corridors and facilities.
6. Agricultural and agriculture-related uses, in accordance with the MDS policies of this Plan.

7. Alternative energy facilities and systems and renewable energy facilities and systems.
8. Legally existing uses as of the date of adoption of this Plan including the following:
 - a) A single detached dwelling on Part 1 on Plan 1R-5727, recorded and registered in the Land Registry Office for the Land Title Division of Algoma at Sault Ste. Marie, Ontario (TV Hill);
 - b) A salvage yard on the whole of Pat 1 on Plan 1R-4721 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario (opposite airport);
 - c) A recreational trailer park at Cinder Lake on location C12531, Part 1 and 5 and CL2750, Pat 1, Plan 1R-4574.
 - d) A Boy Scout Camp on South Bay Road at Cinder Lake on location C12531, Part 2 to 4 and LO7946 under a License of Occupation;
 - e) A single detached dwelling on Part 1, Plan 1R-3803, Parcel 7379, MCS-97240 comprising 8.28 ha (20.48 ac.)(Mitchell Estate);
9. Recognition is also given to other land use features such as natural heritage resources that characterize the rural landscape.
10. A rural Commercial/Industrial Park subject to the policies in the Industrial Section of this Plan shall be permitted. Such park shall be located in the vicinity of the airport, developed on private individual services, suitable from a hydrogeological perspective, compatible with the airport and highway corridor.

5.7.3 Shoreline Residential

5.7.3.1 Development Concept

Shoreline residential development is intended to provide an alternative residential living environment. It is the intent of the plan to make provisions for an appropriate supply of land for Shoreline Residential development in meeting the long-term recreational tourism needs of the community. The number of housing units to be brought on stream will be based on a marketing program and on monitoring the supply and demand.

The Shoreline Residential areas are mapped on the Schedules to the Official Plan.

5.7.3.2 Permitted Uses

Within the areas designated as Shoreline Residential, permitted uses shall include permanent single detached dwellings, seasonal dwellings, and accessory

buildings, structures and associated recreational facilities e.g. sauna, boat house, dock, launching facility.

Shoreline Residential uses will be distinguished according to the dwelling type in the implementing Zoning By-law.

5.7.3.3 Lake Development

Lakes will be developed on a selective basis. The development of land acquired from the Province of Ontario on the shorelines of lakes will be directly controlled by the Council and managed by the Elliot Lake Residential Development Commission to ensure an effective take-up of lots as they are made available. Development may be permitted initially on lakes identified in the implementing Zoning By-law.

Development shall be determined by and be consistent with approved Lake Management Plans including capacity calculations for permanent residential lots, using the Lakeshore Capacity Model or an alternative model acceptable to the MOECC and the MNRF.

Proponents will be required to consider the need for and, if necessary, conduct an Impact Assessment having regard for this plan as part of the subdivision approval process.

5.7.3.4 Municipal Services

It is not the intention of Council to expand or provide any additional services to the residents of the existing developed areas on Dunlop, Quirke, and Popeye Lakes beyond those already provided as of the adoption of this Plan.

For new development within the Shoreline Residential designation, the following municipal services policies will apply:

1. The size of all of the lots will exceed the minimum necessary to accommodate on-site, private water and sewer systems suitable for permanent residential dwellings. For lots smaller than 1 ha that include on-site private water systems (well), a hydro-geological study will be performed.
2. Water Access only may be permitted for seasonal dwellings where provision is made for a public access facility on the lake in compliance with applicable law. Where access is provided by means of road, it will be constructed to a rural service standard.
3. Exceptions may apply where the full operational costs of providing the services are borne directly by those benefiting from the services, e.g. through area rating or user fees.
4. Proponents of new development except for the City on lands zoned Shoreline Residential will be required to enter into agreements for the provision of services at standards prescribed by the City. Such agreements

may defer the dedication and assumption of services e.g. roads until property tax revenues are sufficient to offset the operational costs of maintaining such services.

5.7.3.5 Form of Development

Land development shall take place by plan of subdivision in accordance with the policies of this Plan. Clusters of up to two lots may, however, be created by Consent.

Lots created in accordance with approved Lake Management Plans will not be further divided where such lots are located on lakes that are determined to be “at capacity” or would otherwise not conform to the Lake Management Plan.

5.7.3.6 Environmental Design Principles

Development will occur with regard for protection of the environment by avoiding air, soil, or water pollution. Particular attention will be given to shoreline development and lake capacity to support the development. Development shall be achieved in an environmentally sensitive manner having regard for the water quality and aquatic and terrestrial habitat of lakes selected for such development. It is intended that shoreline development not exceed the capacity of the lake to sustain fish habitat at existing levels and where possible, improve such habitat. Environmental design principles will be used in the design, development and ongoing maintenance of residential and accessory structures. Lake capacity will be monitored to assess the impact of development.

5.7.3.7 Site Plan Control and Vegetation Management

In order to implement these policies and to protect the natural shoreline, Council may use the policies of this Plan, the provisions and standards in the Zoning By-law, site plan control, and the issuance of building permits

Natural vegetation shall be disturbed as little as possible adjacent to the shoreline.

5.7.4 Rural Estate Development

5.7.4.1 Development Concept

It is intended that a limited supply of the future housing demand of the community be met through Rural Estate Development. Rural Estate Development will occur by plan of subdivision to avoid scattered rural development. Clusters of up to two lots may, however, be created by consent. The intent of the designation is to add to the diversity of the housing supply in the rural area without conflicting with resource development. This form of development will not occur in the vicinity of the urban area in order to ensure sufficient lands are preserved for future urban expansion. Rural landscapes that qualify for this type of development will exhibit topographic diversity, superior scenic attributes and landscapes. The focus will be on the conservation of these landscapes.

5.7.4.2 Permitted Uses

Permitted uses shall include single detached dwellings and accessory uses, building and structures including home based businesses and garden suites. Rural Estate Development may occur in association with a golf course, but will be separately distinguished and designated to conserve its residential character.

Rural Estate residential development will be permitted in the Rural Zone with certain zone requirements in the implementing zoning by-law with standards that prescribe the requirements appropriate to the unique setting of this form of residential development. Zone standards may vary depending on the location of such development.

5.7.4.3 Estate Development

Lot sizes may vary. Development will be phased to ensure that there is a substantial take-up of lots e.g. 75% or more, before new applications are considered. For this reason, only one designation at a time will be considered. New applications will be reviewed on the basis of the supply and demand for Rural Estate development, the impact of demand on the urban housing supply, and the location attributes of the site. Proponents will be required to consider the need for and, if necessary, conduct an Impact Assessment having regard for Section 7.6.2 of this Plan. Regard shall be given to the resource management policies of this Plan in making such selections.

5.7.4.4 Servicing

Standards for servicing will include access to and direct frontage on a public road constructed to a rural road standard, development using on-site (private) water and sewage services except where communal services are considered to be preferable. Section 4.20.2 will apply with respect to water and sewer services. For the purposes of the Plan, the servicing policies of section 4.20.2 shall apply.

5.7.4.5 Environmental Design Standards

Development will occur with regard for the protection of the environment by avoiding air, soil, or water pollution. Development will be sustainable and shall be achieved in an environmentally sensitive manner having regard for the ground and surface water quality of the area. Environmental design and ecological planning principles will be used in the design, development, and ongoing maintenance of the properties. Development will complement and enhance natural landscapes, emphasize scenic vistas, conserve ecological attributes, natural vegetation, and the wilderness setting.

5.7.5 Mineral Resources

5.7.5.1 Policies – Mineral Resources

Mineral resource lands shown on Land Use Schedule “B” exhibit moderate and high mineral potential. .

5.7.5.2 Mineral Resources as a Constraint

Mineral resource lands are a development constraint overlay. This shall mean that mineral resource-related uses such as exploration, development, and mining of mineral resources, mine structures, buildings and ancillary uses, and mining resource-related uses such as a smelter shall have priority on those lands within the constraint overlay except for those areas of existing development shown on Land Use Schedules “A” and “B”. It is a policy that no new mining town sites are permitted within the constraint overlay.

It is a policy that the scope of permitted uses, in addition to mining and mining-related uses, shall be those set out for the Rural area subject to the applicable development policies for those uses and the following requirement. Any proponent of development will be required to undertake an evaluation or provide information satisfactory to the City and Public Bodies (Ministry of Northern Development and Mines (MNDM)) that addresses the following requirements prior to the approval of such development.

- a) In review of planning applications, Council shall consult or circulate to the MNDM where the proposed development is located outside of a designated community or urban area but within the lands identified as having moderate mineral potential.
- b) The proponent of development shall provide an analysis of the proposed development for uses other than those permitted above based on the following criteria:
 - The economic, social, and environmental benefits that will accrue from the proposed development and from resource use;
 - The proposed land use or development does not significantly preclude or hinder future extraction;
 - Current economic circumstances and the likelihood of the mineral resource being developed within the Official Plan planning horizon;
 - The planning lifespan of the proposed development as compared to mineral extraction e.g. is there an opportunity for sequential use, by allowing the resource to be extracted first followed by the proposed development;

- Whether the proposed development and mineral extraction can coexist e.g. would the mining method be open pit/quarry or underground and, can mining infrastructure be located off site or adjacent to the development and proposal using non-obtrusive and compatible site design and construction methods;
- The nature and sensitivity of physical features and existing development constraints that may restrict the feasibility of mining the resource or developing the other use;
- Whether the proposed development can be feasibly located on another site so that it would not conflict with mineral extraction or exploration; and,
- Whether there is enough information and data available to answer the aforementioned questions e.g. will it be necessary to undertake additional on-site mineral resource analysis in the proposed development area in order to make a fully informed planning decision.

