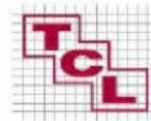




# **TOWN OF THESSALON**

## **Official Plan**



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## THE TOWN OF THESSALON OFFICIAL PLAN

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**SCHEDULE “A”, LAND USE PLAN**



# THE TOWN OF THESSALON

## OFFICIAL PLAN

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### 1.0 INTRODUCTION

---

Thessalon is a multi-faceted community with a broad range of public services, leisure and cultural facilities. Thessalon exudes a welcoming feeling and a quaint sense of community one would expect from a small northern community.

Thessalon is influenced by its position on the Trans Canada Highway, Highway 17 by providing services that the smaller communities in the area do not have i.e. Extended Care Facilities, a marina, camping, and social amenities.

The Town of Thessalon is located 80 km east of Sault Ste. Marie at the intersection of Highway 17 and Highway 129. Situated on the north shore of Lake Huron and at the mouth of the Thessalon River, this primarily urban community is fully serviced and has a full range of amenities such as a hospital, an arena, many shops and boutiques, education facilities, a home for the aged, and a port. The port is located on the east end of the Town and provides water access to extend the market for aggregates and timber, which are the two main industries in the area.

Thessalon, like many other northern urban communities, has its opportunities and its challenges. Its heritage, its services and facilities, and its proximity to major centres are opportunities to attract development and sustain a healthy community base. Servicing constraints, polarization of commercial development interests and increasing its industrial activity are just a few of the challenges that Thessalon faces.

This Official Plan is intended to build on the opportunities and provide the policy framework for addressing the challenges and to guide land use decisions made by Council, the community, and Provincial Ministries over the next 20 year period. The Plan builds upon the many attributes and amenities the community has to offer. These include a diverse and well maintained housing stock, modern health facilities, secondary and post-secondary educational services, a mature commercial base, a range of public service, recreation, leisure and cultural facilities, to name a few.

Thessalon, an urban centred community with a population of 1,386 people (2001), is contained within a large rural area. Consequently, future development will be distributed

across several municipalities and housing demand will be met through a variety of residential living environments in both urban and rural settings. Thessalon's role will be to provide for community development that serves those with a preference for an urban environment.

The Official Plan endeavours to balance the aspirations of Thessalon within the broader context of provincial interests as espoused in the Provincial Policy Statement. Within a changing land use planning environment in Ontario, Thessalon will become increasingly responsible for the review, processing, approval, and implementation of planning decisions. The Official Plan sets out the context for these evolving responsibilities.

## **1.1 How to Use This Plan**

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To use this Plan, the reader should first locate the parcel of land affected on Schedule 'A', Land Use Plan. This Schedule will indicate the land use designation that applies. Reference should then be made to the land use policies that apply to that designation for guidance as to how the land may be developed or redeveloped. These policies are generally contained within **Section 8 - Community Development**. It is also important to consider other policies.

- **Section 5 - Functional Support Policies** sets out how land should be serviced (water, sanitary and storm sewer, waste disposal, roads).
- **Section 6 - Heritage** contains the policies and principles for managing cultural heritage and archaeological resources.
- **Section 7** addresses matters of **Public Health and Safety** such as development on or near flood plains and contaminated sites.
- **Section 9 - The Tools of Implementation** sets out the policies for implementing the Plan (e.g. zoning, subdivision and site plan control, property standards, community improvement etc.). Section 9 is complemented by Appendix 1 which sets out the procedures for Planning Applications.
- **Appendix 1** provides information on other Statutes that might be helpful in the approvals process.
- **Section 10** is intended to help the reader on how to interpret the Plan.

Other important sections of the Plan include **Section 4** which sets out the community's strategy for **Economic Development** and **Sections 1 through 3** which outline the authority and basis for the Plan.



## **1.2 A Development Strategy for Thessalon**

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The goal of the Official Plan is to provide an appropriate decision-making framework for land use development within the Town over the next 20 years.

As a new Official Plan for a mature community, the Development Strategy for Thessalon contains the following components:

1. To provide for a compact and energy efficient land use pattern that optimizes the use of available infrastructure (roads, water, sewer, waste disposal) and public service facilities (schools, hospitals, recreation and cultural facilities, fire and police) and which utilizes densities and development standards which are cost effective;
2. To manage growth while at the same time maintaining a healthy and livable urban environment. Residential neighbourhoods will be conserved or developed keeping in mind a sense of human scale, character, safe streets and public spaces, and the provision of amenities. Access to public buildings and facilities shall be designed or upgraded to accommodate the needs of persons with disabilities or special needs;
3. To sustain a healthy economy by providing opportunities for economic development e.g. commercial development in the Downtown and on the Highway 17 corridor which complements each other either by providing direct access off of Highway 129 or through service roads, by providing a frame work for Home Based Businesses and by sustaining the industrial base;
4. To provide adequate and affordable housing for all residents and the flexibility to respond to changing market and housing conditions. Also, to maintain a 10 year overall land supply for housing and a three year serviced supply of approved lots for residential development;
5. To sustain lifestyles and activities commensurate with a “small town atmosphere” while providing opportunities for community development;
6. To conserve the rich cultural heritage and archeological resources of the community as a sustaining element of the economic base and as an integral component to the theme of community development;
7. To conserve the attributes of the natural physical environment such as wetlands, wildlife communities, trees and vegetation, to conserve the water quality of surface and groundwater systems and to maintain river corridors in their natural state wherever possible;
8. To maintain the well-being of the “main streets” of the central area and the highway commercial corridor. Land use decisions will be cognizant of the need to

create or preserve “people places” to reduce the need and impact of the automobile and increase the opportunities for pedestrian travel within and through the community;

9. To protect sensitive land uses (dwellings, day care facilities, schools, health care facilities) from incompatible land uses;
10. To generally divert development away from lands considered to have natural or human-made hazards e.g. flood plains, and contaminated sites unless it can be clearly demonstrated that the constraint can be safely overcome so as to not endanger property or the health or safety of occupants nor have an adverse environmental impact;
11. To keep the public informed and involved in making land use decisions that affect their lives and the quality of the urban environment;
12. To have regard for the community’s Mission Statement in land use decision making. The Mission Statement reads:

*“Together, we are a friendly, caring community, intent upon building a vibrant, well-managed community, committed to conserving our heritage and improving our environment and way of living, while remaining sensitive to our economic future and the needs of our citizens.” (October 6, 2003 meeting of Council)*

### **1.3 Future Directions**

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An Official Plan should be considered as a dynamic document that both directs the future growth and development of a community and also changes with the times. Over the next 20 years the physical, social and environmental circumstances of Thessalon will change. Council acknowledges that this will lead to a review of the Plan to ensure it is pro-active rather than reactive.

While it is not easy to project what components of the Plan will change, one issue identified in the preparation of this Plan which will warrant future consideration is development along the shores of Lake Huron and the Main Street commercial corridor. As a gateway to the downtown from the highway commercial district, the role and land uses of this area may change. This will necessitate a careful review of the land use policies in this Plan in order to guide and manage change in a comprehensive way while conserving the character and the built form of this area.

## **2.0 THE PLANNING ENVIRONMENT**

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### **2.1 Authority for an Official Plan**

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The *Planning Act*, *Section 17 (14)* provides the enabling authority for the preparation of an Official Plan and *Section 26* provides for the periodic review and update of the Plan. Section 16 of the *Act* sets out the ‘contents of an Official Plan\*:

“Shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it,...and

May contain a description of the measures and procedures proposed to attain the objectives of the Plan and a description of the measures and procedures for informing and obtaining the views of the public in respect of a proposed amendment to the Official Plan or proposed revision of the Plan or in respect of a proposed zoning by-law.”

### **2.2 History of Land Use Planning**

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The Town’s current Official Plan was approved on June 2, 1980 and has been modified a total of 5 times.

### **2.3 Provincial Policy Statement**

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The *Planning Act* has been substantially amended since 1982, most notably with respect to the introduction of a Provincial Policy Statement (PPS) under Section 3. In the preparation or review of an Official Plan, municipalities and Planning Authorities must “be consistent with” this Provincial Policy Statement, a document which “provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.” Through the application of the Policy Statement, the Province can express its interest in “protecting the long term health and safety of the population, and the financial and economic well-being of the Province and municipalities, which contributes to a more effective and efficient land use planning system”. (Provincial Policy Statement, March 2005)

The Plan has regard to a number of provincial interests such as ensuring an adequate supply of land for all land uses, maintaining the well-being of the downtown, ensuring the efficient use of infrastructure, providing an adequate supply of affordable housing, providing for the wise use and protection of a variety of resources such as natural heritage and cultural heritage, which also affect the Town.

## **2.4 Official Plan Review Process**

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The preparation of the new Official Plan followed a review process comprising pre-consultation with provincial Ministries and agencies, the preparation of a Community Profile (final version – October, 2003), and the drafting of the Plan. Regard was had for the relevant components of the Provincial Policy Statement.

The purpose of the Community Profile, in particular, was to provide background information and analysis that provides a basis for the formulation of new policies in the Official Plan or the modification of existing policies. Reference should be made to the profile for detailed information on population and community development activity, land supply, public service facilities and infrastructure, cultural heritage and natural heritage features and areas.

## **2.5 Planning Administration**

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The Town of Thessalon Planning Committee, which is a committee of Council, administers the Official Plan and Zoning By-law, where the granting of minor variances is carried out by the Committee of Adjustment. Council however, has the consent granting authority.

The Ministry of Municipal Affairs and Housing has the approval authority for Official Plans, amendments, subdivisions and condominiums. Any of these responsibilities may be delegated.

The Town will exercise its authority under the *Planning Act* to utilize various Planning tools such as site plan control; bonus, holding, temporary use and interim control zoning, where appropriate; subdivision control; community improvement and property standards; cash-in-lieu of parkland and parking; demolition control, etc.

Other legislation will also be used where it is complementary to the implementation of land use planning decisions. For example, the authority for Development Permits (*Section 70.2, Planning Act*) could be used by Thessalon to accomplish certain objectives with respect to heritage conservation.

Where Zoning By-Laws are enacted by Council, such By-Laws will be in conformity with the policies of the Official Plan as will public works carried out by the Town.

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

## **2.6 Planning Period**

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The Planning Period for this Official Plan is 2006-2026. However, the Town intends to review the Plan every five years as per the requirements of *Section 26* of the *Act*.

## **3.0 BASIS OF THE PLAN**

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### **3.1 Population**

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The population of the Town of Thessalon (1,386 - 2001) declined by 6.7% from 1,485 in 1996. The decline in the population may be attributed to a loss of jobs and the lack of diversification in the economic structure of the area. These factors have led to an out migration of youth and the working age population.

Population projections undertaken by the Ministry of Finance for selected municipalities, all Counties and Districts in Ontario, are based on methodology and assumptions that include consideration for fertility, mortality, and migration. The methodology uses a cohort survival approach to generate forecasts for age and sex for the specified projection period. These forecasts are tied to Statistics Canada population information. The projection for the Algoma District (2000-2028) is for a relatively stable population decreasing from 127,806 (2000) to 125,749 (2028) or a decrease of 1.64%. Based on this methodology, we would anticipate that the population would remain at similar levels or decline slightly over the next 20 years. Consequently, for planning purposes, the Town should be planning for a population of 1,250 to 1,450.

### **3.2 Housing**

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With a current housing stock of 620 dwellings in the Town (2001 Census), 74% are owner occupied. The predominant housing type in the urban centres is singles (82%) (which includes mobile homes), followed by multiple residential units (apartments) (17.9%), and row housing (1.8%). As might be expected, Thessalon has a more diverse mix of housing types than that of its rural counterpart. The Provincial Policy Statement obliges municipalities to plan for a range of housing types and densities. This may continue to be achieved through policies which encourage and provide for a mix of housing types.

The average number of persons per household in Thessalon is 2.4. This average is reasonably consistent with provincial averages for similar sized urban communities.

The majority of the housing stock was created prior to the 1991 Census (520 dwellings or 93%). The past ten years have been subject to sporadic development with individuals buying and adding on, or demolishing and then rebuilding. Aside from the small amount of new development, the bulk of the development has been infill within the current residential stock, aside from the development on the peninsula. Maintaining the housing stock in good repair will require the use of property standard controls administered by the Municipality.

There are a substantial number of vacant residential lots within the Town of Thessalon. The majority (46%) are located at the southern tip of the town within the private housing development. A recent inventory (Oct 2005) indicated approximately 88 serviced

building lots available for residential development in the town. Of these 88 lots, 50 are available for development. This will more than accommodate the development of dwellings for the next 20 years based on the current population development trends. This land supply does not include several larger blocks of land which have a total of approximately 11.74 ha located throughout the Town. This also meets the PPS requirement of a minimum 10 year supply of land available for residential development and a 3 year supply of residential units with servicing capacity.

### **3.3 Economic Base**

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The impact of the forest products and aggregate industries on employment is reflected in the high percentage of people employed in Resource-based industries (7.96% - 2001) versus the provincial average of 3.18%. It is also evident in the manufacturing and construction industries (processing of wood fibre and value added industries) with a percentage of 28.3% that the resource-based industries have a large impact. The lower percentage of the labour force employed in the below average services reflects the dependence on adjacent communities and larger communities, such as Sault Ste. Marie.

The potential exists to exploit opportunities in the forest products industry, building on existing mills; by the exporting of abundant sand and gravel resources; by catering to the users of Highway 17, a major economic generator; and by capitalizing on the municipality's strategic location on the North Channel of Lake Huron. The town is also interested in co-venturing with the Municipality of Huron Shores in the development of a business or industrial park.

The future prospects for economic development will be dependent on the ability and initiatives of residents and decision makers alike to harness and manage its human, financial and natural resource base in creating or sustaining employment. The Plan provides a positive framework by conserving the natural resource base for its economic value and by supporting or providing land use activities which create new employment...tourism, service commercial uses, home based businesses, etc. Catering to the evolving market of pre and post retirees is also a significant target.

### **3.4. Infrastructure and Public Service Facilities**

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The urban (developed) area of Thessalon is serviced by a municipal water supply and distribution system. The water system is made up of a water treatment plant located on Sunset Drive on Lake Huron, and a distribution system. There is currently a large storage system for the water located underneath the plant. The new system has been in operation for approximately 1 year. In general, the Town meets the fire flow requirements of the Ministry of the Environment. Pipe sizes will be enlarged in areas where required to meet the fire flows when funds are available. The water and sewer works are constantly being upgraded as part of the annual maintenance and capital projects.

The Town now has a new Water Treatment Plant which was completed in the summer of 2005. The rated capacity of the water treatment plant is estimated at 6,618 m<sup>3</sup>. The average treated water flow is 845.5 m<sup>3</sup>/day where the maximum treated water flow is 1,464 m<sup>3</sup>/day. The plant's maximum production flow rate is approximately 2,200 m<sup>3</sup>/day (30 L/s) where the average raw water used per day and the maximum raw water flow per day are 1,027 m<sup>3</sup>/day and 1,845 m<sup>3</sup>/day, respectively.

The capacity, although stated in terms of population and household units, will be affected by non-residential development as well. As such, the capacity should be monitored as development occurs within the community. The sewage treatment plant has been expanded to increase the capacity. Storm water management will be an essential component to future development in meeting provincial water quality objectives.

The sewage treatment system comprises of a two cell facultative sewage lagoon located east of the urban portion of the community, a collection system (gravity sewers and to a very limited extent grinder pumps/low pressure force mains), and two pumping stations (one wet well and one dry pit) and associated force mains. The sewage system was constructed in the late 1970s under the Provincial Grant program at a time when the population was reportedly in the range of 1700 and the design population was 2300. Presently the population is in the range of 1385.

The Town administers an extensive network of roads within the community. All of the roads are maintained on a year-round basis. Standards for new road construction subscribe to a 20 m ROW and municipal construction standards. The Town carries out a regular program of maintenance and road improvements.

### **3.5 Heritage Conservation**

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The Plan not only provides for the conservation of cultural heritage and archaeological resources in the community but articulates a heritage character statement. This statement underscores the importance of heritage to the economic base, visual aesthetics and landscapes of the community. Heritage is a theme which threads its way throughout the Plan since it is an integral component of community development and redevelopment.

### **3.6 Natural Heritage Features and Areas**

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With the assistance of the Ministry of Natural Resources, natural heritage features and areas have been identified and mapped. The Plan establishes procedures for undertaking an Impact Assessment to evaluate the impacts of proposed development on such features most notably the Lake Huron Shoreline.

### **3.7 Community Improvement**

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Community improvement is considered vital to the revitalization of the Downtown and industrial areas of the town. The Plan carries forth any relevant policies from previous documents in providing the enabling authority for revitalization of services and the building stock.

Thessalon's future is dependent on its ability to compete with other communities, to find a niche that makes it a unique destination and, more importantly, a place where people want to live or retire and have access to good quality services. There is no magic in defining the role of a community or bringing that role into reality. A community must work hard to create a strategy. It must collectively gather the resources to implement that strategy, and there must be an ongoing effort by the community to adapt its strategy to changing circumstances (e.g. market conditions).

Land use planning can provide the method for a community to achieve a collective vision. This section of the community profile is entitled Community Improvement, since the land use planning tools for revitalization are considered the most appropriate for addressing the challenges Thessalon faces.

Community improvement has its basis in Section 28 of the Planning Act, a Section which permits a municipality to identify areas where community improvement is in need. Once identified, this area becomes labelled as a "community improvement area" (CIA). The next step is to identify a community improvement project area which may be a neighbourhood or a "main street", or it could even be the entire CIA. The community improvement project area is typically characterized as an area where buildings (residential or non-residential) have become dilapidated, municipal services need to be installed or replaced, streetscaping is required, or open space is needed. A community improvement plan is a comprehensive plan which sets out the proposed improvements, phasing, and costs within the CIA. A community improvement plan requires public involvement and ultimately the approval of the Minister of Municipal Affairs and Housing but is not considered to be an amendment to the Official Plan. One advantage of Section 28 is the authority given to Council to acquire lands which may be needed to carry out the community improvement plan. These may be lands needed for a new park, or the installation of services, etc.

(See **Section 9.12.5** for policies)

### **3.8 Public Health and Safety**

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Natural and human made hazards or conditions exist within the community such as flood plains and contaminated sites. The Plan provides policies to ensure safe development.



### **3.9 Land Use Schedule**

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The policies of the Plan are to be read in conjunction with the Land Use Schedule. This schedule illustrates the various land use designations, natural heritage features and areas, and infrastructure.

## 4.0 ECONOMIC DEVELOPMENT

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### 4.1 General

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The location of Thessalon as a place for employment, shopping, institutional services, and recreation underlies the relatively healthy economic base the community could enjoy if development is planned correctly. The economic base has and will continue to change. Growth in the commercial service sector, trades, construction, manufacturing, finance and utilities could be expected while public administration employment is projected to decline (Community Profile).

As with other communities, Thessalon must position itself in the market place to sustain its economic health and the quality of life the community enjoys. The role of the Official Plan is to set a positive context for economic development through such measures as ensuring adequate public services and infrastructure, providing a sufficient land supply for all land use types, by clearly articulating the requirements and procedures for processing planning applications and by reinforcing the community values that contribute to Thessalon's image as a safe and secure community and one in which business development is welcome.

This Plan sets forth an economic development strategy to complement and reinforce the policies of this Plan for community development.

### 4.2 Mission Statement

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The mission statement is intended to underscore the strategy for economic development. This statement of Council is:

*"To advance local economic development and tourism through activities and actions which will help retain existing enterprise, organizations and services as well as encourage economic growth."*

### 4.3 Strategy for Economic Development

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Council's strategy for economic development includes the following components:

1. To strengthen Thessalon and area's economic development profile.
2. To promote business retention and growth.
3. To implement a comprehensive plan to promote Thessalon as a tourism destination.

4. To partner with other organizations to ensure the development and availability of a skilled and educated workforce.
5. To work with the telecommunications industry to improve telecommunications services and support network applications development, and
6. To enhance the appeal of Thessalon and area as a desirable place to live.

The intent of this Plan is to support this strategy through actions by Council which will:

1. Expedite approvals for development which conform to the policies of this Plan.
2. Ensure that there is an adequate supply of available serviced land for all forms and types of land use.
3. Sustain the level of public services and infrastructure required to support growth and development.
4. Ensure the maintenance of the building stock and the heritage resources and values which contribute to the community's image.
5. Ensure the conservation and/or enhancement of the environmental attributes and natural heritage features and areas of the community.

#### **4.4 Strategic Initiatives**

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The intent of this Plan is not to list the many strategic initiatives of Council and the community that will implement the economic development strategy as these may become dated. Rather, the intent of the Plan is to provide a supportive policy framework for these and other initiatives to come and to facilitate their implementation.

The Plan also recognizes that the private sector and other public institutions will propose developments which will also strengthen or diversify the economic base of Thessalon. Council's intent is to work co-operatively with other sectors of the economy to facilitate economic development.

#### **4.5 Implementation**

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The implementation of the strategy lies in the concerted and co-operative efforts of the public and private sectors. A number of the components of the strategy are dependent on the actions of the private sector and are apart from the land use policies of this Plan. Council and departments of the municipality will facilitate the implementation of the strategy through their daily responsibilities. Council will play a key role in the review and approval of planning applications that implement the policies of this Plan. This review will have regard to the elements of the strategy. Council will also play a more holistic role in coordinating the efforts of the public and private sectors through specific decisions

and through its interaction with other agencies. Council's intent is to pursue a pro-active stance on community development in embellishing the opportunity for implementing components of the strategy. Council's intent is to also keep the community informed of the implementation of the strategy through a policy of disclosure.

## **5.0 FUNCTIONAL SUPPORT POLICIES**

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### **5.1 Statement of Intent**

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It is Council's intent to ensure that in the making of planning decisions, that infrastructure is adequate and has the capacity to support existing and new development. This may require the extension or construction of services or optimizing the use of existing services. Further, Council will continue to upgrade, improve or replace infrastructure as funds permit.

### **5.2 Sewage and Water**

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Council shall require where feasible all new development or redevelopment within the Town of Thessalon to be serviced by municipal water and sewer services (water supply and distribution and sewage collection and treatment) and that sufficient water and sewage plant capacity is available to accommodate the new development or redevelopment and will not create environmental problems elsewhere in the system. Existing infrastructure shall be optimized prior to new infrastructure being created. Calculations of the uncommitted capacity of water and sewer systems will be required where necessary to determine the capability of services to support new development. Where it is determined that a proposed large water user cannot be accommodated within the current system or extending municipal services is neither practical nor economically feasible, alternative servicing arrangements may be permitted subject to the authority having jurisdiction.

