

***OFFICIAL PLAN FOR THE  
TOWN OF ATIKOKAN***

**ORIGINAL APPROVED MARCH 2002**

***Updated by Draft OPA #3 and Received by Council for Ministry and Public Review***

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## **SECTION 1 – INTRODUCTION**

### **1.1 VISION PREAMBLE**

This Official Plan is the primary planning document that will direct the actions of the Town and shape future growth and development in the community. The primary purpose of the Official Plan is to provide the basis for encouraging and managing growth that will support and protect the Town's Northern lifestyle and heritage and do so in a way that has a positive impact on the quality of life in Atikokan.

This Plan was prepared in anticipation of several major economic developments. On this basis, the Vision for the Town is for long-term social and economic development that will see growth and sustainability in housing, jobs and business investment.

While this Plan anticipates growth and change, part of the Vision for this Plan is to address the needs of aging citizens through alternate housing and lifestyle options. It will continue to be a priority to address the needs of long time citizens who contributed to the building of Atikokan and now choose to call Atikokan home in their retirement.

Also important to the long term planning in Atikokan is to recognize and promote active and passive recreational opportunities that exist in the "Canoeing Capital of Canada". The Town is fortunate to be located in an accessible area of Northern Ontario surrounded by opportunities to camp, hunt, hike, fish, boat, snowmobile and ATV. In addition, the Town provides a range of recreational facilities including an arena, curling club, swimming pool and golf course. These opportunities and facilities promote active, healthy lifestyles and are valued by the community.

The new Official Plan assumes that the quality of life now enjoyed by the Town's residents can be maintained or enhanced if the Town's distinct small-town and rural-recreational character is maintained or enhanced. However, change is inevitable and it must be managed in an efficient and orderly manner to maximize the benefits of new development and minimize the impacts. It is therefore the intent of this Plan to provide Council with the tools to consider and mitigate the impacts of change on the qualities that make the Town a desirable place to live.

~~This document constitutes an Official Plan of the **Town** of Atikokan and has been prepared in accordance with the provisions of the Planning Act. This Plan may be known as the "Official Plan for the **Town** of Atikokan" and applies to all lands within the municipal boundary of the **Town** of Atikokan.~~

~~The Town of Atikokan is located in the District of Rainy River approximately 200 kilometres west of the City of Thunder Bay. Also, the Town is located in proximity to the international boundary with the United States to the south, and is 150 kilometres east of the Town of Fort Frances and the International border crossing with the United States at International Falls, Minnesota.~~

~~The **Town** of Atikokan is comprised of 372.93 square kilometres (144 square miles) of~~

land area. Highway 11 traverses through the Town in an east/west direction and connects the Town with Thunder Bay to the east and Fort Frances to the west. Highway 622 is a secondary highway that traverses through the Town in a north/south direction and links Atikokan with Highway 17 to the north, approximately 30 kilometres west of Ignace. The Townsite of Atikokan is the administrative, business and residential centre of the Town.

Also, the Canadian National (CN) Railway is a major transportation facility that travels through the Town in an east/west direction north of Highway 11. The rail line is a main line operated by CN and is used mainly for the bulk transportation of goods between Thunder Bay and Winnipeg. Passenger service is not available. The rail line generally forms the southern boundary of the Townsite of Atikokan and the rail yard. The Town is interested in acquiring lands considered surplus by CN for the development and enhancement of the gateway to the Townsite.

In addition to excellent highway and rail access and transportation, the Town also has a municipal airport with private air service available.

The Town is located in an area of the Province that has its development and economy based historically on natural resources, historically the mining industry and more recently the forestry industry. The Town can be described as an area containing a mix of rural and urban development having a local economy based on natural resources. The Townsite of Atikokan is the serviced urban area, comprised of residential, commercial, institutional, and recreational uses. The remainder of the Town is primarily a rural area comprised of limited commercial and industrial uses and a vast undeveloped rural area. The establishment of a strong and diversified economic base providing growth and development opportunities throughout the Town are less reliant on the boom/bust economy of mining, is of importance to the Council and the residents of the Town of Atikokan.

Critical to providing growth and development opportunities, is the need to establish a balance between the various competing interests. For example, one of the areas that the Town wants to promote for growth are eco-tourism and recreational residential opportunities in the rural area of the Town. Yet the majority of the undeveloped rural area of the Town has been identified as having potential for mineral resources and should be protected for future mining activities. However, due to the accessibility and quality of the ore, combined with the poor economic performance of the base metals on the world market, it is not economically viable to support a mining operation today and it is questionable when, or if, it would ever be economically possible to support a mining operation again in the Town. Until some unknown time in the future when mining operations may again be viable, the Town feels that other opportunities for development are warranted and should be considered in the vast rural undeveloped area of the Town at a scale that would not obstruct or deter possible future mining activities. The premise that low density rural and recreational residential development and tourism development opportunities would prohibit access to potential resources is also not supported by the Town. The ability to protect potential mineral resources is possible while at the same time permitting low density development.

It must also be recognized that Atikokan historically is a mining community and is well aware of the impact mining can have on surrounding land uses and the community and also the impact surrounding land uses can have on a mining operation. In addition,

Atikokan has experienced first hand the economic and social impacts a mining operation has on the community and local economy and the cyclic nature of those impacts. From both an economic and social perspective, there is a need to overcome the cyclic or boom/bust impact that mining has historically had on the community. Now that the mines are closed there is a greater need to diversify economically and be less reliant on a single resource industry.

The Town is interested in developing economic opportunities in the tourism sector of the economy, i.e. Canoe Centre, cottage lot development, eco-tourism operators, etc. in an effort to diversify economically. A portion of Quetico Provincial Park is located within the boundary of the Town. Quetico Provincial Park is an important historical and tourism centre that contributes to the economy of Atikokan. Other economic opportunities that the Town are also interested in pursuing involves the development of sustainable forestry practices and operations and expansion of the education services offered in the Town.

The existing Official Plan for the Town was prepared in the mid-1980's while the Zoning By-law was prepared in the 1977 with a later consolidation completed in 1988. Since that time, the Town has experienced an economic decline which has affected overall growth and development in the Atikokan. In addition, the planning framework in Ontario has undergone significant reform during the early 1990's resulting in changes to the Planning Act, changes to provincial policy and downloading of the municipal review function to local governments. In response to the changes that have occurred locally and at the provincial level, the Town is in need of a new Official Plan that is responsive to the needs of the community and reflect the new planning environment in Ontario.

Also, at some point in the future, the Town will consider having delegated to them consent approval authority from the Ministry of Municipal Affairs and Housing. As a result, there is a need for suitable consent policies that provide clear direction regarding the subdivision of land. These policies would offer important direction to the Town in fulfilling this new decision making responsibility.

The population and settlement patterns of the Town have primarily been influenced by the boom/bust cycle associated with the mining industry. During the time that the mines were in production there was growth and development compared with the severe loss in population the Town experienced during the late 1970's and early 1980's after both the Steep Rock Mine and Caland Ore Mine announced closure plans. Based on a 30-year historical review of the Town's population from Census Canada data, the Town continuously experienced a loss in population from the 1960's and had a peak population in 1966 of 6,386 persons. Today, this loss in population has stabilized and in the last few years, between 1991 and 1996 the population has virtually remained the same and the Town has maintained a population of 4,047 and 4,043 persons respectively. Today, the Town feels that it has overcome the effects of the loss of the mining industry and is recovering from that loss through economic diversification.

Today it is recognized that the decline in population has leveled off and modest growth is projected for the Town consistent with the overall growth projections for the District of Rainy River. It is projected that the population of the Town in 2011 will be 4,886 persons and 5,408 by 2021.

However, it is noted that the establishment of one or two successful business

enterprises in the Town has the potential to significantly affect these population projections. A successful business enterprise could result in an increase in population over and above what is projected. Therefore, regular monitoring of the population is required to determine if the population projections remain relevant to the Town. Also, if the opposite were to occur, the effect on the population projections would be significant, i.e. should one or two large employers cease operations, the Town could experience an overall decline in population or negative growth.

The Townsite of Atikokan will continue to be the residential, commercial, recreational and administrative centre for the Town. In rural areas opportunities are available for limited rural residential development through the consent process. Rural residential development by consents and in the form of rural subdivisions may be permitted provided development can be safely serviced by private individual septic and water systems. Areas with scenic vistas in proximity to lakes and rivers, i.e. Steep Rock Lake, are examples of locations in the Town that are appropriate for seasonal residential and tourism opportunities subject to servicing, lake carrying capacity, design and site specific considerations.

The main transportation corridor into Atikokan Townsite is Mackenzie Avenue and the CN rail line. Although this route has served as a major route for industrial and commercial traffic, its role will change with the shift in the Town's objective of dispersing its economic base from being totally dependent on the primary industries to encouraging more tourism into the Town. The streetscape of the main entrance into the Townsite will play an important role to encouraging tourism into the area. Improvements to the entrance, and the streetscape specifically, will take place over the life the Plan with a collaborative effort between private and public sectors. The CN rail line runs parallel to the main entrance into the Townsite. Certain lands owned by CN may become surplus to its needs and the Town will participate with CN to ensure that the final disposition of the CN's lands are in keeping with the overall improvements to the entrance into the Townsite. All new building expansion and/or new development adjacent to the entranceway shall have regard to the protection of an aesthetically pleasing streetscape in keeping with the road's role as a major entrance into the new tourism area of Atikokan. Streetscape plans and/or gateway plans showing building elevations, storage treatment, fencing and landscaping may be initiated by the Town during the life of the Plan, or may be a requirement of any major development application on the corridor into the Townsite.

This Plan is intended to provide policy direction and guidance over a 20-year planning horizon to 2021 and will be reviewed every 5 years to determine if the population and growth projections remain relevant and the policy guidelines and framework for development continues to reflect the needs of the Town. The water treatment plant was designed to service a population of 6,700 persons, which greater than the 20-year population projection for the Town.

Decisions regarding land use planning matters will be guided by the policies contained in this Plan. Local autonomy and empowerment in the decision making process regarding future development and land use matters is desired by the Town.

## **1.2 GROWTH MANAGEMENT**

### **MAJOR ECONOMIC DRIVERS IN THE COMMUNITY**

- 1.2.1 The demand for future housing and employment land in Atikokan is anticipated to be driven primarily by the following four resource based developments:**
- a) Canadian Malartic Corporation proposes to establish an operation that would extract gold from a geologic formation located about 20 kilometres from Atikokan known as the Hammond Reef. Officials have estimated that the extent of the gold resource in the Hammond Reef is between 6 and 7 million ounces.**
  - b) The Ontario Power Generation's (OPG) coal fired generating station is located about 15 kilometres from the Town of Atikokan. This facility has been converted to a leading edge, bio-mass generating station, using wood pellets. The station currently employs about 70 people and demonstrates a commitment on the part of the Town and Province to utilize renewable energy.**
  - c) Rentech Inc. is a new business which is located on the site of the former site of a particle board plant. The company produces wood pellets used as a source of fuel to provide heat energy and employs approximately 20 people.**
  - d) Resolute Forest Products has opened a new sawmill located 20 kilometres from Atikokan. The new facility produces dimension lumber and employs approximately 150 people, not including woodland operations.**

### **POPULATION AND HOUSING**

- 1.2.2 The economic initiatives identified in Section 1.2.1 represent substantial investment opportunities that could lead to future growth and development in Atikokan.**

**This Plan has established the following overall strategy to ensure all areas of the Town benefit from and play a role in accommodating new housing growth and investment.**

#### **Northdale and Eastdale Greenfield Areas**

- 1.2.3 These lands collectively represent the only remaining designated residential Greenfield areas in Atikokan. The Northdale lands abut Saturn Avenue and have a total area of about 54 hectares. The Eastdale lands are situated directly east of the Elm Crest Subdivision and abut Highway 622 and have a total area of 22 hectares. These lands have tremendous potential but will require extensive planning and investment to realize their potential. These lands are subject to special development policies in Section 4.3.15, 4.3.16 and 4.3.17.**

### **Residential Infill Areas**

- 1.2.4 There are several vacant, designated residential parcels identified on Schedule A-1 that could accommodate new residential development. These areas are generally efficient to service given they do not require the extension of new roads or underground services. However, given that these lands are located within existing neighbourhoods, there are policies in this Plan to assist in guiding future development approvals on these lands to address matters of compatibility.

### **MacKenzie Avenue West Highway Transition Area**

- 1.2.5 These lands are situated between the southern boundary of the Downtown and the CN rail lands. These lands have historically been designated for commercial use, yet the predominant land use in this area has been residential. These lands are considered to be very tolerant to change given their proximity to the rail yard and the Downtown. Identifying these lands as a regeneration area gives this area a good opportunity to realize greater potential, but will also assist in re-enforcing the role of the Downtown by accommodating new housing and population that is accessible to the services and businesses provided in the Downtown.

### **The Downtown**

- 1.2.6 Downtown Atikokan has a key role to play in addressing future housing need, particularly the provision of affordable, accessible housing. This Plan will support secondary residential uses throughout the Downtown and stand-alone multi-residential uses along the side streets.

### **Secondary Suites and Coach Houses**

- 1.2.7 Secondary suites, or apartment dwellings constructed within an existing dwelling are a form of affordable and practical housing. Coach houses are small, detached accessory dwellings units which are accessory to a detached residential dwelling. This Official Plan contains policies that will support the development of legal, safe and compatible secondary living units.

## **EMPLOYMENT**

- 1.2.8 The economic investment and initiatives proposed in and adjacent to Atikokan have the potential to generate full time jobs as well as temporary employment positions for contract work such as construction and field work. Planning for employment growth means the Town needs to have a readily accessible, “shovel-ready”, employment land. In preparing an employment land strategy, this Plan established the following principles:

- a) Future employment uses need to be integrated within or proximate to the existing or planned community in a compatible manner;



- b) The taxpayer should not pay the cost to service industrial land if such costs cannot be recouped;
- c) The Town's future employment land base should be comprised of a mix of serviced land and unserviced rural land to reflect needs in the market;
- d) The Town needs to designate a reasonable supply of employment land to ensure there is availability and affordability in the market and to ensure such lands provide opportunities for expansion; and,
- e) MacKenzie Avenue East accommodates industrial uses today and this role as a mixed-use street catering to industrial uses is expected to continue.