Such analysis shall be considered along with relevant sections of the PPS as a prerequisite to an application for consent, rezoning, or other planning application.

5.7.5.3 New Mines

It is a policy that the establishment of new mines shall be subject to the approval of the MNM under the *Mining Act* and do not require an amendment to the Official Plan but will require an amendment to the Zoning By-Law.

5.7.5.4 Past Producing Mines

It shall be a policy that past producing mining operations are considered to be mine sites that are under temporary closure and where there is remaining mineral potential. Resumption of mining may be permitted subject to the approval of the MNM.

5.7.5.5 Rehabilitation

It shall be a policy that past producing mining operations or active mining operations shall be subject to the provisions of the *Mining Act* and the applicable federal environment assessment requirements with respect to rehabilitation and/or closure.

5.7.5.6 Existing Mining Land Tenure

It is the policy of the City to acknowledge the use of mining lands for mining purposes as permitted under the *Mining Act* and subject to the approval requirements of the MNM. Mining lands including mining

rights such as staked mining claims, mining leases and mining patents used or intended to be used for mining purposes. These may be zoned in the Zoning By-law on a site-specific basis and wherever possible, incorporated within the Mineral Potential overlay. This is intended to exclude lands that are already developed such as the urban area, airport, public service facilities etc.

5.7.5.7 Resource Depletion

Where the mineral resource has been depleted and the mine or lands associated with the mining operation have been rehabilitated or closed in accordance with plans approved by the MNM and other Public Bodies, these lands may revert to an alternative rural use provided that such use does not prejudice mining operations or mineral resource operations or other resource lands on adjacent properties.

5.7.6 Mineral Aggregates

This Plan protects lands identified as Mineral Aggregate Resource Deposits on Schedule “B” for their resource value.

Aggregate resource extraction should be considered an interim land use. Rehabilitation of aggregate extraction operations is required and sites will be returned to productive uses compatible with surrounding land uses.

5.7.6.1 Permitted Uses

Uses permitted on Mineral Aggregate lands shall be those used that are compatible with aggregate extraction e.g.:

- Pits and quarries;
- Wayside pits and quarries;
- Forestry excluding any permanent buildings;
- Uses associated with pit and quarry operations such as crushing facilities, stock piles, screening operations, asphalt plants and aggregate transfer or recycling operations provided they do not prevent the opening of a pit, quarry, wayside pit or quarry; and
- Passive recreation uses excluding buildings or structures.

Development of lands for uses other than those listed above shall require an amendment to the Zoning By-Law. The following criteria shall apply in evaluating applications for lands shown as Mineral Aggregate Resources on Schedule “B”:

- Whether the use serves a greater long-term benefit than aggregate extraction;

- The reasons for the choice of locations and an appraisal of the alternative locations for the non-mineral aggregate related land use;
- The feasibility of sequential land use in which the aggregate resource is removed prior to the proposed uses;
- The impact that the proposed land use may have on any existing mineral aggregate resource extraction in the vicinity and on the future mineral aggregate exploration and extraction in the surrounding area;
- Whether the mineral aggregate has been extracted; and
- Whether the adjacent uses are incompatible with mineral aggregate and/or mineral resource extraction and may make future extraction impossible.

5.7.6.2 Setbacks

Where there is not existing development, the minimum influence area for an aggregate operation is intended to offer mutual protection from encroachment by incompatible uses for both sensitive uses and extractive activities. In the absence of detailed studies the minimum influence area is generally:

- Pits above the water table: 150 metres;
- Pits below the water table: 300 metres; and
- Quarries: 500 metres.

The influence area may be reduced following submission and acceptance of appropriate studies and mitigation plans to the City showing how compatibility is to be achieved between the potentially conflicting uses.

Notwithstanding the above, where there is existing development between the proposed use and the existing sensitive use or aggregate operation the minimum influence area for studies and mitigation measures shall not apply.

5.7.6.3 Site Plan Control

Aggregate operations are subject to Site Plan Control measures as set out in Section 7.15 of this Plan.

5.7.6.4 Adjacent Lands

Development may be permitted on lands within 300 m (984 ft.) of lands designated Mineral Aggregate Resources provided:

- There is no negative impact on an existing or future extraction operation and/or exploration;
- No negative land use impact will result from the existing or future aggregate resource use on the non-aggregate use e.g. noise, dust, traffic impacts, domestic water supply; and
- Any non-aggregate use shall require an amendment to the zoning by-law.

5.7.7 Forest Management and Related Uses

It is the policy of Council to recognize the importance of forests as a sustainable resource within the City.

On land falling under *Crown Forest Sustainability Act* agreements, forest managements and wood production activities shall be permitted and encouraged. In the development of such agreements under the Act, Council will work with the Province and the forest industry to ensure that other resource attributes are considered and managed for their respective values. Council will encourage private property owners to develop forest management plans as a means to contribute to the quality of life and economic health of the community and to enter into Woodland Improvement Agreements with the Province. The City will also permit complementary land uses to forest management practices and activities such as wildlife habitat improvement or ecosystem improvement and the active or passive use of forested areas for recreational activities .

In recognizing the importance of the forest resource within the City, it is a policy to both support and help coordinate the application of forest resource management techniques to ensure compatibility with harvesting, renewal, and maintenance operations with other resource attributes, particularly wildlife and fish habitat.

5.7.8 Rural Recreational Uses

Outdoor recreation uses including sports and recreation clubs, tourist facilities, shoreline parks, boat launches, nature trails, and wildlife reserves are permitted in the Rural Area, in addition to recreational and tourist commercial uses such as marinas, golf courses, campgrounds, bed and breakfast establishments, antique outlets, tent and trailer parks, and other such uses.

Rural recreational uses shall be permitted subject to the following development criteria:

1. The land area is sufficient for the intended use and any potential expansion;

2. The proposed use can be adequately serviced with on-site services;
3. The proposed use has frontage and direct access on to a public road with the exception of rural recreational uses that are located on the shoreline, where alternate access may be provided, either by private road or by water access. Where water access is provided, adequate docking and vehicle parking facilities must be available with direct access from a public road, to the satisfaction of the City;
4. The use is compatible with the potential development of the resources, where applicable;
5. The use is compatible with the natural environment.

5.7.9 Rural Commercial and Industrial Uses

Most commercial and industrial development will take place in the Urban Settlement Area recognized in this Plan. However, it is anticipated that there may still be a need or desire for rural commercial and industrial development, in particular in the area near the Elliot Lake Airport.

1. Rural commercial and industrial uses which provide for the basic and immediate needs of the rural population and of tourists and the travelling public shall be permitted. Permitted rural commercial uses shall include, but shall not be limited to, resort and recreation commercial uses, tourist facilities, auction barns, farm related commercial and convenience commercial, flea markets, golf courses, and highway commercial uses.
2. Permitted Rural industrial uses shall include, but not be limited to, agricultural processing plants, builders' supply yards, bulk storage yards, contractor yards, transportation terminals, motor vehicle repair garage, sawmill, warehousing, and other similar industrial uses.
3. Where industrial and rural uses are proposed on or near adjacent sensitive lands, separation distances and/or studies shall be required that complies with the MOECC's Guidelines.
4. Proposed rural commercial and industrial uses shall be subject to the following criteria:
 - a) The use must be appropriate for the proposed location and be compatible with surrounding land uses;
 - b) Access will be carefully controlled in order to avoid creating any traffic hazard;
 - c) Appropriate landscaping, screening, and buffering shall be provided;
 - d) Adequate parking and loading spaces will be provided;
 - e) Advertising signage and outdoor storage of goods and materials will be appropriately controlled;

- f) The uses will be placed in a separate category in the Zoning By-law;
- g) The uses shall be dry uses; and
- h) Site conditions shall be suitable for the long-term provision of individual on-site sewage services and individual on-site water services.
- i) Development may be subject to site plan control.

5.7.10 Other Rural Uses

1. Conservation Uses

Conservation uses that enhance or improve ecosystems within the City, wildlife management, and activities related to wildlife and conservation interpretation are permitted.

2. Kennels

Kennels are permitted in the rural area, subject to an amendment to the Zoning By-Law. The Zoning By-Law may establish a minimum separation distance between a kennel and sensitive land uses.

3. Salvage Yard

A salvage yard may be permitted subject to an amendment to the Zoning By-Law, provided the use meets all environmental standards and requirements of the MOECC or other public body having jurisdiction, that any storage area is fully screened from an adjacent use, and the road provided that the use is compatible with any adjacent uses. Site Plan Control will apply to such uses.

4. Existing Hunt Camps

Owners of existing hunt camps that hold land use permits from the MNRF may purchase those lands from the Crown to continue as a hunt camp. The City will not be responsible for the provision of any municipal services to such lands.

5.7.11 Public Service Facilities

Public Service uses and facilities are recognized where they are essential to meeting the needs of the public and because of their characteristics, must be located in the rural area. New or expanding public service uses and facilities shall consider servicing, environmental impacts, and access.

5.8 Crown Land

There is a significant amount of Crown Land in the City, administered by the Ministry of Natural Resources and Forestry (MNRF). Crown land is not shown on the schedules and does not represent a land use designation.

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While the Crown is not bound by the policies or land use designations of this Plan, the City will work in cooperation with the Province to determine the future use and development of Crown Lands. The City is actively engaged with the Province in the disposition of Crown Lands for economic development and the process and studies involved for the Shoreline Residential project. The City encourages the Province to consult with Council when making land use decisions concerning Crown Lands. This Plan shall be binding on any lands that cease to be Crown Lands, either by sale or transfer into private ownership, or tenanted development via leases or land use permits, and the use and development of those lands shall be in conformity to this Plan.