The time line for improvements to sewage and water systems is dependent on development. While it is not anticipated that expansion of the water supply will be required for residential purposes within the Planning Period until such time that the current infrastructure is optimized, improvements may be undertaken to improve looping. Similarly, residential growth, at current rates, may not likely require expansion of sewage capacity until after 2015. However, accelerated growth or increased demands from the non-residential sector may advance this requirement.

Servicing improvements for the water and sewage will be monitored over the Planning Period and expansion of these systems will be undertaken as the systems approach their respective capacities. Sewage and water service planning shall ensure that such systems are provided in a manner that can be sustained by the water resources upon which such services rely, that is financially viable and complies with all regulatory requirements and that protects human health and the natural environment. Such works may be undertaken and are deemed to conform to this Plan.

Sewer or water servicing on the perimeter of the community e.g. north of Highway 17 or to the industrial area in the east end should occur on the basis of contiguous development and will be subject to a servicing study on the most cost-efficient method of extending such services and to the approval authority having jurisdiction.

Where practical, sensitive land uses should not be placed adjacent to the sewage treatment facility. Where applications for new sensitive land uses may be in proximity to the Thessalon Lagoon, reference should be made to *MOE Guideline D-2: Compatibility between Sewage Treatment and Sensitive Land Use*, in determining separation distances as the recommended separation distance varies from 100 to 400 metres depending on the type of pond and characteristics of the waste.

### **5.3 Storm Water Management and Drainage**

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It is Council's policy that storm water management may be required for all urban development as a preventative approach (rather than relying solely on end-of-pipe quality control) to protecting water resources (quality and quantity).

It is the intent of Council to participate in the development of a watershed management plan as a means to identify the characteristics of water resources and to develop water quality goals and targets as the basis for the long term comprehensive management of these resources. It is recognized that this will impact on current storm water management practices in the Town and may lead to development controls or restrictions designed to maintain or improve water quality (e.g. detention ponds, pre and post flow controls, vegetation standards, infiltration techniques, treatment etc.). This may also lead to the development of a master drainage plan and a series of best management practices.

The principles which Council intends to utilize in its approach to storm water management are enumerated as follows:

1. That natural hydrological characteristics are maintained, and where possible, enhanced as the means to protecting the base flow of watercourses.
2. That the natural infiltration of water on lands which are developed, is maximized.
3. That proposed development will not result in increased downstream flooding or erosion or cause adverse effects on receiving waters.
4. To ensure that alterations to natural drainage systems are prohibited or at least minimized by maximizing the retention of natural vegetation and by leaving stream channels in their natural form.
5. That sanitary and storm water sewers are separated.
6. That fish and wildlife habitat is protected, enhanced or restored including habitat linkages where affected by the discharge or outlet of drainage facilities.
7. That a sustainable environmental approach is utilized in protecting water resources.

8. That water quality will be monitored on an ongoing basis as the means to evaluating the effectiveness of storm water management practices.

It is the intent of Council to incorporate storm water management controls into the development review and approval process. Proponents of development will be required to plan for and undertake storm water management which complies with the above principles as well as any master drainage plan. This may require a sub-watershed management plan for large tracts of land or a storm water site management plan. Proponents may utilize best management practices where they are consistent with and will achieve the Town's water quality and quantity targets.

In the interim (prior to the development of a master drainage plan), proponents will be expected to assess the impact of the development on the receiving stream and to utilize a mix of site level, conveyance and end-of-pipe best management practices for the development.

Improvements to storm sewer mains e.g. replacement, or extensions are anticipated as part of the regular program of maintenance by the Town and are deemed to comply with this Plan.

*(Reference documents for storm water management include: Storm Water Management Practices & Design Manual, Ministry of the Environment; Guidelines on Erosion and Sediment Control for Urban Constriction Sites, Ministry of the Environment.*

## **5.4 Waste Management**

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The existing transfer site located in the north end of Thessalon (as shown on **Schedule 'A - Land Use Plan**) shall only be operated, expanded or closed in accordance with current provincial environmental standards and approvals under *The Environmental Protection Act*.

### **1. Existing or New Sites**

Existing active or new sites within the Town may only be operated, expanded or closed in accordance with current provincial environmental standards and approvals. Waste disposal activities may include facilities for recycling, composting, hazardous waste control and ancillary activities in accordance with the Certificate of Approval. New sites, including sites for sewage disposal, will require an amendment to this Plan and will require approval under the Environmental Protection Act before an amendment is considered. Sites may include transfer sites utilized for the temporary storage of waste materials.

### **2. Closed or Inactive Sites**

Closed or inactive sites may be used for other purposes subject to meeting requirements of the Environmental Protection Act. No use shall be made of

land or land covered by water which has been used for the disposal of waste within a period of 25 years from the year in which such land ceased to be used unless prior provincial approval for the proposed use has been given. (Section 46 Order).

### **3. Influence Area**

Council recognizes that waste management facilities may have an impact on adjacent land uses. An influence area surrounding the waste management facility is shown on the Land Use Plan, Schedule “A” to recognize the potential for adverse effects between the existing waste management facility and any sensitive land uses. No development shall be permitted on or within 30 m (98.4 ft.) of the licensed fill area of an active waste disposal facility or area. Development proposed beyond the 30 m (98.4 ft.) but within an influence area of 500 m (1,640 ft.) of the fill area of an active or closed waste disposal facility or area shall be accompanied by an environmental impact statement that demonstrates that the proposed development will not be negatively impacted by the waste disposal facility (e.g. leachate, methane gas, rodents, vermin, odours, fire etc.) Where recommended by the impact statement, measures to mitigate any adverse impacts will be required as a condition of development. (See reference document) The influence area does not apply to commercial or industrial land uses or to residential development which has been approved or committed e.g. lots of record in either an approved plan of subdivision or which were created by consent.

The influence area may be reduced where studies have been undertaken and the public authority having jurisdiction is satisfied that there will be no adverse effects on adjacent land uses.

### **4. Development to Have Adequate Capacity**

Council, in the review of planning applications, will ensure that there is sufficient capacity to accommodate the waste disposal needs of the proposed development. Council will continue to monitor the capacity of the existing sites and will undertake improvements as required e.g. expand sites or implement operational plans, to maintain adequate capacity for future development.

Council will monitor the environmental impacts of sites to ensure that there is no off-site migration of leachate.

Waste disposal activities may include facilities for recycling, composting, and ancillary activities in accordance with the Certificate of Approval.

*(Reference Document: Land Use On or Near Landfills and Dumps, Ministry of the Environment, D4, Ministry of the Environment.)*



## **5.5 Transportation**

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The transportation network of the Planning Area consists of Highway 17 and Highway 129, provincial Highways, local roads, private roads, and lanes along with sidewalks, open space networks and service lands. The intent of Council to provide for a safe and functional transportation network that facilitates the movement of motorized, non-motorized and pedestrian traffic within and through the Town. Improvements will be made to this system from time-to-time. Components of the system and their functions are further described in the following policies.

The right-of way widths referred to in the following policies reflect commonly accepted provincial standards. However, it is recognized that in Thessalon the right-of-way dimensions of many existing roads are less than these standards and the Town is not proposing to increase them to such standards. New roads conversely, will be required to conform to the standards.

### **5.5.1 Provincial Highway**

Provincial highways are intended to accommodate inter-urban and long distance travel movements through the Town and to destinations outside of Thessalon. Access, buildings, land uses and signs for provincial Highway 17 and 129 shall be subject to the limitations under the jurisdiction of the Ministry of Transportation. Access for new development will be encouraged primarily through access from roads connecting to provincial highways. Right-of-way and design speeds shall be subject to the Ministry of Transportation standards.

Certain lands in the Town have been identified by MTO to be required for a proposed interchange associated with the Thessalon by-pass, which passes through Huron Shores. It is Council's intent to protect these lands as part of the MTO's proposed transportation corridor through the implementation of the zoning by-law. Any lands which are to be disposed of and purchased by the Province shall be acquired at market value which is agreeable to all parties involved.

### **5.5.2 Local Roads**

All other public roads within the Town are considered to be local roads. Local roads have a width of 20 m (65.6 ft.), carry low volumes of traffic at low speeds (40-50 km/hr), provide direct access to abutting property as their primary function and include on-street parking.

#### **5.5.2.1 Municipal Service Lanes**

The Town has service lanes which run on both sides, and parallel to Main within the downtown core. The lanes are approximately 3.65 m (12 ft.) in width and run from Bay Street and Park Street on the east side and between the northerly limit of Lot 10, Plan 8 and the closed part of Park Street on the west side. The lanes can be traced back to the

days of the horse and buggy where the lanes were used to transport goods to different businesses.

### **5.5.3 Private Roads**

Private roads within the Town perform the same function as *Local Roads* except that they are privately maintained. The intent is that new or existing private roads meet the same construction standards as *Local Roads*. New private roads may only be constructed where they service approved condominium developments. It is generally not the intent of Council that these roads be assumed as public roads and Council may require that such notice be registered on title (through the Condominium Agreement) to all properties served by such roads.

### **5.5.4 Road Improvements**

Subject to a feasibility study, to the availability of funding and meeting the requirements of the *Environmental Assessment Act*, Council may undertake the construction of road improvements or require their construction as a condition of development.

Rights-of-way shall be protected in making planning decisions on community development for the above noted roads (see also **Section 5.5.8**) or for redevelopment.

Road improvements may include traffic management measures such as traffic calming as a measure of speed control and safety.

### **5.5.5 Sidewalks**

Sidewalks constructed to an appropriate standard may be constructed on any local, collector or arterial road (subject to the availability of funds).

### **5.5.6 Alternative Development Standards**

Council may permit the construction of a cul-de-sac or local road under an *Alternative Development Standard* where the road is not a through road and is intended to carry a low volume of traffic.

Council may consider alternative development standards for other infrastructure as a means to provide for more cost-effective and compact development.

### **5.5.7 Recreational Trails**

Council may develop a system of recreational trails to be integrated with the road network e.g. reserve lane or boulevard for bikeway or parks and open space system. Construction standards will be designed to ensure the safety of users particularly where integrated with motorized vehicles.

Council also recognizes the existing snowmobile trail system which is currently maintained by the Algoma Sno-Plan Affiliation (ASPA).

### **5.5.8 Pedestrian and Vehicular Rights-of-Way**

Council may establish rights-of way and acquire lands required for pedestrian and vehicular rights-of-way. These may include rights-of-way as shown on Schedule 'A', Land Use Plan or others as may be established through site plan or subdivision control or under the *Environmental Assessment Act*.

### **5.5.9 Municipal Capital Works**

Council intends to undertake a program of capital works for roads and related infrastructure improvements. (See also **Section 9.12.2 - Public Works**.)

## **5.6 Transportation Corridors**

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It is the intent of Council that existing and proposed transportation corridors for road and rail be protected from land use activities which may interfere with the function and safe operation of these corridors including Highway 17 and the Rail Line.

## **5.7 Hydro, Communication and Cable Facilities**

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It is the intent of Council to ensure that hydro, communication and cable facilities are adequate to service community development. Planning for new development shall include consideration for cost-efficient routing of utilities and co-ordination in the design and installation of facilities as part of construction. Preference will be given to the installation of underground services for new development.

Council also supports and encourages the enhancement of communications technologies as an economic development tool for the community.

## **5.8 Snow Disposal**

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The design, development or use of snow disposal facilities shall be in accordance with provincial guidelines.

*(Reference document: Guidelines for Snow Disposal and De-Icing Operations in Ontario, Ministry of the Environment.)*

## **5.9 ENERGY, AIR QUALITY AND SUSTAINABILITY**

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### **5.9.1 Scopes**

The Town recognizes the importance of its air quality as a resource in maintaining the quality of life of residents as well as moving towards a more sustainable community. Council also intends to examine different approaches to reach environmental sustainability by encouraging the development of new sources of 'green energy' into the community. It is the intent of Council to permit alternative and renewable energy systems throughout the community, where appropriate and subject to the following policies:

### **5.9.2 Planning Principles**

1. The intent of this Plan is to provide appropriate measures for the assessment and possible implementation of alternative sources of energy i.e. renewable resources (wind, water, solar, etc.) in conjunction with ensuring that measures are taken to improve air quality.
2. Renewable energy sources may include but are not limited to:
  - a. Active solar energy: The sun can be used directly to heat water for pools, homes and industry, to provide space heating and to generate electricity. The sun's energy can also be used to distill water and cook food.
  - b. Biomass energy: The sun's energy is stored in organic materials such as wood, grains and peat. Wood and peat are both burned to provide heat. Grains can be fermented into ethanol and used as a liquid fuel.
  - c. Geothermal energy: Heat from the earth's core can be used to generate electricity. It can also be used directly (with heat pumps) to heat and cool buildings.
  - d. Passive solar energy: Passive solar energy is incorporated into energy efficient building and landscape design, e.g. window placement to heat retaining walls and floors.
  - e. Small hydro: Small hydro projects will generate power by using falling water at an average capacity of 20 megawatts or less. A 'run-of-the-river' project also uses falling water by directing water to the turbine using pipes, rather than dams.
  - f. Wind Energy: The energy from the wind can be harnessed by wind turbines and windmills to generate electricity and also to pump water.

3. Any proposal for new energy sources shall require proper Ministry (and other agencies) approval(s) as well as documentation supporting/justifying the proposed use. The report shall include information, depending on the source proposed, which indicates possible impacts on surrounding land uses, the environment, and what measures are required to ensure public health and safety and to provide for implementation. The tools available to Council include but are not limited to: Zoning, Site Plan Control, buffering, and Minimum Separation Distances.
4. Proposals or the construction of a new power source may require an amendment to this Plan.
5. It is also the intent of Council to attract new industries which can utilize the resources of the community, rather than relying on imports i.e. value-added forest products, production of local produce, increasing the amount of service based industries i.e. adequate number of hotels/restaurants to supply the increase in the tourism industry.
6. Council, in conserving energy, may encourage energy audits and implementation measures to retrofit the existing stock i.e. upgrading of windows, fixtures, energy efficient furnaces, etc.
7. It is a practice of Council to inform the public and make applications, where deemed appropriate, to the Provincial or Federal Government in achieving a more energy efficient community.
8. It is a practice of Council to encourage non-vehicular movement (pedestrian) within the community.
9. It is the intent of Council to encourage the installation of: energy efficient solid fuel burning appliances; proper, energy efficient insulation; water conserving fixtures, etc. This may be enforced through a property standards by-law.
10. Council may amend the zoning by-law to introduce standards for 'green energy' facilities i.e. wind turbines.

## **6.0 HERITAGE**

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### **6.1 Statement of Purpose**

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To provide the Town of Thessalon with the appropriate mechanisms for the conservation of the Town's heritage resources including buildings, structures, cultural landscapes, and archaeological resources, for the benefit of the community and posterity, by identifying, recognizing, protecting, improving, and managing those resources.

### **6.2 Goal Statement**

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To preserve Thessalon's built, cultural, and natural resources while ensuring its growth and economic prosperity and to establish the conservation of Thessalon's heritage resources as a primary element in the planned management of change; and

To use the protection of Thessalon's heritage resources as a goal of planning for land use and economic development.

### **6.3 Objectives**

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To provide Thessalon with the necessary tools to preserve, protect, and enhance its heritage resources;

To provide a framework for achieving the most appropriate balance between development or redevelopment and heritage conservation;

To adopt a proactive approach towards heritage resource conservation;

To integrate the conservation of Thessalon's heritage resources into the Town's planning and development activities; and

To sustain a positive first impression of Thessalon through enhancement of the physical setting.

### **6.4 Heritage Character Statement**

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#### **6.4.1 Reasons for its Heritage Value**

Thessalon's architectural, landscape, and natural character combine visual appeal with practical function. Thessalon continues to be the service and cultural center for a large rural region, and its settings reflect this established role. Thessalon's surviving architectural heritage dates back to the 1800s and includes both landmark and vernacular buildings from all periods since that time. The consistent use of local stone in all types of buildings is a defining characteristic, as is the compatible use of wood and brick. The

juxtaposition of a meandering river with the town's rigid street pattern and its stone buildings is a picturesque feature that has created Thessalon's dominant visual image.

## **6.4.2 Character Defining Elements**

The townscape of the downtown and surrounding neighbourhoods, in which the evolution of Thessalon is shown in representative examples of buildings and landscapes from all periods of the town's history, is essential to Thessalon's character. The use of local materials, especially stone, in a variety of vernacular and imported styles, is also characteristic and establishes a coherent appearance. The high level of conservation of heritage resources is distinctive and essential. The integration of the river corridor public open space with the neighbourhoods and downtown is also distinctive and essential. Specific design features, such as important vistas along streets, are unusual features that are distinct to Thessalon and important elements of its character.

## **6.5 Heritage Conservation Policy**

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### **6.5.1 Identification and Recognition of Heritage Resources**

Council shall recognize and have regard for the following heritage resources including buildings, sites, and landscapes which give Thessalon its special character and that can ensure its future well-being:

1. Built Heritage
  - Zion United Church
  - Church of the Redeemer
  - Former Thessalon Public Library
2. Natural Features
  - Lake Huron Shoreline

Additional resources or features will be identified and listed from time to time, particularly through the inventory referred to in Section 6.5.2.

### **6.5.2 Conservation of Heritage Resources**

Council may:

1. Undertake a comprehensive review of the Town's list of heritage buildings, as well as maintain and update a comprehensive inventory and evaluation of heritage resources.
2. Encourage the identification, research, documentation, restoration, protection, maintenance and enhancement of heritage resources.

3. Have regard for heritage resources and shall, wherever possible, incorporate and encourage measures for their conservation.
4. Encourage and support individuals and heritage interest groups in recommending potential heritage resources for inclusion on the Town's heritage list.
5. Designate individual buildings, structures, sites and landscapes as heritage properties under the *Ontario Heritage Act*.
6. Ensure that development within the Town is adequately and harmoniously integrated and blended with the heritage resources in such a manner as to preserve and enhance the heritage resources. In this regard, it is the policy of Council to require a Heritage Impact Assessment when development or site alteration is proposed adjacent to a protected heritage resource, to ensure that the new development conserves the heritage attributes of the protected heritage property.
7. Protect and enhance the distinguishing qualities, features, and character of heritage landscapes, as defined in the Heritage Character Statement of this Plan.
8. Encourage the retention of yards, gardens, trees, and landscaped grounds of heritage sites.
9. Identify sites of archaeological potential using provincial screening criteria (Appendix 2) or from a Heritage Resources Master Plan developed in consultation with the Ministry of Culture. Further, Council as a condition of any development proposal for a subdivision, major commercial or industrial development, may require an archaeological assessment by a licensed archaeologist (if required by Provincial regulations) and shall facilitate conservation of any archaeological resources and/or the mitigation of possible impacts of any proposed intervention in these sites.
10. Obtain available archaeological site data from the provincial archaeological database of the Ministry of Culture under the provisions of a municipal-provincial data sharing agreement.

### **6.5.3 Protection and Improvement of Heritage Resources**

Council may:

1. Encourage owners who wish to protect their property in perpetuity to place a covenant to that effect on the property's title (the Heritage Easement Agreement of the Ontario Heritage Foundation is one example of such a covenant).
2. Consider implementing a heritage grant program for owners of heritage properties designated under *Part IV* of the *Ontario Heritage Act*.



3. Consider participating in heritage grant programs or other financial aid programs of other levels of government or of non-governmental organizations.
4. Enter into heritage easement agreements with owners of designated heritage resources who are recipients of grants.
5. Undertake public works programs such as tree planting, landscaping, street improvements, and the provision of street furniture, lighting, signage, and other streetscape components, to enhance the surrounding areas of heritage resources, and to design and construct such works in accordance with the design guidelines included as appendices to this Plan.
6. Utilize other programs administered by the Town of Thessalon, such as heritage tourism, to further Council's heritage objectives.
7. Require any person who proposes to demolish or alter a designated heritage site to submit plans to Council for approval under the *Ontario Heritage Act*.
8. Require applicants wishing to demolish properties designated under the *Ontario Heritage Act* to prepare a heritage impact statement that demonstrates to Town Council's satisfaction the rationale for the proposal and shows the ways in which the new construction will not adversely impact the character of its surroundings.

#### **6.5.4 Management of Heritage Resources**

Council may:

1. Maintain a citizens heritage advisory committee known as the Municipal Heritage Committee (MHC) to advise and assist the Council on heritage matters.
2. Provide support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means.
3. Consult with MHC on all matters and development applications that pertain to heritage resources.
4. Co-ordinate its heritage planning and programs with other levels of government to avoid duplication of efforts and to reinforce mutual objectives, and to actively pursue demonstration projects from such programs for application in Thessalon.

#### **6.5.5 Development and Redevelopment of Heritage Resources**

Council may:

1. Ensure that development and redevelopment is undertaken in accordance with other policies in this Plan and will be permitted in and adjacent to built heritage

resources provided that it is compatible with the conservation or enhancement of the character of the town, as described in the Heritage Character Statement of this Plan and described in the design guidelines attached to this Plan.

2. Encourage development and redevelopment that will enhance the character and setting of Thessalon and will:
  - serve to stimulate economic regeneration through the retention and re-use of historic buildings and sites;
  - promote environmental improvement through landscaping or other street enhancement such as sidewalk and streetscape enhancement.
3. Give assistance by encouraging private investment in the upkeep of older buildings and to look favorably on proposals that, in Council's opinion, have demonstrated their ability to maintain and enhance the economic vitality of the downtown area.
4. Promote new infill construction that blends harmoniously with existing heritage resources.
5. Promote the re-use of heritage resources (building or building elements) where a heritage resource cannot be conserved intact.
6. Require, prior to approving a development application which would result in destruction of the heritage resource, that the applicant provide measured drawings, photographs, and other available documentation of the resources in its surrounding context, and if feasible, remove the heritage resource to a location in which it can be conserved.