On the basis of these principles, the Town's Employment Land Strategy is focused on three distinct areas of the Town, these are: the Town's current industrial park, Mackenzie Avenue East and Highway 11B.

#### 1.2.9 The Town's Industrial Park

The Town's only industrial park is located directly south of Rentech Inc. consists of approximately 20 hectares of land designated for industrial use. Lands within this park have access to the Town's water and sewer system and most of the lands in the park have access to a maintained public road.

Approximately 5 hectares of land in the industrial park is occupied by some level industrial use, yet this industrial area is considered to be underutilized land. It is anticipated these lands should be capable of collectively accommodating at least an additional 4,000 to 5,000 square metres of enclosed industrial space.

The remaining lots in the park have a combined area of approximately 9 hectares and for the most part generally exist in a natural state. These lands require access to a public road and also require the extension of Town water and sewer servicing.

#### 1.2.10 MacKenzie Avenue East Mixed-Use Area

These lands primarily front on MacKenzie Avenue and also include lands with frontage on Mercury Avenue and Croome Street that are generally located between the Atikokan Cemetery and Highway #622. Land use in this area is characterized by a mix of service commercial and retail uses as well as light and heavy industrial uses. The land base is generally fragmented into smaller lots.

Through use permission and development controls, MacKenzie Avenue East will continue to evolve into a mixed-use corridor and will continue to represent one of the most important economic areas in the community, next to the Downtown. As a mixed-use employment area, use permissions will range from accommodations to warehousing to recreation facilities, with a future focus and emphasis on good site planning and urban design to improve the visual streetscape.

### **1.2.11 Highway 11B**

**The establishment of rural industrial uses will complement the employment land strategy by providing a cost effective, shovel-ready land supply for rural industrial uses that do not require full services and/or may be less compatible in an urban setting due to heavy equipment, noise and/or outdoor storage requirements. Future development on these lands for rural industrial uses shall be subject to a Zoning By-law Amendment.**

## **SECTION 2 – GOALS AND OBJECTIVES OF THE OFFICIAL PLAN**

The goals and objectives of this Plan form the foundation of planning principles and provide direction to manage change, guide future development and develop detailed policies and programs that stimulate economic growth, protect the environment and public health, promote the use of natural resources for the economic use and environmental benefits and reduce costs by restricting development in areas where there is risk of health, safety or property damage. The goals reflect the present and future needs and values of the Town and the residents of the Town.

### **2.1 GOALS**

2.1.1 The goals of this Official Plan are to:

- (a) protect and maintain the quality of life in the Town while at the same time provide opportunities for growth and ~~appropriate~~ **sustainable** development;
- (b) establish policies which manage and direct physical change and the effects on the social, economic and natural environment, of the Town, over the next 20 years;
- (c) secure the health, safety, convenience and welfare of the residents of the Town of Atikokan by controlling development that causes environmental, health, and safety concerns and property damages;
- (d) ensure the Town's resources are rationally used and that both natural and cultural heritage features are protected while development opportunities are not overly restricted;
- (e) qualify the Town for various programs funded by senior levels of government;
- (f) provide policies which will encourage the expansion and diversification of the local economic base;
- (g) provide policies that guide development that is environmentally compatible, supports sustainable development and minimizes land consumption;
- (h) inform the residents of the Town of Atikokan of the policies that affect the development of land;
- (i) provide a guiding framework for implementing by-laws and for decisions of local boards, commissions, committees and other authorities;
- (j) provide Official Plan coverage throughout the Town; and
- (k) provide policies that **are consistent with** ~~have regard to~~ the Provincial Policy Statement **and the Growth Plan for Northern Ontario** in support of local conditions and circumstances.

### **2.2 OBJECTIVES**

2.2.1 The Town is committed to fulfilling the objectives of the Official Plan which are to:

- (a) actively seek and encourage new development that maintains the quality of life, maintains or improves the health of existing businesses and diversifies the economy. This Official Plan represents a step in this process;
- (b) to encourage patterns of development which facilitate the provision of local services with minimal or no impact on local finances and provides for the efficient use of land, infrastructure and public service facilities;

- (c) to preserve and enhance, where possible, the environmental quality of the area and minimize impacts of land uses on the natural environment and protect the integrity of ecosystems;
- (d) to encourage commercial and industrial opportunities that are compatible with the natural environment and are economically feasible;
- (e) to have regard for the importance of natural resources including mineral resources, forest resources and fisheries and wildlife resources within the Town with respect to their contribution to the economic, social and well being of its residents;
- (f) to encourage the creation of housing which is affordable, accessible, adequate and appropriate to a full range of households in the Town and shall encourage that an adequate supply of land is available to meet the housing needs of its residents including opportunities for redevelopment and intensification within the serviced area of the Town; and
- (g) with this Plan, the Town has achieved the goal of establishing a policy framework for the future that addresses the unique circumstances of the Town of Atikokan which also has regard for the Provincial Policy Statement in consideration of local conditions and circumstances.

## ***SECTION 3 – GENERAL POLICIES PROVISIONS***

### **3.1 GENERAL**

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

### **~~3.2 ZONING (covered in Section 6.5)~~**

- ~~3.2.1 The policies of this Plan and all land use designations shall be implemented through a comprehensive Zoning By-law. Any land use designation may have more than one zone category that regulates and controls the permitted uses.~~

### **~~3.3 SUBDIVISION OF LAND (relocated to Section 6)~~**

#### **~~SUBDIVISION POLICIES~~**

- ~~3.3.1 Subdivision of land by plan of subdivision or plan of condominium shall be permitted provided that:~~
- ~~(a) the plan is considered to serve the public interest and is not deemed premature;~~
  - ~~(b) the lands can be provided with adequate services and utilities;~~
    - ~~(i) in the serviced area of the Townsite of Atikokan sufficient reserve capacity in the water and sewage systems shall be available to service the subdivision;~~
    - ~~(ii) in the area outside the serviced area of the Townsite, the applicant shall provide a report prepared by a qualified consultant indicating that there is adequate water quality to meet the Ontario Drinking Water Standards and quantity available to service the subdivision and a ground water impact assessment report for sewage systems when the development consists of more than 5 lots;~~
  - ~~(c) the development of land on partial services is discouraged except where it is necessary to address failed services, or because of physical or environmental constraints;~~
  - ~~(d) the development is not likely to adversely affect the economy or financial position of the Town if such subdivision is approved;~~
  - ~~(e) the development is directed away from hazard lands and development and site alteration is not permitted within floodways of rivers and streams;~~
  - ~~(f) the development is not incompatible with any natural heritage features or areas;~~
  - ~~(g) where access is proposed from a provincial highway, the Ministry of Transportation shall be consulted prior to subdivision approval being given to obtain input and support regarding minimum access and entrance permit requirements; and~~

- ~~(h) — the subdivision does not result in land use conflicts with existing nearby uses and where necessary, matters of land use compatibility identified in the policies of 3.14 are appropriately addressed.~~

~~3.3.2 — It is the intent that plans of subdivision for residential purposes will be primarily within the Residential areas of the Town in conformity with the policies of this Plan. Plans of subdivision for industrial and commercial uses will be permitted if such plan is located in an area in conformity with the designation and policies of this Plan.~~

### **CONSENT POLICIES**

~~3.3.3 — Consents shall only be granted that conform with the policies of this Plan and provided that:~~

- ~~(a) — the retained and severed lot(s) can be adequately and safely serviced. In areas not serviced by municipal sewage systems, the designated authority shall be consulted prior to consent approval being given to obtain support for the consent proposal;~~
- ~~(b) — the soil and drainage conditions are adequate for the proposed use and permit the proper siting of buildings and if required, the installation of private septic disposal systems;~~
- ~~(c) — the lands front onto a public road that is maintained year round by the Town or the Province and is of an acceptable standard of construction however, in certain circumstances consents may be granted for seasonal residential uses on municipally approved private roads and waterfront access lots;~~
- ~~(d) — where access is proposed from a provincial highway, the Ministry of Transportation shall be consulted prior to consent approval being given to obtain input and support regarding access and entrance permit requirements;~~
- ~~(e) — no traffic hazard is created by the consent and safe access/egress to the retained and severed lot(s) is feasible;~~
- ~~(f) — the consent does not result in land use conflicts with existing nearby uses;~~
- ~~(g) — the lot size and configuration shall be suitable for the proposed use and, where possible, be consistent with adjacent development;~~
- ~~(h) — adequate protection and preventative services for persons and property are available, subject access to access restrictions;~~
- ~~(i) — the proposed use can be safely located away from hazard lands and sites and outside of floodways of rivers and streams; and~~
- ~~(j) — the development is not incompatible with any natural heritage features or areas.~~

~~3.3.4 — The following may be considered as conditions of consent by the Town:~~

- ~~(a) — that the Zoning By law be amended, if required;~~
- ~~(b) — that any necessary land for road widening, allowances or easements be dedicated to the Town or the Province;~~
- ~~(c) — that the applicant improve road access, grading, drainage, etc. to a standard satisfactory to the Town and/or the Province; and~~
- ~~(d) — any other condition reasonable to the granting of the consent.~~

~~3.3.5 — Notwithstanding the policies of this section, consents may be granted for the following technical purposes, provided that the retained and severed portions conform with the zoning by law:~~

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

### **3.4 PROVINCIAL HIGHWAYS (covered in 5.2)**

- ~~3.4.1 In addition to the requirements of the Town of Atikokan, all development adjacent to provincial highways is subject to the requirements and permits of the Ministry of Transportation.~~
- ~~3.4.2 Noise impact studies conducted by qualified consultants may be required when sensitive land uses are developed on lands adjacent to provincial highways to determine appropriate buffering, setbacks and mitigation measures to address noise impacts associated from highway traffic on sensitive land uses.”~~

### **3.5 ACCESSORY USES**

- ~~3.5.1 Where a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory and essential to the use will also be permitted.~~
- ~~3.5.2 Guest cabins for sleeping accommodation may only be permitted as an accessory use for a seasonal residential use, provided the guest cabin contains no cooking facilities.~~
- ~~3.5.3 Accessory dwellings or guest accommodation above boat houses are a permitted accessory use in to a seasonal residential dwelling.~~

### **3.6 HOME OCCUPATIONS BASED BUSINESS**

- ~~3.6.1 Home **based businesses** occupations are recognized as important components of the local economy of the Town. The preponderance of home occupations reflects the a trend of home based businesses that is occurring not only locally in Atikokan, but also provincially where people live, work and play in one location. Generally, home **based businesses** occupations shall be permitted on residential properties provided **they**:~~
- ~~(a) they are not offensive;~~
  - ~~(b) do not create a nuisance as a result of noise, hours of operation, odour, traffic generation or other means; and~~
  - ~~(c) shall not detract from the principal residential use.~~
- ~~3.6.2 The Zoning By-law shall contain **definitions and** regulations with respect to home occupations. These regulations shall indicate, the following, among other matters: **The purpose of such definitions and regulations is to:**~~
- ~~(a) **define home occupations which are less intensive and confined to an office in the dwelling and a home industry which are more industrial in nature and are conducted in a garage or workshop;**~~
  - ~~(b) the zones in which home occupations **and home industries** are permitted;~~
  - ~~(c) the types of activities which shall be considered as a home occupation **or home**~~

- (d) **industry; and, regulate the size and number of employees permitted for such businesses; and,**
- (e) **establish appropriate setbacks and buffering for home based businesses occupations.**

~~3.6.3 Home occupations include those occupations or businesses that utilize either part of a dwelling unit and/or an accessory building.~~

3.6.3 The home **based business** occupation shall be secondary to the main use of the property and not generate adverse or incompatible effects with the surrounding area.

### 3.7 GROUP HOMES

3.7.1 Group homes are permitted in all areas residential uses are permitted.

3.7.2 A Group Home is defined as a housekeeping unit in a residential dwelling in which a maximum of 5 residents, excluding staff, live as a family under responsible supervision.

3.7.3 Only those group homes that can be supported by the existing level and range of community, social and medical services available in the Town shall be permitted.

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

3.7.5 A group home with more than 5 residents, excluding staff, shall require an amendment to the Zoning By-law.

### 3.8 BED AND BREAKFAST

3.8.1 Bed and Breakfast establishments may be permitted in areas residential uses are permitted based upon the following criteria:

- (a) a Bed and Breakfast establishment shall be located on an open road maintained year round by the Town or the Province;
- (b) a Bed and Breakfast establishment shall have sufficient site area to accommodate on-site recreation amenities, adequate on-site parking and provide adequate buffering for any adjacent use;
- (c) a Bed and Breakfast establishment shall be located in a residential dwelling;
- (d) should external expansion be required to the dwelling to accommodate the proposed tourist facility, the character of the surrounding residential area shall be maintained; and
- (e) a Bed and Breakfast establishment with more than 3 rooms for lodging purposes shall require an amendment to the Zoning By-law.

### 3.9 GARDEN SUITES

3.9.1 Garden suites shall be permitted as temporary accommodation for a maximum of ~~ten~~ **twenty (20)** years pursuant to Section 39 of the Planning Act. An agreement may shall be required between the homeowner and the Town with the following provisions:

- (a) the garden suite shall not be permitted to separate by consent from the main residential dwelling on the lot;



- (b) the design, mass and location of the garden suite should compliment the main residential dwelling and streetscape;
- (c) the garden suite should utilize and connect to the services used by the main dwelling. In the areas not serviced by the municipal sewage treatment system, clearance from the Northwestern Health Unit or designated authority is required to permit the garden suite to connect to the septic system servicing the main dwelling;
- (d) the name of the person(s) who is to live in the garden suite; and
- (e) such matters as the installation, maintenance and removal of the suite, the period of occupancy and the monetary or other form of security that the Town may require for actual or potential costs to the municipality related to the suite.