The MNRF is encouraged to have regard for the policies and schedules of this Plan and to consult with the City with respect to the use and disposition of Crown Lands.

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6.0 CULTURAL HERITAGE, NATURAL ENVIRONMENT, AND PUBLIC HEALTH & SAFETY

6.1 Cultural Heritage and Archeological Resources

The City's 2014 Summary Report on Background Data Collection on the Arts and Cultural community should be consulted regarding cultural sites of interest.

6.1.1 Cultural Heritage Resources

Council will consider cultural heritage resource conservation in all land use planning decisions. Cultural heritage resources include, but are not restricted to, significant built heritage, cultural significant heritage landscapes, cemeteries and burials, archeological sites, buildings and structural remains of historical and architectural value, and human-made rural, urban or cultural heritage landscapes of historic and scenic interests. Council supports awareness and participation with the public and First Nations surrounding heritage resources. To implement this policy, Council shall:

1. Encourage the identification, restoration, protection, maintenance, and enhancement of cultural heritage resources;
2. Consider ways and means in which Council may cooperate in the conservation and/or preservation of cultural heritage resources, including utilization of the Ontario Heritage Act in the following ways:
 - o Establish a Municipal Heritage Committee with the goals and objectives of advising Council on all cultural heritage matters throughout the City;
 - o Designate and acquire heritage easements on properties of cultural heritage value or interest and designate districts and areas having cultural heritage value or interest;
 - o Prohibit the demolition of designated properties until the owner has obtained a permit for a replacement building and require that the replacement building must be built within two years; and
 - o Require full documentation of a heritage building or structures prior to its demolition, as well as documentation of any other heritage resources on the property that may be affected by the demolition.
3. Encourage comprehensive inventories of cultural heritage resources and cultural heritage resource master plans in the City;
4. All new development permitted by this Plan shall conserve significant cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all new development will be planned in a manner which preserves and enhances the context in which cultural heritage resources are situated.

5. Require an archeological impact assessment carried out by an archeologist licensed under the Ontario Heritage Act, when any public work, private development, consent, or Zoning By-Law amendment will affect an area containing a known archeological site or an area considered to have archeological potential.
6. Consider, where appropriate, the passing of archeological zoning by-laws under Section 34 of the Planning Act, to be adopted for the purpose of preserving identified significant archeological sites.
7. The City shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources. Development proponents shall consult First Nations where cultural heritage resources involve First Nations heritage sites or burial grounds. The applicant shall seek the First Nation's advice on the manner in which these resources and features are to be dealt with.

6.1.2 Archaeological Resources

Archaeological resource areas are determined through mapping and screening criteria, based on the known archaeological record or features. Such criteria include known archaeological sites, proximity to water, current or ancient shorelines, cemeteries, sandy soils, rolling topography, unusual landforms, historic transportation features such as portage routes, places of past human settlement, or places significant to history and understanding of a people or place. Significant First Nations and non-First-Nations cemeteries or unmarked burial sites may also be considered as archaeological resources.

1. In the event that human remains or cemeteries are encountered during site assessment or development, all work shall cease and the site shall be secured. The appropriate authorities shall be notified and the required provisions under the Ontario Heritage Act and the Funeral, Burial and Cremation Services Act shall be followed. All relevant First Nations communities shall be consulted for input where any burial site or remains is considered to be of potential First Nations origin. The applicant and/or Council shall seek the First Nation's advice on the manner in which these resources and features are to be dealt with. Council may require that the development proponent retain archaeologists licensed under the Ontario Heritage Act to assess or monitor the site and recommend conservation strategies.
2. Where a development proposal or waterfront development or site alteration is located on lands with significant archaeological resources or is within an area considered to have archaeological potential, a licensed archaeologist, through archaeological fieldwork, shall determine which stages of assessment are required.
3. A Phase I Archaeological Assessment in accordance with requirements of MTCS shall be required 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* and shall be submitted to Council and the MTCS prior to development approval.

4. Where resources are found on site, further investigations through a Phase II and potentially Phase III Archaeological Assessment may be required. The study may identify the need for archaeological preservation in situ or rescue excavation of significant archaeological resources as a result of development proposals. In situ preservation is preferred to ensure that the integrity of the resource is maintained. If the site is determined to be significant the development may be prohibited.
5. Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the *Ontario Heritage Act*.

6.1.3 Marine Heritage Resources

1. A marine archaeological survey to be conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* may be required if partially or fully submerged marine features or items of cultural heritage value are identified and impacted by shoreline and waterfront developments.
2. Any marine archaeological resource that is identified must be reported to the MTCS immediately. MTCS shall determine whether the resource shall be left on location or may be removed, through excavation, by licensed marine archaeologists.

6.2 Natural Heritage Features

Natural Heritage Features have been identified on Land Use Schedule “C” by way of overlays and are intended to be protected and enhanced for their ecological significance. Council will require, where deemed necessary, the undertaking of preliminary Ecological Site Assessment (ESA) where development is proposed in proximity or adjacent to a Natural Heritage Feature as set out in **Section 6.6 of this Plan**.

New or expanding development and site alteration into Natural Heritage Features will not be permitted without further study unless it is demonstrated there will be no negative impacts on the features or their ecological functions.

6.2.1 Habitat of Endangered and Threatened Species

Habitat of Endangered Species and Threatened Species will be defined based on the *Endangered Species Act* and the Species at Risk in Ontario (SARO) list. Proposals for development and site alteration shall be screened for areas of documented occurrences of endangered and threatened species including general and regulated habitats and shall be required to demonstrate compliance with the *Endangered Species Act*. In order to protect the exact location of such habitat or species, MNRF shall be consulted for further information.

1. Where there is potential habitat of endangered and/or threatened species, an ESA will be required in support of a planning application. Development and site alteration may be permitted in the Significant Habitat of Endangered or Threatened Species subject to the authorization under the *Endangered Species Act*.

6.2.2 Significant Wildlife Habitat

Significant wildlife habitat identified in the Planning Area includes:

- Moose Aquatic Feeding Areas;
 - Wildlife wintering areas;
 - Wildlife feeding areas; and
 - Nesting Sites for bird species.
1. Development in areas of significant wildlife habitat or within 120 metres of significant wildlife habitat shall be permitted only where an EIS, which is carried out by a qualified professional in accordance with **Section 6.6 of this Plan**, has demonstrated that there shall be no negative impact on the habitat or its ecological function. In the case of adjacent lands, the ecological function of the adjacent lands must also be evaluated.
 2. Mitigation measures beyond 120 metres of the feature may be required to ensure no negative impact on the habitat or its ecological function.
 3. Planning applications that would result in site alteration for lands outside the boundary of a settlement area and where there is potential for significant wildlife habitat to be present, shall be required to submit a preliminary ESA to determine if there is significant wildlife habitat present on the site as part of a complete application.

6.2.3 Fish Habitat

The City's lakes, rivers, and streams support a variety of fisheries. MNRF is the provincial fisheries manager and shall be consulted to determine what fish community information may be available for a specific location prior to development. Known fish spawning areas are indicated on the OP Schedules.

Serious harm to fish that are part of a commercial, recreational, or Aboriginal fishery or to fish that support such a fishery is prohibited under the *Fisheries Act*.

1. Development and site alteration shall not result in a net loss of fish habitat or negatively impact fish passage.
2. Development and site alteration shall not be permitted within 30 metres of fish habitat, except in accordance with relevant provincial and federal requirements. Development that proposes a decrease to the 30 metre setback shall only take place where it has been demonstrated, through a fish habitat assessment, that a net environmental gain of the productive capacity of the area will be achieved. In this assessment, a fish habitat

biologist shall be required to provide a detailed impact analysis exploring development design and location options for the purpose of clearly demonstrating avoidance of any predicted harmful impacts.

3. Development in areas within 120 metres of fish habitat shall be permitted only where an EIS, which is carried out in accordance with **Section 6.6 of this Plan** by a qualified professional, has demonstrated that there shall be no negative impact on the habitat or its ecological function. In the case of adjacent lands, the ecological function of the adjacent lands must also be evaluated.

6.2.4 Areas of Natural and Scientific Interest

No Areas of Natural and Scientific Interest (ANSIs) have been identified as of the date of adoption of this Plan. Despite this, it is possible for ANSIs to exist in the Planning Area. Should any ANSIs be identified in the future through an amendment to this OP or through any EIS, the policies of this section shall apply.

1. Development and site alteration shall not be permitted on adjacent lands within 120 metres of ANSIs unless an EIS, which is carried out in accordance with **Section 6.6 of this OP** by a qualified professional, has demonstrated that there shall be no negative impact on the adjacent lands or their ecological function.

6.2.5 Significant Wetlands

Wetlands are areas of swamps, bogs, marshes or fens which are valuable in their natural state for biological, social or hydrological reasons. Provincially Significant Wetlands (PSWs) are evaluated and approved by the MNR and, based on wetland functions and features, classified according to their significance.

1. Development and site alteration of PSWs is not permitted. Within a wetland, the only permitted uses shall be:
 - o Open space and passive recreational uses which do not involve site alterations and do not adversely affect the natural features or ecological functions of the wetland;
 - o Conservation uses which improve the ecological functions of the wetland; and
 - o Uses of a scientific or educational nature.
2. Development and site alteration shall also not be permitted on adjacent lands within 120 metres of a PSW unless an EIS, which is carried out in accordance with **Section 6.6 of this OP** by a qualified professional, has demonstrated that there shall be no negative impact on the adjacent lands or their ecological function.