### **6.5.6 Cultural Heritage and Archaeological Resources**

It is a policy to manage heritage resources through the pro-active identification, recognition, documentation, protection, conservation and rescue of these resources and to conserve heritage resources when making development and infrastructure decisions which may affect those resources. Heritage resources shall include built heritage resources, cultural heritage landscapes and archaeological resources which are important to the community or area in which they are located or are recognized for their significance at a regional, provincial or national level.

### **6.5.7 Development Applications and Infrastructure Works (Public Works)**

In reviewing an application for a zoning amendment, a consent for a commercial, industrial or institutional use or a multi-unit residential building; or subdivision; or in the undertaking of new infrastructure works (e.g. new road, road widening, communal water or sewer system, landfill site), consideration shall be given to the possible effects and

impacts of such works on a known heritage resource or on an area of archaeological potential. Along the lakeshores, waterways and their tributaries, archaeological resources shall be considered where affected by a development proposal.

A 'known' heritage resource is one which has been designated under the *Ontario Heritage Act* by the municipality; is a site or building which has been identified or registered by the Ministry of Culture; identified by the municipality or community as being culturally and historically significant, is a site or building identified or registered by Parks Canada. A heritage impact assessment report shall generally be required for development on or adjacent to a known heritage resource (local, provincial or federal), or an area of archaeological potential e.g. site which is in proximity to a water body [300 m (984 ft. or 200 m (656 ft.) from a secondary water body] (current or ancient shorelines) or the confluence of major water courses. The report shall identify the characteristics and significance of the heritage resource(s), the development impacts and the measures or options for the conservation, mitigation or removal/rescue of the resource.

Where, through development, a site is identified to contain an unmarked burial site or new archaeological features, Council shall contact the Ministry of Culture. The Ministry of Consumer and Business Relations shall also be contacted with respect to the discovery of burial sites and unmarked cemeteries and matters related to the *Cemeteries Act*.

Council recognizes that there may be a need for archaeological preservation on site or rescue excavation of significant archaeological resources, when such resources are identified through the development process. Council may consider archaeological resource preservation on site, to ensure that the integrity of the resource is maintained.

### **6.5.8 Inventories**

An inventory of all known heritage resources may be established and maintained by the Municipality to reflect identified resources and provide for their protection through the review of planning applications. This is expected to include the identification and mapping of areas of archaeological potential. The identification and mapping of areas of archaeological potential may occur incrementally (application-by-application basis) or through a comprehensive evaluation e.g. as part of the preparation of a heritage master plan.

### **6.5.9 Heritage Master Plan**

Council may prepare a heritage master plan as a means to comprehensively identify, assess and protect or conserve heritage resources (buildings, landscapes, areas of archaeological potential) in the Municipality. The heritage master plan may include criteria for determining local and regional heritage significance, a strategy for designating buildings or sites or heritage conservation districts under the *Ontario Heritage Act* and approaches to protecting cultural heritage landscapes.

### **6.5.10 Heritage Resources Designation**

Council may by by-law, designate properties (includes a building or structure) of historical or architectural value under *Part IV* of the *Ontario Heritage Act* or may designate a heritage conservation district under *Part V* of the *Ontario Heritage Act*.

### **6.5.11 Zoning and Regulatory Controls**

Council may protect significant archaeological resources and conserve cultural heritage resources through the passing of an archaeological zoning by-law and by undertaking other measures under the *Planning Act*, the *Municipal Act*, the *Environmental Assessment Act* the *Aggregate Resources Act* or the *Public Lands Act*.

### **6.5.12 Heritage Agencies**

Council may establish a Municipal Heritage Committee for the purposes of identifying and recommending the designation of property(ies) under *Part IV* or *Part V* of the *Ontario Heritage Act* and may consult with local historical societies.

### **6.5.13 Heritage Conservation Incentives**

Where feasible and desirable, incentives may be provided to land developers in exchange for the preservation of significant cultural heritage resources. This can be accomplished by permitting increased densities, density transfers, tax incentives, assistance through a trust fund, heritage conservation easements and/or other means considered appropriate for heritage resource conservation

## 7.0 PUBLIC HEALTH AND SAFETY

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### 7.1 Introduction

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Natural and human-made hazards are conditions which may affect public health and safety. In the Planning Area, these include flood prone lands, contaminated sites and noise and vibration. Some of these conditions exist in the natural environment while others are human-made. The intent of the Plan is to ensure that where development occurs, it does not become a threat to public health and safety.

### 7.2 Goal Statement for Natural and Human-Made Hazards

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To ensure that all development has a high regard for public health and safety through mitigating *adverse effects* (as defined in **Section 8.4.7**) or by prohibiting development in unsafe places.

### 7.3 Environmental Protection Area Designation

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#### 7.3.1 General

The Environmental Protection Area Designation land use designation shown on **Schedule 'A', Land Use Plan** includes:

1. Lands within the 1:100 regulatory flood level (flood plain and flood plain constraint);
2. Lands characterized by a Natural Heritage Feature such as Locally Significant Wetlands and wildlife habitat [see **Section 8.6.1.3 (2)**].

#### 7.3.2 Flood Plains

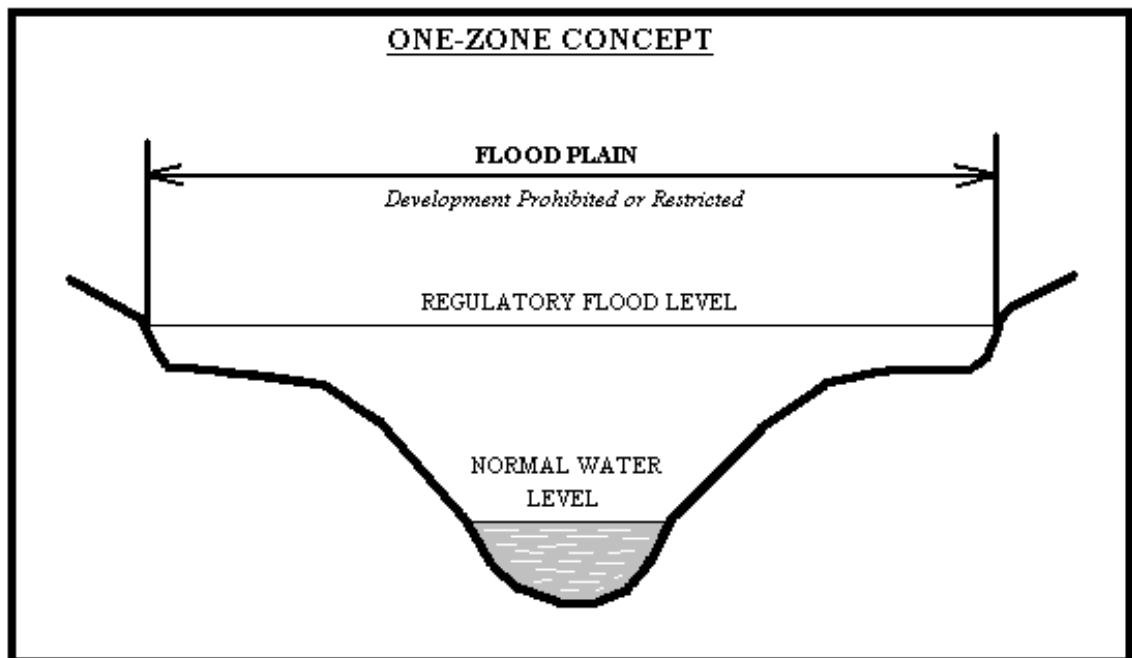
It is Council's intent to protect the safety of residents and avoid undue damage of land through policies to control development in the flood plain as follows:

1. The flood plain in Thessalon is recognized as representing the 1:100 regulatory flood level (One Zone Concept) (see illustration).
2. Lands are considered to be in the flood plain and are subject to flooding where:
  - a) Such lands are at or below the flood plain elevation (below 177.8 m CGD) along Lake Huron and the Thessalon River;
  - b) In addition, areas of the shoreline that may be subject to *flooding hazards*, *erosion hazards* and/or *dynamic beach hazards* as determined by Council,

local knowledge and experience, and in consultation with the Ministry of Natural Resources, on such lands additional setbacks may apply, as determined by guidelines and procedures developed for that purpose.

In light of the extensive work that has been carried out on the Lighthouse Point subdivision, the wave uprush along these lands shall be 0.5 m (1.6 ft.)

In lieu of the setback established in Item 2b) above, a technical study may be required to confirm the extent of the flood allowance for wave uprush and other water related hazards on impacted lands abutting Lake Huron.



3. No new buildings are permitted to be constructed within the flood plain except flood control structures, or low impact buildings or structures such as a gazebo, wharf or dock, boat slip, boat house, garden storage shed or a marine structure with the exception of Lajambe Point which restricts non-habitable structures to an area not greater than 10 square metres within the Environmental Protection designation. Other public and private activities including the construction of roads, or new structures necessary for the conservation, public recreation (recreational trails), water supply, waste water management, will be permitted in the flood plain subject to the approval of Council and the MNR and where deemed necessary, shall meet a flood proofing and access standard.

Development including the construction of a building or structure shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

- a) An institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where the threat to the safe evacuation of the sick, elderly, persons with disabilities or the young during an emergency as a result of flooding, failure or floodproofing measures or protection works, or erosion;
- b) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion; and
- c) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

No development or site alteration shall be permitted that is subject to an erosion hazard.

Development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards, as determined by the demonstration and achievement of all of the following:

- a) Development and site alteration is carried out in accordance with floodproofing standards, protection works standards and access standards;
  - b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
  - c) New hazards are not created and existing hazards are not aggravated; and
  - d) No adverse environmental impacts will result.
4. In areas (i.e. within the prescribed fill and construction lines) where 'Fill, Construction and Alteration to Waterways' regulations have been established, a permit shall be required for:
- a) The construction, reconstruction, erection or placing of a building or structure of any kind.
  - b) Any change of use to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure.
  - c) Site grading, or
  - d) The temporary or permanent placing, dumping, or removal of any material, originating on the site or from elsewhere.

Such permit shall also be required for changing the channel of any water body or diverting a water course. The permit shall be obtained from and to the satisfaction of the MNR in addition to any permits which may be required from the Town of Thessalon. In general, development of any kind which limits the flood capacity or

the flood way, or obstructs the flood way within any prescribed fill and construction lines shall be discouraged or prohibited.

5. Extensions or enlargements to existing habitable or other buildings located in the flood plain (other than an institutional use) may be permitted where it is clearly demonstrated to Council through engineering or other studies, that the flood hazard can be overcome. Such measures may include flood proofing of a building and ensuring that any openings are located above the flood elevation.
6. Where land which is designated as an Environmental Protection Area and is under private ownership, this Plan does not indicate that this land will necessarily remain as such indefinitely, nor shall it be construed as implying that such areas are free and open to the general public or will be purchased by the Town or other public agency. An application for the redesignation of lands designated Environmental Protection Area for other purposes may be given due consideration by Council after taking into account:
  - the existing environmental and/or physical hazards;
  - the potential impacts of these hazards;
  - the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering hazards.

There is no public obligation, however, either to redesignate by amendment to this Plan, or purchase any land if there is an existing or potential hazard that would be difficult or costly to overcome

7. Where new development is proposed on a site, part of which has physical or environmental constraints, such land shall not necessarily be acceptable for parkland dedication under Section 43 of the Planning Act. All lands conveyed to the Town shall be in a physical condition satisfactory to Council.
8. In the implementing zoning by-law, existing uses in the flood plain shall be recognized as conforming uses despite their designation as Environmental Protection Area. Council shall discourage the expansion or enlargement of any existing use beyond the limits recognized by the zoning by-law except where it may be qualified under Section 7.3.2 (6) above.

In the preparation of the zoning by-law, Council shall consult with the MNR to ensure that 'Fill, Construction and Alteration to Waterway' regulations are adequately reflected in zoning standards and in governing the issuance of building permits. The schedules to the zoning by-law shall illustrate the areas affected by flooding and the fill and construction regulations.

9. Council may use Site Plan Control for any land use in the Environmental Protection Area designation.



## **7.4 Contaminated Lands**

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### **7.4.1 Description**

Brownfield sites are sites where the environmental condition of the property and the quality of the soil or groundwater, particularly on former industrial and waste-disposal sites, may have the potential for adverse effects to human health or the natural environment.

### **7.4.2 Policies**

Development on any property suspected of having some form of contamination will be permitted only if a Record of Site Condition is provided by the proponent, prepared by a qualified consultant, in accordance with the Environmental Protection Act. Contaminated sites will be restored as necessary prior to permitting any activity on the site to ensure that there will be no adverse effect.

In considering applications for development, the following procedures shall apply:

1. The Municipality will require applicants to document previous uses of a property or properties that are subject of a planning application and/or properties that may be adversely impacting the property that is subject of a planning application in order to assist in the determination of the potential for site contamination.
2. The Municipality will require all applications for plans of subdivision to be supported by an affidavit from a qualified person as defined by provincial legislation and regulations, confirming that a Phase 1 Environmental Site Assessment (ESA) has been completed in accordance with Ontario Regulation 153/04, as amended from time to time. A Phase 1 ESA documents the previous uses of the property and provides an assessment of the actual or potential soil or groundwater contamination on the site.
3. For a property or properties that have been identified through the Town's planning application review process as potentially contaminated:
  - a. The Municipality will require all planning applications submitted under the Planning Act to be supported by an affidavit from a qualified person as defined by provincial legislation and regulations, confirming that a Phase 1 ESA has been completed in accordance with Ontario Regulation 153/04, as amended from time to time;
  - b. Where a Phase 1 ESA indicates that the property or properties that are subject of the planning application may be contaminated, the Town will require planning applications to be supported by an affidavit from a qualified person as defined by provincial legislation and regulations,

confirming that a Phase 2 ESA has been completed in accordance with Ontario Regulation 153/04, as amended from time to time. A Phase 2 ESA provides a sampling and analysis of the property to confirm and delineate the presence of soil or groundwater contamination at the site or confirm the absence of contamination at the site;

- c. Where the Town determines that there is a proposed change in land use to a more sensitive use, the Town will: Require as a condition of planning approval, verification to the satisfaction of the Town from a qualified person as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by the Municipality, or provincial legislation and/or regulations the filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry, the submission to the Municipality of a Declaration signed by the qualified person acknowledging that the Town may rely on the statements in the RSC and, submission by the property owner to the Municipality of proof that the Ministry of Environment (MOE) has acknowledged receipt of the RSC;
  - d. Establish conditions of planning approval to ensure receipt of satisfactory verification of suitable environmental condition as per this section;
  - e. Where applicable, utilize the holding provisions of the Planning Act to ensure receipt of satisfactory verification of suitable environmental condition.
4. Where an RSC has been made a condition of planning approval, a building permit may be issued in regard to a property or properties on a phased basis to allow for site assessment and remediation/risk management.
5. Where the Municipality is deeded land for public highways, road widening, parks, stormwater management, easements, or for any other purpose, the Municipality may require, as a condition of transfer, verification to the satisfaction of the Municipality from a qualified person as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by the Municipality or provincial legislation and/or regulations, filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry, and submission by the owner to the Municipality of proof that the MOE has acknowledged receipt of the RSC.

6. For instances where contamination from a property or properties extends onto a Municipality right-of way and filing of a RSC in the Environmental Site Registry is not possible, the Municipality may issue a building permit in regard to this property or properties on a phased basis contingent on the execution and implementation of an Off-Site Management Agreement or Remedial Action Plan that remediates/manages contamination in the right-of-way to the satisfaction of the Municipality.
7. Where a gasoline station site is being redeveloped and there is no change in use to a more sensitive use, the Municipality will require that a letter of continued use from the Technical Standards and Safety Authority be provided. For instances where contamination extends onto a Municipality right-of way, the Municipality will require that an Off-Site Management Agreement and Remedial Action Plan be implemented to the satisfaction of the Municipality prior to issuance of the building permit.

## **7.5 Noise and Vibration**

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In residential, commercial and industrial areas where noise or vibration levels are or will exceed the guidelines established by the Ministry of the Environment, a noise feasibility study may be required by Council to determine whether development should be permitted. Feasibility studies will normally be required when development is proposed within 50 m (164 ft.) of a main rail line or provincial highway. A noise study will typically be required within 300 m (984 ft.) of a railway or within 100 m (328 ft.) of a major highway. Abatement measures for noise and or vibration may be implemented through measures such as zoning, site plan control or building standards (acoustical insulation).

## **8.0 LAND USE POLICIES**

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### **8.1 RESIDENTIAL AREA DESIGNATION**

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#### **8.1.1 Development Concept**

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Residential neighbourhoods are the building blocks of the community. The intent of the Plan is developing new neighbourhoods with a mix of housing types designed to meet a range of housing needs. Residential design principles will be used to ensure compatibility between housing of different types, densities and heights and to ensure the safety and comfort of residents. Lotting patterns will be designed to ensure convenient vehicular and pedestrian flows and access to schools, parks and commercial areas. The character of residential areas will be conserved from the intrusion or impact of incompatible non-residential uses. The form of development will be generally compact, energy efficient and fully serviced. Efforts will be made to maintain existing natural features and/or beautify residential areas with trees and landscaped open space areas.

Within existing neighbourhoods, the focus will be on maintaining the housing stock in good repair and permitting infill on vacant lots. Change will be gradual where it occurs (e.g. intensification of the existing housing stock, infill on vacant lots or development/redevelopment at a higher density). Development/redevelopment will only be permitted provided there is compatibility with the density and height of existing surrounding development.

The majority of new growth in the Town will occur through infill, intensification and redevelopment in the built up area, which will occur before or at the same time as, but not after, development on any lands that may be designated for future growth in the Town. Progress towards this target will be monitored and assessed when this Plan is reviewed in accordance with the Planning Act. New development occurring on lands that may be designated for future growth in the Town will occur adjacent to the built up area and make the most efficient use of infrastructure and public service facilities

Non-residential uses in residential areas will be integrated using site plan control and other tools and may include parks, limited local commercial uses serving the neighbourhood, public service facilities (schools and churches).

Special housing needs will be considered where they can be integrated into residential areas with sensitivity. These needs include, but are not limited to, garden suites, group homes, crisis housing and student housing.

To ensure an adequate supply of housing, the Plan increases the areas designated for residential development, provides a strategy for Council intervention in the housing market and encourages mixed use housing developments in commercial districts.

### 8.1.2 Goals

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To provide adequate and affordable housing for all residents and the flexibility to respond to changing market and housing conditions.

To maintain a 10 year overall land supply for housing and a three year serviced supply of draft approved and/or registered lots for residential development.

### 8.1.3 Objectives

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To encourage a variety and mix of housing types to meet the changing needs of households over time.

To provide for compact, energy efficient development that is fully serviced.

To permit infill and intensification projects which optimize the use of existing infrastructure.

To maintain a generally ground oriented housing form (e.g. 4 storeys or less).

To ensure that the built form, massing and profile of new and redeveloped housing is well integrated and compatible in design with existing housing and that a compatible transition between existing housing and new residential or non-residential land uses is achieved.

To provide housing options for students, seniors, the physically or mentally disadvantaged and low income groups within the community.

To facilitate the provision of conveniently and appropriately located neighbourhood-serving land uses in residential areas.

### 8.1.4 Range of Permitted Uses

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On **Schedule 'A'**, Land Use Plan, lands designated as 'Residential Area' may be used for the following scope of permitted uses:

1. A full range of housing types from single detached dwellings to apartments. Domestic accessory uses such as private garages, swimming pools, storage sheds, utility buildings. Parking structures, recreational structures, utility and waste receptacles accessory to medium and high density residential uses.
2. Parks, open space and natural areas.
3. Neighbourhood-serving uses such as places of worship, limited local commercial services and public service and institutional facilities appropriate to the neighbourhood.

4. Home Based Businesses.
5. A mixed use building comprising a ground floor commercial use (funeral home) and upper storey residential uses.

### 8.1.5 Housing Supply

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Council's policy is to maintain a 10 year supply of land designated and available for new residential development and at least a three year supply of residential units in serviced areas in draft approved or registered plans of subdivision.

Council may strategically intervene in the housing market to increase the supply by such measures as:

1. Acquiring land within areas designated for residential development.
2. Selling or leasing land for residential development including preparing plans of subdivision.
3. Co-venturing with the residential development industry to service and sell/lease land for residential development.
4. Partnering with senior levels of government in designing programs or in facilitating residential development.
5. Pro-actively working with land owners in the community to facilitate residential land development through intensification, infill, conversion of non-residential buildings, financing and servicing.
6. Expediting planning approvals.
7. Working with local housing authorities to add to the stock of affordable housing.

### 8.1.6 Housing Densities

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Council's policy is to provide for different densities within the following ranges:

1. **Low Density Housing** (1-2 dwelling unit types): single detached and two unit housing (semi-detached, duplex, converted) at 15-25 units per gross hectare.
2. **Medium Density Housing** (3-6 dwelling units): row or town housing, multiplex and small block apartments (6 units) at 25-60 units per gross hectare.

3. **High Density Housing** (greater than 6 dwelling units): apartments at 60-100 units per gross hectare.

Housing densities may be achieved by encouraging innovative housing types, through the use of zero lot lines and bonusing (permitting an increase in the height or density in return for meeting a particular objective) (see **Section 9.12.8 - Increased Density (Bonus) By-Laws**).

### 8.1.7 Housing Mix

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Council will endeavour to provide a balanced housing mix by establishing targets to be achieved over the life of the Plan as: 60-70 % low density, 20-30 % medium density (3-6 unit buildings) and 5-15 % high density (7 unit and over buildings). The housing mix is intended to be a target for the community as a whole and is not intended to be met within each project proposed. Council, in considering residential development proposals, will however, encourage mixed densities as a means to providing a variety of housing types within individual neighbourhoods provided that there is a compatible transition between existing housing densities. As a general rule, low and high density projects should not be located adjacent to each other.

The housing mix should also provide a mix of tenure arrangements e.g. freehold, rental and condominium.

### 8.1.8 Infill

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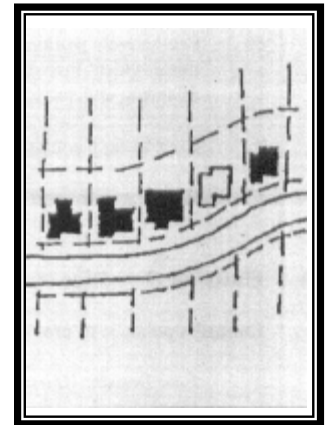
It is the intention of Council to permit in-filling on vacant parcels of land designated for residential purposes.