### **3.10 CROWN LANDS (now a designation)**

~~3.10.1 The majority of the Town is under Provincial Crown ownership and management. The Ministry of Natural Resources is responsible for the administration of Crown lands including the acquisition, disposition and management of Crown lands and waters pursuant to the Public Lands Act. The Ministry endeavours to administer all Crown lands and waters in the best public interest and is encouraged to have regard for the policies of this Plan and to consult with the Town of Atikokan with respect to the use and disposition of Crown lands and waters.~~

~~3.10.2 Authorization for occupation or use of Crown lands is required from the Province.~~

~~3.10.3 The Town recognizes that resource management activities on Crown lands and waters are desirable for environmental, social and economic reasons. Resource management activities shall be conducted in accordance with the standards and guidelines established by the Province.~~

### **3.11 DRAINAGE**

3.11.1 The management and removal of storm water is the responsibility of the property owner and must be managed to the satisfaction of the Province and the Town in accordance with the Drainage Act or the Ontario Water Resources Act, if applicable. In addition, the management and removal of storm water on properties adjacent to provincial highways requires the review and approval of the Ministry of Transportation.

3.11.2 Municipally owned drainage works shall be planned in accordance with the appropriate Class Environmental Assessment requirements of the Environmental Assessment Act.

3.11.3 No development shall be permitted in the floodplain of the Atikokan River, or which would interfere with or reduce the drainage or flood water storage capacity of any natural watercourse, or where the watercourse represents a hazard to the proposed development or creates a hazard to access routes.

- 3.11.4 A storm water drainage report or other water quality assessment which demonstrates that the function and quality of existing watercourses and the quantity and quality of ground water resources is not adversely impacted may be required prior to approving development which impacts on these resources. Where adverse impacts are anticipated, mitigative measures during and after construction to control sedimentation, erosion and flooding will be required.
- 3.11.5 Any development which involves the channelization, diversion, damming, walling and dredging of a natural watercourse, or the installation of a culvert, causeway or dock in a natural watercourse, is subject to the approval of the Province in accordance with the provisions of the Lakes and Rivers Improvement Act and/or the Public Lands Act and the Ontario Water Resources Act and the approval of the Department of Fisheries and Oceans in accordance with the provisions of the Fisheries Act.

### 3.12 SERVICING

- 3.12.1 The Town will not accept ownership or responsibility for the operation or maintenance of communal water and sewage systems.
- 3.12.2 All development within the serviced area of the Townsite of Atikokan shall be connected and serviced by the municipal water supply system and sanitary sewer treatment facilities, **unless a servicing options report determines that partial services are the most feasible way to accommodating the minor rounding out or infilling of lands within the settlement area boundary as identified on Schedule A-1. The servicing options report shall also conform that site conditions are suitable for the long-term provision of such services with no negative impacts.**

### ~~3.13 SENSITIVE AREAS (now the Environmental Protection designation)~~

- ~~3.13.1 Sensitive areas are natural areas that may be impacted by development and have been identified for natural and ecological functions and include such areas as wetlands, wildlife and fish habitat areas, sites with rare and endangered plant, animal or fish species, and areas that have life science or earth science values related to protection, scientific study or education. Fish, plant and wildlife species on the endangered species list are protected by the Endangered Species Act.~~
- ~~3.13.2 Development may be permitted in sensitive areas or adjacent to sensitive areas provided that it is demonstrated to the satisfaction of the Town that there will be no negative impact on the natural feature or ecological function of the natural feature and possible mitigation measures that may be required to protect against negative impacts are subject to the approval of the Town. A report from a qualified consultant may be required to identify the impact on the natural features, possible mitigation measures and where appropriate, the recommendations of the consultant's report may be incorporated into a site plan agreement or zoning by-law amendment. The Ministry of Natural Resources should be consulted for technical advice and input prior to development approval being granted.~~
- ~~3.13.3 New utilities/facilities should be located outside of the sensitive area.~~

~~3.13.4 The Ministry of Natural Resources is responsible for identifying and classifying wetlands. Presently two wetlands have been classified in the Town as provincially significant, the Sawmill Bay wetland and the Lower Basin A wetland and are designated as Environmental Protection Areas on Schedule “A”. Locally important wetlands have also been shown as Environmental Protection Areas on Schedule “A”. Additional Provincially significant wetlands will be added to this Plan by an amendment, at the time they are classified by the Ministry of Natural Resources or by a Qualified Wetland Evaluator.~~

### **3.14 ARCHAEOLOGICAL AND CULTURAL HERITAGE RESOURCES**

~~3.14.1 The Town of Atikokan encourages the conservation, protection and rehabilitation of cultural heritage resources, as well as encourages and fosters public awareness, participation and involvement in the conservation of these resources. Currently there are no known provincially registered archaeological sites located in the Town and there are no areas that have been identified by the Province as having the potential for archaeological resources. However, it is possible that there is likely the potential for archaeological resources along the shoreline of primary lakes and rivers.~~

~~3.14.2 The Town will consider supporting and maintaining a cultural heritage resource information base for municipal plan review purposes, including heritage site inventories for buildings and other areas, cemeteries, known pictograph sites, available archaeological site data or archaeological potential mapping, and results of archaeological assessments. Where feasible, the Town will attempt to participate in the conservation and maintenance of significant cultural heritage resources which are under Town ownership and/or stewardship.~~

~~3.14.3 Development proposed in areas known to have a potential for archaeological resources shall be assessed by qualified archaeologist licensed under the Ontario Heritage Act to determine the nature and extent of the resource prior to development approval being granted. Any archaeological assessment report conducted by a licensed archaeologist must be in compliance with the guidelines set out by the Province.~~

~~3.14.4 Should an archaeological assessment determines that significant archaeological resources are present on a site, the resource shall be documented and conserved to the satisfaction of the Province through excavation or on-site preservation prior to final approval of the development proposal. A zoning by law protecting the identified archaeological resource may be considered by Council.~~

~~3.14.5 The Ontario Heritage Act may be utilized to conserve, protect and enhance any identified cultural heritage resources in the Town. Council may by by law designate for protection and conservation individual properties and/or districts of historic and/or architectural value or interest.~~

~~3.14.6 A Local Architectural Conservation Advisory Committee (LACAC) may be established under the Ontario Heritage Act to advise and assist Council on matters related to Parts IV and V of the Act and on other matters of cultural heritage conservation.~~

~~3.14.7 Council shall consult with the appropriate government agencies, including the Ministry of Citizenship, Culture and Recreation and the Ministry of Consumer and Commercial Relations when an identified human cemetery including a marked or unmarked human~~

~~burial is affected by land use development. The provisions of the Ontario Heritage Act and the Cemeteries Act shall apply.~~

#### **3.14.1 It is the intent of this Plan to:**

- a) recognize that the Town's cultural heritage resources, which include heritage buildings, cultural heritage landscapes, and archaeological sites, contribute to the preservation of the Town's character;
- b) ensure that the nature and location of heritage and archaeological resources are known and considered before land use decisions are made;
- c) prevent the demolition, destruction, inappropriate alteration or use of cultural heritage resources and encourage development which is adjacent to significant cultural heritage resources to be of an appropriate scale and character; and,
- d) consult and seek the advice of a Heritage Committee, First Nation and Metis Communities or other established heritage organizations when making decisions regarding the conservation of cultural heritage resources in the Town.

#### **3.14.2 PUBLIC WORKS**

The carrying out of any public work by any Public Authority shall have regard to the retention and protection of identified cultural heritage resources in accordance with the goals and objectives of this Plan.

#### **3.14.3 RESTORATION AND/OR REHABILITATION OF IDENTIFIED CULTURAL HERITAGE RESOURCES**

It is the intent of this Plan to encourage the restoration or rehabilitation of identified cultural heritage resources by assisting with funding applications, establishing partnerships with agencies or associations. A Council may also encourage the restoration and retention of heritage properties by granting increases in building heights and density transfers and other means as permitted under Section 37 of the Planning Act. A Council may also lead by example by restoring, rehabilitating, enhancing and maintaining municipally owned cultural heritage resources, through appropriate heritage stewardship practices.

#### **3.14.4 IDENTIFICATION OF CULTURAL HERITAGE RESOURCES**

When resources or funding is available, Council shall compile an inventory of cultural heritage resources, including archaeological sites, designated heritage properties and buildings, cultural heritage landscapes, lands with heritage conservation easements as well as buildings and lands of cultural importance or deserving of cultural heritage recognition in the Town. Upon completion of the inventory, it is intended that the location of all land and buildings identified for cultural heritage importance will be identified on a map and integrated into this

Official Plan in a Schedule. This Schedule and any additional policies may be integrated either through an Official Plan Update or through a separate amendment undertaken in accordance with the Planning Act.

### **3.14.5 FIRST NATION COMMUNITIES**

Council respects the beliefs and values of First Nation and Metis communities. Council is open to consultation to identify culturally important sites that First Nation and Metis Communities wish to identify in the Official Plan, however Council respects there may be sites that First Nation or Metis Communities wish not to make public.

### **3.14.6 DESIGNATION UNDER THE ONTARIO HERITAGE ACT**

Council may by by-law designate buildings of Cultural Heritage Value pursuant to the Ontario Heritage Act and the policies of this Section. Prior to the passage of such a by-law, Council shall be satisfied that:

- a) the building or property is strongly associated with the life of a person who played an integral role in the development of the Town and/or is well-known locally, nationally or internationally;
- b) the building or property has historical value or associative value because it has direct associations with a theme, event, belief, activity, organization or institution that is significant to the community; it yields, or has the potential to yield information that contributes to an understanding of a community or culture;
- c) the buildings or property has design value or physical value because it is rare, unique, representative or early example of a style, type, expression, material or construction method; displays a high degree of craftsmanship or artistic merit; demonstrates a high degree of technical or scientific achievement; and,
- d) the property has contextual value because it is important in defining, maintaining or supporting the character of an area; is physically, functionally, visually or historically linked to its surroundings, or is a landmark.

### **3.14.7 HERITAGE CONSERVATION DISTRICT**

Where merited by the concentration and significance of cultural heritage resources in accordance with Section D3.2.5 of this Plan, Council may consider the establishment of a Heritage Conservation District to conserve an area's heritage character.

Prior to designating a Heritage Conservation District pursuant to Part V of the Ontario Heritage Act, Council shall:

- a) pass a by-law to define an area to be studied for possible future

designation;

- b) consider passing a by-law to impose an interim control of alteration, demolition or removal of cultural heritage resources in the area defined as under study for possible future designation pursuant to the Ontario Heritage Act;
- c) prepare and adopt a Heritage Conservation District Plan; and,
- d) establish a District Committee to advise Council on matters pertaining to the designated district.

Within designated Heritage Conservation Districts, property owners, in consultation with the appropriate District Committee, will be encouraged to maintain and repair heritage buildings and seek government grants and loans for eligible conservation work.

### **3.14.8 CONTENTS OF A HERITAGE CONSERVATION DISTRICT PLAN**

The general principles and process for the administration of a Heritage Conservation District will be outlined in a Heritage Conservation District Plan. The Heritage Conservation District Plan will contain the following:

- a) delineate boundaries of the designated area and reasons for the designation;
- b) inventory cultural heritage resources;
- c) prescribe policies, conservation and design guidelines, and other pertinent material relating to the sound and prudent management of the district's unique character;
- d) be adopted by Council after consultation with affected property owners and other interested agencies as considered appropriate; and,
- e) be administered by municipal review of heritage permit applications for changes and alterations to individual buildings and structures within the designated district.

In reviewing proposals for the construction, demolition or removal of buildings or structures, or the alteration of buildings within a Heritage Conservation District, Council shall be guided by the applicable Heritage Conservation District Plan.

### **3.14.9 DEMOLITION OF BUILT HERITAGE RESOURCES**

Council shall ensure that all cultural heritage resources to be demolished or significantly altered are documented for archival purposes with a history, photographic record and measured drawings prior to demolition or alteration and that such documentation shall be the responsibility of the applicant in consultation with the Ministry of Culture. Council shall ensure that it has accurate

architectural, structural, and economic information in order to determine the feasibility of rehabilitation and reuse versus demolition when considering demolition applications of designated heritage properties.

Pursuant to the Ontario Heritage Act, Council may also refuse to permit the demolition of heritage buildings or structures that have been designated under the Ontario Heritage Act.

#### **3.14.10 RETENTION/RELOCATION OF HERITAGE BUILDINGS**

The Town shall encourage the retention of buildings of architectural and/or historical significance in their original locations whenever possible. All options for on-site retention shall be considered before approval is given for relocation to another site. These options include: integration within new development areas, adaptive re-use of the building in its original location (e.g. use as a community centre within a residential subdivision), and relocation of the building on the development site.

#### **3.14.11 ARCHAEOLOGICAL ASSESSMENTS**

Council acknowledges that there are archaeological remnants of pre-contact and early historic habitation as well as areas of archaeological potential throughout the Town. Archaeological sites and resources contained within these areas can be adversely affected by any future development.

Council shall therefore require archaeological impact assessments and the preservation in situ or excavation of significant archaeological resources in accordance with Provincial regulations set out by the Ministry of Tourism, Culture and Sport as well as licensing regulations referenced under the Heritage Act. The need for impact assessments will be determined in conjunction with development applications through the use of provincial screening criteria, qualified mapping or the inventories referenced earlier in the Section. Areas of archaeological potential can be found in areas close to water, current or ancient shorelines, rolling topography, unusual landforms or areas of known historic settlement.

Archeological assessments completed in conjunction with a development application will be referred to the Ministry of Tourism, Culture and Sport for review.