No PSWs have been identified as of the date of adoption of this Plan. Despite this, it is possible for PSWs to exist in the Planning Area. Should any PSWs be

identified in the future through an amendment to this Plan or through any EIS, the policies of this section shall apply.

6.3 Natural and Human-Made Hazards

6.3.1 Natural Hazards

Within Elliot Lake, there are significant areas of land which have inherent natural hazards for development. These areas should, for the most part, be left in their natural state or special precautions taken with respect to their development. For the purposes of this Plan, natural hazards are considered to be lands with physical limitations to development including major water courses and their valley environs, steep slopes, lake shorelines, exposed bedrock, organic soils, areas liable to flooding and/or erosion hazards, and areas of hazardous forest types for wildland fire.

No adequate mapping is as yet available to delineate and designate all natural hazards in Elliot Lake. For those natural hazard areas that are unmapped, development will only be considered where it has been determined through appropriate technical review that no natural hazard exists or that development will not be affected by the presence of any identified natural hazard. No new development will be permitted in natural hazard areas that are subject to flooding. However, development will be permitted in areas of other natural hazards where hazards can be safely addressed through acceptable engineering and/or construction standards and procedures.

Development will not be permitted where the presence of natural hazards would lead to a situation where the construction and maintenance costs of municipal services and infrastructure would be prohibitive or would place an unnecessary financial burden on the City.

Planning decisions should consider the potential of climate change to increase the risks associated with natural hazards.

6.3.1.1 Flooding

To further mitigate the impact of flooding, the following policies shall apply:

- Flood proofing of existing buildings, structures, or properties to reduce or eliminate flooding will be encouraged, where applicable and establishing a setback of 20 m (65.5 ft.) from the high water mark of a lake, river, or stream for new buildings. This standard may be exempted for low impact buildings (e.g. garden sheds, gazebo, sauna, etc.) and for docks, wharfs, and boathouses for which permits have been issued by the MNR. Minor extensions to existing buildings which are subject to flooding may only be permitted where the building is adequately flood proofed;

- Construction of works designed to prevent or reduce damage caused by erosion, flooding, unstable slopes, or organic soils shall be permitted. Such works shall be designed in accordance with professional engineering practices;
- No sewage disposal systems nor the storage, disposal, manufacture, or treatment of hazardous substances will be permitted in a flood plain;
- Safe pedestrian and vehicular access shall be provided to buildings that may be subject to flooding.

Alterations to watercourses may be undertaken to accommodate fluctuations in increased flow. Water management, including storm drainage, and design practices shall recognize downstream uses, stabilization of shorelines and adjacent lands, recreation and aesthetic character of the watercourse. It is recognized that the additional run-off caused by development and the subsequent increase in nutrient loading to receiving water bodies may affect the use of that water body. Where any watercourse or shoreline is to be altered, the MNRF shall be consulted prior to such alteration taking place.

6.3.1.2 Wildland Fire

Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by MNRF. MNRF's wildland fire assessment mapping for the City has been included on Schedule C.

In the absence of detailed municipal assessments, proponents submitting a planning application may be required to undertake a site review to assess for the presence of areas of high to extreme risk for wildland fire on the subject lands and adjacent lands (to the extent possible). If development is proceeding where high to extreme risk for wildland fire is present, measures should be identified by proponents to outline how the risk will be mitigated.

Lands determined to be of high to extreme risk for wildland fire may be designated as site plan control areas.

Wildland fire mitigation measures which would result in development or site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, or in the habitat of endangered and threatened species except in accordance with provincial and federal requirements.

6.3.2 Human-Made Hazards

Where applicable, Council will require conformity to the following policies related to human-made hazards.

6.3.2.1 Tailings Management Areas

Areas designated on Land Use Schedule 'C' as Tailings Management Areas are to be considered as restricted areas and are not intended for development. Since these lands may have an impact on the development of adjacent lands, any application for development on lands that are generally within 100 m (328 ft.) of the boundary of a Tailings Management Area or lie within the potential path or escape of effluent from an engineered structure designed to control water and tailings levels in a tailings impoundment shall be accompanied by an impact assessment which evaluates the impacts on public health and safety and the environment, and the feasibility of developing such lands, if any, and provides recommendations for the mitigation of other measures required to overcome such impacts, where applicable. As a prerequisite to determining the need for a study and the potential influence area, the City will consult the public body having jurisdiction.

6.3.2.2 Mine Hazards

It shall be a policy to recognize past producing mines (other than those areas identified as Tailing Management Areas) as areas where development should be restricted. Any proposed development in the vicinity (e.g. 1km or .62 miles) of a past producing mine as identified on Land Use Schedule 'C' will be subject to an amendment to the Zoning By-Law wherein it has been demonstrated with supporting engineering documentation that the mine can be mitigated and remediated to properly address public health, safety, and environmental concerns to the satisfaction of Council.

6.3.2.3 Sewage Treatment Facilities

A minimum separation distance of 250 m (820 ft.) between a sewage treatment facility and any sensitive land use shall apply.

6.3.2.4 Industrial Land Uses

To minimize the impacts of industrial uses on sensitive land uses, it is a policy of Council to establish minimum separation distances between industrial uses and sensitive uses. Such distances will be set out in the implementing Zoning By-law. Council may also require an impact assessment where the proposed industrial use may be expected to have an impact over a greater distance than the prescribed separation distance.

6.3.2.5 Municipal Water Supply

To protect the municipal water supply, Council's policy is to restrict the storage of fuels, fertilizers, salt, or hazardous chemicals. As a benchmark, a minimum distance of 500 m (1,640 ft.) shall apply. Council may permit a reduction in the separation distance where appropriate mitigation or other protective measures are taken to prevent any potential contamination of the water supply.

6.3.2.6 Obnoxious Uses

It is a policy of Council to prohibit offensive land uses within the meaning of the *Health Protection and Promotion Act*, or regulations thereunder.

6.3.2.7 Contaminated Sites

Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, utility, or similar uses. Sources of site contamination can include disposal or waste materials, raw material storage, residues left in containers, maintenance activities, and spills. Some commercial uses such as gasoline stations and automotive repair garages have similar potential.

While such lands represent a potential hazard due to real or potential environmental contamination, opportunities for brownfield redevelopment may exist. The redevelopment of abandoned or underutilized industrial and commercial sites is consistent with policies encouraging increased intensification and redevelopment in built-up areas.

It is a policy to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse. Measures to be taken include the following:

1. The identification and inventory of sites by the City where existing and past uses may have contributed to the presence of contaminants.
2. Where there is evidence that development or redevelopment is being proposed on lands that may be contaminated or potentially contaminated, Council shall require that a Phase I Environmental Site Assessment (ESA) be prepared and submitted with the development application.
3. Where a Phase I ESA reveals that a site may be contaminated, a Phase II ESA will be required, in accordance with the relevant provincial regulations, to be prepared by a qualified professional to determine the location and concentration of one or more contaminants on the proposed development site.

4. Remediation may be required as a condition of approval, where necessary, to the appropriate MOECC standards.
5. A Record of Site Condition (RSC) may be required prior to, or as a condition of, development approval on a site which may be or is contaminated in accordance with the *Environmental Protection Act* and relevant provincial legislation or their successors. The RSC details requirements related to site assessment and cleanup, and must be acknowledged by the MOECC and uploaded to the Brownfields Environmental Site Registry, confirming that the site has been made suitable for the proposed use. The RSC and MOECC acknowledgment will be provided to Council prior to final development approval and issuance of building permits.
6. All contaminated lands may be subject to site plan control and/or holding provisions in the Zoning By-law.
7. Council may consider financial and other incentives through a Community Improvement Plan to promote the redevelopment and reuse of brownfield properties that are subject to environmental constraints.

Contaminated sites are not mapped as part of this Plan.

6.4 Land Use Compatibility

Noise, vibration, odour and other contaminants resulting from certain uses can impact adjacent land uses, and the residents, businesses and visitors of the City. Managing these adverse effects is important to ensuring the health and well-being of residents and the compatibility of neighbouring uses so as not to create conflicts.

1. In reviewing any development application, Council shall be satisfied that the proposed use will be, or can be made to be compatible with surrounding uses in accordance with MOECC guidelines.

6.4.1 Noise and Vibration

For any proposed residential development or other sensitive land use in close proximity to a major source of noise, vibration, or emissions, such as a provincial highway, an airport, a railway, or aggregate operation, or where a development which could be a major source of noise proposes to locate in close proximity to existing residential development or other sensitive land use, the proponent may be required to conduct a noise, vibration, and/or emissions study. The study shall be prepared in accordance with Provincial guidelines, including NPC-300, satisfactory to the City and the recommendations may be incorporated into a development agreement. Council will consider any potential noise or vibration problem in determining the appropriateness of the proposed development.

6.4.2 Development Near the Airport

It is a policy of Council to ensure that no land use conflicts are created with respect to both noise and airport operations as a result of potential development near the airport. No new residential development or any other sensitive land uses will be permitted within any area affected by a Noise Exposure Forecast (NEF) rating of 30 or higher. No new residential development or any other sensitive land use will be permitted to develop within any of the areas affected by a NEF rating of 25-30, unless a noise attenuation study has been completed to the satisfaction of Council and the MOECC standards for acoustic installation and ventilation.

In the absence of established NEF contours around the airport, the development proponent will be responsible for undertaking the necessary study or other means to satisfy the requirements of this policy.

The City may consider the development of a rural industrial park in the vicinity of the Airport subject to the meeting the requirements of Section ___ of this Plan and approval of a Zoning By-law Amendment, provided the development is compatible with and does not create any land use conflict with the airport.