### 8.1.9 Intensification

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Residential intensification and redevelopment (i.e. redevelopment of brownfield sites, development of vacant or underutilized lots, in-fill development and the conversion or expansion of non-residential building stock for residential uses) where municipal water and sewer services can support the proposed development are the primary method for new residential development. Plans of subdivision are the preferred method of residential development on lands designated for future growth in the Town. Consents are a method of residential development on lands in the built up area and on lands designated for future growth in the Town, where they can be supported by sewage and water services. Consents can help meet intensification opportunities in the built up area by increasing lot densities where they can be supported by sewage and water services.

It is the intention of Council to permit the conversion of larger single detached dwellings or non-residential buildings where they can be practicably converted to increase the supply of housing. In the conversion of a building, the proponent must demonstrate



sufficiency of off-street parking, compliance with the building code, including accessibility for the disabled, if applicable, compatibility with adjacent land uses or low density housing and the adequacy of municipal services. Conversions of heritage buildings will be permitted where the conversion retains the integrity of the heritage or architectural features of the building.

### **8.1.10 Conservation and Renewal**

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Council shall ensure the maintenance and rehabilitation of the housing stock through active enforcement of the Town's Property Standards By-Law.

Council may use the provisions of *Section 28* of the *Planning Act* to provide loans or initiate or participate in community improvement measures to supplement or encourage maintenance and renewal programs sponsored by senior levels of government.

Council may establish areas of demolition control to prevent the unnecessary demolition of residential units, particularly dwellings which have been or are likely to be designated under *The Ontario Heritage Act*. Demolition will not generally be encouraged unless the housing stock is proven to be beyond economical repair or creates a fire or public safety hazard to the community.

Outside of designated Residential Areas, Council will encourage land owners of commercial buildings to renovate and restore upper storeys for residential use.

### **8.1.11 Affordable Housing**

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Council will provide for affordable housing measures through such measures as:

1. Establishing minimum targets for the provision of housing that is affordable to low and moderate income households in the Town.
2. By maintaining an appropriate supply of residential land, facilitate residential intensification and redevelopment and permit all types of housing to help implement their affordable housing targets.
3. Encouraging and working with the public, private and not-for-profit sectors to deliver affordable housing. Progress towards this target will be monitored and assessed when this Plan is reviewed in accordance with the Planning Act.

For the purposes of this Plan, affordable housing means accommodation which is affordable to households with incomes in the lowest 60 per cent of incomes within the housing market (District of Algoma).



### 8.1.12 Residential Design Principles

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Council recognizes the importance of planning communities which are safe, functional and have a sense of human scale. The image of Thessalon as a community with a high quality of life, a ‘small town atmosphere\* and livable residential neighbourhoods is intended to be sustained by having regard for the following residential principles in the review of residential development or redevelopment projects.

1. Prominent natural features such as the Thessalon River, Lake Huron Shoreline, urban woodlots, watercourses and their tributaries will continue to be recognized as visual landmarks within Thessalon. Residential developments which border these features will integrate these features into the design. This may include using such features as a natural visual border, by using these features to enhance open space or provide passive recreational opportunities, by providing shelter belts against wind and areas to maintain biodiversity. These areas are recognized as important wildlife habitat areas and in some cases, as wildlife corridors. Impact Assessments (**see Section 8.6.1.3.4 - Impact Assessment**) will be used as opportunities to evaluate these amenities, their conservation and to ensure the compatible integration of adjacent residential areas.

Lotting patterns for subdivisions and the placement of buildings should match the existing topography and conserve vistas, visual landmarks and landscapes which exhibit heritage value.

2. **Energy conservation** will be promoted by considering the orientation and massing of buildings to take advantage of solar gain, by using vegetation to shield buildings from wind and provide shade from summer sun, by encouraging pedestrian and bicycle usage over motorized travel and by considering alternative development standards e.g. reduced street widths.
3. **Human scale** will be achieved by a number of measures including:
  - locating and designing parks which are protected from streets with moderate or heavy traffic flows or from other land uses which emit undue noise;
  - by ensuring that all local streets are designed to provide for safe and continuous pedestrian access within and between residential areas and commercial or other activity areas in the community,
  - by maintaining a building profile that is consistent with surrounding uses;
  - by constructing sidewalks that are ramped or depressed at intersections and linked to clearly marked crossovers with good sight lines for pedestrians; and
  - by providing for adequate lighting at all intersections.

4. **Parking spaces** should be of sufficient size and include handicapped parking for medium and high density residential projects.
5. **Street Lighting** shall be provided as a measure of public safety for both pedestrians and vehicles. **Lighting** in other forms may be used for landscaping, architectural lighting, security, definition of walkways and access points, street or building signage or for enhanced visibility provided such lighting does not provide undesirable effects such as glare, harsh reflections, spillover from areas of high intensity lighting or oscillations.
6. **Barrier Free Access** shall be provided to all buildings where required by the *Building Code*, also:
  - by providing handicapped parking for all high density residential developments and non-residential uses where public access is required;
  - by making provisions in the zoning by-law for barrier free access to all residential buildings;
  - by ensuring the street and sidewalk surfaces are constructed and maintained to permit barrier free passage and that slopes do not exceed 5 % (e.g. ramps, sidewalks, pedestrian walkways); and
  - by ensuring that retrofitted buildings include barrier free design features.

(see also **Section 9.10 – Ontarians with Disabilities Act**)

7. **Service Areas** for delivery and waste disposal pick-up shall be provided for all medium and high density residential developments and shall be located to minimize or avoid any incompatibility or health safety concern from residential buildings on the same or an adjacent property.
8. **Fire Protection:** all new proposals for residential development shall provide adequate vehicular access and circulation for fire fighting and other emergency vehicles and equipment. This may include dedicated or posted fire lanes. Best practices shall be used to achieve the same objective for retrofitted buildings or redevelopment projects.
9. **Noise Attenuation:** residential development proposed adjacent to a rail line, industry or Highway 17 shall incorporate noise attenuation and vibration mitigation features that achieve provincial standards e.g. 50 dBA nighttime and 55 dBA daytime. (See also **Section 7.5 - Noise and Vibration.**)
10. **Landscaping and open space:** all residential development shall include a generous area devoted to open space to be utilized as privacy areas for occupants, snow storage areas and landscaped areas. Medium and high density residential and non-residential development in designated residential areas shall incorporate a landscaping plan into

any development proposal. Existing natural vegetation will be conserved wherever possible and/or enhanced with additional tree planting along street boulevards using healthy native species stock. Landscaping shall be used to buffer and screen non-residential development or incompatible features or structures (e.g. acoustical intrusions, waste receptacles, storage or outdoor display areas) from residential areas. Landscaping should be used to both shade and obscure parking areas.

Play areas should be readily visible for supervision, should include active and passive play elements, should be arranged to take advantage of the sun most of the day and should be well separated from conflicting uses e.g. parking areas, utility structures.

11. **Microclimate Conditions:** consideration shall be given to measures which protect pedestrians or properties from the impacts of climate such as:
  - a) minimizing snow drifting at entrance points to buildings and at emergency exits;
  - b) avoiding structures or features which would allow snow or ice to accumulate and fall or slide onto sidewalks or pedestrian pathways, building entrances etc.;
  - c) using landscaping for summer cooling or shelter from wind;
  - d) maximizing sun light penetration onto pedestrian spaces;
  - e) avoiding sun shadow on adjacent properties.
12. **Building Compatibility:** where proposed residential areas are to be developed adjacent to existing non-residential areas or residential areas of different densities, consideration shall be given to how the new use or redeveloped use can be physically integrated with the existing use(s). Matters related to site layout, height, access, landscaping, building setbacks, separation distances, influence areas or other appropriate measures shall be taken. For example, distance separation from incompatible land uses such as sewage treatment facilities, waste management facilities (see **Section 5.4 - Waste Management**) and industrial uses (see **Section 8.4.5 - Development Criteria**) shall be achieved through site plan control or standards set out in the zoning by-law (see also **Section 9.12.12 - Site Plan Control**).
13. **Street Layout and Construction:** the configuration of streets shall be planned to avoid or minimize the use of cul-de-sacs, ensure that intersections are properly spaced and that the integrity of the existing grid system is maintained. New local streets shall be constructed to urban standards with a minimum width of 20 m (65.6 ft.). This standard may be reduced to 15 m (49.2 ft.) where the street carries a low volume of traffic and is not a through street.

14. **Height Profile:** residential buildings within 500 m (1,640.4 ft.) of the downtown shall not exceed four (4) storeys in height.
15. **Street Profile:** setbacks along streets may be varied to create variety but such variation should not exceed 10 % of the established building line.
16. **Row or Townhouses:** shall be permitted in blocks to a maximum of six (6) units.
17. **Group Building Projects:** shall be permitted provided the zoning by-law is amended to accommodate such developments. In the review of proposals, consideration shall be given to infrastructure capacity, the massing, layout and orientation of buildings and access. Access, in general, shall be to a collector or arterial road.
18. **Housing for the Elderly:** should be designed for their particular needs e.g. functional layouts which minimize stairs, optimize natural light and ventilation, incorporate security measures, minimize maintenance, provide easy access to services (postal, and neighbourhood- serving uses). Walkways and access points shall be constructed to provide for safe passage e.g. width, height clearance, grade, material composition, barriers against vehicular use, lighting.
19. **Transportation and Access:** access to adjacent streets shall be governed through zoning and the use of site plan control. In the design of medium and high density residential projects, an assessment will be made as to the capacity and type of street to accommodate projected traffic volumes. Access and egress points shall be of an appropriate width and shall be set back from any adjacent street intersection. Access points which may be unsafe will not be permitted.

### 8.1.13 Special Needs Housing

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It is the intent of Council to provide or support the provision of housing for particular household types in the community including:

1. **Garden Suites:** for the purposes of this Plan a Garden Suite means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary (accessory) to an existing residential structure and that is 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 because of a 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 ten (10) years (renewable) and may require a homeowner proposing a garden suite to enter into an agreement with the municipality under the Municipal Act to govern the appearance and maintenance and 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.

It is a policy of Council to provide opportunities for garden suites on a site specific basis. This may be achieved through the installation of a garden suite on the same lot as the principle (single detached or two unit) dwelling. In substantiating the need for a garden suite, the proponent shall:

- Demonstrate compliance with all applicable zoning standards for lot size, setbacks and parking;
- Demonstrate that there will be no adverse impacts to adjacent land uses (e.g. drainage, access for fire protection, barrier free access etc.); and
- Demonstrate sufficiency of compliance to the Building Code.

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

2. **Group Homes:** Council recognizes the special and varied needs of individuals that can be met by providing for group homes. Accordingly, group homes shall be permitted in all zoned areas that permit permanent residential development.

A group home is defined as a single housekeeping unit in a residential dwelling, which is registered with the municipality, in which 3 to 10 residents (excluding supervisory staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed or approved under provincial statute and in compliance with municipal by-laws.

In order to prevent an undue concentration of group homes in the municipality, (but not to their exclusion), standards such as minimum distance separation between these facilities and a maximum number of residents per dwelling unit shall be incorporated into the implementing Zoning By-Law. The Zoning By-Law may also identify homes licensed under specific Acts and identify the areas in which they are to be permitted.

Group Homes shall be subject to zoning standards and site plan control to ensure the compatible and harmonious integration of such facilities into a residential neighbourhood.

All group homes shall be registered under the provisions of the *Municipal Act*, and this registration shall be completed prior to the establishment of any such facility. At the time the group home is proposed to be established the sponsoring agency, group or persons shall furnish the following information:

- the type and location of the group home proposed;
- the number of residents;
- the name of the licensing or approval agency within the province and proof of licensing or approval or financing;

- plans for parking including visitor parking; and
- architectural information pertaining to the facility.

In permitting group homes, Council does not mean to exclude other persons who may live in a group setting where provincial licensing is not a requirement, but who otherwise meet the requirements of the zoning by-law.

3. ***Crisis Housing***: this type of housing which is intended to provide temporary residence for persons requiring immediate emergency shelter, shall be permitted in designated Residential Areas provided the facility is appropriately designed or retrofitted to meet the needs of its residents.

#### **8.1.14 Bonus Provisions**

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Development standards may be incorporated into the zoning by-law to permit increases in the height or density of residential development (**see Section 9.12.8 - Increased Density (Bonus By-laws) for details**).

#### **8.1.15 Neighbourhood-Serving Uses**

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It is the intent of Council to permit neighbourhood-serving uses in the Residential Areas designation which are complementary and normally associated with a residential environment. These neighbourhood serving uses shall include public service and institutional uses such as schools, day care centers, health care clinics, places of worship, parks, libraries (see **Section 8.3 - Public Service and Institutional Uses**) as well as neighbourhood commercial uses. Neighbourhood commercial uses shall be limited to a convenience store which should not exceed 180 m<sup>2</sup> (1,937.5 ft.<sup>2</sup>) in floor area and may include an accessory dwelling unit. Given the maturity of the existing land use pattern, it is not anticipated that many new uses will be established during the life of the Plan. In reviewing the need for new uses, consideration will be given for the following criteria:

1. Whether the use or service is needed and complements the adjacent residential area.
2. Whether the lot size and configuration is appropriate for the intended use.
3. Whether the use has the potential to generate significant amounts of traffic and parking. Such uses will be directed to collector roads or to the periphery of existing concentrations of residential development.
4. Whether there is a need for screening, buffering, physical separation or other design measures to reduce impacts from noise, lighting, parking, access, drainage etc.
5. Whether there is a benefit or opportunity to cluster complementary uses together e.g. school and park, place of worship and school etc.

Existing non-residential uses in a residential area designation may be converted to a residential use or changed to another neighbourhood serving use provided there is adequate capacity for sewer and water and off-street parking and that any impacts such as listed in **Section 8.1.11 - Residential Design Principles** above can be mitigated.

Non-residential uses, except parks, will be subject to site plan control.

### **8.1.16 Home-Based Businesses**

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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 of the implementing Zoning By-Law and other by-laws established by Council e.g. noise, parking. In permitting such uses, Council's policy is to ensure that they do not create a public 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 character of a residential setting or surrounding neighbourhood and which is an accessory use or clearly secondary to the principal residential use.

The scope of home based businesses shall be set out in the zoning by-law provided they fall within any of the following categories:

- professional and consulting services (examples: architect, financial advisor, accountant, consultant, legal services, teleworking);
- instructional services (examples: music lessons, dance, art and academic tutoring);
- home craft businesses (examples: quilting, pottery, jewellery, visual arts, woodworking, small scale assembly);
- private daycare;
- distribution sales offices or mail order sales (examples: cosmetics, clothing or small household supplies);
- offices for contractors and trades (examples: plumbing, heating, electrician);
- repair services (examples: small appliance, computers);
- high technology uses (Internet services, office call center services, desk top publishing, hardware and software development);
- a taxi service where limited to no more than two licensed taxis;
- person care services (examples: hairdressing/cutting, aesthetician).

Prohibited uses include a retail or wholesale store, clinic, restaurant, nursing or convalescent home, adult entertainment parlour, video rental outlet, an automotive use including mechanical repairs and body work. The incidental and limited retailing of

products specifically fabricated on site (in-situ) shall be permitted. Products sold by a distributor (distribution sales) shall be permitted provided there is no on-site storage.

The regulatory requirements governing home based businesses shall be set out in the zoning by-law (and other applicable by-laws) based on the following criteria. The home based business shall:

1. Not employ more than two persons working on-site who do not reside in the dwelling. The business operator must live in the residence from which the business is conducted;
2. Clearly be secondary to the use of the dwelling as a private residence (e.g. area of floor space occupied by the business shall not exceed 25 % of the gross floor area of the dwelling);
3. Not change the residential character of the dwelling unit;
4. Shall be conducted indoors within the dwelling unit.
5. Ensure that no evidence is apparent from the exterior that such use is conducted therein aside from one small non-illuminated sign that complies with the standards set out in the zoning by-law and/or municipal sign by-law.
6. Not create or become a public nuisance, in particular in regard to noise or vibration, traffic or parking, odour, fumes, dust, radiation, hours of operation, health or public safety, magnetic fields or electronic interference;
7. Not require the frequent delivery or storage of goods; and
8. Shall not include outdoor storage.

A home based business may be permitted in one or more residential zones.

### **8.1.17 Bed and Breakfast Establishment**

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A bed and breakfast establishment shall be permitted within a single detached dwelling provided the exterior physical character of the dwelling is not altered. The single detached dwelling must clearly be the principal use of the land and the bed and breakfast clearly an accessory use to the dwelling. A bed and breakfast establishment shall be defined as a single detached dwelling in which guest bedrooms are provided for gain as temporary accommodation on a daily basis. Such establishments must have the proprietor living on the premises. The local health unit or delegate shall be consulted when a new bed and breakfast establishment is proposed and, if required, approval of this agency shall be first obtained before a bed and breakfast establishment begins operating. The implementing Zoning By-law shall define a bed and breakfast use and the appropriate



residential zones where they may be permitted and the zone provisions that apply to this use.

### **8.1.18 Zone Categories**

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Housing types and non-residential uses in the Residential Areas designation may be distinguished for their particular zoning standards by placing them in separate zone categories in the zoning by-law.

### **8.1.19 Site Plan Control**

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Site plan control shall apply to all residential dwellings (regardless of the land use designation in which they are located) which contain three or more units. The submission of drawings that show plan, elevation and cross-section views may be required.

**(See also Section 9.12.12 - Site Plan Control)**

## **8.2 COMMERCIAL USES**

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### **8.2.1 Development Concept**

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The intent of the Plan is to provide for the development and/or strengthening of the role of two commercial districts, the Central Area District and the Highway Commercial District. These areas are intended to complement each other since the scope of permitted uses will vary. These areas are important to the economic well-being of Thessalon and have a market area that extends well beyond the municipal boundaries of the community.

The Central Area District will be developed or recognized for a mix of commercial, residential and institutional lands uses, which together are intended to make for a people-oriented, healthy and vibrant community core or downtown. Main Street, River Street, Huron Street, Genelle Street, and Frances Street constitute the “main streets” of the Central Area’s commercial activity. The image of this area to residents and visitors alike is based on its rich architectural heritage, the visual landmarks of the Government Road Overhead Steel Truss Bridge, the Thessalon River Corridor and the mix of land uses. Sustaining this image and strengthening the economic role of this area is dependent on several features articulated by the Plan, namely, developing the basin lands, conservation and renewal of the building stock, streetscaping measures, improving parking and encouraging the development of people places. Indirect measures include through traffic diversion (by-pass) and beautification and promotion/marketing programs sponsored by various merchant associations.

The Highway Commercial District will continue to evolve as an automobile-oriented commercial node. The expansion of this area will involve the development of existing vacant lots fronting onto Highway 17 but gaining access from existing Town roads or new service roads gaining access from interior Town roads. The aesthetics of this area may be modified through a beautification program e.g. street landscaping and definition of the community entrances and the entrance to the Central Commercial Area via Main Street which also shall meet the requirements of MTO.

The emphasis on development/redevelopment within the commercial districts is intended to avoid fragmentation e.g. avoiding commercial development at the east and west entrances to the community, although recognition will be given to existing uses.

### **8.2.2 Goal**

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To maintain the well-being of the Central Area of the community. Land use decisions will be cognizant of the need and impact to reduce the use of the automobile and increase the opportunities for pedestrian travel within and through the community.

## 8.2.3 Central Area District Designation

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### 8.2.3.1 Objectives

To maintain the Central Area District as a major center of business, employment and economic activity and the social and visual heart of Thessalon by providing for a mix of land uses and ensuring its role as a people-place.

To provide a mix of uses that recognizes the value of business, residential, retail, entertainment, cultural and leisure uses in creating vitality and diversity.

To maintain the Central Area District as the core of the architectural heritage of the community.

To provide opportunities for increasing the supply of parking in the Central Area District.

To emphasize and preserve the natural amenities of the Thessalon River Corridor as an integral component of the Central Area District.

To maintain the building stock in good repair.

### 8.2.3.2 Range of Permitted Uses

On **Schedule 'A\*, Land Use Plan**, lands designated as 'Central Area District\* may be used for the following scope or mix of permitted uses:

- Commercial Uses including: retail uses, specialty shops, restaurants and cafes, professional offices, financial and real estate services, services related to information technologies, tourist accommodation, a hotel and conference centre, personal and automotive services.
- Industrial Uses: continuance of existing uses.
- Public Service and Institutional Uses including government offices, health and educational facilities, social services, cultural services.
- Conversion of residential uses to non-residential uses will also be recognized subject to **Section 8.2.3.4 - Redevelopment or Change of Use**.
- Residential Uses including upper storey apartments and conversions and student housing where appropriate and compatible with the use and building form of the existing housing stock in the immediate area.

### 8.2.3.3 Land Use Pattern

The intent of the Plan is to conserve the existing built form intact with some exceptions. These exceptions include the conversion of non-residential buildings to residential use and low density residential buildings to higher densities provided:

1. The availability of sewer, water, utility services, road access and on-site parking are adequate.
2. There is reasonable proximity to parks, schools, shopping facilities and other normal attributes of a residential area.
3. The degree of compatibility of the conversion with surrounding land uses can be achieved, and
4. Buffering, where required to reduce any potential conflicts, can be provided.

Other existing industrial uses will be encouraged to relocate to designated industrial areas. Existing automotive uses will be recognized. New automotive uses that require a large land or display area (e.g. automotive sales and services establishments) will be directed to the Highway Commercial District with access off of either Highway 129 or interior service roads and not Highway 17, while small scale uses in this category may be permitted where they are compatible and can be integrated into the Central Commercial District.

Changes of commercial uses are expected and permitted to occur as a part of normal business cycles.

### 8.2.3.4 Redevelopment or Change of Use

It is Council's intent in reviewing applications for redevelopment or a change of use which may involve a zoning amendment, minor variance or site plan control, to have regard to the following factors:

1. To respect the massing, profile and character of adjacent or nearby buildings or landscapes especially if they are heritage and to have regard for the cultural heritage policies and heritage character statement of this Plan (see **Section 6.0 - Heritage**).
2. To maintain the average height profile of the main buildings in the area. Generally, buildings should not exceed three storeys in height.
3. To approximate the established setback pattern on the street.
4. To comply with the municipal requirements for signage.