Council shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Tourism, Culture and Sport and the Ministry of Consumer and Business Services when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. In these cases, the provision of the Heritage Act and Cemeteries Act shall apply.

Council may also maintain the integrity of archaeological resources by adopting zoning by-laws under Section 34(1) 3.3 of the Planning Act to prohibit any land

**use activities or the erection of buildings or structures on land which is a site of Significant Archaeological Resources.**

### **3.15 LAND USE COMPATIBILITY**

- 3.15.1 As much as possible land use conflicts should be avoided. The encroachment of sensitive land uses and industrial uses on one another is discouraged. Buffering and separation distances in accordance with Provincial guidelines shall be incorporated between sensitive and industrial uses to minimize potential adverse effects, such as noise, odour, vibration, particulate and other contaminants through zoning by-law amendments and site plan agreements. Mitigation measures such as setbacks, fencing and landscaping may be required to minimize potential adverse impacts on the sensitive use. Assessment and impact studies conducted by qualified consultants may be required to determine appropriate buffering, separation distances and mitigation measures necessary to address potential adverse impacts on sensitive land uses from noise, dust, odour, vibration, particulate or contaminants associated with industrial land use.
- 3.15.2 Development will generally be directed away from hazardous lands or sites unless it can be demonstrated that the hazard will not result in public health, safety or potential property damage, that no new hazards are created or existing hazards aggravated, and no adverse environmental impacts will result from the development to the satisfaction of the Province and the Town.
- 3.15.3 Development on, or adjacent to lands affected by man-made hazards and contaminated sites, will be permitted if rehabilitation or restoration measures to address and mitigate the hazard have been implemented and there is no adverse effect. An environmental audit or decommissioning report shall be completed and a site restoration plan prepared and implemented by a qualified consultant in accordance with the Province's guidelines and in consultation with the Town prior to development approval being granted.
- 3.15.4 No development shall be permitted that result in the degradation of the quality and integrity of an ecosystem below acceptable standards, including air, water, land and plant and animal life. Where the quality and integrity of an ecosystem has been diminished, the Town shall encourage its restoration or remediation to healthy conditions.

### **~~3.16 ENVIRONMENTAL PROTECTION~~**

- ~~3.16.1 No development shall be permitted that result in the unacceptable degradation of the quality and integrity of an ecosystem including air, water, land and plant and animal life. Where the quality and integrity of an ecosystem has been unacceptably diminished, the Town shall encourage its restoration or remediation to healthy conditions.~~

### **3.17 WAYSIDE PITS AND QUARRIES**

- 3.17.1 A wayside pit or wayside quarry means a temporary pit or quarry opened and used by a public road authority or their agent, solely for the purposes of a particular road project or contract of road construction or maintenance. Accessory aggregate processing operations such as crushing, screening, washing and stockpiling of aggregate product



are also considered to be permitted uses in a wayside pit or quarry.

3.17.2 Wayside pits and quarries shall be permitted throughout the Town except for the following:

- (a) in areas designated Residential;
- (b) within 90m of an existing residential use; and
- (c) where severe environmental disruption will occur.

3.17.3 The opening of wayside pits and quarries shall be permitted without an amendment to this Plan or the Zoning By-law.

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

### **3.18 PORTABLE ASPHALT PLANTS**

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

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

- (a) in the ~~developed area of the~~ **Settlement Area Townsites** of Atikokan;
- (b) within 500m of an existing residential use; and
- (c) where severe environmental disruption will occur.

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

3.18.4 Portable asphalt plants shall be removed from the site upon completion of the road project. Sites used for portable asphalt plants within the Resource Development are shall be rehabilitated.

### **3.19 AGGREGATE RESOURCE AREAS (updated policy in Resource Development Area)**

- ~~3.19.1 The Town will endeavor to undertake an Aggregate Resource Inventory Study to identify areas of aggregate potential for aggregate use. The study will assess the resource and recommend appropriate policy directions for aggregate resources including the identification of such areas on Schedules "A" by way of an amendment to this Plan.~~
- ~~3.19.2 Located in the Resource Development area of the Town are local aggregate extractive sites which provide a local source of aggregate. Existing aggregate operations shall be protected from incompatible land uses.~~
- ~~3.19.3 Development adjacent to existing aggregate operations will be permitted provided that the development does not restrict access to the resource. If access to the resource is restricted as a result of development, the development may be permitted provided that:~~
- ~~(a) — the use of the resource is not feasible; or~~
  - ~~(b) — the development or use serves a greater long term public interest; and~~
  - ~~(c) — issues of public health, safety and environmental impact are addressed.~~
- ~~3.19.4 Progressive rehabilitation of pits and quarries is required and should be implemented through a site rehabilitation plan.~~
- ~~3.19.5 The use of aggregate processing equipment such as crushers and screening plants requires a Certificate of Approval from the Ministry of the Environment.~~

### **3.20 FORESTRY**

- 3.20.1 Forest resources provide a significant economic, social and environmental benefit in the form of:
- (a) income from forest products;
  - (b) recreation;
  - (c) education;
  - (d) soil and water conservation;
  - (e) wildlife habitat;
  - (f) buffers between land uses; and
  - (g) natural amenities.
- 3.20.2 Property owners are encouraged to seek the assistance of the Ministry of Natural Resources in the management of their forest resources.
- 3.20.3 The maintenance of forest cover along river and stream banks is encouraged and reforestation in areas where forest resources have been depleted is encouraged.
- 3.20.4 Certain areas of the Town are highly susceptible to damage caused by forest, brush and/or grass fires. Forest fire prevention and hazard reduction activities are desirable for environmental, economic and social reasons.

~~3.20.5 Development of land adjacent to or within high fire risk areas should incorporate design measures and construction techniques which will minimize damage resulting from a forest, brush or grass fire.~~

**Development shall generally be directed to areas outside of lands that are susceptible to wildfires due to the presence of hazardous forest types as identified on Schedule C to this Plan. Notwithstanding, development may be permitted on such lands where risks posed by hazardous forest types are mitigated through measures which may include identifying access and escape routes, layout of fire breaks, use of fire resistant construction materials and the implementation of building and property maintenance protocols.**

### **~~3.21 AREA OF MINERAL RESOURCE POTENTIAL (updated in Resource Development)~~**

~~3.21.1 The subdivision of land that restricts access to, or the establishment of a mining operation in areas identified as having potential for mineral resources, will only be permitted provided it can be demonstrated to the satisfaction of the Province and the Town that:~~

- ~~(a) the use of the resource is not feasible;~~
- ~~(b) the proposed use serves the greater long term public interest than the resource;~~  
~~and~~
- ~~(c) issues of public health, safety and environmental impact are addressed.~~

~~The subdivision of land that does not restrict access to the resource or the establishment of a new mining operation is permitted in areas of mineral potential. Seasonal residential and tourism uses are such uses that will not prevent access to possible future mining operations. Areas of mineral resource potential are identified on Schedule "A".~~

~~3.21.2 Mineral mining operations will be protected from activities that would preclude or hinder their expansion, continued use or which would be incompatible for reasons of public health, safety and environmental impact.~~

~~3.21.3 Rehabilitation of mineral extractive sites will be required after extraction and other related activities have ceased to the satisfaction of the Province and the Town. Mine closure plans shall be submitted to the Town for input.~~

### **~~3.22 STEEP ROCK MINE STUDY AREA (Moved to Resource Development Area)~~**

~~3.22.1 The area outlined on Schedule "A" as "Steep Rock Mine Study Area" will be reviewed by the Ministry of Natural Resources in consultation with the municipality and other affected agencies and stakeholders to determine the need for remediation measures to the former mine property and its associated or affected watershed area.~~

~~3.22.2 The municipality shall consult with the province prior to making a decision on any land use planning applications or the creation of any new lots in this area. Until the study mentioned in 3.22.1 has been completed, the implementing zoning by law shall not~~

~~permit the establishment of any new residential or seasonal dwellings, agricultural use or any institutional use where people reside on the property without a site specific zoning amendment.”~~

### **3.23 MINE HAZARDS**

~~3.23.1 Progressive rehabilitation is required for any mine hazard in accordance with the requirements of the Province and input from the Town.~~

### **3.24 CONTAMINATED SITES**

3.24.1 Prior to approving any development on lands that have been contaminated by previous uses, a Record of Site Condition shall be prepared by a qualified consultant, in accordance with the Ministry of the Environment guidelines, which identifies the extent of the contamination and summarizes information about the site, including the site condition to be achieved through restoration. Any site restoration works required to remediate the site shall be undertaken in accordance with the Ministry of the Environment’s requirements and standards.

3.24.2 Lands that have been contaminated by previous uses may be placed in a holding zone. The holding symbol shall be lifted and the lands zoned for its designated use once the site has been remediated to acceptable conditions for the new use.

### **3.25 WASTE DISPOSAL SITES**

3.25.1 Development shall be prohibited on all waste disposal sites located in the Town, including closed sites. Waste disposal sites are considered an industrial use.

3.25.2 Development proposed within 500 metres of an existing or closed waste disposal cell shall not be approved under a plan of subdivision, consent or building permit unless it can be demonstrated that there is no evidence of leachate, methane gas migration or other contaminants present in the soils or ground water supply to the satisfaction of the Ministry of Environment and the Town of Atikokan.

3.25.3 The reuse of a closed waste disposal site for any use within the first 25 years of its closure requires the approval of the Ministry of the Environment in accordance with the provisions of the Environmental Protection Act.

**3.25.4 At the time this Official Plan was being updated, the Town was in the process of closing its current landfill and opening a new landfill, both of which are identified on Schedule A to this Plan. It is a policy of Council to ensure the residents of Atikokan are provided with a safe and cost effective waste management program.**

### **3.26 PUBLIC WORKS**

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

### 3.27 UTILITY RIGHT-OF-WAYS AND EASEMENTS

- 3.27.1 It is recognized that public utilities have the right to maintain, repair and service their facilities over private property. In certain instances, these utility corridors are not recognized by formal easements registered on title. Efforts will be made by the various public utility companies to secure the appropriate easements and legal documentation to ensure their rights of access to their facilities.
- 3.27.2 Easements and right-of-ways for utility corridors will be granted through conditions of approval for such matters as consents, amendments to the Official Plan and Zoning By-law, site plan approval or minor variance approval.

### 3.28 DEVELOPMENT ADJACENT TO OR IN PROXIMITY TO CN RAIL LANDS

#### 3.28.1 Development Adjacent to or in proximity to a Rail Yard

- (a) Except for limited infilling on existing lots of record, new residential development and other sensitive land uses shall not be permitted within 300 metres of a rail yard.
- (b) Notwithstanding subparagraph a), ~~where a planning approval is required, (except for a comprehensive zoning by-law update or consolidation or a minor variance)~~ limited residential development of ~~an a restrictive~~ infill nature **that is the subject of a zoning by-law amendment**, may be permitted provided it has been demonstrated by a site specific study to the satisfaction of the Town, in consultation with the railway, that there will be no negative impacts on the long term function of the rail yard, that the applicable provincial policies and guidelines, including Ministry of the Environment noise assessment and land use compatibility guidelines have been addressed and the Town is satisfied that appropriate measures to mitigate any adverse effect from noise will be undertaken.
- (c) Residential development and other sensitive land uses between 300 metres and 1000 metres of a rail yard that require a planning approval (except for a comprehensive zoning by-law update or consolidation or a minor variance) may be permitted provided that it has been demonstrated by a site specific study to the satisfaction of the Town, in consultation with the railway, that the applicable provincial policies and guidelines, including Ministry of the Environment noise assessment and land use compatibility guidelines have been addressed and the Town is satisfied that appropriate measures to mitigate any adverse effect from noise will be undertaken.

#### 3.28.2 Development Adjacent to or in proximity to a Rail Corridor

- (a) Residential development and other sensitive land uses within 300 metres of a railway corridor that require a planning approval (except for a comprehensive zoning by-law update or consolidation or a minor variance) may be permitted provided that it has been demonstrated by a site specific study to the satisfaction of the Town, in consultation with

the railway, that the applicable provincial policies and guidelines, including Ministry of the Environment noise assessment and land use compatibility guidelines have been addressed and the Town is satisfied that appropriate measures to mitigate any adverse effect from noise will be undertaken.

### 3.28.3 Additional Policies for Development Adjacent to or in proximity to a Rail Yard or Rail Corridor

- (a) All proposed development within 75 metres of a railway corridor or rail yard may be required to undertake vibration studies, to the satisfaction of the Town in consultation with the railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that are identified.
- (b) All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the Town in consultation with the railway.
- (c) In lieu of the site specific studies required in Sections 3.28.1 and 3.28.2, the municipality, in consultation with the railway, may conduct a general study to determine appropriate noise mitigation measures to be incorporated into any new development permitted by these sections. Any such study shall be updated on a regular basis to reflect current rail operating conditions.

### 3.28.4 Identification of Rail Corridor and Rail Yard lands

- (a) The extent of the Rail Yard is shown on Schedule "A-1" "B". For the purposes of this plan all other rail lines shall be considered to be rail corridors."

## 3.29 COORDINATION

**3.29.1 The Town will employ a coordinated, integrated and comprehensive approach when dealing with planning and land use matters which involve other agencies including Aboriginal communities. The types of issues which may require coordination to ensure the mutual benefit of one or more parties may include:**

- a) managing or directing growth and development;**
- b) preparing economic development strategies;**
- c) managing natural resources;**
- d) infrastructure, electricity generation facilities and transmission and distribution systems, public service facilities and waste management or recycling systems;**
- e) ecosystem, lake and watershed related issues;**
- f) natural and human-made hazards;**
- g) co-location of public services and facilities;**

- h) emergency management and response; and,
- i) addressing housing needs.