6.4.3 Minimum Distance Separation for Agricultural Uses

The City of Elliot Lake does not have any areas of prime agricultural soils. However, all new land uses, including the creation of lots, and new or expanding livestock facilities shall comply with Minimum Distance Separation (MDS) Formulae and will be placed in the proper zoning category. The City recognizes that the MDS guidelines provide options for municipalities. These will be evaluated on a site-specific basis. The application of MDS for scenarios where flexibility exists will be established in the implementing zoning by-law, as appropriate.

6.5 Environmental Assessment, Environmental Impact Studies, and Impact Assessments

Proposed development on or near natural heritage features, natural hazards, or other features may require study and evaluation prior to development.

6.5.1 Environmental Assessment

Separate studies generally will not be required for undertakings that satisfy the *Environmental Assessment Act*.

6.5.2 Environmental Impact Studies (EIS)

A preliminary Ecological Site Assessment (ESA) which identifies significant features that may be affected by development may be required prior to development approval, depending on available background information. The ESA, if required, will be used to determine whether an EIS is required.

An EIS will be required for development in or adjacent to natural heritage features. An EIS will evaluate the ecological function of natural heritage features and adjacent lands and assess potential impacts on the features and/or adjacent lands. Development and site alteration is not permitted unless the EIS demonstrates that there will be no negative impacts on the natural features or their ecological functions.

The terms of reference and guidelines for an ESA and/or EIS will be determined by the City in accordance with the Natural Heritage Reference Manual. Generally, an EIS, when required, will be considered required for a “complete” planning application. Studies will be completed at the expense of the development proponent.

6.5.2.1 Scoped Environmental Impact Study

Council may consider reducing an EIS to a scoped study if the proposal is:

- a) Minor in nature (construction of small accessory buildings or a minor addition to an existing building); or
- b) Located in an area where previous studies are sufficient to provide the necessary technical information to assess a proposal.

A scoped EIS will involve a checklist that can be completed by the proponent in consultation with Council, or other appropriate approval authority. If the scoped study indicates that there may be potential impacts that warrant greater review, a full EIS shall be prepared.

6.5.2.2 Full Environmental Impact Study

Where a full site EIS is required, the study must be prepared by a qualified professional with expertise in environmental science. Terms of Reference will be prepared to guide the development of an EIS, and will generally:

- a) Define and assess the nature and the boundaries of any significant features and ecological functions on or adjacent to the site;
- b) Describe the location, extent, and nature of the proposed development;
- c) Describe the relationship of adjacent lands to any significant features or ecological functions;
- d) Assess areas within the development site and in a landscape context supporting ecological function and biodiversity of natural heritage systems;
- e) Outline potential impacts and assess potential negative impacts;

- f) Describe any mitigation or compensation proposals designed to alleviate or eliminate impacts and identify residual impacts; and
- g) Identify whether residual impacts are “negative impacts”; and
- h) Include any other requirements as identified by City Council.

6.5.3 Impact Assessment

An Impact Assessment may be required by Council prior to the approval of a planning application for development proposed in areas subject to natural or human-made hazards. Specific circumstances where an Impact Assessment may be required are as follows:

- Development on or within 1 km (.62 miles) of a mine hazard or past producing mine.
- Development on or within 100 m (328 f.) of a Tailings Management area or adjacent to a tailings spillway (an engineered structure designed to control water and tailing levels in a tailings impoundment) or flood way.
- Development on now within 500 m (1,640 ft.) of an existing or former waste disposal facility.
- Development within 250 m (820 ft.) of a sewage treatment plant.
- Development within 50 m (164 ft.) of the municipal water supply.

7.0 TRANSPORTATION

This section establishes the general transportation policies for Elliot Lake.

7.1 Road Classification and Jurisdiction

Public streets and roads shall be classified on the basis of service function, traffic characteristics, running speed, and continuity within the overall road system. The classifications and recommended road standards indicated below shall apply to the whole City.

7.1.1 Provincial Highways

Highway 108 is a provincial highway that serves as access to the City of Elliot Lake from the TransCanada Highway 17 to the south. In the north portion of the City Highway 108 becomes Highway 639 and is also under MTO's jurisdiction. These portions of the road are owned and maintained by the MTO. Accordingly, right-of-way widths and setbacks will be determined by the MTO.

1. All proposed development located within MTO's permit control area under the *Public Transportation and Highway Improvement Act (PTHIA)* is subject to MTO approval. Any areas in the City identified for future development that are located adjacent to or in the vicinity of a provincial highway or interchange/intersection within MTO's permit control area will be subject to MTO's policies, standards, and requirements. Direct access will be discouraged and often prohibited.

MTO's Permit Control Area for entrances, buildings, and land use applies around Highways 108 and 639 as follows:

An MTO permit is required if you want to ...	Within this distance ...
Place a building, structure, entrance, or any road	45 metres of the limit of any highway 180 metres of the centre point of any intersection (on King's Highways) 395 metres of the centre point of any intersection on controlled access highways
Place a sign	400 metres of the limit of the highway
Major developments or uses (i.e. shopping centre, stadium, fair ground, race track, drive-in theatre, or any other purpose) that cause persons to congregate in large numbers	800 metres of the limit of the highway

2. Development proposals adjacent to a provincial highway shall be designed such that outdoor storage and loading areas are visually screened and appropriately located.

3. For proposals that may generate large amounts of traffic within the permit control area, the MTO will require a proponent to prepare a traffic impact assessment in accordance with MTO guidelines.
4. Council supports and encourages active transportation and would support paved shoulders on roads under provincial jurisdiction to assist the City in allowing for active transportation to meet its healthy, sustainable community goals.
5. MTO maintains a patrol yard located on Highway 108 between Killborn Way and Esten Drive North, within the connecting link portion of Highway 108 under the City's jurisdiction. Only those land uses that are compatible with the operation of a patrol yard will be permitted to locate adjacent to and in close proximity to the patrol yard.

7.1.2 Urban Collectors

Urban collectors are under the jurisdiction of the City and are intended to provide for the movement of large volumes of vehicles at moderate speeds. Although private access is discouraged, access to other collectors, urban local roads and major private entrances may be permitted. On-street parking may be restricted on some collectors to ensure that traffic congestion does not occur and that safety is optimized during winter control operations.

Urban collectors will vary between a 35 and 60 metre right-of-way providing for efficient movement of traffic and limited access to abutting properties. Traffic studies may be undertaken to assess specific alternate road allowance requirements which may be implemented subject to review and approval by the City.

The potential for the Highway 108 Corridor to ultimately evolve into an integral part of the urban streetscape of Elliot Lake will be enhanced by the transition of the road toward a civic, tree-lined boulevard defined through various streetscape improvements as set out in Section 7.6 of this Plan.

Other urban collector roads may be redeveloped with a high degree of pedestrian amenity, including sidewalks, lighting, street trees, on street parking, and may include off road cycling lands. Reduced right-of-way or pavement width may be considered to improve the streetscape of the roads, reduce the speed of traffic, and provide pedestrian scaled amenities.

7.1.3 Urban Locals

Urban locals are under the jurisdiction of the City and are intended to provide for the collection of local traffic for distribution to urban collectors. Low to moderate speeds for low to moderate volumes of vehicles are planned for these roads. Access to other local streets, collectors and private entrances are permitted. Controlled parking may be permitted on the urban local roads that are designed for moderate speeds and volumes of traffic. The right-of-way width should not be less than 20 m (66 ft.).

7.1.4 Rural Roads

Rural roads are under the jurisdiction of the City and are intended to provide for the movement of moderate volumes of vehicles throughout the rural area and to provide access to the resource and recreational activities of the rural area. The minimum right-of-way width should be 20 m (66 ft.). Certain rural roads may be maintained only on a seasonal basis or on a reduced service basis at the decision of Council. Council may direct the posting of the road to identify its status and level of maintenance where appropriate.

7.1.5 Private Roads

It is the intent of the Plan to prohibit the construction or development on private roads except for condominium projects or land uses with multiple ownership or multiple uses where binding agreements will provide a long-term agreement for road maintenance.

Unless it is clearly in the public interest, it is not intended that existing private roads will be assumed by any public agency. No responsibility for access, snow removal, maintenance or use by school buses is acknowledged. Before any private roads or any new road in a plan of subdivision is assumed, appropriate standards must be met.

Development may obtain access from Terminal Road, a private road, on Plan 1R-3193, on Part of Mining Claim S-75680, Township of Gunterman.

7.2 Road Improvements

There shall be a continuing program of municipal improvement to the existing roads. Priorities for the improvement of existing roads should be based on Roads Needs studies which shall be conducted from time to time.

7.3 Transit

Elliot Lake's public transit system is intended to provide a safe, environmentally sensitive and energy efficient method of transporting people around the community. To accommodate such a service, road planning shall include provisions or use by public transportation. Such provisions include land allocations for the bus bays at intersections, roads planned and designed to accommodate transit vehicles, and provision of the maximum service coverage. Improvements to the transit service will take into consideration the particular needs of youth and seniors in the community in determining schedules, locations of transit stops, security and bus shelters.

7.4 Parking

Adequate parking facilities shall be provided for all uses. The implementing Zoning By-Law shall establish regulations for the amount, type, location on the lot and standard of parking facilities.

Parking and transportation demand management strategies that ensure efficient use of land, compact form, and more walkable streetscape will be encouraged.

7.5 Airport

It is the intent of the Plan that the airport be maintained for its importance to the economic health of the community and to provide air ambulance services.