5. To increase the supply of parking whenever possible (see **Section 8.2.3.6 - Cash-in-lieu of Parking**).
6. To provide for barrier free access where required by the *Building Code*.
7. To comply with zoning standards.
8. To landscape all areas not occupied by the building, parking areas or utility structures.
9. To ensure compatibility with land uses in the immediate area of the proposed redevelopment in terms of the scale, intensity and type of use.
10. To ensure the adequacy and availability of sewer, water and utility services.
11. To arrange access, outside lighting and parking to reduce any potential visual or operational incompatibility with adjacent development.
12. To arrange buffering, where appropriate to mitigate impacts on adjacent properties.

#### **8.2.3.5 Streetscaping**

Council's intent is to provide for functional and safe streets and sidewalks through such measures as:

1. The installation and maintenance of vandal proof street furnishings (benches and waste receptacles). Such furnishings should be more frequent in areas of higher pedestrian traffic.
2. Ensuring sufficient space for coordinated street furnishings, public utilities, tree planting, parking meters and other appropriate or necessary sidewalk elements while also providing opportunities for sidewalk cafes and patios.
3. Maintaining sidewalks and streets in good repair and passable for pedestrian and handicapped usage e.g. depressed curbs at intersections or other important access points.
4. Beautification through tree planting and landscaping or sustaining existing trees and vegetation.

#### **8.2.3.6 Cash-in-lieu of Parking**

As a means to provide increased off-street parking in the Central Area District, Council may utilize the provisions of *Section 40* of the *Planning Act* by entering into an

agreement with an owner or occupant of a building where parking is required, for a cash-in-lieu of parking payment. Such agreement shall set out the terms of payment, the method of calculation and shall indicate the number of parking spaces the owner or occupant is exempted from providing. The agreement may be registered on title and subject to fulfilling the terms of the agreement, the clerk shall provide a certificate to the signatory of the agreement.

Monies received for cash-in-lieu of parking shall be set into a special reserve for that purpose (see *Section 40 (3) of the Planning Act*).

#### **8.2.3.7 Conservation and Renewal**

Council shall ensure the maintenance and rehabilitation of the building stock through active enforcement of the Town's Property Standards By-Law (see *Section 15 of the Building Code Act*.)

#### **8.2.3.8 Zone Categories**

Commercial and other uses in the Central Area District designation may be distinguished for their particular zoning standards by placing them in separate zone categories in the zoning by-law.

#### **8.2.3.9 Site Plan Control**

In the Central Area District, site plan control shall apply to new commercial buildings, mixed use buildings and to all residential dwellings containing three or more units. The submission of drawings will be required that show plan, elevation and cross-section views. Such drawings may also be required for residential buildings. Other measures may be required as per **Section 9.12.12 - Site Plan Control of this Plan**.

### **8.2.4 Highway Commercial District Designation**

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#### **8.2.4.1 Objectives**

To develop the Highway Commercial District as a major center of employment and economic activity which complements the economic role and function of the Central Area District.

To provide a range of commercial uses that is largely automobile oriented and serves both a local and non-resident market.

To ensure the provision of an adequate land supply for highway commercial development. To improve the visual image of the Highway Commercial District.

To enhance the visual and economic linkage between the Highway Commercial District and the Central Area District.

To incorporate design standards into commercial developments that respect and reinforce the heritage character of Thessalon.

To maintain the building stock in good repair.

To improve traffic patterns, safety and serviceability of the road network.

#### **8.2.4.2 Range of Permitted Uses**

On **Schedule 'A\*, Land Use Plan**, lands designated as 'Highway Commercial District\* may be used for the following scope of permitted uses:

1. Commercial uses are typically dependent on high volumes of traffic or areas that are heavily transportation oriented. The scope of uses shall include, but are not limited to restaurants and fast food outlets, recreational and automotive sales, repair and service establishments, building contractor, building supply and home furnishing retail and wholesale outlets, lodging facilities, garden centers and nurseries, warehousing and distribution centers.
2. Retail stores, factory outlets and business offices which require large land areas and are impractical to locate in the Central Area District and will serve to complement the downtown core. Such uses may be stand alone or grouped in a strip commercial setting. Within a grouping, a variety of smaller scale retail stores, business and professional and financial services will also be permitted.
3. Public service uses which are highway oriented e.g. OPP, tourist information services.
4. Ancillary uses to permitted uses but excluding residential uses.
5. Existing Industrial Uses.

#### **8.2.4.3 Development and Design Criteria**

It is the intent of Council to encourage development which strengthens the economic base of the community through such measures and development application review as:

1. Encouraging the intensification and best use of existing lands fronting on Highway 17, which are accessed by interior service roads or Town roads and Highway 129, as per the requirements of MTO, and infill on vacant lands which optimize the existing infrastructure and servicing within the Town.
2. Requiring a marketing study for new development, redevelopment or the expansion of existing uses listed in **Section 8.2.4.2.2** above where the Gross Leaseable Floor Area (GLA) will be 828 m<sup>2</sup> (8,912.8 ft.<sup>2</sup>) or greater. The marketing study will

demonstrate that the additional floor space proposed can be supported within the market area for the use or uses proposed and to indicate how such development impacts the Central Area District.

3. Verifying the sewer (sanitary and storm), water and waste disposal servicing capacity and the appropriateness of drainage.
4. Council may govern access by requiring a traffic study or evaluation to determine the needs and/or standards for entrances, turning lanes, vehicle stacking, signalization, on-site directional movements, parking etc. Council's intent is to limit or reduce the number of entrances/exits onto local roads and may require the use of shared entrances, where appropriate. Entrances and exits shall be appropriately marked (pavement markings and/or signage) to identify their purpose. Traffic engineering should include the integration of both on-site traffic movements and the configuration, type and width of streets and sidewalks.
5. Ensuring lighting poles, utility structures, signage and advertising are in keeping with good design and highway safety practices.
6. Requiring adequate off-street parking spaces for motorized vehicles and loading facilities relative to the needs of individual uses. Parking requirements shall include provision for handicapped parking in close proximity to building entrances in locations.

Where possible, parking areas shall be sited on a property such that large expanses fronting on public streets are avoided. The visual appearance of parking areas and structures shall be enhanced through the use of a diversity of plant forms, landscaping methods or other architectural elements. Parking areas adjacent to residential areas shall be screened through the use of fencing and/or vegetation.

7. All parking and loading areas shall be well illuminated to increase the safe and secure use of these areas.

Parking and loading areas shall be designed to incorporate proper drainage and storm water management controls.

8. Requiring site plans to also indicate areas or measures to be taken to provide for adequate snow storage.
9. Governing the location of on-site storage and outdoor display and the temporary storage of commercial wastes. Outdoor storage areas (equipment, garbage) shall be screened or fenced from adjacent uses and the street. Permanent display areas shall not be located in designated parking areas. Temporary or seasonal displays shall be permitted where they do not conflict with traffic flows or the safety of pedestrians.



10. Where commercial or industrial uses are located adjacent to residential uses, the proponent of any development or redevelopment shall provide screening, buffering, distance separation or other measures designed to minimize or mitigate potential land use conflicts or adverse effects. Council may limit the type, scale or intensity of the proposed development to ensure a reasonable level of compatibility. It is Council's policy to evaluate proposals in light of the natural heritage features and areas of this Plan (see also **Section 9.12.12 - Site Plan Control**, and **Section 8.6 - Environmental Protection Area Designation - Natural Heritage Features and Areas**).

#### **8.2.4.4 Program for Beautification and Gateways**

It is the intent of Council to improve the visual image of the Highway 17 corridor thus making it distinctive from similar commercial strips in other communities. It is also the intent of Council to develop the gateways (entrances) to Thessalon as a means to uniquely define the edges of the community. This may be achieved through a program of beautification that may include a variety of components such as:

1. Working with property owners (and neighbouring municipalities) to design and develop a comprehensive landscaping plan that includes tree/vegetative planting, sidewalk and boulevards, lighting, definition of entrances to the community and to the downtown at Highway 17B (Main and Francis Streets), consolidation and improvement to entrances/exits. Signage and advertising will be integrated with landscaping with the intent of minimizing the number and visual impact of signs having regard for highway safety and human scale.
2. Using site plan control to require landscaping and signage. (**See also Section 9.12.12 - Site Plan Control.**)
3. Using the bonusing provisions of *Section 37* of the *Planning Act*. Developers may be allowed to increase the lot coverage in exchange for implementing features of the beautification program. (**See also Section 9.12.8 - Increased Density (Bonus) By-Laws.**)
4. ***Developing 'Gateways\* to the community:*** Gateways include Highway 17 at the east and west boundary to Thessalon. The 'gateways\* concept envisions the use of signs, landscaping, cairns or other features, which in combination, define the entrances to Thessalon and distinguish the separation between urban and rural areas. All beautification projects related to Gateways in proximity to or abutting Highway 17 shall be reviewed by MTO to ensure that their requirements are met with respect to development in proximity to a provincial highway.

#### **8.2.4.5 Zone Categories**

Commercial and other uses in the Highway Commercial District designation may be distinguished for their particular zoning standards by placing them in separate zone categories in the zoning by-law.

#### **8.2.4.6 Site Plan Control**

Site plan control shall apply to new commercial buildings in the Highway Commercial District. Site plan control shall also apply to changes, additions or alterations of non-residential buildings. (See also **Section 9.12.12 - Site Plan Control**.)

#### **8.2.4.7 Bonus Provisions**

Development standards may be incorporated into the zoning by-law to permit increases in the density of commercial development, where such development:

1. Serves to implement the policies for beautification of the Highway Commercial District of this Plan (see also **Section 8.2.4.4 - Program for Beautification and Gateways**);
2. Serves to implement the policies for heritage in this Plan (see **Section 6.6 - Heritage Conservation Policy**);

Where Council is satisfied that the proponent of development has or can guarantee that one or more of these components of community development, the density of the commercial development may be increased by an amount approved by Council e.g. increased lot coverage.

## **8.3 PUBLIC SERVICE AND INSTITUTIONAL USES**

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### **8.3.1 Scope**

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Public service and institutional uses include programs and services delivered by a public body or government authority and their associated land use. Examples include social services, recreational services, fire and police protection, health and educational services and cultural services.

Thessalon is host to a variety of public service uses that provide services to both residents of the community as well as to residents of surrounding rural and small urban communities e.g. hospital, schools, recreation and cultural facilities. The intent of the Plan is to recognize Thessalon's role as a service center and to encourage further development of public service uses which meet the needs of residents living within a broad catchment area (including much of central and western Huron Shores). Public service uses will be encouraged which are complementary or inter-related to key facilities e.g. health care and residential services related to the programs and services of Algoma Manor and the associated hospital.

### **8.3.2 Objectives**

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To sustain a level of public service and institutional services commensurate with the evolving needs of residents of Thessalon and the surrounding rural or small urban communities.

To recognize the significance and importance of services to users beyond the municipal boundaries.

### **8.3.3 Policies**

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#### **1. Range of Permitted Uses**

Permitted uses shall include, for the purposes of this Plan, schools, hospital and health care facilities, medical clinics, nursery and day care facilities, homes for the aged and long term care facilities, government offices, police stations, fire halls, public libraries, museums, places of worship and cultural facilities.

#### **2. Evaluating Capacity**

Council recognizes that most of the public service and institutional uses required to meet the needs of the community and surrounding areas over the life of the Plan are well established. Aside from evaluating capacity in response to new growth, it is Council's intent to sustain the level and quality of existing services in Thessalon through interfacing with agencies or playing a facilitating role between senior levels of government and service deliverers. This may include, for example, participating in

strategic planning projects with health care agencies to evaluate programs and services for health care in the community and to facilitate the design and development of new residential, health care, recreational or cultural facilities which complement the objectives of the strategic plan or initiatives of public service delivery agencies.

In the review of growth-related development applications, it is the intent of Council to verify the capacity or adequacy of public service and institutional uses. To this end, Council will consult with service delivery agencies where appropriate, to determine if there is adequate capacity to accommodate new development e.g. circulating a subdivision application to school boards to determine capacity of schools for increased enrolment.

### **3. Locational Criteria**

New public service and institutional uses may be permitted in the community in accordance with the locational criteria set out in the various land use designations of this Plan (**see Section 8.1.14 - Neighbourhood-Serving Uses**).

In general, uses which generate large volumes of traffic at frequent intervals or which may have significant impacts will be directed to commercial areas. Such uses should be located with entrances/exits on collector streets, interior service roads or certain access points on Highway 129, as determined by MTO.

### **4. Zoning and Site Plan Control**

Public Service and institutional uses may be placed in a separate zone category in the implementing zoning by-law. Such uses will also be subject to site plan control. (**See also Section 9.12.12 - Site Plan Control.**)

## 8.4 INDUSTRIAL AREA DESIGNATION

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### 8.4.1 Development Concept

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Industrial uses are and will continue to be a significant component of the economic base of Thessalon. The intent of the Plan is to recognize existing industrial uses as well as to designate an adequate supply of land for future industrial development.

Industrial districts recognized in the Plan include all lands which are associated with the Port at the east end of the Town.

The intent of the Plan is to encourage the development of light and medium industries classified as Class I and II by the Ministry of the Environment since these are the most compatible with the land use pattern of Thessalon. The scope of permitted uses will be sufficiently broad to enable the community to attract a variety of industrial types as well as to focus on more specialized types e.g. high tech. The Plan also encourages the intensification of existing industrial uses with large land holdings.

Thessalon, like other communities, will continue to experience a transition of its land use pattern. This provides an opportunity to encourage incompatible industrial uses to relocate to designated industrial areas and this is a feature of the Plan. Some existing industrial uses which are non-intrusive and, in fact, are part of the community's heritage, will be recognized in their existing locations (**see Section 8.2.3.4 -Redevelopment or Change of Use**).

The intent of the Plan is to encourage industrial revitalization by setting out development criteria to ensure that new or redeveloped industrial sites are environmentally sound and are a visual asset to the Town.

### 8.4.2 Goal

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To sustain a healthy economic base for Thessalon by maintaining existing industries and providing an adequate supply of suitable land for new industrial development.

### 8.4.3 Objectives

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To mitigate *adverse effects* (as defined in **Section 8.4.7**) of industries on adjacent land uses.

To increase the supply of serviced industrial lands.

To encourage industrial development as a means of strengthening the economic base of the community.

To encourage more intensive use of existing industrial lands.

#### 8.4.4 Range of Permitted Uses

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On **Schedule 'A\*, Land Use Plan**, lands designated as 'Industrial Area\* may be used for the following scope of permitted uses:

1. ***Class I Industry - Light Industrial***

Means a place of business for a small scale, self contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odor, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and /or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply.

2. ***Class II Industry - Medium Industrial***

Means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odor, dust and/or vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, contractors yard.

3. Ancillary uses excluding residential uses. Such uses may include the incidental retailing or wholesaling of goods and services produced, manufactured or offered and which have been produced on the premises. The scale of ancillary commercial uses should be a relatively minor component of the primary industrial use.

4. Uses will not be permitted which are considered to represent a significant health or safety risk to the residents of Thessalon or the environment by reason of noise pollution, or pollution of the environment or by virtue of any other adverse environmental impact.

5. **Existing Commercial Uses**

Existing commercial uses as well as their expansion is permitted subject to site plan control (See also **Section 9.12.12 - Site Plan Control**).

*(Note: Provision is not made in this Plan to accommodate Class III Industries. Such industries which are typically referred to as Heavy Industry have an influence area from the boundary of the property to the boundary of the sensitive land use of 300 m*

*(1,000 ft.) and cannot be accommodated within the Town boundaries without the potential for significant adverse effects.*

#### 8.4.5 Development Criteria

The following development criteria shall apply in considering the development or redevelopment of designated industrial areas:

1. An ***Influence Area*** as set out by the Ministry of the Environment for Class I and Class II industrial uses shall apply between industrial uses and sensitive uses (***reciprocally***) and shall be incorporated into the implementing zoning by-law. In establishing industrial uses, the appropriate separation distances or setbacks (as established by Ministry of Environment Guidelines below) and other supportive studies (to address emissions, traffic, noise, etc.) shall be implemented in the Zoning By-law to minimize potential land use conflicts with sensitive land uses. Sensitive uses shall not be permitted within the influence area unless it is clearly demonstrated that any ***adverse effects*** are clearly and fully mitigated to the satisfaction of Council and, where applicable, environmental approvals have been obtained from the Ministry of the Environment. The ***influence area*** shall be measured from the boundary of the industrial designation to the nearest point of the property boundary of the sensitive land use.

The Minimum Separation Distance and Potential Influence Area for Class I and Class II Industrial Land Uses are:

<b><u><i>Class I Industrial Land Use</i></u></b>	<b><u><i>Class II Industrial Land Use</i></u></b>
Minimum Separation Distance: 20m (65.6 ft.) Potential Influence Area: 70 m (229.7 ft.)	Minimum Separation Distance: 70 m (229.7 ft.) Potential Influence Area: 300 m (1,000 ft.)

Consideration may be given to a separation distance which includes part of the industrial property in situations where the lands form part of a buffer or landscaped area, where they are utilized for employee parking or the lands are not used nor will form part of the industrial operation and are not required for the future expansion of the industry.

2. ***Open storage*** shall be appropriately screened from adjacent properties and any public street.
3. The ***lot area*** shall be sufficiently large to accommodate the intended use including parking, on-site maneuvering of vehicles, loading, storage of materials and wastes, access by emergency vehicles and landscaping.

4. **Building coverage** and **height control** standards will be set out in the implementing zoning by-law. Building height shall not exceed four storeys.
5. **Site plan control** shall apply in governing the massing and layout of buildings and storage areas, waste disposal areas, access, parking and loading, lighting, drainage, utilities and services, landscaping for any new industry or for extensions to existing industries. Consideration shall be given to the applicable heritage policies of this Plan with respect to the conservation of heritage landscapes, conservation of archaeological resources and conservation of heritage buildings. (See also **Section 9.12.12 - Site Plan Control**.)
6. **Municipal services** shall be evaluated to determine if they are adequate to meet the requirements for industrial development e.g. sewer, water, waste management, fire protection and roads.
7. **Industrial traffic** shall be directed to and from industrial areas by designated collector roads and provincial highways.
8. **Environmental Approvals** shall be obtained where required from the public authority having jurisdiction.
9. **Relocation:** Council shall support and encourage the relocation of older industrial uses from areas not designated as industrial areas where the uses are not compatible with surrounding land uses.
10. **Revitalization** of industrial areas shall be encouraged. Council may use the Property Standards By-Law as a means to provide for the upkeep and maintenance of the industrial building stock within the community.
11. **Intensification** of existing industrial uses e.g. expansion on large land holdings will be encouraged provided there are no **adverse effects** which can otherwise be mitigated and the **influence area** requirements between the industrial use and sensitive land use can be met for the area of land on which any expansion occurs. Changes in processing or manufacturing techniques that result from intensification will be subject to the appropriate environmental approvals and **influence area** requirements.

#### 8.4.6 Zoning

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Industrial uses may be segregated according to the Class of industry into separate zoning categories in the implementing zoning by-law.



#### **8.4.7 Adverse Effects**

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*Adverse effects*, for the purposes of this Plan, shall be as defined in *The Environmental Protection Act*, and in the Provincial Policy Statement as follows:

Means one or more of:

1. impairment of the quality of the natural environment for any use that can be made of it;
2. injury or damage to property or plant and animal life;
3. harm or material discomfort to any person;
4. an adverse affect on the health of any person;
5. impairment of the safety of any person;
6. rendering any property or plant or animal life unfit for use by humans;
7. loss of enjoyment of normal use of property; and
8. interference with normal conduct of business.

## 8.5 PARKS AND OPEN SPACE DESIGNATION

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### 8.5.1 Policies

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The Parks and Open Space designation is intended to serve a variety of purposes in the community including:

- active recreational areas for sports activities and community events;
- playgrounds for tots and youth;
- passive areas for leisure and nature appreciation;
- open space linkages for recreational trails and pedestrian ways;
- natural areas and urban wilderness;
- cemeteries;
- areas which may be subject to environmental constraints e.g. wetlands and flood plains;
- heritage sites and landscapes; and
- landscaped boulevards or other ‘green\* areas on public lands.

The intent of Council is to recognize the variety of parks and open space areas as an important part of the community fabric and to ensure that the areas devoted to parks are adequate for the recreation and leisure needs of the community. The following policies articulate the strategy for this land use within urban area in particular as well as in other areas of Thessalon.

1. **Riverside Park** is a sports field of approximately 28.3 ha (70 ac) and is located at the north end of the Town on the shore of the Thessalon River.
2. **Neighbourhood Parks** such as **Peace Park** and **Fleron Park** shall be primarily dedicated to neighbourhood level facilities and may be developed with playground furniture, fitness stations and passive usage.
3. **Lakeside Park** is recognized in this Plan as a recreational vehicle park and campground facility that includes ancillary uses such as picnic areas, ball fields, and a playground. It is the intent to further develop this park by adding more campsites.
4. **Recreational Trails** provide opportunities for fitness as well as alternate linkages in the community to motorized travel. Recreational trails should be constructed to standards that ensure the safety and personal security of users e.g. height, width, surface, lighting and incorporate components for use by disabled persons. (**See also Section 5.5.7 - Recreational Trails.**)
5. **Natural Areas** include lands along the Thessalon River, flood systems and flood susceptible lands which are not suited for development, but may be utilized as continuous linear ‘green\* space as well as other open space areas in the community.

6. Council's policy will be to use the provisions of Section 42 of the *Planning Act* for cash-in-lieu to assist in funding the development of parks designated for recreational or leisure activities. In addition, Council may require the dedication of parkland where it enhances a particular policy of this Plan.
7. Parks will be classified in a separate zone category in the Town's zoning by-law.
8. Applications for new development and redevelopment shall be considered by having regard to the desirability of relieving an existing deficiency in the existing public parks system and for the provision of adequate new parks in areas of new residential development. New development should not be approved if it reduces the existing ration of parkland to people, unless it includes the parkland dedication or cash-in-lieu of payment required under the *Planning Act* for residential development (5%) or commercial/industrial (2%).
9. For the purposes of this Plan, combining school playgrounds with neighbourhood parks will be encouraged wherever possible, but school playgrounds shall not be included in any calculation for the minimum area required for a park.