### **3.30 THE SALE OF MUNICIPAL LAND**

**3.30.1 The Town will establish a by-law in accordance with the Municipal Act to surplus and convey municipal land. In preparing such a By-law, Council will be guided by the vision, goals and objectives of this Plan in addition with the appurtenant policies of the applicable land use designation in which the surplus land is located. As a condition to the sale of municipal land, Council may require the transferee to enter into an agreement that stipulates, amongst other matters, a deadline for the completion of improvements and/or new development upon the transferred land. It will be the primary intent of any land sale policy to generate economic and socio-cultural benefits from municipal-owned land assets.**

## **SECTION 4 – LAND USE POLICIES**

### **4.1 GENERAL**

- 4.1.1 Land use designations have been established for Town of Atikokan. The Land Use Plan as detailed on Schedules "A" and "A-1" "~~B~~" illustrate the land use designations. Schedules "A" and "**A-1**" "~~B~~" should be read together in conjunction with the policies of Section ~~3~~ **4**.
- 4.1.2 The intent of this section of the Plan is to promote the optimum land use function by minimizing land use conflicts and providing an attractive development pattern consistent with existing land uses and economic development of the Town.



## 4.2 RESOURCE DEVELOPMENT AREA

- 4.2.1 It is the intent of this Plan to maintain the rural character and environment of the Resource Development Area of the Town of Atikokan while at the same time promoting the area for recreation and tourism related activities and uses. The Town is capable of supporting development that is resource and non-resource based. It is not realistic to attempt to precisely define where these uses may best occur. Rather, a general Resource Development area land use designation in which these uses can be accommodated in accordance with the specific policies of this Plan and through the implementation of the zoning by-law and zoning amendments, would allow flexibility in determining the appropriate uses of land.
- 4.2.2 The Resource Development Area **designation** is characterized as a **natural, low density**, multi-purpose resource area in which a variety of land uses can be accommodated in a compatible manner. Land designated as Resource Development Area **is** shown on the Land Use Plan, Schedule "A" and "~~B~~". The watershed of Quetico Provincial Park is an area of resource management and land use activities within the watershed should **be guided by the Quetico Park Management Plan prepared under the authority of the Provincial Parks and Conservations Reserves Act.** ~~take into consideration the protection values within the Park.~~

### PERMITTED USES

- 4.2.3 Permitted uses in the Resource Development Area include rural residential dwellings, ~~seasonal resource-based recreational residential~~ uses, tourist uses, recreational commercial uses, institutional uses, transportation facilities, waste disposal and recycling facilities, **cemeteries**, agriculture and agricultural related uses and electric power generation and associated facilities and accessory and ancillary uses. It is also the intent of the Resource Development Area designation to permit and encourage such resource uses as forestry, resource management, conservation uses, trapping and hunting, commercial fishing, bait fish harvesting, fish farming, wild rice harvesting, sustenance fishing by local First Nations, mineral exploration uses, extraction of peat for horticulture and fuel purposes and **mineral** aggregate extraction.
- 4.2.4 It is the intent of the Resource Development Area land use designation to:
- (a) maintain the low density rural character of the Town;
  - (b) provide flexibility by permitting a variety of land uses; and
  - (c) to allow development of natural resources and economic activities in a manner compatible with the rural character which balances protection of natural resources with the need for economic diversification;
  - (d) **provide opportunities for sustainable and diversified tourism, including leveraging historical, cultural and natural assets;**
  - (e) **conserve biodiversity and build awareness for the ecological benefits of natural environments; and,**
  - (f) **support development that is compatible within the rural landscape and can be sustained by rural service levels.**
- 4.2.5 While land in the Resource Development Area designation may be developed for a variety of uses, regard shall be given to ensure that development is compatible with

surrounding land uses and appropriate for the site before development approval is given.

## RURAL RESIDENTIAL USES

- 4.2.6 Rural residential uses shall be permitted in the Resource Development Area designation on existing lots of record and on lots created through the consent and subdivision process in accordance with the policies of this Plan (~~Section 3.3~~) and provided that:
- (a) new rural residential uses should be a reasonable distance and are oriented away from industrial uses to minimize the adverse effects of odour, dust, noise, vibration and other contaminants. The Ministry of the Environment may be consulted to obtain input with respect to separation distances and buffering requirements for residential development adjacent to industrial uses;
  - (b) new lots for rural residential uses should be a minimum area necessary for the use permitted and the installation of a private water supply and sanitary sewage disposal system approved by the designated authority. However, no new residential lot shall be smaller than ~~4.0~~ **0.8** hectares;
  - (c) the lands front onto a public road that is maintained year round by the Town or the Province and is of an acceptable standard of construction;
  - (d) no new extensions of public roads are permitted to accommodate new residential development proposed by consent; and
  - (e) rural residential development shall be of a scale and density that is appropriate for the Resource Development area and not result in a concentration of development that may lead to the demand for services over and above what the Town provides to the rural area
  - (f) rural residential development is directed away from natural hazards; and
  - (g) there is no adverse impact from development on the natural feature(s) or the ecological function of natural heritage values.
- 4.2.7 Garden suites accessory to the main rural residential use may be permitted in the Resource Development Area pursuant to the policies contained in Section 3.9 of this Plan.

## ~~SEASONAL RESIDENTIAL~~RESOURCE-BASED RECREATION AND TOURISM USES

- 4.2.8 ~~The release of Crown land in the Resource Development Area for low density seasonal residential and tourist development uses of a commercial nature is supported by the Town. The Resource Development Area has been identified as a suitable area for seasonal residential and tourist development uses subject to the results of an archaeological assessment of specific sites and consideration of the natural heritage policies contained in Section xx of this Plan. ishery/wildlife assessments.~~ It is noted that certain lakes have good road access, boat launching and parking facilities in support of and available for such uses.
- 4.2.9 The Town will not be responsible for the provision of municipal services, i.e. water, sewers, roads, to areas that are proposed to be developed for ~~seasonal residential and tourism uses.~~ **seasonal resource-based recreation** residential and tourism uses.
- 4.2.10 A significant portion of the Resource Development Area has been identified as an area with mineral resource potential. Until such time as mining operations are economically viable and it is feasible to extract the resource, alternative land uses will be considered in the Resource Development Area. ~~Low density cottage or seasonal residential~~ **Resource-based**

**recreation** residential and tourism uses are considered appropriate alternative land uses that would not restrict access to possible mineral resources or hinder mining operations at some point in the future.

- 4.2.11 The development of ~~seasonal or cottage~~ **resource-based recreation** residential and tourism uses on the lakes in the Resource Development Area known to have potential for mineral resources will only be permitted provided:
- (a) there is no new permanent year round public road access to these sites;
  - (b) that the residential uses are not occupied on a permanent year round basis as principle residences; and
  - (c) that no permanent year round residential community is established.

These restrictions on development are provided as added safeguards to ensure that future access to mineral resources is not hindered by the development in the Resource Development area.

- 4.2.12 In order to further mitigate against possible conflicts between future mining activities and ~~seasonal resource-based recreational residential~~ and tourism uses, it is the intent of Council that warning clauses be registered on title with the individual cottage lots or tourism uses in areas of mineral resource potential indicating the rights of mining operations to access and extract the mineral resource over the rights of other land uses to prevent such activities from occurring. It is Council's intent that access to the mineral resource is to be protected for possible future mining activities and that ~~seasonal resource-based recreational residential~~ and tourism uses shall not restrict access to the mineral resource or preclude extraction of the resource.
- 4.2.13 At such time as mining operations become economically viable in the Town, mining activities will then be given precedence over other land uses in the Resource Development area. It is not the intent of this Plan that ~~seasonal resource-based recreational residential~~ development and tourism uses conflict with or restrict mineral exploration or future mining activities in that area known to have mineral resource potential.
- 4.2.14 ~~Seasonal Resource-based recreational residential~~ and tourist development uses in the Resource Development Area will be privately serviced and will require the approval of the designated authority for private sanitary sewage disposal systems. The minimum lot area for a ~~seasonal resource-based recreational residential~~ use **should** ~~shall~~ be ~~0.4~~ **0.8** hectare.

#### **RECREATIONAL COMMERCIAL USES**

- 4.2.15 Lands used for public or private recreational commercial purposes may be permitted in the Resource Development Area subject to amendment to the Zoning By-law in accordance with the following provisions:
- (a) development shall only take place in areas suitable for the use taking into consideration the location, surrounding uses, water quality, drainage, soil conditions and traffic generation;
  - (b) **the natural heritage policies in Section 4.9 of this Plan have been considered; and,**
  - (c) a site plan agreement pursuant to Section 41 of the Planning Act may be

required.

### **INSTITUTIONAL USES**

4.2.16 Institutional uses may be permitted in the Resource Development Area subject to an amendment to the Zoning By-law and in accordance with the following provisions:

- (a) the required Minimum Distance Separation Criteria I for nearby agricultural uses is complied with;
- (b) development shall only take place in areas suitable for the institutional use taking into consideration the location, surrounding uses, water quality, drainage, soil conditions and traffic generation;
- (c) a site plan agreement pursuant to Section 41 of the Planning Act may be required;
- (d) development is directed away from natural hazards; and
- (d) there is no adverse impact from development on the natural feature(s) or the ecological function of natural heritage values.

### **RURAL INDUSTRIAL and COMMERCIAL USES**

4.2.17 **Rural industrial and commercial** uses related to a natural resource may be permitted in the Resource Development Area subject to an amendment to the Zoning By-law provided that:

- (a) the use is located on provincial highway or on an open road maintained year round by the Town;
- (b) buffering to the satisfaction of the Town shall be provided where a commercial or industrial use is located adjacent to a residential or recreational use;
- (c) there is no adverse impact on the amenity and character of the rural environment as established by the comprehensive zoning by-law;
- (d) adequate parking is provided;
- (e) a site plan agreement pursuant to Section 41 of the Planning Act may be required; and
- (f) processing of forest products, such as portable sawmill operations, are considered ~~as~~ a **rural** industrial use and may be permitted provided that no equipment or machinery is located:
  - i) within 120 metres of a residential lot or a lot used for recreational, institutional or commercial uses;
  - ii) within 30 meters of any road or road allowance; and
  - iii) an agreement is entered into with the Town governing the hours of operation for operations that are adjacent to residential and sensitive land uses.

### **MINERAL AGGREGATE EXTRACTION AND PROCESSING**

4.2.18 **Mineral** Aggregate extraction and processing uses shall be permitted in the Resource Development Area subject to an amendment to the Zoning By-law and provided that:

- (a) the operation is compatible with surrounding land uses;
- (b) adequate buffering is provided;
- (c) a site plan agreement pursuant to Section 41 of the Planning Act is required.

- The agreement shall address the following matters, but not be limited to:
- i) hours of operation;
  - ii) location of proposed buildings, machinery and equipment;
  - iii) setbacks, landscaping and buffering;
  - iv) storm water management;
  - v) existing and anticipated final grades of excavation;
  - vi) access/egress;
  - vii) haulage routes;
  - viii) improvements/maintenance to Town roads as a result of increased truck traffic on existing roads; and
  - ix) progressive site rehabilitation
- (d) the Ministry of the Environment **Energy and Climate Change** is satisfied with respect to the disposal of liquid wastes, pumping operations and the control of air and noise pollution, among other matters; and
- (e) no excavation, building, equipment, machinery or stockpiling of material is allowed:
- i) within 30 metres of a lot line of an adjacent lot used for residential, recreational, institutional or commercial purposes;
  - ii) within 30 metres of any area designated Residential;
  - iii) within 30 metres of any road or road allowance; and
  - iv) a quarry with blasting operations is to be setback a minimum of 800 metres from a residential building; and
- (f) aggregate permits are required from the Ministry of Natural Resources **and Forestry** for aggregate extraction activities on Crown Land.

4.2.19 Aggregate processing operations, such as crushing, screening and washing of aggregate products are considered an accessory use to an aggregate extraction operation and may be permitted provided setbacks and location of buildings, machinery and equipment from lot lines is determined on a site specific basis in consultation with the Town of Atikokan and with the Ministry of the Environment, **Energy and Climate Change** through the issuance of a Certificate of Approval.

4.2.20 Related aggregate industrial uses such as asphalt plants, concrete batching plants and aggregate recycling operations may also be permitted subject to an amendment to the Zoning By-law and provided they are compatible with adjacent land uses and setbacks and location of buildings, equipment and machinery is determined on a site specific basis in consultation with the Town and the Ministry of the Environment, **Energy and Climate Change** through the issuance of a Certificate of Approval.

4.2.21 Wayside pits and quarries and portable asphalt plants may also be permitted in the Resource Development area in accordance with the policies of the **Section 3. ~~xx and xx.~~**

#### **DEVELOPMENT OF OTHER USES IN PROXIMITY TO AGGREGATE RESOURCES**

4.2.22 **Mineral aggregate operation and aggregate resources should be protected from development and land uses that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Aggregate resources should also be protected from development or land uses that may preclude or hinder the effective and/or economical extraction of aggregate in the future. However, there may be cases where the economical and/or physical extraction of aggregate is not feasible and/or appropriate. In such cases, development or land use permitted by this**

Plan on lands adjacent or proximate to existing operations may be permitted, if it can be shown to the satisfaction of Council that:

- a) the land use pattern in the area has reduced the feasibility of extraction; or,
- c) the proposed land use or development serves a greater long term public interest; and,
- d) issues of public health, public safety and environmental impact are addressed.

The reuse and recycling of concrete, asphalt, brick, glass and other suitable materials should be utilized to conserve aggregate materials, provided such reuse and recycling is permitted in the Zoning By-law and the storage of such material can be accommodated in a manner that is safe and does not pose a contamination risk.

#### REHABILITATION

- 4.2.23 The progressive rehabilitation of all pits and quarries in the Town is a goal of this Plan. Wherever possible, Council will work with pit and quarry operators to ensure that all licenses have progressive rehabilitation plans and where applicable, are actively completing site rehabilitation and restoration.