7.6 Highway 108 Corridor Streetscape Design

The following policies for design considerations for public and private improvements along the Corridor are from the City's Highway 108 Corridor Study, March 17, 2006. Accordingly proposed development in these areas shall implement the following recommendations:

- Development at the intersection of Highway 108 and Esten Drive South will support a distinctive entrance feature and "Welcome Node" concept.
- Development in the Corridor that abuts the urban area, from south of Esten Drive South to north of Timber Road North, should be redeveloped with a more urban standard, with defined edges between the pavement and landscaped areas, piped storm drainage, or open drainage swales that are integrated into the overall landscape plan for the roadway, sidewalks/walking trails, pedestrian scale lighting, and improved and extensive tree planting and landscaping.
- The area between Esten Drive North and Mountain Road is limited and therefore will remain with a rural profile, while continuing to pursue design options that reduce the highway feel and encourage a country streetscape including landscape features, improved design of drainage swales, and potentially grassed shoulders.
- Redevelopment in the Corridor should seek to soften the streetscape by introducing, if practical, a landscaped/grassed boulevard instead of the paved boulevard, and adding tree planting along the boulevards, or including large seasonal planters at strategic locations, to visually narrow the width of the street.
- Pedestrian scale, dark-sky friendly lighting, similar to the decorative lighting in use in the existing commercial core, should be considered in conjunction with sidewalks and trails, to enhance the pedestrian feel along the Corridor.
- Development abutting the Corridor should be pulled in toward the Corridor, and parking areas developed on the sides and rear of buildings, rather than in front of the buildings. The front areas should be treed and landscaped.
- Where local streets run parallel to the travelled portion of the Corridor, opportunities to close these streets should be considered, and development allowed to locate closer to the Corridor. Further investigations will be required to consider access, practicality and desirability in specific instances. It would appear that this approach could work well at Oakland Boulevard.

- Consideration should be given to allowing limited on-street parking at specific locations along the Corridor, particularly in the vicinity of public park facilities, and developed with bump-outs.
- Enhance existing views of the lakes through streetscape improvements.

7.7 Active, Recreational Transportation and Complete Streets

A shift towards active lifestyles, accessible communities, and increasing demands for sustainable modes of transportation presents a need for a useful and accessible walking and cycling network in the City. This Plan recognizes that trails and paths contribute to a healthy community and supports such sustainable modes of travel. The City encourages the development and enhancement of pedestrian and shared use of non-motorized trails and bicycle routes.

1. The City shall work with the province, recreational groups, landowners, and other groups towards developing a network of trails and pathways which links destinations in the broader community in order to:
 - Improve the sustainability of the transportation system;
 - Provide safe, non-motorized access to major activity areas, including the waterfront;
 - Provide health benefits to residents and visitors; and
 - Increase peoples' connections to their community.
2. City Council shall also encourage the development of trails and pathways in conjunction with proposed plans of subdivision or development proposals. The feasibility of incorporating trails and pathways into proposed development will be assessed on the basis of the following:
 - The continuity of the route system within and between developments;
 - The potential linkages that could be provided between major activity areas to encourage usage;
 - The minimization of conflicts between motorized and non-motorized travel; and
 - Its design in regards to public safety, emergency access, and maintenance.
3. Trails or pathways proposed to cross or run along the right-of-way of provincial highways require the approval of MTO.

7.7.1 Pedestrian and Cyclists

It is an objective of the City to encourage active transportation.

1. Where possible, Council will encourage the provision of sidewalks and/or paved shoulders on municipal and provincial roads.

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2. Where City Council considers it appropriate, new development or redevelopment will be required to provide pedestrian walkways, sidewalks, bike lanes/paths, and/or bike racks constructed to an appropriate standard.
3. When undertaking public works and where appropriate, the City may include the provision of facilities which address the needs of pedestrians and cyclists.
4. To encourage pedestrian and cyclist travel, streetscapes and roadways should be safe, convenient, and attractive for pedestrians and cyclists. This may include providing sidewalks; locating commercial uses at street level; encouraging building design that provides shelter, appropriate lighting, street furniture, and landscaping; and providing paved shoulders and bike racks.

The City will encourage the creation of a linked trail network linking major activity areas, including the lake shoreline and Central Commercial area.

8.0 IMPLEMENTATION

8.1 Amendments and Notification

The notice procedures as prescribed in Sections 17 and 34 of the Planning Act, and Ontario Regulations thereto, shall be adhered to.

Council may forego public notification and public meeting(s), in connection with Official Plan changes, if the changes relate to the following:

- A consolidation of the Official Plan which does not affect the policies and intent of the Plan;
- Altering the numbers and arrangement of provisions;
- Correcting grammar or typographical errors, changing the format, punctuation or language slightly to obtain a uniform format and mode of expression in the Plan

8.2 Cross-Jurisdictional Coordination

The City may choose to work with the Province, neighbouring municipalities, First Nations, and other agencies when dealing with planning matters that transcend the boundaries of the City.

8.3 Delegation and Conditions of Delegation of Council's Authority

Under Section 5(1) of the Planning Act, Council may delegate any authority, by by-law where such authority has been delegated to Council by the Minister, and may, in turn, delegate such authority to a Committee of Council or an appointed officer.

It is the intent of Council that the authority for consent granting is delegated to the Committee of Adjustment and that review and approval of site plans and agreements be delegated to a committee of Council or appointed officer.

It is the intent of Council that the authority for consent granting shall be withdrawn (under section 5(4) of the Planning Act) only in respect of particular applications where it would be in the best interest of the City. An attempt shall be made to notify the Chairperson and secretary directly, in writing, of Council's intent to pass a By-Law to withdraw such authority and the reasons for doing so.

Council may also withdraw authority for the approval of site plans (under Section 5(4) of the Planning Act) where the site plan, by virtue of its complexity or impact on the City, should be approved by Council will withdraw such authority by By-Law as set out in section 5(5) of the Planning Act.

8.4 Increased Density (Bonus) By-Laws

Pursuant to Section 36 of the Planning Act, Council in response to a specific planning application may pass a by-law to allow an increase in height or density of a development beyond that otherwise permitted in the Zoning By-Law in return for the provision of facilities,

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services or matters as set out in the by-law, and provided the application conforms to the following objectives for the use of the bonus provision in the City:

1. To provide a wider range of housing to meet the needs of all residents in the City;
2. To provide energy efficient buildings;
3. To achieve the design principles in making Elliot Lake a more livable winter city;
4. To achieve particular design principles set out in this Plan for residential, commercial or industrial developments;
5. To provide housing to meet the specialized needs of particular groups within the community (e.g. seniors, physically or mentally challenged, crisis housing etc.).
6. To preserve the historic character of an area; and
7. To provide needed community and social services for the City.

The owner of the land shall be required to enter into an agreement with the City dealing with the facilities, services, or other matters. This agreement shall be registered against the land to which it applies so that subsequent owners must abide by its provisions.

8.4.1 Development Standards for Bonus Agreements

The following development standards may be required or utilized in an agreement or By-Law to implement the objectives for the use of the Bonus By-Law:

1. Additional landscaping or re-landscaping;
2. Solar panels, wind or noise attenuation barriers or shelter belts, snow drifting buffers, building orientation or building form on a site to maximize energy efficiency and sun penetration, the construction of sun pockets or protected exterior spaces, the protection of building entrances and walkways from snow drift and wind tunneling, shadow studies to determine if adjacent buildings or high traffic areas will be in shadow, etc.;
3. Grants of money made towards a housing or other community service/facility fund;
4. Provision of a percent of housing units in a development for affordable housing or individuals or groups with specialized housing needs;
5. The design of a development that enhances the historical or architectural heritage value of an area or other surrounding buildings;

6. Physical and aesthetic improvements or grants for improvements in Community Improvement Areas or which achieve targets for redevelopment and revitalization of the Central Commercial and Industrial areas.

If the above additional development standards are included in an application to the satisfaction of Council, a Bonus By-Law in height and/or density in Residential, Commercial or Industrial Zones in the Comprehensive Zoning By-Law may be passed. The Bonus By-Law must clearly set out the detailed development standards and the associated bonus that will be awarded.

8.5 Interim Control By-Law

In order to control development in an area where the City is reviewing its long-term planning, an Interim Control By-Law may be passed, effective for up to one year and renewable for a further year. An Interim Control By-Law shall allow Council to place a temporary freeze on land uses in order to allow a review of land use policies.

When an Interim Control By-Law expires, the prior zoning shall automatically apply, unless a new Zoning By-Law is passed.

8.6 Non-Conforming Uses

Nothing in the plan shall affect the continuance of uses legally established under the provisions of the Zoning By-Law on the date of approval of this Plan including uses that do not conform with the land use designations as shown on the Land Use Schedules. Nothing in this Plan shall prevent the reconstruction of legal non-conforming uses, which are inadvertently destroyed by a natural cause or other cause beyond the control of the owner.

It is the intention of this Plan that non-conforming uses should eventually cease to exist. It may be desirable, however, to permit the extension, enlargement or change of a non-conforming use to a similar or more compatible use subject to the following criteria:

- The extension or enlargement does not aggravate the non-conforming situation for neighbouring uses;
- The extension or enlargement is in reasonable proportion to the existing use and to the land on which it is to be located;
- The proposed extension or enlargement will not create undue noise, vibration, fumes, smoke, dust, odors, glare from lights nor environmental hazards;
- Traffic and parking conditions on the vicinity will not be adversely affected and traffic impacts will be kept to a minimum by the appropriate design of ingress and egress points to and from the site and by improvement of site conditions especially in proximity to intersections;
- Adequate provisions have been or will be made for off-street parking and loading facilities where they apply; and

- Infrastructure and public services such as water and sewer, storm drainage, roads, school bussing, etc. are adequate or can be made adequate.