## 8.6 NATURAL HERITAGE FEATURES AND AREAS

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### 8.6.1 Environmental Protection Area Designation

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#### 8.6.1.1 General

Natural heritage features and areas are those areas which are important for their environmental and social values as a legacy of the natural landscapes of the area. Collectively, the individual natural heritage features and areas within a given planning area form a natural heritage system. It is intended that the particular features identified in Thessalon will be conserved for their natural heritage value.

For the purposes of this Plan, Natural Heritage Features and Areas are part of the Environmental Protection Area Designation as shown on **Schedule 'A', Land Use Plan**. Reference should also be made to **Section 7 - Public Health and Safety** of this Plan for other policies applying to the Environmental Protection Area Designation.

#### 8.6.1.2 Natural Heritage Features and Areas Policies

*Natural heritage features and areas* are those areas which are important for their environmental and social values as a legacy of the natural landscapes of the area. Collectively, the individual *natural heritage features and areas* within a given Town form a natural heritage system. It is intended that the particular features identified in the Town of Thessalon will be conserved for their natural heritage value.

*Natural Heritage Features and Areas* are shown on the Land Use Plan Schedule and are identified as: *Locally Significant Wetlands* (LSW); Spawning Area (SA); and Fish Habitat Corridor (FHC).

#### 8.6.1.3 Provincially and Locally Significant Wetlands and Coastal Wetlands

Although no *provincially significant or coastal wetlands* or significant wildlife habitats have been identified in Thessalon, Council is determined to protect the wetlands and wildlife habitats it currently has or may have. Such lands are designated as Environmental Protection Area on the Land Use Schedule.

##### 1. Wetlands and Wildlife Habitat.

It is a policy of Council to protect and manage the identified wetlands as ecosystems which are important as habitat for a variety of plant and animal species, for water quality, flood control and water storage and recharge areas and for their value for passive recreation.

Development and site alteration shall not be permitted in any wetland or coastal wetland along Lake Huron identified on Schedule "A" to this Plan as

EP, unless it is proven that development will not adversely affect any potential habitat or the development thereof.

Development and site alteration shall not be permitted in a wildlife habitat, where identified, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

## **2. Fish Habitat**

It is a policy of Council to protect the Thessalon River as a travel corridor for significant fish habitat, and the spawning areas southeast of Bullhead Bay in the Town, as identified on the Land Use Plan, Schedule “A”, in accordance with the Fisheries Act. Development and site alteration may be permitted in and adjacent to (adjacent lands) fish habitat on the Thessalon River provided it has been demonstrated through the preparation of an ***Impact Assessment*** as required in Section 8.6.1.3.4 - Impact Assessment of this Plan, that there will be no negative impacts on the fish habitat or on the ecological functions for which the area is identified and provided that development and site alteration is in accordance with provincial and federal requirements.

It is a policy to provide for a net gain of productive capacity wherever possible. More specifically, development and site alteration in and adjacent to fish habitat shall not result in:

- net loss of fish habitat
- the harmful alteration, disruption, degradation or destruction of fish habitat
- restriction of fish passage

For the purposes of this policy, adjacent lands to fish habitat include a distance of 30 m (98.2 ft.) from the shoreline abutting sensitive habitats. Council recognizes that fish habitat areas are not limited to the above noted river and Council may require an Impact Assessment for development abutting other shorelines in the Town.

Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

## **3. Woodlands and Agricultural Lands**

Council encourages the conservation of woodlands throughout the Town and may require such conservation through the use of site plan control and the enactment of a tree cutting by-law.

Nothing in Section 8.6.1.3 of this Plan is intended to limit the ability of existing agricultural uses to continue.

#### 4. Impact Assessment

Council will require an **impact assessment** for development and site alteration proposed in designated **Natural Heritage Features and areas** and adjacent lands. An **Impact Assessment** (IA) will be prepared to support planning applications such as Official Plan amendments, zoning by-law amendments, plans of subdivision, consent etc., prior to the approval of the proposed development or site alteration. Where the impact of the development and/or site alteration cannot be mitigated, it will not be permitted.

An Impact Assessment (IA) is intended to provide for an assessment of the potential impact of a proposed development or site alteration on a particular natural heritage feature and shall be used to determine whether the proposed development, redevelopment or site alteration should or should not be permitted. The IA will be undertaken by the proponent of development and/or site alteration.

The components of the IA shall be tailored to the scale of development and may range from a simplified assessment (scoped assessment) to a full site assessment. For example, a single detached dwelling may only require a scoped assessment while a subdivision, multiple unit residential complex, major commercial or industrial development, golf course etc. will require a full site assessment. Council may consult with the MNR in determining information requirements and the type and content of an IA. The following is intended to provide a guideline on the potential scope of an IA:

- a description of the study area and landscape context;
- description of the development proposal;
- identification of those features and functions likely to be affected by the development proposal;
- assessment of the potential impacts of the proposed development on key features and functions;
- identification of mitigation requirements and monitoring requirements;
- quantification of residual impacts (those that cannot be mitigated) if any; and
- review and decision

Council may undertake a peer review or may consult with a public authority to assist with the technical review and findings of an IA.

Reference document: Natural Heritage Reference Manual, MNR, may be used for impact assessments i.e. see section on Addressing Impacts of Development on Natural Heritage Features and Areas.

## **5. Implementation Measures**

Council may use zoning, site plan control and the provisions of the Municipal Act (site alteration controls) as measures to implement recommendations or results of an Impact Assessment or to govern the spatial relationship of buildings and structures to natural heritage features.

## **8.7 RURAL AREA DESIGNATION**

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### **8.7.1 Objectives**

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Lands within this designation are to be reserved for future urban development projected to be beyond the planning period of this Plan. The lands are to be recognized for their existing uses and passive rural uses which will permit the logical integration of this area to an urban land use pattern.

### **8.7.2 Range of Permitted Uses**

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Permitted uses within this designation include all existing uses as well as passive rural uses which do not require the construction of permanent buildings. Passive uses may include forestry, agricultural uses, outdoor recreation and conservation.

### **8.7.3 Development Criteria**

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Existing uses may continue and shall be considered as conforming uses. New development will not be permitted within the Rural Area Designation except by amendment to this Plan. In considering the type of land use and location as a prerequisite to an amendment, the following criteria will apply:

1. Providing for development that is contiguous to existing development.
2. Is necessary because the land supply within the built-up area is insufficient to accommodate the proposed new development.
3. The land can be efficiently serviced with full municipal services
4. That new land uses, including the creation of new lots, comply with the Minimum Distance Separation Formulae relating to livestock facilities. This will not preclude orderly development on full municipal services for urban residential uses in proximity to Rural Area uses.

### **8.7.4 Implementation**

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The following is the implementation program for the Rural Area designation:

1. To monitor the pattern of urban development and the need for conceptual planning and the integration of lands within the Rural Area as part of the urban designations within this Plan.



## **9.0 THE TOOLS OF IMPLEMENTATION**

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### **9.1 Introduction**

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There are many ‘tools\* at the disposal of a planning authority in implementing an Official Plan. This Section of the Plan lists those tools required to implement this Plan. Reference is made to a number of different provincial statutes and/or Ontario Regulations. The list does not include all of the enabling authority of all legislation, particularly, those Acts and Regulations which are administered by the federal or provincial government but the list is intended to be reasonably comprehensive.

Over time, amendments are made to legislation which may change the numbering of sections of various Acts or Regulations. These changes should not affect the integrity of the following list nor limit the authority of the municipality to exercise certain controls, unless the legislation is repealed. The Acts, etc. are listed alphabetically for convenience.

Procedures associated with the Tools of Implementation are included in Appendix 1 for the information and assistance to the reader and do not form part of this Plan. These sections are cross referenced to assist the reader.

### **9.2 Building Code Act (See also Appendix 1)**

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#### **9.2.1 Property Standards**

It is a policy of Council to enforce the Property Standards By-law as provided for under the Act with the objective of maintaining buildings, structures and properties in the municipality in a good state of repair.

The by-law may be reviewed from time-to-time with respect to the standards for maintenance of buildings and without limiting the foregoing, shall include consideration for:

- the maintenance of yards and accessory buildings
- the maintenance of residential and non-residential buildings and structures
- occupancy standards
- notices and orders
- administration and enforcement measures

### **9.3 Condominium Act (See Appendix 1)**

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(See also **Section 9.12.15 - Subdivisions**)

## **9.4 Development Charges Act, 1997**

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### **9.4.1 Statement of Intent**

This Official Plan is to be considered as a statement of intent of Council to carry out or authorize to be carried out, various public works as described specifically or in general terms in this Plan and which may be the subject of a development charge.

## **9.5 Environmental Assessment Act (See Appendix 1)**

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## **9.6 Environmental Protection Act (See Appendix 1)**

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## **9.7 Gasoline Handling Act and Code (See Appendix 1)**

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## **9.8 Local Improvement Act (See also Appendix 1)**

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The intent of this Plan is to allow for such works in accordance with the procedures set out under this Act as a means to improving municipal infrastructure in Thessalon.

## **9.9 Municipal Act (See Appendix 1)**

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## **9.10 Ontarians with Disabilities Act**

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In the design for a healthy and accessible community, Council shall consider the needs of persons with disabilities as provided for under the *Ontarians with Disabilities Act* and corresponding amendments to the *Planning Act (2002)*. In this regard, Council may develop standards that will facilitate the review of subdivision, site plan or other planning applications in accommodating the needs of persons with disabilities.

## **9.11 Ontario Heritage Act (See also Appendix 1)**

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### **9.11.1 Requirement for Archaeological Assessment**

To implement the requirements of **Section 6.0 - Heritage** of this Plan, the review of a planning application (e.g. zoning amendment, subdivision or consent) may require a review of the archaeological potential of a site. Where Council determines the need for an archaeological assessment, it is Council's policy that the following condition would apply:

“The proponent shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the property prior to the approval authority and the Ministry of

Citizenship, Culture and Recreation confirming that all archaeological resources have met licensing and resource conservation requirements. The assessment shall be carried out by a licensed archaeologist under the *Ontario Heritage Act*.”

## **9.12 Planning Act (See also Appendix 1)**

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The procedures for applications and other matters are dealt with in sequence by section.

### **9.12.1 Amendments to the Official Plan - Sections 17 and 22**

This Plan provides a long range development framework to guide the future growth of Thessalon. It is the policy of Council 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. In determining whether or not an amendment to the Plan is required, special regard shall be had to the general development policies of Section 2, and the policies of each land use category under Section 8. 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 Municipality prior to making an application. The Municipality 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 Municipality prior to a public meeting or decision.

### **9.12.2 Public Works - Section 24**

Council shall not undertake any public work and no by-law shall be passed that does not conform with the Official Plan. Council may pass a by-law which does not conform with the Official Plan where they have adopted an amendment to this Plan and where the public work will comply with the amendment, once the amendment is approved.

### **9.12.3 Acquisition of Land - Section 25**

Council may acquire land for any purpose set out in this Plan and may lease or otherwise dispose of such lands where no longer required.

### **9.12.4 Meeting to Consider Revisions to the Plan - Section 26**

Council shall, not less frequently than every five years, hold a special meeting, open to the public, to determine the need for a revision of the Plan and in determining the need for a revision, Council shall have regard to the Provincial Policy Statement.

### **9.12.5 Community Improvement - Section 28**

Council is committed to the encouragement of, and participation in, community improvement. Community improvement encompasses all activities, both public and

private, which will maintain, rehabilitate and redevelop the existing physical environment. The following are the goals for community improvement:

### **A. Goal Statement for Community Improvement**

The general goal of the community improvement policies is to continue to encourage the process of maintenance, revitalization and rehabilitation of the residential, commercial and industrial areas of the Town.

### **B. Objectives for Community Improvement**

The Town of Thessalon may:

1. Establish and maintain the physical infrastructure required to support and improve residential, commercial and industrial activity.
2. Ensure the maintenance of the existing building stock, and encourage rehabilitation, renovation and repair of older buildings.
3. Encourage the provision of ownership and rental housing that meets the needs of the community.
4. Where feasible, improve and maintain the existing residential, commercial and industrial streetscape and/or aesthetic quality in the community.
5. Provide a traffic/transportation circulation pattern that addresses the needs of residents and visitors to the community, and establishes specific routes for heavy trucks.
6. Provide and maintain adequate social, recreational and cultural facilities and services.
7. Where feasible, reduce existing land use conflicts.
8. Encourage the development/reuse of vacant lands or buildings to accommodate activities of value or benefit to the community.
9. Encourage and support where feasible the preservation or reuse of heritage features in Thessalon including buildings and properties of historical/architectural significance.
10. Support the maintenance and expansion of a healthy economic base in the community.
11. Provide a safe and healthy community for both residents and visitors.

12. Employ to maximum advantage, the natural benefits and heritage associations provided by the presence of the Thessalon River and Lake Huron Shoreline.

### **C. Community Improvement Areas**

Community improvement areas may be selected on the basis of deficiencies related to the following criteria:

1. Deficiencies in hard services including roads, sidewalks, curbs, gutters, storm and sanitary sewers and water supply and distribution.
2. Deficiencies in public services such as fire protection, lighting, hydro or other utilities.
3. The presence of building stock that fails to meet the municipality's Property Standards By-Law.
4. The opportunity to expand the housing stock (including rental) through the redevelopment, conversion, infill or intensification of underutilized residential lands/ buildings or non-residential buildings.
5. The presence of vacant lands/buildings that could be developed, redeveloped or converted to another use.
6. A need to upgrade the streetscape or aesthetics of an area.
7. A need to upgrade elements of the transportation system.
8. A need to provide/improve recreational and cultural facilities and public open space.
9. Where appropriate to the Town's mandate, a need to further expand or upgrade social facilities.
10. The presence of incompatible land uses.
11. The presence of hazard lands (lands susceptible to flooding) which have an impact on the Town's pattern of development.
12. The presence of older industrial lands and/or buildings that exhibit deficiencies such as a limited opportunity for expansion, servicing capacity, accessibility, negative impacts nearby residential areas.
13. The restriction of future growth opportunities due to the absence of raw land for expansion.

## **D. Selection of Community Improvement Areas**

Community improvement areas may be selected on the basis of the opportunities for enhancement:

1. Heritage features including buildings and lands of historical/architectural merit that would benefit the community through upgrading or improvement.
2. The potential to further utilize and develop the Thessalon River corridor as a green belt area providing for active/passive recreational pursuits for residents and visitors.
3. The opportunity to promote and encourage tourism within the Town, with particular emphasis on the 'day-tripper\*.
4. The opportunity to develop the commercial lands known as the Main Street property, thereby strengthening the role of the downtown (Central Area District) as a major shopping/business/cultural area within the region.
5. The opportunity to facilitate the liaison of the various community/business groups that are active within the Town, in order to maintain open communication and to ensure co-ordination in the provision of services.

## **E. Designation of Community Improvement Areas**

Based on the application of the above criteria the Community Improvement Areas designated for the purposes of this Plan coincide with the boundaries of the Town of Thessalon and will be illustrated on **Schedule 'A\*, Land Use Plan**.

## **F. Selection of Community Improvement Project Areas**

The following considerations may be taken into account in the selection of Community Improvement Project Areas:

1. The improvement, which will most substantially resolve the identified deficiencies and/or implement the opportunities for enhancement identified above and which, in general terms, increase the safety, stability and aesthetic quality of the community, shall be undertaken as a first priority;
2. In determining the importance of the projects areas, Council shall take into account the comments received from the landowners/residents at advertised public meetings;
3. The disruptions to the community shall be limited, wherever possible; and

4. Prior to undertaking any improvements, Council shall be satisfied that it can reasonably finance and afford the Town's share of costs associated with the required improvements.

## **G. Implementation**

The methods Council may consider to achieve community improvement goals and objectives include:

1. The designation of Community Improvement Project Areas by by-law and the preparation of Community Improvement plans for one or more project areas.
2. Scheduling community improvement projects in accordance with municipal budgets.
3. Enforcement of the Property Standards By-Law.
4. Enforcement of a Sign By-law.
5. Utilizing senior government funding programs and/or partnering or soliciting financial support or contributions in kind from the public or private sector.
6. Support, through the development of land use and design criteria, proposals for conversion, infill, redevelopment or intensification where community improvement objectives are met.
7. Pursuant to Section 28 (3) of the *Planning Act*, Council may acquire and clear land for the purposes of implementing a program of community improvement.
8. Encourage through the development of appropriate policies and guidelines, streetscape improvements in residential, commercial and industrial areas where the actions take full advantage of the unique qualities of the built environment.
9. Review and evaluate existing traffic and transportation systems within the Town. The identification of truck routes should also be undertaken.
10. Provide or encourage buffering techniques to reduce the impact of incompatible land uses using mechanisms such as site plan control and development permits.
11. Where industrial uses in older areas are desirable, the Town should seek to support businesses located in these areas by whatever means reasonable and are available within the Town's mandate.
12. Continue to support Municipal Heritage Committee and heritage conservation as set out in the heritage policies of this Plan.

### **9.12.6 Zoning By-Laws - Section 34**

The Zoning By-Law for Thessalon shall reflect the principles, policies and land use descriptions in this 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 in accordance with this Plan.

Council may use the powers provided by Section 34 to regulate the use of all land, buildings and structures within the Town of Thessalon as well as to govern other matters such as to prohibit land uses and development in sites containing a variety of natural heritage features and areas, as well as sites containing an identified significant archaeological feature. Council may establish any number of zones to classify and control land uses to implement this Plan.

### **9.12.7 Holding Zone - Section 36**

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.

#### **A. Rationale for the Use of Holding By-Laws**

Holding by-laws may be used where the principle of development has been established through scrutiny under the *Planning Act*. A Holding By-Law may be used under the following circumstances:

1. To hold land from development until 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. To hold land that is designated in the Official Plan, but, as yet is undeveloped until a proposal is submitted to develop the land for the use/uses intended in the Official Plan;
3. To hold land from development until 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. To prevent or limit the use of land in order to achieve orderly phased development;
5. To hold land until a Community Improvement Policy Area program is in place;



6. To allow for the implementation of special design features in specific locations of developments (residential or commercial design);
7. To ensure that all conditions of development including financial requirements and agreements in accordance with the provisions of this Plan and/or the *Planning Act*, have been complied with;
8. Contaminated sites may be placed in a Holding Zone in the municipality's zoning by-law. Where a holding zone is used, the "H" symbol may be removed when the site has been acceptably decommissioned or cleaned up to the satisfaction of the municipality and in accordance with a site remediation plan and subject further, to the submission of a Ministry of the Environment acknowledged Record of Site Condition to Council.

## **B. Conditions to be Met for Removal of the Holding Symbol**

The Holding "H" may be removed by by-law when the above circumstances have been satisfied and the following conditions met:

1. Approval of servicing the site/area is given or servicing of adequate standards is provided on the site;
2. A proposal is submitted for a site that conforms to the policies of the Official Plan;
3. A phasing plan is submitted;
4. A Community Improvement Policy Area is developed;
5. Architectural or design drawings and studies, where applicable, are submitted showing the required features;
6. Financial securities have been submitted;
7. With respect to contaminated sites, the "H" may be removed upon the receipt of a report approved by Council that the appropriate level of remediation, demonstrated by a Ministry of Environment acknowledged Record of Site Condition has been achieved.

## **9.12.8 Increased Density (Bonus) By-Laws - Section 37**

### **A. General**

Pursuant to Section 37 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, 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 Town:

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

The owner of the land shall be required to enter into an agreement with the Municipality 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.

## **B. Development Standards for Bonus Agreements**

The following policies outline the development standards that 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 pedestrian 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 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 commercial core 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.

### **9.12.9 Interim Control By-laws - Section 38**

In utilizing this authority, it is Council's policy that an interim control by-law shall be preceded by a By-law or resolution, directing that a study be undertaken of planning policies in the affected area and setting out the terms of reference for the study.

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

### **9.12.10 Temporary Use By-laws - Section 39**

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 (e.g. it may be desirable to locate certain uses in vacant commercial or institutional buildings or on lands zoned for institutional uses on a temporary basis despite the fact the uses are not permitted under the provisions of the Official Plan). It may also be beneficial to temporarily zone lands for industrial or commercial uses as an incubator or temporary location for a use which does not conform with the Plan.

A Temporary Use By-Law may also be passed to permit a garden suite as set out in **Section 8.0, Community Development** of 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. The period of time for a temporary use may be for a period of up to ten years for a garden suite and up to three years in all other cases, both of which are renewable. 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*.

As a condition of the passing of a Temporary Use By-Law for a garden suite, Council may require the owner of the suite or any other persons to enter into an agreement with the Municipality under the Municipal Act.

Any use introduced under such a Temporary Use By-Law does not acquire the status of a legal non-conforming use at the expiration of the by-law(s) and at that time must therefore cease.

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.

### **9.12.11 Cash-in-Lieu of Parking - Section 40**

It is Council's policy to utilize Section 40 of the *Planning Act* to increase the amount of available off-street parking in the Central Area District.

### **9.12.12 Site Plan Control - Section 41**

#### **A. Policies**

Under the authority of Section 41 of the *Planning Act*, Council may by by-law designate specific areas or land uses within the municipality which shall be known as site plan control areas. For the purposes of this Plan, the following land use designations and land uses shall be subject to Site Plan Control:

- any industrial, commercial or institutional use including a commercial parking lot;
- any multiple residential use consisting of three (3) or more dwelling units;
- all lands abutting the Thessalon River and within the 30 m (98.4 ft.) limit of the adjacent lands established in **Section 8.6.1.3.2** for ***fish habitat***;
- all land uses within the Environmental Protection Area Designation;
- all conversions and redevelopment within any of the above categories.

Council may by by-law designate one or more 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 may, as a condition of site plan approval, require the dedication of land for the widening of any street to the width set out in **Section 5.0 - Functional Support** policies of this Plan for roads as specified by the classification. The conveyance to the municipality shall not exceed more than one-half of the deficiency of the width or 5 m (16.4 ft.) whichever is the lesser. The conveyance shall apply to the full frontage of the property wherever the deficiency exists.

Council may require each applicant submitting such a development proposal to enter into an agreement with the Municipality 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 increased 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 waste waters 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 and areas, including the type of vegetation and techniques to be used, the existing (native) vegetation which is to be preserved, and any structures such as walls, 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 (3.3 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 municipality or a local board for public utilities.