If a site is to be rehabilitated to a natural state, it is the intent of this Plan that natural self-sustaining vegetation and hydrologic features be established and restored.

#### MINERAL EXPLORATION AND MINING ACTIVITIES

- 4.2.22 In the preparation of this Plan, the Town consulted with the Ministry of Northern Development and Mines and it was determined that all land within the municipal boundaries and north of Highway 11 has provincially significant mineral potential. Proposed development should be carefully considered to avoid conflicting land uses.

Mineral exploration activities shall be permitted in the Resource Development Area. It is recognized that mineral exploration activities in a specific area tend to be short term with little negative impact on the environment or adjacent uses. However, it is also recognized that certain sensitive land uses may be impacted by certain types of mineral exploration activities and appropriate buffering and setback measures may need to be applied against possible negative impacts mineral exploration activities may have on a sensitive land use. These potential impacts and appropriate mitigative measures will be assessed and determined on a case by case basis.

- 4.2.23 Mining operations shall be permitted in the Resource Development Area subject to an amendment to the Zoning By-law and provided that:
- (a) the operation is compatible with surrounding land uses;
  - (b) adequate buffering is provided;
  - (c) a site plan agreement pursuant to Section 41 of the Planning Act. The agreement shall address the following matters, but not be limited to:
    - i) hours of operation;
    - ii) location of proposed buildings, machinery and equipment;

- iii) setbacks, landscaping and buffering;
- iv) storm water management;
- v) existing and anticipated final grades of excavation;
- vi) access/egress;
- vii) haulage routes;
- viii) improvements/maintenance to Town roads as a result of increased truck traffic on existing roads; and
- ix) progressive site rehabilitation

**Mineral mining and related activities will only be permitted outside of identified settlement areas. The compatibility of mining activities with surrounding land use designations will determine the specific nature of permitted mining and mining related activities.**

**The establishment of mining related activities shall be subject to the approval of the Ministry of Northern Development, Mines and Forestry under the Mining Act and the Environmental Protection Act and will require the issuance of a Development Permit by the Town.**

#### **ABANDONED MINE SITES**

- 4.2.24 When a development is proposed within 1,000 metres of an abandoned mine hazard as identified on Schedule A to this Plan, there is potential for impact on a proposed development. The Town and proponent shall consult with MNDM – Regional Land Use Geologist in order to assess the nature of hazards and what technical studies may need to be completed to determine whether the land is suitable for the type of development proposed and that the development does not interfere with any rehabilitation, maintenance or monitoring requirement for the mine workings/hazards.**

#### **STEEP ROCK MINES SPECIAL POLICY**

- 4.2.25 The Steep Rock Mine Study Area (SRMSA) has been identified on Schedule A and is managed and monitored by the Ministry of Natural Resources and Forestry. According to the MNRF, all lands within the SRMSA have been withdrawn from staking. Lands with the SRMSA are comprised of a mix of private and public lands. Given the inherent risks associated with these lands, the Zoning By-law shall place all lands into a special zone category designed to restrict new land use and development until such time that the MNRF has provided a clearance to permit new development.**

#### **FORESTRY USES**

- 4.2.24 Lands used for forestry purposes as defined by the Forestry Act includes the production of wood and wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation and protection and production of water supplies. Forestry uses shall be allowed without an amendment to the Zoning By-law. The processing of forest products is considered an industrial use and subject to the policies of 4.2.17. Where the ownership of trees is with the Provincial government, the Crown Forest Sustainability Act will apply.**

## 4.3 RESIDENTIAL

- 4.3.1 The focus for residential development shall be the Residential area serviced by municipal water and sewage treatment systems within the Townsite of Atikokan. The Residential area is shown on Schedule "B" "A-1".
- 4.3.2 It is the objective of this Plan to:
- (a) ensure that an adequate supply of land and **an affordable** range of housing types and densities is available to accommodate residential growth and the demands for residential development for at least **twenty** ~~ten (10)~~ **(20)** years;
  - (b) ensure that new residential development or redevelopment is physically compatible with the surrounding area and land use conflicts are minimized;
  - (c) ensure the provision of adequate services including water, sanitary sewers, storm drainage;
  - (d) **address housing needs created by an aging community;**
  - (e) **recognize the role that housing availability contributes to economic readiness;**
  - (f) **support and integrate forms of active transportation in residential communities;**
  - (g) ensure, wherever possible, in the design of residential developments, the protection and enhancement of the natural environment and amenities;
  - (h) to promote a cost and energy efficient residential development pattern; and
  - (i) to encourage residential development to locate in designated Residential areas.

### PERMITTED USES

- 4.3.3 The permitted uses in the Residential area include residential uses, **accessory apartments, coach houses**, rooming, boarding and lodging houses including bed and breakfast establishments, group homes and minor private and public open space facilities. Garden suites in accordance with the policies of Section 3.9 and home occupations may also be permitted and will be evaluated based on their compatibility in terms of scale, design and fit with the physical character of the residential community.
- 4.3.4 In addition to the permitted residential uses, the Eastdale Neighbourhood will be allowed by plan of subdivision to develop mobile homes.
- 4.3.5 Community recreational facilities, public and private schools, religious institutions, day care centres and nursery schools are permitted uses in the Residential area subject to an amendment to the Zoning By-law and provided there is no adverse or negative impact on the surrounding residential neighbourhood with respect to noise, traffic, parking, etc.
- 4.3.6 Local convenience commercial uses may be permitted within the Residential area subject to an amendment to the Zoning By-law. The local convenience commercial uses shall be limited to, and cater to the day-to-day convenience and shopping needs of the immediate neighbourhood. The local convenience commercial uses shall be of a size and scale that is compatible with the surrounding residential uses and shall be subject to site plan control pursuant to Section 41 of the Planning Act.
- 4.3.7 **Accessory apartments and coach houses are considered to be secondary dwelling units and a form of affordable housing and may be permitted in conjunction with existing detached dwellings in the Residential designation,**



subject to Zoning regulations. For the purpose of this policy, a coach house is not a mobile home or trailer, but shall be an independent, accessory dwelling unit that is limited in floor area. A coach house may also be incorporated in a portion of a detached garage or workshop. In establishing zone regulations for accessory apartments and coach houses, Council considers the following items to be priority planning and design matters to ensure the safe and compatible integration of secondary dwelling units:

- a) the secondary dwelling unit will comply with the Ontario Building and Fire Codes;
- b) the lot is suitable to accommodate a primary and secondary dwelling unit; and,
- c) the secondary dwelling unit is designed and located in such a manner to not result in unreasonable impacts on adjacent uses or on the character of the surrounding neighbourhood and streetscape.

### RESIDENTIAL USES

- 4.3.7 Residential development or redevelopment shall generally be by plan of subdivision or plan of condominium. Consents to sever individual parcels will be permitted when development by plan of subdivision is not necessary to implement the policies of this Plan and the provisions of Section 51(24) of the Planning Act.
- 4.3.8 ~~In existing built-up~~ **The residential areas in Atikokan which are relatively stable and where the potential for new development or redevelopment is limited. However, this Plan has identified several intensification areas on Schedule “A-1” to this Plan where infill development is encouraged. In reviewing any redevelopment or intensification proposal Council will require that the building designs and densities are shall be compatible with the physical character and identity of the surrounding residential lands and that the criteria in Section 4.3.9 are addressed.**
- 4.3.9 The following standards of residential amenity shall be provided for with any residential development or redevelopment:
- (a) the provision and maintenance of adequate off-street parking for the development;
  - (b) the provision and improvement and/or maintenance of on-site landscaping, parks and recreational areas;
  - (c) the provision and maintenance of adequate separation distances and the placement of buffer features between residential uses of differing densities and between different types of land uses; and
  - (d) the development is to be adequately served by community facilities such as parks, commercial uses, churches and school sites.
- 4.3.10 Proponents of residential development or redevelopment are responsible for ensuring that sufficient capacity is available in the municipal water and sanitary sewage systems to service the development.

### LOW DENSITY RESIDENTIAL DEVELOPMENT

- 4.3.10 Low density residential uses ~~shall~~ **should** generally include single detached, semi-

detached and duplex dwellings. The maximum net residential density ~~shall~~ **should** be 14 units per hectare (6 units per acre) in the serviced area of the Townsite of Atikokan.

### **MEDIUM DENSITY RESIDENTIAL DEVELOPMENT**

- 4.3.11 Medium density residential uses ~~shall~~ **should** generally include townhouses, apartments, nursing/seniors homes and mobile home parks on full municipal services. The net residential density for medium density developments ~~shall~~ **should** range between 30 units per hectare (12 units per acre) and 50 units per hectare (20 units per acre).
- 4.3.12 The design and locational criteria for medium density residential development shall include the following considerations:
- (a) the site should have safe and convenient access to a street so that traffic movements associated with the development shall be directed away from low density areas;
  - (b) densities should not be increased to the point where increased traffic would lead to congestion and would necessitate road widening prematurely;
  - (c) the height, bulk and arrangement of buildings and structures should achieve a harmonious design and integrates with the surrounding area and not impact negatively on lower density residential uses;
  - (d) schools, parks and other community facilities should be adequate to serve the increased residential population resulting from the development;
  - (e) water and sanitary services and storm drainage facilities shall be adequate to accommodate the increased residential densities;
  - (f) appropriate open space, including landscaping and buffering, shall be provided to maximize privacy and minimize the impact on adjacent lower density residential uses;
  - (g) on-site parking shall be required to satisfy the need of the particular development. All parking areas shall be well designed and properly related to the buildings and landscaped areas; and
  - (h) service areas shall be required on the site of each development, i.e. garbage storage, etc.

### **INSTITUTIONAL USES**

- 4.3.13 New institutional uses shall be conveniently located and access onto a publically maintained road and shall be oriented in such a manner so that there is no adverse impacts on nearby residential uses with regards to parking, traffic and noise.
- 4.3.14 New institutional uses shall require an amendment to the Zoning By-law.

### **GREENFIELD SPECIAL POLICY**

- 4.3.15 **The Greenfield Special Policy designation applies to the undeveloped lands known as the Northdale and Eastdale lands. These lands are designated Residential and are subject to the residential policies of this Plan in addition to the special policies outlined in this Section.**
- 4.3.16 **Lands within the Greenfield Special Policy designation serve a critical role in fulfilling the Town's housing strategy as they collectively represent the largest undeveloped Greenfield area within the Town's settlement area boundary. Future**

development within this area shall not require an Official Plan Amendment but will be subject to a zoning by-law amendment. Prior to the consideration of any zoning by-law amendment, the following technical issues shall be reviewed in conjunction with any zoning approval process:

- a) an assessment of historic infill development and infill opportunities throughout the settlement area to assist in confirming if development should proceed in the *Greenfield Overlay*;
- b) geotechnical review to confirm that soils are stable to support urban development;
- c) servicing options for water and sewage disposal;
- d) stormwater management;
- e) the assessment and protection of natural heritage features;
- f) the density and phasing of proposed land uses;
- g) affordability;
- h) the need for new or expanded parks, trails or other community facilities;
- i) transportation including integration with existing roads and an assessment of pedestrian connections to trails and parklands of new development; and,
- j) a Stage 1 Archaeological Assessment.

4.3.17 This Plan recognizes that traditional urban subdivision development is very expensive and time consuming, particularly in Northern Ontario where the technical expertise and skills to develop urban land are not readily available. Recognizing this challenge, Council will consider a mobile home community as a permitted use within the Northdale lands subject to the resolution of matters in Section 4.3.16, and provided the development is guided by a comprehensive site plan.

## 4.4 COMMERCIAL

- 4.4.1 It is the intent of this Plan to promote business and commerce primarily within those areas designated Commercial on Schedule "B" "A-1".
- 4.4.2 **There are three commercial sub-designations in the Town. These include the Downtown Commercial, the Downtown Transition and the Mixed-Use Commercial designations.** It is the objective of the Commercial land use designations to:
- (a) encourage the provision of a sufficient level and variety of retail activity within the Town to satisfy the consumer demands of the residents;
  - (b) promote planned development of business and commercial uses consistent with the needs of the Town's residents;
  - (c) recognize the business district in the Townsite of Atikokan and to enhance business and commercial activities within the Town;
  - (d) ensure that commercial development does not have negative impacts on adjacent land use, particularly residential uses; and
  - (e) recognize and provide for emerging tourist commercial opportunities.

### COMMERCIAL DEVELOPMENT POLICIES

- 4.4.3 Commercial uses shall be regulated by separate zone categories in the Zoning By-law. The Zoning By-law shall require increased side yard and rear yard setbacks and/or appropriate landscaping and buffering provisions between commercial uses and residential or institutional uses.
- 4.4.4 When considering an application to establish a commercial use or uses, the Town shall have regard for the following:
- (a) the compatibility of the proposed use with the surrounding area;
  - (b) the physical suitability of the site for the proposed use;
  - (c) the adequacy of the existing street system to accommodate access and on-street parking;
  - (d) the convenience and accessibility of the site for both pedestrian and vehicular traffic; and
  - (e) the adequacy of utilities and water and sewer services and storm drainage.
- 4.4.5 The Commercial area of the Town is a site plan control area and commercial uses will be subject to site plan control pursuant to Section 41 of the Planning Act.
- 4.4.6 For those uses that provide for the storage or use of fuel products, a hydrogeotechnical assessment may be required to address such matters as the potential for ground water contamination and leachate from fuel storage facilities.
- 4.4.7 The design of all proposed commercial uses shall be in keeping with the character of the surrounding area. The following design criteria shall apply to the development and redevelopment of all commercial lands:
- (a) the provision of landscaped areas and all landscaping shall form an integral part of all commercial developments. Landscaping and tree planting shall be provided to improve the streetscape of all commercial areas, to function as screening and buffering between adjacent uses and for aesthetic and resting purposes;

- (b) open storage of goods and materials shall only be permitted in accordance with the provisions of the Zoning By-law;
- (c) loading and unloading areas shall be provided off-street and in the rear or side yard whenever possible; and
- (d) adequate off-street parking facilities shall be provided in accordance with the provisions of the Zoning By-law.