8.7 Pre-Consultation

Pre-consultation with the approval authority prior to submitting a formal application in order to discuss initial plans, relevant planning policy, and determine the information required to support the application is recommended. Pre-consultation may also be recommended with appropriate provincial Ministries.

1. Council encourages pre-consultation for all development applications. Council may pass a by-law requiring pre-consultation for certain types of applications.

8.8 Complete Applications and Supporting Studies

Council and Committees of Council will be responsible for the Plan Review function for *Planning Act* applications and will act as the “one window” reviewer for the interests of various provincial Ministries. In assuming the role, the following procedures shall generally apply:

1. The applicant will be required to submit a complete application as required by the *Planning Act*;
2. The applicant shall undertake to submit any supplementary information as may be required by the City prior to the acceptance of the “complete application”. Such supplementary information may include, but not be limited to:
 - Hydrogeological and terrain analysis report
 - Servicing capacity / feasibility / options study
 - Groundwater / source water / surface water impact assessment and/or mitigation plan
 - Stormwater management report / drainage plan
 - Environmental impact study
 - Flood plain assessment
 - Slope stability study
 - Transportation / traffic impact assessment
 - Archaeological or Heritage Assessment
 - Natural heritage evaluation
 - Noise / dust / vibration / odour study
 - Market study
 - Concept plan showing planned land use
 - Geotechnical assessment
 - Lakeshore capacity assessment
 - Record of site condition
 - Erosion and sediment control plan
 - Public consultation strategy
 - Any other study identified in the Plan or by Council

3. The process set out in the *Planning Act* for any application including payment of fees, notification, circulation to provincial ministries or technical agencies, entering into agreements, public meetings, notification of decisions, and appeals shall be followed.

8.9 Property Standards By-Law

Council will administer minimum standards of maintenance and occupancy to conserve, sustain and protect the existing and future building stock and properties in the City. Council will review the by-law from time to time and enact amendments where appropriate.

The Property Standards By-Law applicable to all property contains requirements with respect to:

- Garbage disposal;
- Pest prevention;
- Structural maintenance of buildings;
- Safety of buildings;
- Service to buildings – plumbing, heating and electricity;
- Keeping lands and waterfront properties free from rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, barges, mechanical equipment or material;
- Maintaining yards, lands, parking, and storage areas;
- Maintaining fences, swimming pools, accessory buildings and signs; and,
- Occupancy standards.

Council will use or encourage the use of associated legislation such as the Ontario Fire Code for the retrofit of buildings.

Councils shall appoint a Property Standards Officer who will be responsible for administering and enforcing the Property Standards By-Law.

Council shall also appoint a Property Standards Committee for the purpose of hearing appeals against an order of the Property Standards Officer.

The measures to be used generally in achieving the property maintenance program will include an education and public relations program to show what improvements can be made without increasing assessment.

Complementary to the enforcement of minimum standards on private properties, Council shall undertake to keep in a fit and well-maintained condition all municipally owned properties and structures, and to provide or maintain in good repair such municipal services as roads, sidewalks, etc.

8.10 Public and Indigenous Consultation

Council shall undertake a program of planning education for the citizens of Elliot Lake whenever opportunities may arise, and shall be satisfied that an adequate level of public understanding with regard to the purpose and content of the Official Plan exists at the time of preparing the Plan and during the formal approval process and also with any future amendments to the Plan as they arise. Public discussion of the Plan shall be encouraged and informed opinions shall be

solicited from local citizens through formal public meetings and pre-consultation prior to the adoption of the Plan.

The importance of public awareness and understanding of the proposals contained in this Plan shall be stressed since the broadening of the base of public understanding and participation in land use planning will strengthen the possibility of accomplishing lasting benefits for the City.

Statutory public consultation regarding proposed official plan amendments, proposed zoning by-law amendments, proposed plans of subdivision and proposed consents will be undertaken as directed by the Planning Act and all relevant regulations.

As appropriate, the City shall consult with Indigenous communities and Métis of Ontario on *Planning Act* applications.

8.11 Statutory Authorities and Related Authorizing Legislation

Nothing in this Plan shall affect the powers of Provincial agencies, the federal government, or local boards, as defined in the Planning Act, to undertake public works by authority granted under other statutes, but Council shall endeavour to ensure that such development as may take place will follow the general intent of the Plan and will be compatible with the type, quality and character of the surrounding area in which it is proposed.

The policies of this plan shall not be interpreted to preclude the requirement to obtain permits or approvals under other legislation. Other authorizing legislation may include The *Environmental Assessment Act*, The *Ontario Water Resources Act*, The *Public Transportation and Highway Improvement Act*, The *Fisheries Act*, The *Lakes and Rivers Improvement Act*, The *Public Lands Act*, The *Aggregate Resources Act*, etc. Wherever possible, Council will identify other approvals that may be required of the applicant.

8.12 Site Plan Control Agreements

Under the authority of Section 41 of the Planning Act, Council has by by-law designated the Central Commercial, Industrial, Neighbourhood Commercial, Highway Commercial, and Institutional areas as shown on the Land Use Schedules to this Plan, as Site Plan Control areas. In addition, residential units in High- and Medium-Density Residential zones may be subject to site plan control. Site Plan Control may also be imposed for single detached dwellings where required to protect Natural Heritage Features. Council may by by-law designate areas as Site Plan Control Areas.

Council may require the submission of plans and drawings for all development proposals within the Site Plan Control area.

Council shall require each applicant submitting such a development proposal to enter into an agreement with the City as a condition to the approval of the development proposal. Where a development proposal is of a minor nature, some or all of the points listed below may be waived in the agreement. The agreement may include conditions on the following facilities and matters.

1. The construction or reconstruction of the access or egress onto all major roads or highways and any upgrading of the roads, that will be necessary as a result of the traffic caused by the development;

2. The number and location of all off-street loading areas and parking areas to be provided within each development, and the surfacing of such areas and driveways;
3. The number, location, and construction of all walkways and walkway ramps and pedestrian access points to be provided in the development and how these will eventually be connected to adjacent areas;
4. The location, number, and power of any facilities for lighting, including floodlighting of the site or any buildings or structures (such as signs) thereon;
5. All grading required to be done on the property and how storm, surface and wastewaters will be disposed of in order to prevent erosion including the period during construction of the project. Plans will show the location and connections for all services to municipal services including elevations and inverts.
6. The techniques that are to be used on the site for landscaping of the property for the protection of adjoining lands, water bodies or natural heritage features, including the type of vegetation and techniques to be used, the existing (native) vegetation which is to be preserved, and any structures such as walks, fences, or barriers that are to be used;
7. The location, height, number and size of all residential units to be erected on the site and the method by which the development will be staged;
8. The location, height, and type of all other buildings located in the proposal;
9. Illustration of the contours and final elevations of the site on a contour interval of 1 m (3.2 ft.) or less;
10. The location and type of any facilities and enclosures for the storage of garbage and other waste materials; and
11. The location and extent of any easements or other covenants on the land to be conveyed to the City or a local board for public utilities; and.
12. The provision of works of public art onsite or offsite.

In the review of Site Plan applications, Council may circulate to municipal departments and outside agencies that are considered to have a vested interest for their comments prior to the approval of any site plan or site plan agreement.

Agreements entered into under the authority of Section 41 of the Planning Act may be for the provision of any or all of the facilities, works or matters as provided for in the Act and the maintenance thereof and for the registration of such agreements against title to the land to which they apply.

8.13 Land Division: Subdivisions, Consents, and Part-Lot Control

It is intended that the City will use Subdivision Agreements and Part-Lot Control By-Laws to maintain control over land transactions.

8.13.1 Plans of Subdivision

Land division shall take place primarily by plan of subdivision. Consents shall generally be discouraged and shall only be granted when it is clearly not necessary in the public interest that a plan of subdivision be registered. A plan of subdivision shall generally be required for, but not limited to:

- Where three or more lots are proposed;
- Where in the public interest the extension of municipal services for water and sewer, school busing, new road construction, or road maintenance would be required;
- Where the scale and proposed development, in the opinion of Council, may have a negative impact on the surrounding area; or
- Where large blocks of vacant land within existing plans of subdivision are re-divided for infill housing.

An application for a plan of subdivision shall be in accordance with the requirements of the Planning Act. Additional information may be required in assessing the appropriateness and the location of the subdivision. Regard shall be given to the requirements for an impact assessment for subdivisions proposed with shoreline frontage or in the vicinity of identified natural heritage features, archeological or cultural heritage resources or natural or human-made hazards. Reference shall also be made to the servicing policies of this Plan for the requirements for onsite or communal servicing for subdivisions located in the rural area.

The processing of a Plan of Subdivision shall generally consist of the steps in the *Planning Act* including payment of fees, submission of supplementary information, notification, circulation to provincial ministries or technical agencies, public meetings, notification of decisions, and appeals.

The plan may be given draft approval with conditions and the applicant will be required to enter into a subdivision agreement. Once all conditions are cleared, the plan may receive final approval and registration and the lands may be developed per the requirements of the subdivision agreement.