In the review of Site Plan Applications, Council may circulate to municipal departments and outside agencies who 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.

### **9.12.13 Parkland Dedication or Cash-in-Lieu - Section 42**

It is Council's policy to require the conveyance of parkland or the cash-in-lieu equivalent for residential and non-residential development as a means to implementing the policies for parks and open space areas of this Plan.

### **9.12.14 Committee of Adjustment - Sections 44 and 45**

#### **A. Status of Legal Non-conforming uses**

It is the intention of this Plan, that non-conforming uses should eventually cease to exist. The owner/applicant in submitting an application for an expansion, enlargement or change of a non-conforming use shall demonstrate that all three of the following conditions are met in qualifying a use as a non-conforming use:

1. That the use was legally established prior to the passing of the Zoning By-Law on June 2, 1980;
2. That the use has continued without interruption from the date of its establishment of the use, or in the case of an interruption, that there has been a reasonable attempt to continue the use during the period of discontinuance; and
3. That the use is deemed to have existed and continued only if there was in fact, an actual user directly involved with the use.

#### **B. Enlargement of Expansion or Change to a Non-Conforming Use**

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:

1. The extension or enlargement does not aggravate the non-conforming situation for neighboring uses;
2. The extension or enlargement is in reasonable proportion to the existing use and to the land on which it is to be located;
3. The proposed extension or enlargement will not create undue noise, vibration, fumes, smoke, dust, odors, glare from lights nor environmental hazards;
4. Traffic and parking conditions in 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;

5. Adequate provisions have been or will be made for off-street parking and loading facilities where they apply;
6. Infrastructure and public services such as water and sewer, storm drainage, roads, school bussing etc. are adequate or can be made adequate.

### **9.12.15 Subdivisions, Consents and Part-Lot Control - Sections 50-53**

#### **A. Plans of Subdivision**

Land development shall take place primarily by plan of subdivision in Thessalon. Consents may 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:

1. Those applications for land division where three or more lots or blocks are proposed;
2. Where in the public interest Municipal monies would be required for matters such as the extension of municipal services for water and sewer, new road construction or road maintenance;
3. Where the scale and proposed development, in the opinion of Council, may have a negative impact on the surrounding area; or
4. Where large blocks of vacant land within existing plans of subdivision or in other areas are redivided.

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 in the vicinity of identified natural heritage features and areas (designated wetlands), archaeological or cultural heritage resources or natural or human-made hazards (contaminated sites or waste disposal facilities). (See **Section 7.0 - Public Health and Safety**). Reference shall also be made to the servicing policies of this Plan. The proponent shall provide an updated calculation of the uncommitted reserve capacity for water and sewer (see **Section 5.2 - Sewage and Water**).

It shall be the policy of Council to consider for approval, only those plans of subdivision which comply with the policies of this Plan and which, to the satisfaction of the Council, can be supplied with adequate municipal utilities and services where required by this Plan.

#### **B. Consents**

Provisions relating to the granting of consents are set out in Sections 51 and 53 of *The Planning Act*. The following consent policy checklist is intended to be used by Council in the review of consent applications. Failure of the application to meet these criteria will lead to Council recommending that the consent be refused:

1. The consent application shall be complete and shall include a sketch and the prescribed application fee and shall comply with the requirements of the *Planning Act* and associated *Ontario Regulation* for the filing, review, notice and decision procedures;
2. The sketch shall show the lands to be severed and the lands to be retained, existing and proposed lot dimensions, lot areas and buildings, natural physical features (water bodies, slopes, tree cover) and sufficient information to be able to easily locate the land;
3. The proposed use of the severed lot shall be a use permitted in the land use designation e.g. refer to Official Plan Land Uses Plan Schedules to determine designation and then refer to corresponding list of permitted uses for that designation in the text of this Plan;
4. The lot(s) to be severed and to be retained must meet the requirements of the Zoning By-law e.g.:
  - lot size for buildings, accessory uses, parking, snow storage;
  - lot frontage and depth;
  - setbacks from roads, water bodies;
  - sufficient land area to allow development where constraints exist such as topography;
  - soils (organic), rock, slope, wetland.
5. The lot must meet the minimum distance separations, where required, and have regard to influence area or special setback requirements (waste disposal or industrial uses) where the intended use of the lot is for a sensitive land use e.g. a dwelling, daycare facility, educational facility or health care facility, church, campground.

Reference should be made to the following Sections of this Plan for further explanation:

- **8.4.5.1 - Industrial Land Uses**
- **5.4 - Waste Management Facility**
- **8.6 - Natural Heritage Features and Areas**
- **7.3.2 - Flood Plains**
- **7.6 - Noise and Vibration**

(Note: special setbacks may apply to other land uses as well.)



6. The application shall be supported by studies or other information which may be required to determine whether the application will comply with the policies of this Plan, or to permit the reduction of required setbacks; Reference should be made to the above listing (**subsection 4**) for requirements e.g.:
- mitigation of adverse effects of industry per **Section 8.4.5 - Development Criteria**;
  - mitigation of waste disposal impacts per **Section 5.4 - Waste Management**;
  - Impact Assessment/mitigation measures for natural heritage features and areas per **Section 8.6.1.3.4 - Impact Assessment**;
  - flood proofing measures per **Section 7.3.2 - Flood Plains**;
  - noise or acoustical study per **Section 7.6 - Noise and Vibration**;
  - Record of Site Condition (contaminated sites) per **Section 7.4.2 - Policies**.

In the absence of appropriate mitigation, the application may be refused.

7. Where the lot proposed fronts on a provincial highway, prior approval must be obtained for access from the Ministry of Transportation. Also, where the Ministry has identified the need for a road widening, the necessary land shall be dedicated as a condition of approval;
8. Where the potential for a cultural heritage site or archaeological site has been identified, an archaeological assessment may be required. The applicant should consult with the municipality or the Ministry of Citizenship, Culture and Recreation (see also **Section 6.0 - Heritage**);
9. Consents will not be granted which have the effect of limiting access to back lands or future development or which have the effect of creating land locked parcels for either the severed or retained lot;
10. Despite the criteria outlined in ‘1, to ‘8\* above, 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 (retained lot);
  - to clarify title to the land;
  - where the effect of the severance does not create an additional building lot;
  - to permit an easement;
  - power of sale.
11. Conditions may be imposed by Council in the granting of severances which may include but not be limited to the following:

- a zoning amendment under the zoning by-law or a minor variance under Section 45 of the *Planning Act*;
- site plan control;
- the dedication of land or cash-in-lieu of parkland, or parking;
- the conveyance of land or conveyance for easements for utilities, access control or drainage;
- the construction or upgrading of roads or the installation of drainage facilities and culverts;
- the establishment of buffer strips and landscaping;
- flood proofing structures;
- the entering into of a consent agreement including provisions of financial guarantees;
- demolition of buildings or structures and/or measures to remediate the property due to hazardous or contaminated conditions;
- implementation of mitigation measures to ensure compatibility amongst land uses;

#### **9.12.16 Tariff of Fees - Section 69 (see Appendix 1)**

### **9.13 Public Transportation and Highway Improvement Act**

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Where development is adjacent or in proximity to a provincial highway, the *Public Transportation and Highway Improvement Act* shall be referenced in determining MTO's requirements and ensuring the province's mandate is upheld.

## 10.0 INTERPRETATION

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### 10.1 General

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Within the exception of the items noted below, any change or deviation from a statement of intent, either in Sections 2 through 8 or on the Land Use Schedule attached to those parts, will necessitate an amendment to the Official Plan.

The following items may be changed or deviate from, to the extent stated, without an amendment. Where minor deviations to the Plan are made, in accordance with the rules outlined below, these deviations shall be indicated when a planning application is made to amend the Official Plan in order to show the up-to-date situation:

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, parks, and neighbourhood 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; and
4. The boundaries between land uses 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.

It should be noted that words shown in ***bold italicized*** script in this Plan (except for the names of specific Acts or legislation) are words or terms defined in the Provincial Policy Statement of March 2005. Those definitions found in the Provincial Policy Statement, 2005 shall apply in the interpretation of the policies of this Plan and their application to development proposals and planning applications

## **Appendix 1**

# **PROCEDURES AND SUPPLEMENTARY INFORMATION**

## **APPENDIX 1 - PROCEDURES AND SUPPLEMENTARY INFORMATION**

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### **1.0 Building Code Act**

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#### **1.1 General**

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The Building Code Act provides the enabling authority for Councils to issue building permits through the appointment of a building official and the adoption of a building by-law. The Act also provides for the administration of property standards (transferred from the *Planning Act*). A building permit cannot be issued unless the proposed structure complies with 'applicable law' such as a zoning by-law. The associated *Ontario Building Code* sets out the standards for design and construction of buildings. Building permits are generally required for:

1. Construction of a new building or structure (garage or accessory building exceeding 10 m<sup>2</sup>) including a mobile home or manufactured dwelling;
2. The repair, reconstruction or retrofitting of a building or other construction which is a part of the structural support of a building;
3. Adding an extension;
4. Excavating or constructing a foundation;
5. Installing heating, plumbing, air conditioning or a fire place (solid fuel appliance);
6. Building or placing a temporary building;
7. The demolition of a building;
8. The change of use of a building may require a permit since different code standards may apply to the new use;

Important sections of the *Building Code Act* include:

*Section 3 (2)* - The Council shall appoint a chief building official and such inspectors as are necessary for the enforcement of the *Building Code Act*.

*Section 7* - Enables Council to adopt a building by-law specifying the classes of permits, application fees, requirements for applications etc.

*Section 8 (1)* - Provides that no person shall construct or demolish a building unless a permit has been issued.

*Section 15.1 - 15.8* - Sets out the enabling authority for property standards including the appointment of a property standards officer, appointment of a property standards committee, issuing of orders to remedy buildings or conditions which do not meet the requirements set out in a property standards by-law.

## **2.0 Condominium Act**

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### **2.1 General**

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Condominiums are a form of property ownership in which title to a unit, such as an individual apartment in an apartment building or a single detached dwelling in a private subdivision, is held by an individual together with a share of the rest of the property, which is common to all owners.

Condominiums can involve a brand new development, or an existing rental project which is converted to condominium ownership. They can apply to any type of residential building as well as commercial and industrial areas. Vacant land is not eligible.

*Section 50 (2)* - A condominium plan is like any plan of subdivision in that it is a way of dividing property and must be approved by the approval authority.

*Section 50 (3)* may be utilized to exempt approval for buildings which have already been constructed and which satisfy all of the applicable municipal policies and requirements.

### **2.2 Applications**

Applications shall be made to Council utilizing the form prescribed and shall set out a description suitable for registration on title unless otherwise exempted by Council. Council may enter into an agreement with the applicant for the provision of services or such other matters as are governed by *Section 51* of the *Planning Act*.

## **3.0 Development Charges Act, 1997**

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### **3.1 General**

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Subject to undertaking a study (*Section 10*), Council may adopt a Development Charges By-law (*Section 6*) for the purposes of imposing a development charge against specified land uses to pay for increased capital costs required because of the increased need for services arising from new development of the area to which the by-law applies.

*Section 2 (2)* - Development which may precipitate a development charge includes:

- The passing of a zoning by-law or an amendment to a by-law under Section 34 of the *Planning Act*;
- The approval of a minor variance under *Section 45* of the *Planning Act*;
- A conveyance of land to which a by-law passed under *Section 50 (7)* of the *Planning Act* applies;
- The approval of a plan of subdivision under *Section 51* of the *Planning Act*;
- A consent under *Section 53* of the *Planning Act*;
- The approval of a description under *Section 50* of the *Condominium Act*; or
- The issuing of a building permit under the *Building Code Act* in relation to a building or structure.

## **4.0 Environmental Assessment Act**

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Prior to the construction of public works or undertakings, such as roads, sewage works, waste disposal facilities, water filtration plants, a municipality is obliged to follow procedures under the *Environmental Assessment Act*. Some types of undertakings may fall into a class environmental assessment which is a more streamlined process in reviewing the environmental impacts of the proposed work. Generally, the intent of this Plan is to ensure that the following procedures (generalized description) are followed prior to the construction of a project (undertaking):

1. Consult with affected parties:
  - ! involve affected parties early in the process and continuously throughout;
  - ! encourage the identification and resolution of issues before an EA is formally submitted;
  - ! promote mutually acceptable, environmentally sound solutions through consultation.
2. Consider reasonable alternatives: planning must consider alternatives to the undertaking which fulfill the purpose of the undertaking in functionally different ways and alternative methods of implementing a particular type of alternative. The 'do-nothing alternative must also be considered.
3. Consider all aspects of the environment: the planning process must consider the effects on the natural or biophysical environment as well as effects on the social, economic and cultural conditions that influence the lives of humans of a community.

4. Systematically evaluate net environmental effects: evaluate alternatives in light of their advantages and disadvantages and the effects remaining after mitigation or enhancement measures have been addressed.
5. Provide clear, complete documentation: the EA should strive to represent accurately the process that was followed in a clear and understandable way and to communicate the results of that process.

## **5.0 Environmental Protection Act**

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The *Environmental Protection Act* provides control mechanisms for the protection of the environment that has application to the general public as well as to the Council of a municipality.

*Section 46* - land used for a waste disposal site may not be used for another purpose within a period of twenty-five years from the date the land ceased to be used, without the approval of the Minister.

## **6.0 Gasoline Handling Act and Code**

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This legislation prescribes the requirements for the handling of gasoline and associated products and amongst other matters sets out in the associated *Gasoline Handling Code*, the prescribed setbacks of gasoline storage facilities and pump islands from streets and adjacent properties. The intent of this Plan is to ensure that the amending zoning by-law reflects these standards as a measure of public safety and compatibility with adjacent land uses.

## **7.0 Local Improvement Act**

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Council of its own initiative or a petitioner may request improvements to specified works and upon the approval and adoption of a by-law the costs thereof may be recovered by those benefitting from the improvement in a lump sum or amortized payment(s). Such works may include:

1. Opening, widening, extending, grading, altering the grade, diverting of, improving, paving a street or establishing a new street or bridge;
2. Constructing, enlarging or extending a sewer or water main;
3. Constructing and landscaping a boulevard;
4. Extending gas, light, heat or power systems;
5. Laying out or improving parks;



6. Constructing retaining walls, dykes, breakwaters, groynes and other protection works along the shoreline of water bodies;
7. Constructing a roadway or subway under a railway;
8. Constructing noise abatement works;
9. Constructing a sidewalk.

## **8.0 Municipal Act**

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This Act provides the enabling authority for a variety of types of by-laws which serve to implement features of this Plan or to authorize other actions of Council as follows:

*Section 164 (1)* - Establishing a reserve for contributions resulting from the development of a subdivision and utilizing those contributions to meet expenditures for work done for which the monies were received.

*Section 207 (17)* - Construction or installation of a culvert.

*Section 207 (52)* - Acquiring land and laying out or constructing public parks, squares, boulevards.

*Section 207 (55)* - For constructing bicycle paths.

*Section 207 (56)* - Acquiring land, establishing and constructing a municipal parking lot.

*Section 207.2* - For requiring an owner to enter into an agreement with the municipality for a garden suite.

*Section 210 (25-30)* - For regulating the construction and height of fences including the fencing of swimming pools.

*Section 210 (107)* - For governing and entering into agreements for encroachments on municipal property.

*Section 210 (146-149)* - For regulating signs.

*Section 225* - For regulating adult entertainment parlors.

*Section 272* - For assuming a road or bridge as a municipal road or bridge.

*Section 297* - For laying out, widening, establishing or stopping up and closing a public highway.

## 9.0 Ontario Heritage Act

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The Ontario Heritage Act is intended to assist municipalities with the designation and conservation of buildings, structures, districts, landscapes, ruins that may be considered to be cultural heritage or archaeological resources. The municipality may use Part IV of the Act to designate individual buildings, structures or sites/landscapes or use Part V to designate a Heritage Conservation District.

*Section 28* - Authorizes Council to establish a Local Architectural Conservation Advisory Committee (LACAC) of 5 or more people to advise Council on all matters related to *Part IV* of the Act.

*Section 29 (2)* - Authorizes a by-law to designate commencing with a Notice of Intention to Designate a building, structure or site.

*Section 31(2)* - Authorizes a by-law to repeal a designating by-law.

*Section 32 (2)* - Owners application to repeal designating by-law

*Section 33 (4)* - Owners application for permission to alter a designated property.

*Section 34 (2)* - Owners application for permission to demolish or remove building or structure which forms part of a designated property.

## 10.0 The Planning Act

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### 10.1 Amendments to the Official Plan - Sections 17 and 22

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The following procedures shall be used in evaluating Official Plan applications.

#### **A. Procedures:**

##### **1. Conduct Preliminary Review of Proposed Amendment:**

A complete application shall be filed with the clerk of the municipality using an application form prescribed by the municipality and shall include a map or survey to identify the location of the property(ies) affected, existing land uses on the subject and surrounding lands, proposed land uses and servicing of the subject property;

- The application will be reviewed to determine if the proposal will involve amendments to the text, schedule or both;
- The policy sections or land use designations affected will be identified;

- The applicants reasoning or justification for the proposal will be reviewed so that it is clearly understood.
2. Assess Compatibility of Proposed Amendment with Intent of the Official Plan:
    - The application will be assessed to determine if the proposal meets the general intent of the overall purpose, goals, objectives and general policies of the Plan.
  3. Assess Need for Proposed Amendment:
    - Assess if the change is necessary to achieve the purpose, goals, objectives and policies of the Plan.
    - Determine if conditions have changed to warrant the proposed amendment (e.g. consult local studies, statistics etc., which may point to changes in economic conditions or other circumstances);
  4. Assess Long Term Implications of Proposing the Amendment:
    - Assess if it is likely that the amendment will have positive or negative effects for the future e.g. could approval set the precedent for similar requests.
    - Refer to local studies to understand conditions and circumstances affecting the Town.
    - Consult with other municipalities on how they have dealt with similar proposals;
  5. Appropriateness/Compatibility of Proposed Amendment
    - Assess appropriateness of location within the context of the municipality.
    - Assess compatibility of proposed use with surrounding land uses.
    - Determine scale of the proposal in relation to need and compatibility with surrounding land uses.
    - Calculate/assess servicing in terms of capacity and adequacy of sewer, water, waste and utilities.
    - Assess site suitability in terms of any physical constraints, on-site parking and loading availability etc.
    - Certain studies or other information shall be submitted where required by this Plan such as:
      - traffic study or traffic engineering
      - environmental review on contaminated site
      - calculation of uncommitted residual capacity of sewer or water services
      - storm water management and drainage studies
      - archaeological review
      - marketing study

- natural heritage feature - impact assessment

6. Provincial Interests:

- Pre-consultation will involve discussions with affected agencies and the Ministry of Municipal Affairs and Housing in having regard to the Provincial Policy Statement;

7. Public Consultation:

- Notice of a public meeting shall be advertized within 45 days of the submission of a complete application pursuant to the requirements for notice.
- Following a public meeting Council may adopt the amendment as proposed or with modifications, or may refuse the application. Council shall consider any relevant public concerns with the proposed amendment and whether changes or refinements may be necessary in the public interest e.g. can the amendment be altered or improved to make it acceptable. Should Council refuse to adopt, or not adopt the amendment within 90 days of the application, the applicant may appeal to the Ontario Municipal Board.
- Where the amendment is adopted, notice of adoption shall be given within 15 days and the amendment together with the record of submission shall be submitted to the approval authority.
- The approval authority has 90 days to render a decision on the amendment following which there is a 20 day period for appeal to the Ontario Municipal Board. Where there is no appeal, the decision is final.
- The notice procedures as prescribed in Section 17 of the *Planning Act*, and Ontario Regulations thereto, shall be adhered to.
- However, 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.

## 10.2 Zoning By-Laws - Section 34

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### A. General

When Council receives an application for a development project which it considers at the time is desirable, not premature, capable of being adequately serviced, and in conformity with the policies and designations of this Plan, Council may pass an implementing amending by-law to the Zoning By-Law. Council may, as a condition of development or redevelopment, require the owner of the land to enter into one or more agreements or requirements with the Municipality dealing with the provision, maintenance and use of certain facilities as set forth in the *Planning Act*. These agreements or requirements may pertain to one or more Sections of the *Planning Act*, such as:

- Holding Provisions - 36 (2);
- Temporary Use Agreement - 39 (1.2);
- Site Plan Control Agreement- 41(7,8);
- Subdivision Control Agreement - 51(26);
- Consent Agreement - 53 (12);

### B. The Zoning Amendment Process

Applications for an amendment to the Zoning By-Law shall generally comply with the following process:

#### Step 1 - Filing an Application

- Obtain an application for a Zoning By-Law Amendment.
- Complete the application in full. Applications which are not complete may lead to a delay in processing.
- Ensure that additional information required by the municipality is submitted. This may include:
  - an Impact Assessment if the proposed development is located close to:
    - a Natural Heritage Feature (wetland, fish or wildlife habitat area)
    - an archaeological feature
    - an existing or former waste management site

#### Step 2 - Application Review

- The application may be circulated for review and pre-consultation with departments within and outside of the Municipality. Under the Municipal Plan Review function, however, it is the municipality who are considered to have

responsibility for review of the application for compliance with the Provincial Policy Statement.

- The Ministry of Transportation retains the jurisdiction to regulate access to provincial highways.
  - The Ministry of Citizenship, Culture and Recreation are to be circulated where an archaeological assessment leads to the discovery of archaeological resources.
- Circulation period is 20 days

### **Step 3 - Public Meeting**

- A public meeting will be held to consider the application.
- Notice of the meeting must be advertised to notify the public and agencies. Advertising may be by (i) newspaper, or (ii) by mail or by personal service and by posting a notice on the site.
- The notice must be given 20 days before the public meeting.
- The public meeting is held by Council and is open to any member of the public or to an agency to make a presentation for or against the application.

### **Step 4 - Decision**

- Council may pass (adopt) a zoning by-law amendment, may modify the amendment as proposed or may refuse to pass an amendment.
- If an amending by-law is passed, notice of the passing of the by-law amendment must be advertised within 15 days of the date of passing.