4.4.8 Existing residential uses in the Commercial area **designations** shall be permitted.

4.4.9 The reuse of commercial land that may have been contaminated from previous uses for alternative land uses shall be considered in accordance with the provisions of Policy 3.23.

#### **GENERAL DOWNTOWN COMMERCIAL**

4.4.10 Permitted uses in the **General Downtown Commercial** designation are those uses that serve the residents of Atikokan and include local convenience commercial uses, retail uses, offices, personal services, restaurants, hotels, commercial recreational facilities, existing institutional uses, existing public and government uses and existing residential uses. These uses are generally found in the business district of the Townsite of Atikokan.

4.4.11 In addition, multiple residential uses, including apartment buildings, will be permitted in the **General Downtown Commercial** area subject to a site specific amendments to the Zoning By-law, save and except for along Main Street.

4.4.12 It is the policy of this Plan to maintain and promote the **General Downtown Commercial** area. New commercial development outside the central business district shall not jeopardize the viability of the commercial uses in the commercial core area of the Townsite of Atikokan.

4.4.13 New development or redevelopment in the **General Downtown Commercial** area shall be sensitive to the character and scale of existing commercial uses, shall provide adequate off-street parking and shall not generate traffic that will result in negative impacts on adjacent residential neighbourhoods.

4.4.14 The Town may consider accepting cash-in-lieu for parking spaces from new commercial developments or commercial redevelopments if adequate parking exists in the vicinity of the proposed development.

4.4.15 Apartment units may be permitted above or behind commercial uses in the **General Downtown Commercial** area subject to the following criteria:

- (a) the residential use shall not detract from the prime function of the commercial designation;
- (b) amenity areas shall be provided for the residential use and shall be separate from any public amenity area provided in conjunction with the commercial use; and
- (c) parking shall be provided for the residential use in conjunction with the requirements for the commercial use as determined in the Zoning By-law.

**MIXED-USE COMMERCIAL**

- 4.4.16 **The Mixed-Use Commercial designation has evolved and will continue to play an important economic role in the community as a mixed-use corridor.** Business and commercial uses permitted within ~~this the Highway Commercial area~~ are those uses located beyond the **other commercial designations** ~~General Commercial area~~ which require a substantial land area and provide services related to the service commercial and distribution activities of a service centre for their economic viability. Permitted uses include retail uses, offices, warehousing and distribution, automotive related retail uses, automotive, recreation vehicle and equipment sales and service uses, tourist commercial uses, commercial recreational uses, public and government uses, existing railing facilities and existing industrial uses. No outside storage is permitted in the required front yards of Highway Commercial uses.
- 4.4.17 The disposition of surplus CN lands along Mackenzie Avenue for reuse to highway commercial uses is supported provided these lands are redeveloped and landscaped to enhance the streetscape and gateway or entrance into the Townsite of Atikokan.
- 4.4.18 The Ministry of Transportation should be consulted to ensure that the minimum safety and geometric requirements are met when lands along the Provincial Highway system are being considered for development or redevelopment.
- 4.4.19 In an effort to improve the streetscape and gateway into the Townsite, the Town will encourage and continue to work with existing highway commercial uses to ensure that existing outside storage areas and new outside storage areas are adequately screened or relocated to appropriate areas on-site.
- 4.4.20 New development or redevelopment in the ~~Highway~~ **Mixed-Use** Commercial area shall not detract from the viability of the commercial core area of the Townsite of Atikokan.
- 4.4.21 Automobile traffic and adequate parking shall be a major design consideration for ~~Highway~~ **Mixed-Use** Commercial uses. Effort shall be made to minimize the number of entrances and exits to and from roads and to segregate service and customer traffic. Where appropriate joint entrances between commercial uses shall be encouraged to minimize traffic conflicts.
- 4.4.22 Accessory dwellings may be permitted in the ~~Highway~~ **Mixed-Use** Commercial area for a caretaker, employee or proprietor of the commercial use, subject to the following criteria:
- (a) the residential use shall not detract from the prime function of the commercial designation;
  - (b) amenity areas shall be provided for the residential use and shall be separate from any public amenity area provided in conjunction with the commercial use; and
  - (c) parking shall be provided for the residential use in conjunction with the requirements for the commercial use as determined in the Zoning By-law.

**DOWNTOWN TRANSITION**

- 4.4.23** The purpose of the Downtown Transition designation is to encourage the development of new medium density residential use on lands that abut MacKenzie Avenue and that are accessible to Downtown services and businesses.
- 4.4.24** The Downtown Transition designation as shown on Schedule A-1 to this Plan applies to lands abutting MacKenzie Avenue West and Front Street starting approximately at Sykes Street.
- 4.4.25** Permitted uses in the Downtown Transition designation include residential uses, rooming houses or boarding houses, professional offices and clinics providing health services, hotels and motels, public uses, restaurants, and home occupations.
- 4.4.26** New street-level residential uses, including single detached and semi-detached units, townhouses and apartments are permitted in the Downtown Transition designation both as a primary use and as an accessory use to a commercial business.
- 4.4.27** The following policies shall apply to the Downtown Transition designation:
- a) the gross unit density should not exceed 15 units per hectare;
  - b) interior side yard setbacks should be maintained but may be reduced to accommodate redevelopment provided the reduction is appropriate for the location;
  - c) adequate on-site or off-site parking is provided;
  - d) the proposed use shall be connected to municipal water sanitary sewer services; and,
  - e) new development should be compatible with abutting and adjacent land uses as articulated under the MOE D-Series Guidelines;
- 4.4.28** Parking for any use should be accommodated on-site, however where additional parking cannot be accommodated due to site constraints, the Town may accept cash-in-lieu of parking.

## 4.5 INDUSTRIAL

- 4.5.1 The Industrial designation and the policies are intended to promote development through the expansion of the existing industrial base and stimulation of new industrial growth.

### PERMITTED USES

- 4.5.2 Permitted uses in the industrial designation shall include, but not be limited to manufacturing, processing, assembling, fabricating, servicing, storage of goods and raw materials, warehousing, wholesaling and service sector industries including transportation, communication, business services, government services, medical and other health laboratories. In addition, mineral exploration, mining, mineral aggregate resource extraction operations and waste disposal sites are permitted.
- 4.5.3 Uses that are incidental or ancillary to industrial operations, such as retailing or wholesaling, may be permitted in the Industrial area. Retailing will not be permitted to become the predominant use and will be limited in size so as not to interfere with or detract from the primary function of the Industrial area.

### INDUSTRIAL DEVELOPMENT POLICIES

- 4.5.4 Industrial uses shall have regard for the proximity of residential uses, exposure to major roadways and the degree to which the industrial use affects the physical and aesthetic characteristics of the natural environment.
- 4.5.5 It is the intent of the Industrial designation to:
- (a) expand the Town's existing industrial base by providing lands for continued industrial growth;
  - (b) minimize the impact of industrial areas on surrounding areas, particularly on residential uses and on the natural environment; and
  - (c) guide the location of new industrial uses and industrial redevelopment within the Town.
- 4.5.6 The Industrial area is a site plan control area in the Town and industrial uses will be subject to site plan control pursuant to Section 41 of the Planning Act.
- 4.5.7 The Zoning By-law shall regulate industrial uses through the establishment of appropriate industrial zone categories and shall address among other matters the need for a compatible environment for industries free from interference and restriction by other uses and the protection of adjacent uses from the effects of industry.
- 4.5.8 Wherever industries abut residential, institutional, recreational or other similar uses, adequate buffering will be required by measures such as landscaping, plantings, fencing and separation distances in order to minimize the impact of the industrial activity including visual appearance in accordance with the Ministry of the Environment's guidelines.
- 4.5.9 Industrial uses which are exposed to Highway 11, Highway 11B, Highway 622 and Mackenzie Avenue shall be developed in an attractive manner to provide a positive statement to the Town. To achieve this, building and site design shall have consideration of the following design standards:
- (a) open storage shall be prohibited unless it can be demonstrated that appropriate



- landscaping and screening to shield the open storage areas will not detract from the intended character of the area;
- (b) parking and loading areas will generally be restricted to side and rear yards;
  - (c) all industrial activities will be encouraged to locate within wholly enclosed buildings unless it is essential for an activity to locate outdoors, in which case the industrial use will be suitably screened and buffered from the Highway; and
  - (d) development or redevelopment of industrial uses shall comply with the applicable standards of the Ministry of the Environment regarding emissions and noise.

~~4.5.10 The reuse of industrial land for alternative land uses shall be considered in accordance with the provisions of Policy 3.23.~~

#### **AGGREGATE EXTRACTION AND PROCESSING**

~~4.5.11 Aggregate extraction operations shall be allowed in the Industrial designation area subject to a Zoning By-law amendment and in accordance with the policies of 4.2.18, 4.2.19 and 4.2.20.~~

#### **MINERAL EXPLORATION AND MINING ACTIVITIES**

~~4.5.12 Mineral exploration activities shall be permitted in the Industrial designation in accordance with the policies of 4.2.22.~~

~~4.5.13 Mining operations shall be permitted in the Industrial designation in accordance with the policies of 4.2.23.~~

## 4.6 OPEN SPACE - RECREATION

- 4.6.1 The objectives of the Open Space - Recreation designation is to also preserve and conserve those lands which are ecologically sensitive and those areas of scenic qualities and to provide community and cultural facilities to serve the Town's residents.

### PERMITTED USES

- 4.6.2 The primary land uses for areas designated Open Space - Recreation as shown on Schedule "A" and "~~A-1~~" "~~B~~" shall be for active and passive recreational uses, public and private parks, trailer parks and campgrounds, golf courses, playing fields, recreational facilities, swimming facilities, playgrounds, nature trails, marinas and wildlife management areas.
- 4.6.3 Small scale commercial uses which are ancillary to and support the permitted recreational and open space uses may also be permitted by amendment to the Zoning By-law.

### OPEN SPACE AND RECREATION DEVELOPMENT POLICIES

- 4.6.4 Open space linkages which access recreational and open space uses in the Town will be encouraged.
- 4.6.5 This Plan recognizes the following hierarchy of parks:
- (a) Local Neighbourhood Park - a neighbourhood park approximately 0.4 to 2.0 hectares (1 - 5 acres) in size and serves the surrounding residential neighbourhood area. Facilities may include a softball diamond, soccer field, playground, wading pool and passive recreational areas; and
  - (b) Community Park - is a park approximately 2.5 to 10 hectares (6 - 25 acres) in size and is often located in conjunction with a school facility and serves a larger population base than compared with a neighbourhood park. A community park may include sports fields, tennis courts, community playgrounds, washrooms, community centre, meeting room/areas and passive recreational areas.
- 4.6.6 The dedication of lands or acceptance of cash-in-lieu of the land dedication as a result of new development or redevelopment of land shall be in accordance with the following requirements:
- (a) the development or redevelopment of land for residential purposes shall be at a standard of 5% of that land being developed or redeveloped; and
  - (b) development or redevelopment of land for commercial or industrial purposes shall be at a standard of 2% of the land being developed or redeveloped.
- 4.6.7 To ensure that parkland dedications are of an acceptable quality, all sites dedicated as parkland must be accepted by the Town and satisfy the following criteria:
- (a) be relatively level and are not required for drainage purposes, nor contain lands susceptible to flooding, having steep slopes or other physical features which are unsuitable for open space or park development;
  - (b) be located within a neighbourhood or community context to provide convenient pedestrian and vehicular access;

- (c) provide a reasonable park configuration to accommodate the dimensions and shape of large playing fields, i.e. soccer fields, baseball fields, etc.;
  - (d) have adequate access within the development; and
  - (e) be provided with basic service requirements.
- 4.6.8 Development within areas designated Open Space - Recreation will compliment the natural environment.
- 4.6.9 In areas intended for Open Space - Recreation in the vicinity of the Atikokan River shoreline, the Town shall cooperate with the Ministry of Natural Resources **and Forestry** or other relevant agencies, in their efforts to establish recreational facilities and a functional water oriented open space network.
- 4.6.10 The Town, in the design and development of parks, open space areas and recreational facilities shall take into consideration universal design considerations to encourage universal accessibility of public parks, open space and recreational facilities.
- 4.6.11 The Ministry of Transportation should be consulted regarding the minimum safety and geometric requirements for open space and recreational uses that are proposed to access from a Provincial Highway.
- 4.6.12 It is a policy of this Plan that all parks and open space in the Town will continue to provide a wide range of recreational opportunities for the Town's residents and visitors. However, it is also a policy of this Plan that before any major changes in funding or the level of service in each of the existing community parks are made, a long-range plan is prepared. Such a long-range plan should review and obtain public input on the current and proposed functions of recreation and park facilities and the type and scale of the improvements required to ensure that the park facilities meet the community's needs and is cost-effective to operate.**

#### **CAMPING**

- 4.6.13 In keeping with the vision and objectives of this Plan that promote tourism and recreation, Council considers it a priority to find one or more suitable locations to accommodate recreational and camping vehicles close to or within the Atikokan settlement area. On this basis, Council will explore opportunities to address this need utilizing existing lands in the Open Space - Recreation designation and considering options that may include funding partnerships with individuals or agencies and entering into lease agreements with users or user groups.**

#### **HIGHWAY 622 SPECIAL POLICY**

- 4.6.14 Given their proximity to Bunnell Park, Little Falls and the Little Falls Golf Course, lands located on Highway 622 and identified on Schedule A-1 as being subject to this Special Policy may be utilized for retail and service commercial uses subject to a Zoning By-law Amendment. In considering a Zoning By-law Amendment, the following items shall be addressed and/or provided for Council review:**
- a) if the lands are to be transferred to a development interest or party, Council shall hold a public meeting to consider a declaration to surplus and transfer the lands;

- b) a Traffic Impact Study shall be prepared and the Ministry of Transportation shall be consulted with respect to traffic impacts relative to the nature of the proposed land use;
- c) a Functional Servicing Report and Stormwater Management Plan shall be prepared; and,
- d) noise impacts resulting from the proposed commercial use shall be assessed in accordance with MOE D-Series Guidelines.