8.13.2 Consents

Provisions relating to the granting of consents are set out in Sections 51 and 53 of the Planning Act. If a plan of subdivision is not deemed necessary, regard shall be had to the policies of this Plan and to the following criteria when considering an application for consent:

1. Consents should be granted only in areas where the undue extension of any major service would not be required;

2. Consents should only be granted where the land fronts on and has direct access to an existing public road which is of a reasonable standard. This policy does not apply to “water access only” properties;
3. Consents should have the effect of infilling in existing developed areas and not of extending the urban area unduly;
4. The size of any parcel of land created by consent should be appropriate for the use proposed considering the public services available and the soil and terrain conditions and, in no case should any parcel be created which does not conform to the provisions of the Zoning By-Law;
5. Direct access from major roads should be restricted and residential lots should, where possible, have access only from internal (local) residential roads;
6. Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines, curves, or grades;
7. Approval shall be obtained from the Municipal Engineer, local Health Unit, or MOECC of the adequacy of the proposed and/or existing water supply and sewage disposal systems on both the severed and retained portions of the subject property. It is the responsibility of the applicant to obtain the necessary clearances from a Part VIII *Environmental Protection Act* Approval Authority and to conduct the necessary studies (hydro geological or terrain evaluation) prior to the submission of an application (see also procedures for Part VIII EPA). Where two or more buildings or dwelling units are proposed on the same servicing lines, an agreement shall be registered on title to ensure that independent service easements area available to each building or unit;
8. Prior to approving any severance of a property that contains an existing building, the consent granting authority shall require the confirmation of the Municipal Engineer that the existing water supply and sewage disposal facilities are functioning properly. If in the opinion of the Public Works Superintendent, such facilities are not functioning properly, the consent granting authority shall ensure that the approval of the severance will be conditional on the improvement or replacement of malfunctioning to the satisfaction of the Engineer;
9. The authority shall ensure that all consent applications comply with the requirements of the Planning Act and associated Ontario Regulation for the filing, review, notice, and decision procedures.
10. No severance shall be approved which will result in the creation of a landlocked parcel unless such parcel is to be consolidated with an abutting property which abuts and has direct access to an improved public road. To avoid the creation of landlocked parcels, both the severed and retained portions of the subject property must abut and have access to a dedicated

public highway. This policy does not apply to “water access only” properties;

11. Where the City or the MTO has identified the need for road widening, extensions or rights-of-way, the consent granting authority shall ensure that the necessary land is to be dedicated as a condition of severance approval. Also, where an entrance permit may be required from the MTO under the *Public Transportation and Highway Improvement Act*, the applicant shall obtain comments from the Ministry prior to submission of an application;
12. No severance for a year-round residential use shall be approved if the necessary school accommodation is not available. The proposed lot should also be served by any existing school bus route. This policy does not apply to “water access only” properties;
13. In the review of a severance application, the consent granting authority shall have regard to matters of public health and safety in Section 6.0 of this Plan, and shall ensure that appropriate mitigation is planned or in place.
14. Consents should not be granted where it will compromise the protection, conservation or wise utilization of resource lands for mineral aggregates, mineral resources, forestry, wetlands, natural heritage and cultural heritage, and archeological resources;
15. Where the proposed application will create greater than 1 new building envelope, the applicant should pre-consult with technical staff of the MTCS with respect to any requirements for the conservation of cultural heritage resources;
16. Despite the criteria outlined above, technical consents may be granted for the following purposes:
 - To correct lot boundaries;
 - To convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized or irregularly shaped lot for the purpose for which it is being or will be used;
 - To clarify title to the land;
 - Where the effect of the severance does not create an additional building lot;
 - To permit an easement; or
 - To permit a severance for municipal or other government purposes.

8.13.3 Part-Lot Control

Part-lot control may be used for existing plans of subdivision where it is necessary to realign lot boundaries to clarify or grant title, or exact specific servicing requirements as a condition of consent such as a road widening to further control internal development on a lot.

8.14 Parkland Dedication and Municipal Land Acquisition

The City shall establish provisions for the dedication and use of lands for park or other public recreational purposes in accordance with the provisions of the Planning Act.

In considering lot creation by registered plan of subdivision, condominium or consent application, the City may require the applicant to dedicate up to 5% of the gross area to the provision of public open space in residential developments and up to 2% for commercial or industrial developments. At the discretion of the City, this dedication may take the form of land or as a cash payment under the provisions of the Planning Act.

In order to enhance the potential for a network of linked multi-use recreational trails throughout the City, development applications will be reviewed and evaluated on the extent to which the creation, expansion and preservation of such a network can be accomplished as part of that development application, and whether it is appropriate to acquire such facilities as part of a parkland dedication.

The City may acquire, hold, develop, or dispose of lands for any purpose that implements the Official Plan, in accordance with applicable Provincial Statutes.

8.15 Temporary Use By-Law

In certain circumstances, it may be desirable to pass a Temporary Use By-Law to implement the policies of this Plan or to implement measures for economic growth and prosperity .

A Temporary Use By-Law may also be passed to permit a garden suite or a Home-Based Business in accordance with this Plan.

Council may, therefore, in a by-law passed under Section 39 of the Planning Act, authorize a temporary use of existing structures for any purpose set out therein. Notice of a Temporary Use By-Law shall be given in the same manner as that of a Zoning By-Law under Section 34 of the Planning Act.

It is not the intent of the Official Plan that Temporary Use By-Laws be used to permit a new use while an amendment to the Official Plan and/or Zoning By-Law is being processed to permit the use on a permanent basis. However, once a temporary use is established and it becomes apparent to Council that the use should be permitted on a permanent basis, the use may continue under a Temporary Use By-Law while any required amendments are passed.

8.16 Zoning By-Law

The Zoning By-law implements the principles and policies of the Official Plan. The By-law shall zone land and establish regulations to control the use of land and the character, location, and use of buildings and structures.

8.16.1 Holding Zones

In order to show a future zoning designation while retaining control of the timing of development, a “holding” designation may be used, in the form of a symbol “H”

as a suffix to the zone designation. As long as the “H” is retained, the use of the land shall be limited to the existing uses.

8.16.1.1 Conditions for the Use of Holding By-Laws

Holding by-laws may be used under the following circumstances to hold development until:

1. water and sewage services are provided, or studies have been undertaken to prove that servicing is possible on the site and the servicing has been included in the Municipal budget or provided for through a Subdivision Agreement or other acceptable means with a developer;
2. a proposal is submitted to develop the land for the use/uses intended in the Official Plan;
3. other environmental or physical improvements to the site are made. For example, road improvements or infill on a site may be required prior to development of the site;
4. a Secondary Plan or Phasing Plan is prepared in order to achieve orderly phased development;
5. a Community Improvement Policy Area program is in place;
6. special design features can be implemented (winter city, energy conservation, residential or commercial design);
7. financial requirements and agreements in accordance with the provisions of this Plan and/or the *Planning Act*, have been compiled with.
8. A contaminated site has been acceptably decommissioned or cleaned up to the satisfaction of the City and in accordance with a site remediation plan and subject further, to the submission of a MOECC acknowledged Record of Site Condition to Council.

By-laws to establish such Holding Zones shall be subject to the provisions of Sections 34 and 35 of the Planning Act, including the notice for holding of a public meeting. Prior to the removal of the Holding “H” symbol, Council shall give notice of its intention to pass the amending by-law removing the holding symbol, in accordance with Section 35 of the Planning Act. Notice of removal of the symbol shall be given by publication in a newspaper or by personal service or prepaid mail to every owner of land in the area to which the proposed amendment would apply, as shown on the last revised assessment role, and notice will also be given by personal service or prepaid first class mail to every person and agency that has given the Clerk a written request for such notice.

Despite the above provisions, where a Holding Zone has been established prior to March 25, 1985, a public meeting above must be held to remove the holding restriction.

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9.0 INTERPRETATION

9.1 General

Within the exception of the items noted below, any change or deviation from a statement of intent, either in text or on the Land Use Schedules attached to these parts will necessitate an amendment to the Official Plan.

The following items may be changed or deviated from, to the extent stated, without an amendment.

1. In the areas that are presently undeveloped, land use district boundaries which are not clearly defined by roads, topographic or other fixed features may be adjusted to accommodate subdivision designs or planning applications so long as the general intent of the Official Plan is maintained;
2. In undeveloped areas, school sites, and parks, neighborhood commercial areas may be incorporated into subdivision designs in the manner most suitable to the physical features or limitations of the area provided that the general intent of the Plan is maintained;
3. In the Plan, figures, quantities, densities and distances are not intended to be exact or rigid. It is intended that reasonable latitude will be available to Council in the interpretation and application of these numbers and policies when actually establishing or approving the size, exact location or nature of proposed development where it is deemed by Council to be necessary for the desirable development of the Planning Area provided that the general intent of the Official Plan is maintained. In this context, most of the suggested planning standards have been included as guidelines for Council to follow, and should be periodically reviewed as to their adequacy or appropriateness in meeting changing circumstances.
4. The boundaries between land use designated on the Land Use Schedules are approximate only except where they coincide with major roads, lakes or other clearly defined physical features. Where the general intent of the Plan is maintained, minor adjustments to boundaries will not necessitate an amendment to this Plan.

9.2 Amendments

This Plan provides a long-range development framework to guide the future growth of Elliot Lake. It is intended that amendments to the Plan shall only be required where major changes to the broad land use pattern and development policies become necessary as a result of changing circumstances.

While it is not the intent of Council to limit the rights of any person under the Planning Act to apply for an amendment, any proponent of development is encouraged to discuss the need for an amendment with the City prior to making an application. The City encourages a spirit of pre-consultation in making this determination as well as in the review of any application for an amendment filed with the City prior to a public meeting or decision.

9.3 Agency Names and Responsibilities and Legislation

From time to time, the names and responsibilities of various government agencies and relevant Provincial legislation may change. This Plan shall be interpreted so as to refer to those agencies named, or to their successors, as conditions dictate. Where any Act, Provincial Policy Statement, Growth Plan, Ontario Regulation, and/or guideline, or portion thereof, is referred to in this OP, such references will be interpreted to include any subsequent legislation that may replace or revise the specified document.

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