### **Step 5 - Appeal**

- Any resident who wishes to object to the Zoning By-Law amendment may appeal.
- An appeal must be made in writing with reasons for the appeal. The letter of appeal must be submitted to the Clerk within the 20 day appeal period set out in the Notice of Passing.
- The appeal must be accompanied by a prescribed appeal fee payable to the Minister of Finance.
- If no appeal is made within the appeal period, the By-Law is automatically approved.
- In an appeal is received by the Clerk, the appeal must be sent to the Ontario Municipal Board within 15 days following the last day for appeal. The Ontario Municipal Board will decide whether the appeal is valid and subject to their decision, may hold a hearing in the municipality to hear the appeal (or to dismiss the appeal). If they hold a hearing, the decision of the Ontario Municipal Board is Final.

- Where a Council does not make a decision on the application or refuses to make a decision within 90 days of Step 1 above, the applicant may file an appeal directly with the Ontario Municipal Board who shall hold a hearing.

### **10.3 Holding Zone - Section 36**

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#### **A. Procedures for Notice**

By-laws to establish such Holding Zones shall be subject to the provisions of *Sections 34 and 36 of the Planning Act*, including the notice for and 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*.

### **10.4 Interim Control By-laws - Section 38**

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In order to control development in an area where the municipality 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 so that the maximum period it is in effect is two years from its imposition. An Interim Control By-Law shall allow the Council to place a temporary freeze on land uses in order to allow a review of land use policies. After that, at least three years must elapse before another Interim Control By-Law may be passed covering any part of the same area.

### **10.5 Site Plan Control - Section 41**

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#### **Procedures for Site Plan Control**

1. Applicants are encouraged to pre-consult with Town staff on potential applications.
2. Applicants shall file a complete application together with the application fee. The application shall include a site plan drawn to scale, which includes the following information:
  - layout of all existing and proposed buildings and structures and setbacks from adjacent property lines, lot dimensions;
  - parking and loading spaces including location of handicapped parking, dimensions of parking spaces, driveways, entrances and maneuvering aisles, location of fire routes;
  - day lighting triangles on corner lots;
  - relationship of the lot to surrounding streets and other physical features e.g. water bodies, rail lines, slopes and rock outcrops;
  - site services and easements (water, sewer, storm drainage, waste disposal, utilities), sewer inverts, catch basins;
  - spot elevations or contours and site grading and landscaping;

- fencing and signs;
  - building coverage on the lot, parking space calculations, building height, percentage of landscape area;
  - key plan, scale bar, north arrow, civic address or legal description.
3. Application to be circulated to affected departments and agencies (e.g. engineer, fire chief, Conservation authority, provincial Ministry etc.)
  4. Planning Report to be submitted to Council. Council may hold a public meeting to seek public input.
  5. Final revisions to be made to the site plan.
  6. Draft site plan agreement is prepared.
  7. Site plan agreement to be adopted by by-law and registered on title. Financial guarantee is secured.
  8. Building permit is issued (subject to payment of any building permit and development charges or other fees).
  9. Inspections conducted for compliance to site plan. Financial securities released.

## **10.6 Parkland Dedication or Cash-in-Lieu - Section 42**

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The conveyance of parkland or cash-in-lieu of parkland is authorized under *Section 42* of the *Planning Act* for park or public recreational uses. The conveyance of land or cash-in-lieu may be required for residential severances or residential subdivisions at the rate of 5% or for commercial or industrial severances or subdivisions at the rate of 2% of the area or value of land, respectively, as set out in *Sections 42, 51, and 53* of the *Planning Act*. Where cash-in-lieu is accepted such monies shall be placed in a special account and spent only for the acquisition of land to be used for park or other recreational purposes, including the erection or repair of buildings and the acquisition of machinery for park or other recreational purposes.

## **10.7 Committee of Adjustment - Sections 44 and 45**

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### **A. General**

A committee of adjustment, duly appointed under *Section 44* of the *Planning Act*, has several powers as set out in *Section 45* of the *Act*:

1. May grant a minor variance to the zoning by-law.
2. May grant a permission to expand a non-conforming use or to change that use to a similar or more compatible use.



3. May interpret the zoning by-law to permit a use that is defined in general terms.
4. May grant a variance to any by-law that Council specifies and that implements this Official Plan (e.g. Sign By-law)

#### **B. Minor Variances**

In considering an application for a minor variance, the committee of adjustment shall apply four tests, namely:

1. Is the variance minor?
2. Will it maintain the general intent and purpose of the zoning by-law?
3. Will it maintain the general intent and purpose of this Official Plan?
4. Is it desirable for the appropriate development or use of the land building or structure?

#### **C. Procedures for Applications**

1. Applicants are encouraged to consult with Town staff prior to submitting an application.
2. Applicant to file complete application with the Secretary of the Committee of Adjustment together with the required fee. The application, where required, shall be accompanied by a sketch or plan showing the specific dimensions of buildings or structures which affect or may be affected by the application (including buildings or structures on adjacent properties).
3. Committee shall hold a public meeting duly advertised at least 10 days prior and within 30 days after the application is date stamped as a complete application. A preview of the application (planning report) along with a site visit is recommended.
4. Committee may make a decision or reserve a decision and impose conditions on a decision. Decision to be mailed within 10 days.
5. Applicant or other person has 20 days from the date of the decision to file an appeal with the Secretary together with an appeal fee upon which the appeal is forwarded to the Ontario Municipal Board. The OMB may dismiss the appeal or hold a hearing and render a decision.

### **10.8 Subdivisions, Consents and Part-Lot Control - Sections 50-53**

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#### **A. Procedures for Processing a Plan of Subdivision**

The processing of a Plan of Subdivision shall generally consist of the following steps:

1. Satisfactory completion of an application together with the submission of the required fee to the approval authority;
2. Submission of required supplementary studies or information, where required;

3. The approval authority will be responsible for evaluating the application in compliance with the relevant policies of this Plan, and the Provincial Policy Statement. This will also include, where required, the circulation of the application to the Ministry of Transportation with respect to an entrance permit onto Highway 17; and the Ministry of Citizenship, Culture and Recreation or Municipal Heritage Committee with respect to an archaeological assessment;
4. Holding of a duly advertised public meeting (in accordance with the notice provisions set out in the *Planning Act*) to consider the proposed subdivision;
5. Draft plan approval with conditions as may be required by the approval authority, Council, Ministries or other agencies;
6. Preparation of a subdivision agreement to address the conditions of draft approval;
7. Execution of the subdivision agreement by Council and registration of the agreement against the lands to which it applies;
8. Clearance of concerns or requirements by agencies;
9. Final approval of the Plan of Subdivision and registration;
10. Development of lands per the requirements of the subdivision agreement and approvals or clearances by the Municipality and other agencies upon satisfactory completion of the requirements;
11. Conveyance of land or covenants for easements for utilities, access control or drainage;
12. Sale of lots and issuance of building permits;
13. Assumption of municipal water, sewer, roads, street lights etc., by the Municipality (subject to meeting warranty and other construction standards set out in the subdivision agreement).

## **B. Consents**

Procedures for processing consent applications may include but not be limited to:

1. Applicant files a complete application with the Clerk;
2. Council may also seek technical input from other selected agencies and municipal staff;
3. The application will be reviewed for compliance to the policies of this Plan and the regulations of the implementing zoning by-law (Planning Report);
4. Council may have a public meeting to consider the application;
5. Council will issue a decision and may impose conditions of approval (provisional consent);
6. Decision is advertised (circulated) as required by the *Planning Act*;
7. Applicant shall enter into a consent agreement where required as a means to implement the conditions;
8. Applicant has up to one year to fulfill provisions of conditional consent;
9. Consent is granted upon fulfillment of conditions and submission of deed or instrument for stamping (certificate);

10. Applicant must register consent within two years from the date the certificate is given or consent will lapse.

### **C. 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, exact specific servicing requirements as a condition of consent such as a road widening or to further control internal development on a lot.

## **10.9 Tariff of Fees - Section 69**

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Council may by by-law, adopt a tariff of fees by-law for the purpose of levying fees for the costs associated with the processing of planning applications including:

- an amendment to the Official Plan;
- an amendment to the Zoning By-law;
- a Minor Variance or permission related to a non-conforming use;
- a Site Plan Control application and agreement;
- a Plan of Subdivision or Condominium application and agreement;
- a Consent Application and Consent Agreement;
- a Change of Use.

## **Appendix 2**

### **Archaeological Screening Criteria**

## Checklist for Determining Archaeological Potential

From *Archaeology, Land Use Planning and Development in Ontario: An Educational Primer and Comprehensive Guide for Non-specialists*

	Potential Feature	Yes	No	Not Available	Comment
1.	Known archaeological site (250 m)				If Yes, potential determined
Physiographic Features					
2.	Water – any within 300 metres?				If Yes, what kind of water?
2a	Primary water source (300 m) (lakeshore, river, large creek)				If Yes, potential determined
2b	Secondary water source (200 m) (stream, spring, marsh, swamp)				If Yes, potential determined
2c	Ancient water source (300 m) (beach ridge, river bed)				If Yes, potential determined
3.	Elevated topography (knolls, drumlins, eskers, plateaux)				If Yes, and Yes for any of 4-9, potential determined
4.	Pockets of sandy soil in a clay or rocky area.				If Yes, and Yes for any of 3, 5-9, potential determined
5.	Unusual land formations (mounds, caverns, waterfalls)				If Yes, and Yes for any of 3-4, 6-9, potential determined
Historic Cultural Features					
6.	Extractive area (for food or scarce resources)				If Yes, and Yes for any of 3-5, 7-9, potential determined
7.	Non-Aboriginal settlement (monuments, cemeteries)				If Yes, and Yes for any of 3-6, 8-9, potential determined
8.	Historic transportation (road, rail, portage route)				If Yes, and Yes for any of 3-7, 9, potential determined
9.	Designated property				If Yes, and Yes for any of 3-8, potential determined
Application Specific Information					
10.	Local knowledge				If Yes, potential determined
11.	Recent disturbance (confirmed extensive and intensive)				If Yes, no potential

### Summary:

- If Yes to any of 1, 2a-c, or 10
- If Yes to 2 or more of 3-9
- If Yes to 11 or No to 1-10

Archaeological Potential is **confirmed**

Archaeological Potential is **confirmed**

**Low** Archaeological Potential is confirmed

## **Appendix 3**

### **Provincial Policy Statement Definitions**

## 6.0 DEFINITIONS

**Access standards:** means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of *flooding hazards, erosion hazards and/or other water-related hazards*.

**Adjacent lands:** means

- a) for the purposes of policy 2.1, those lands contiguous to a specific *natural heritage feature* or area where it is likely that *development or site alteration* would have a *negative impact* on the feature or area. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objectives; and
- b) for the purposes of policy 2.6.3, those lands contiguous to a *protected heritage property* or as otherwise defined in the municipal official plan.

**Adverse effects:** as defined in the *Environmental Protection Act*, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

**Affordable:** means

- a) in the case of ownership housing, the least expensive of:
  1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
  2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;
- b) in the case of rental housing, the least expensive of:
  1. a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
  2. a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

**Agricultural uses:** means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agriculture-related uses:** means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

**Airports:** means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.

**Alternative energy systems:** means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

**Archaeological resources:** includes artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

**Areas of archaeological potential:** means areas with the likelihood to contain *archaeological resources*. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

**Areas of mineral potential:** means areas favourable to the discovery of *mineral deposits* due to geology, the presence of known *mineral deposits* or other technical evidence.

**Areas of natural and scientific interest (ANSI):** means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.



**Areas of petroleum potential:** means areas favourable to the discovery of *petroleum resources* due to geology, the presence of known *petroleum resources* or other technical evidence.

**Brownfield sites:** means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

**Built heritage resources:** means one or more *significant* buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the *Ontario Heritage Act*, or listed by local, provincial or federal jurisdictions.

**Coastal wetland:** means

- a) any *wetland* that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
- b) any other *wetland* that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

**Comprehensive review:** means

- a) for the purposes of policies 1.1.3.9 and 1.3.2, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:
  1. is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and *provincial plans*, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
  2. utilizes opportunities to accommodate projected growth through *intensification* and *redevelopment*;
  3. confirms that the lands to be developed do not comprise *specialty crop areas* in accordance with policy 2.3.2;
  4. is integrated with planning for *infrastructure* and *public service facilities*; and
  5. considers cross-jurisdictional issues.

- b) for the purposes of policy 1.1.5, means a review undertaken by a planning authority or comparable body which:

1. addresses long-term population projections, *infrastructure* requirements and related matters;
2. confirms that the lands to be developed do not comprise *specialty crop areas* in accordance with policy 2.3.2; and
3. considers cross-jurisdictional issues.

**Conserved:** means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

**Cultural heritage landscape:** means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

**Defined portions of the one hundred year flood level along connecting channels:** means those areas which are critical to the conveyance of the flows associated with the *one hundred year flood level* along the St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where *development* or *site alteration* will create *flooding hazards*, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

**Deposits of mineral aggregate resources:** means an area of identified *mineral aggregate resources*, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

**Designated and available:** for the purposes of policy 1.4.1(a), means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g.,



secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be designated for the purposes of this definition.

**Designated growth areas:** means lands within *settlement areas* designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, but which have not yet been fully developed. *Designated growth areas* include lands which are *designated and available* for residential growth in accordance with policy 1.4.1(a), as well as lands required for employment and other uses.

**Designated vulnerable area:** means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source that may be impacted by activities or events.

**Development:** means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include:

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process;
- b) works subject to the *Drainage Act*; or
- c) for the purposes of policy 2.1.3(b), underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.4(a).

**Dynamic beach hazard:** means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes - St. Lawrence River System* and *large inland lakes*, as identified by provincial standards, as amended from time to time. The *dynamic beach hazard* limit consists of the *flooded hazard* limit plus a dynamic beach allowance.

**Ecological function:** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

**Employment area:** means those areas designated in an official plan for clusters of business and economic activities including, but not limited to,

manufacturing, warehousing, offices, and associated retail and ancillary facilities.

**Endangered species:** means a species that is listed or categorized as an "Endangered Species" on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

**Erosion hazard:** means the loss of land, due to human or natural processes, that poses a threat to life and property. The *erosion hazard* limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over an one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**Fish:** means fish, which as defined in S.2 of the *Fisheries Act*, c. F-14, as amended, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

**Fish habitat:** as defined in the *Fisheries Act*, c. F-14, means spawning grounds and nursery, rearing, food supply, and migration areas on which *fish* depend directly or indirectly in order to carry out their life processes.

**Flood fringe:** for *river, stream and small inland lake systems*, means the outer portion of the *flood plain* between the *floodway* and the *flooded hazard* limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the *floodway*.

**Flood plain:** for *river stream, and small inland lake systems*, means the area, usually low lands adjoining a watercourse, which has been or may be subject to *flooded hazards*.

**Flooding hazard:** means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, the *flooded hazard* limit is based on the *one hundred year flood level* plus an allowance for *wave uprush* and *other water-related hazards*;
- b) Along *river, stream and small inland lake systems*, the *flooded hazard* limit is the greater of:
  1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the

Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;

2. the *one hundred year flood*; and
3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources; except where the use of the *one hundred year flood* or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

**Floodproofing standard:** means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate *flood hazards*, *wave uprush* and *other water-related hazards* along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, and *flood hazards* along *river*, *stream* and *small inland lake systems*.

**Floodway:** for *river*, *stream* and *small inland lake systems*, means the portion of the *flood plain* where *development* and *site alteration* would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the *floodway* is the entire contiguous *flood plain*.

Where the two zone concept is applied, the *floodway* is the contiguous inner portion of the *flood plain*, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the *flood plain* is called the *flood fringe*.

**Great Lakes - St. Lawrence River System:** means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

**Ground water feature:** refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and

unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

**Hazardous lands:** means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the *Great Lakes - St. Lawrence River System*, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the *flood hazard*, *erosion hazard* or *dynamic beach hazard* limits. Along the shorelines of *large inland lakes*, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flood hazard*, *erosion hazard* or *dynamic beach hazard* limits. Along *river*, *stream* and *small inland lake systems*, this means the land, including that covered by water, to the furthest landward limit of the *flood hazard* or *erosion hazard* limits.

**Hazardous sites:** means property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

**Hazardous substances:** means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

**Heritage attributes:** means the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a *protected heritage property*.

**Hydrologic function:** means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

**Individual on-site sewage services:** means individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, under the *Building Code Act, 1992* that are owned, operated and managed by the owner of the property upon which the system is located.



**Individual on-site water services:** means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

**Infrastructure:** means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**Intensification:** means the development of a property, site or area at a higher density than currently exists through:

- a) *redevelopment*, including the reuse of *brownfield sites*;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

**Large inland lakes:** means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

**Legal or technical reasons:** for the purposes of policy 2.3.4.2, means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

**Low and moderate income households:** means

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the *regional market area*; or
- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the *regional market area*.

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

**Minerals:** means metallic minerals and non-metallic minerals as herein defined, but does not include *mineral aggregate resources* or *petroleum resources*.

Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

**Mineral aggregate operation:** means

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

**Mineral aggregate resources:** means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

**Mineral deposits:** means areas of identified *minerals* that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

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

**Minimum distance separation formulae:** means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Multi-modal transportation system:** means a transportation system which may include several

forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

**Municipal sewage services:** means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality.

**Municipal water services:** means a municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*.

**Natural heritage features and areas:** means features and areas, including *significant wetlands, significant coastal wetlands, fish habitat, significant woodlands* south and east of the Canadian Shield, *significant valleylands* south and east of the Canadian Shield, *significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Natural heritage system:** means a system made up of *natural heritage features and areas*, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

**Negative impacts:** means

- a) in regard to policy 2.2, degradation to the *quality and quantity of water, sensitive surface water features and sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development or site alteration* activities;
- b) in regard to *fish habitat*, the harmful alteration, disruption or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity; and
- c) in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development or site alteration* activities.

**Normal farm practices:** means a practice, as defined in the *Farming and Food Production*

*Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

**Oil, gas and salt hazards:** means any feature of a well or work as defined under the *Oil, Gas and Salt Resources Act*, or any related disturbance of the ground that has not been rehabilitated.

**One hundred year flood:** for *river, stream and small inland lake systems*, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

**One hundred year flood level:** means

- a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b) in the connecting channels (St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c) for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

**Other water-related hazards:** means water-associated phenomena other than *flooding hazards* and *wave uprush* which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

**Partial services:** means

- a) *municipal sewage services or private communal sewage services and individual on-site water services*; or
- b) *municipal water services or private communal water services and individual on-site sewage services*.

**Petroleum resource operations:** means oil, gas and brine wells, and associated facilities, oil field brine



disposal wells and associated facilities, and facilities for the underground storage of natural gas and other hydrocarbons.

**Petroleum resources:** means oil, gas, and brine resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

**Planned corridors:** means corridors identified through *provincial plans* or preferred alignment(s) determined through the *Environmental Assessment Act* process which are required to meet projected needs.

**Portable asphalt plant:** means a facility

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

**Portable concrete plant:** means a building or structure

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

**Prime agricultural area:** means areas where *prime agricultural lands* predominate. This includes: areas of *prime agricultural lands* and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

**Prime agricultural land:** means land that includes *specialty crop areas* and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection.

**Private communal sewage services:** means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by a municipality.

**Private communal water services:** means a non-municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

**Protected heritage property:** means real property designated under Parts IV, V or VI of the *Ontario Heritage Act*; heritage conservation easement property under Parts II or IV of the *Ontario Heritage Act*; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

**Protection works standards:** means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by *flooding hazards*, *erosion hazards* and *other water-related hazards*, and to allow access for their maintenance and repair.

**Provincial and federal requirements:** means

- in regard to policy 1.8.3, legislation and policies administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy facilities and ensuring that the necessary approvals are obtained; and
- in regard to policy 2.1.5, legislation and policies administered by the federal or provincial governments for the purpose of the protection of *fish* and *fish habitat*, and related, scientifically established standards such as water quality criteria for protecting lake trout populations.

**Provincial plan:** means a plan approved by the Lieutenant Governor in Council or the Minister of Municipal Affairs and Housing, but does not include municipal official plans.

**Public service facilities:** means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. *Public service facilities* do not include *infrastructure*.

**Quality and quantity of water:** is measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

**Recreation:** means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

**Redevelopment:** means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.

**Regional market area:** refers to an area, generally broader than a lower-tier municipality, that has a high degree of social and economic interaction. In southern Ontario, the upper or single-tier municipality will normally serve as the *regional market area*. Where a *regional market area* extends significantly beyond upper or single-tier boundaries, it may include a combination of upper, single and/or lower-tier municipalities.

**Renewable energy systems:** means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

**Reserve sewage system capacity:** means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of policy 1.6.4.1(e), reserve capacity for *private communal sewage services* and *individual on-site sewage services* is considered sufficient if the hauled sewage from the development can be treated or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.

**Reserve water system capacity:** means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

**Residence surplus to a farming operation:** means an existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

**Residential intensification:** means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of *brownfield sites*;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

**River, stream and small inland lake systems:** means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

**Rural areas:** means lands in the rural area which are located outside *settlement areas* and which are outside *prime agricultural areas*.

**Secondary uses:** means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

**Sensitive:** in regard to *surface water features* and *ground water features*, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

**Sensitive land uses:** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby major facility. *Sensitive land uses* may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

**Settlement areas:** means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2. In



cases where land in *designated growth areas* is not available, the *settlement area* may be no larger than the area where development is concentrated.

**Sewage and water services:** includes *municipal sewage services* and *municipal water services*, *private communal sewage services* and *private communal water services*, *individual on-site sewage services* and *individual on-site water services*, and *partial services*.

**Significant:** means

- a) in regard to *wetlands, coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
- b) in regard to the habitat of *endangered species* and *threatened species*, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of *endangered species* or *threatened species*, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
- c) in regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;
- d) in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*;
- e) in regard to *mineral potential*, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;
- f) in regard to potential for *petroleum resources*, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time; and

- g) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified in sections (c)-(g) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

**Site alteration:** means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

For the purposes of policy 2.1.3(b), *site alteration* does not include underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as in the *Mining Act*. Instead, those matters shall be subject to policy 2.1.4(a).

**Special needs:** means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of *special needs* housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly.

**Special policy area:** means an area within a community that has historically existed in the *flood plain* and where site-specific policies, approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning *development*. The criteria and procedures for approval are established by the Province.

A *Special Policy Area* is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the *flood plain*.