#### **QUETICO PROVINCIAL PARK**

**4.6.15** Atikokan’s recreational character and identity is strongly linked to its physical proximity to the Quetico Provincial Park, a massive wilderness park with a land area in excess of 1,000,000 acres. Quetico is highly regarded for its canoeing and fishing and is one of the main reasons why the Town regards itself as the “Canoeing Capital of Canada”. Quetico Provincial Park has been identified on Schedule A to this Official Plan as Open Space - Recreation, however all land use in the Park is subject to the Park Management Plan developed by the Ministry of Natural Resources and Forestry. The Town is supportive of efforts by the Province to market and promote Quetico Provincial Park and Atikokan as a tourism and recreation destination.

## **4.7 INSTITUTIONAL**

### **PERMITTED USES**

- 4.7.1 The permitted uses for lands designated Institutional shall include, but not be limited to hospitals, fire halls, government offices, cemeteries and large scale cultural, recreational or public institutional facilities subject to an amendment to the Zoning By-law.
- 4.7.2 Other minor institutional uses such as religious institutions, community recreational facilities, schools, day care centres and nursery schools which are related to and compatible with residential uses are permitted within the Residential designation subject to an amendment to the Zoning By-law.

### **INSTITUTIONAL DEVELOPMENT POLICIES**

- 4.7.3 It is the intent of this Plan to provide appropriately located public and private institutional uses that are accessible to the people they serve, while not having an adverse impact on surrounding land uses.
- 4.7.4 New institutional uses shall have adequate parking, be conveniently located and access onto a publically maintained road in such a manner to minimize the conflicts of vehicular and pedestrian traffic in the immediate area.
- 4.7.5 Institutional uses shall be designed as much as possible to harmonize with the character of the area within which they are located.
- 4.7.6 The Ministry of Transportation should be consulted regarding the minimum safety and geometric requirements for institutional uses that are proposed to access from a Provincial Highway.

## ~~4.8 ENVIRONMENTAL PROTECTION (New policies at Section 4.9)~~

### ~~PERMITTED USES~~

~~4.8.1 For lands designated Environmental Protection on Schedules "A" and "B" the permitted uses shall be existing electrical power generation and associated facilities and accessory and ancillary uses, shoreline protection works, docks, floodplain protection works, fisheries management, wildlife management, waterfowl production, forestry, mineral exploration and public and private parks.~~

### ~~ENVIRONMENTAL PROTECTION DEVELOPMENT POLICIES~~

~~4.8.2 The provision of protection works or the dumping of material along the shoreline of the lakes and rivers in the Town is prohibited without the prior written approval and authorization from the Province in accordance with the provisions of the Lakes and Rivers Improvement Act, the Navigable Waters Protection Act, Beds of Navigable Waters Act and/or the Public Lands Act and the Fisheries Act.~~

~~4.8.3 The erection and/or construction buildings or structures, or additions thereto, or the placement or removal of fill material within or adjacent to any inland watercourse as identified as a Environmental Protection area on Schedules "A" and "B" shall only be permitted provided appropriate site mitigation against any natural hazard has occurred and there is no danger to public safety, public health or property damage to the satisfaction of the Province and the Town of Atikokan.~~

~~4.8.4 No plans to divert, channelize or in any way alter an inland natural watercourse shall proceed without prior written authorization from the Province.~~

~~4.8.5 Within the Townsite of Atikokan regulatory floodline mapping has been prepared by the Province for the Atikokan River. Development within the regulatory floodline shall be restricted and new habitable dwellings and structures are not permitted. In addition, alterations, additions or renovations to existing dwellings and structures will not be permitted.~~

~~4.8.6 All existing uses within the regulatory floodline of the Atikokan River are encouraged to relocate outside of the floodline to appropriately designated areas where the use is permitted.~~

~~4.8.7 Within the lakes and rivers existing boat docks and new docks may be permitted subject to permit approval from the Ministry of Natural Resources.~~

~~4.8.8 Development shall not be permitted in any hazardous site or land that could be unsafe as a result of naturally occurring processes unless it can be demonstrated that the hazard will not result in public health, safety or potential property damage, that no new hazards are created or existing hazards aggravated, and no adverse environmental impacts will result from the development to the satisfaction of the Province and Town.~~

~~4.8.9 Any applications to redesignate Environmental Protection lands will be carefully reviewed and shall not adversely impact on the natural environment. The Town shall, in conjunction with the Province, require the proponent of an application to submit a study prepared by a qualified environmental specialist to address the following considerations:~~

~~(a) a description of the natural environment and existing physical characteristics,~~

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

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

- 4.8.10 Environmental Protection lands may not be considered acceptable as part of a parkland dedication pursuant to the Planning Act.
- 4.8.11 Environmental Protection lands shall be placed in appropriate zone categories in the implementing Zoning By-law.
- 4.8.12 Property owners are encouraged to provide a coordinated approach to the use of land and management of water in areas subject to flooding in order to minimize social disruption in consultation with the Province.

## **4.8 HAZARD**

### **4.8.1 The purpose of the Hazard designation is to:**

- a) identify lands which may pose a risk to people and property due to the risk of flooding;**
- b) identify lands where natural or human-made hazards have been confirmed or where the potential exists for such hazards due to site conditions and characteristics; and,**
- c) establish policies to guide development or redevelopment in such areas.**

### **4.8.2 The Hazard designation as shown on the Schedules to this Plan applies primarily to lands adjacent to the Atikokan River, primarily adjacent to and within the Atikokan Settlement Area. The Hazard designation has also been identified on the lands formerly used for or associated with the operation of the Steep Rock Mine Study Area.**

### **4.8.3 Permitted uses on lands designated Hazard include existing uses, passive open space uses and uses related to conservation or flood control.**

### **4.8.4 It is the intent of this Plan that new development within the Hazard designation be restricted, however, where lands are subject to the Hazard designation but are also partially located in a designation that permits development, such proposals may be permitted without the need for an Official Plan Amendment, but shall be subject to the policies in Section 4.8.5.**

### **4.8.5 Development will generally be directed to areas outside of hazardous lands adjacent to the shoreline of inland lakes, and river and stream systems which pose risks due to wave uprush, flooding and/or erosion hazards. Hazardous sites may also consist of steep slopes, unstable soils, organic soils, and unstable bedrock. Where development is proposed partly within these features, the development proponent shall submit a technical study prepared by a qualified professional to the satisfaction of Council which demonstrates the following:**

- a) the hazard can be safely addressed, and the development and site alteration can be carried out in accordance with established standards and procedures;**
- b) new hazards are not created and existing hazards are not aggravated;**
- c) no adverse environmental impacts will result;**
- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and,**
- e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.**



Recommendations made in the technical report(s) will be implemented through the planning process. Where the technical report indicates that development within a particular hazard is not feasible, the development shall not proceed.

- 4.8.6** New buildings and structures shall not be permitted within a floodway, except for development and site alteration which, by its very nature, must be located within a floodway. A floodway consists of those areas, usually low lands adjoining watercourses, which have been or may be subject to flooding hazards.

Where development and site alteration is proposed in the vicinity of flooding hazards, a detailed engineering study will first confirm the actual extent of the flooding hazard. Development and site alteration will only proceed if it has been demonstrated to the satisfaction of the approval authority that it can occur safely on the subject lands outside of the flooding hazard, and not upon lands which are high points surrounding the flood hazard. Lands impacted by flooding hazards will be zoned appropriately to prohibit development and site alteration, except for that development and site alteration which must, by its very nature, be located within a floodway.

The boundaries of the Hazard designation as shown on the Schedules to this Plan reflect data provided by the Ministry of Natural Resources and Forestry through the Town's membership in Land Information Ontario (LIO) at the time this Official Plan was prepared. This data was derived from the FDRP mapping originally prepared in 1986. This data will be used as the basis for the zone boundary, as well as the historic zone boundary that has been historically been utilized by the Town.

## **4.9 ENVIRONMENTAL PROTECTION**

### **4.9.1 The purpose of the Environmental Protection designation is to:**

- a) identify natural heritage features and functions in the Town which are locally, regionally and Provincially significant;**
- b) maintain and enhance the ecological integrity of the Natural Heritage System; and,**
- c) minimize the potential for the loss or fragmentation of Natural Heritage Features and the habitats and ecological functions they provide.**

### **4.9.2 The Environmental Protection designation is intended to include the following components of the Town's Natural Heritage System:**

- a) Provincially Significant Wetlands;**
- b) Wetlands;**
- c) Significant Habitat of Endangered or Threatened Species;**
- d) Significant wildlife habitat; and,**
- e) Any other areas that have been determined to be environmentally significant as a result of a planning process.**

**Lands designated Environmental Protection are shown on Schedule A to this Plan. The individual features of the Environmental Protection designation are shown on Schedule B to this Plan.**

### **PERMITTED USES**

### **4.9.3 Permitted uses on lands designated Environmental Protection are limited to conservation and passive recreational uses that do not require development or site alteration, with the exception of works and infrastructure that by their nature must be located within a feature, such as flood and erosion control works may be permitted subject to authorization or permits under the Environmental Assessment Act or Endangered Species Act. For the purposes of this section, a golf course or similar land use is not a passive recreational use. Proposals for the development of buildings and structures are required to be accompanied by a supporting Environmental Impact Study which demonstrates, that no negative impact on the natural features or their ecological functions will occur due to the proposed development. Mineral mining, forestry and woodlot management activities will not be restricted by this Official Plan, however, such activities must adhere to the statutory provisions of the Endangered Species Act and Fisheries Act, the Migratory Birds Act, Forest Management Plan and other legislation or Provincial Plan which protects natural heritage features, functions and the species that depend on such features or functions as habitat.**

**It is noted that nothing in Section 4.9 is intended to limit the ability of existing agricultural uses to continue.**

## ADJACENT LANDS

- 4.9.4** Adjacent lands are the lands adjacent to an environmental feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within:
- a) 120 metres of the boundary of a Provincially Significant Wetland, or wetland that has been evaluated by the Ministry of Natural Resources and Forestry;
  - b) 120 metres from significant wildlife habitat including a habitat of an endangered or threatened species and where scientific data has determined a different setback the greater of the two will be required, and;
  - c) 30 metres from the following fish habitat areas:
    - i) a watercourse with no defined bed and banks or intermittent stream;
    - ii) a non-meandering stream with defined bed and banks; or,
    - iii) a meandering stream.

No development or site alteration shall be permitted on these adjacent lands unless an Environmental Impact Study and/or a subwatershed study and/or a geotechnical study is prepared by a qualified professional and approved by Council, subject to the comments of the appropriate agencies. The requirements for an Environmental Impact Study are contained in Section 4.9.9 (Requirements for an Environmental Impact Study) of this Plan.

The scale and the contents of the required studies shall be determined at the time the development is proposed. The width of the adjacent lands may be increased/decreased, depending on the feature and the nature of the proposed development. This determination shall be made in consultation with the appropriate agencies at the time the development is proposed.

## DESCRIPTION OF COMPONENTS OF THE ENVIRONMENTAL PROTECTION DESIGNATION

- 4.9.5** The Natural Heritage System represents a network of natural areas that continues to exist after the area was settled and the lands and waters that support the ecological functions are critical to the survival of these areas. Below is a description of those components of the natural heritage system that are within the Environmental Protection designation.

## WETLANDS

- 4.9.6** Wetlands are lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. Known wetlands identified by the Ministry of Natural Resources and Forestry are shown on Schedule B. The four types of wetlands are swamps, marshes, bogs and fens. Wetlands play an important role in the Natural Heritage System, since they:

- provide habitat for plants and animals;
- store water for groundwater recharge purposes;
- trap sediments, nutrients and contaminants thereby improving downstream water quality;
- provide corridors for plant and animal movements; and,
- provide flood control and protect shorelines from erosion.

According to data supplied by the Ministry of Natural Resources and Forestry, at the time this Plan was prepared, there are three confirmed Significant Wetlands in the Town. In addition, it is a policy of this Plan that all wetlands, regardless of classification be placed in the Environmental Protection designation.

#### **SIGNIFICANT HABITAT OF ENDANGERED, THREATENED SPECIES**

- 4.9.7** An endangered species is a species listed in the Regulations under the Endangered Species Act that is at risk of extinction throughout all or a portion of its Ontario range, if limiting factors are not reversed. A threatened species is a native species that is at risk of becoming endangered through all or a portion of its Ontario range. Threatened or endangered species are listed on the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and Committee on the Status of Species at Risk in Ontario (COSSARO) lists. The ‘significant habitat’ is the area of land that is necessary for the maintenance, survival and/or recovery of naturally occurring or re-introduced populations of endangered, or threatened species during all or any part of the species lifecycle.

According to data provided by the Ministry of Natural Resources and Forestry, the following endangered and threatened species have the potential to be found in the Town:

- i) Golden Eagle (E)
- ii) Least Bittern (T)
- iii) Peregrine Falcon (T)
- iv) Whip-poor-will (T)
- v) Grey Fox (T)
- vi) Cougar (T)
- vii) American White Pelican (T)
- viii) Barn Swallow (T)

The Ontario Ministry of Natural Resources and Forestry is responsible for approving and defining significant habitat of endangered species and threatened species. For significant habitat of endangered species and threatened species in the Town, the following policies will apply:

- a) An Environmental Impact Study must be undertaken by a qualified professional to confirm the presence of any endangered species and threatened species and/or their significant habitat.
- b) Development and site alteration shall not be permitted in the significant habitat area of endangered species and threatened species.
- c) Development and site alteration on adjacent lands to the significant habitat

of an endangered species or threatened species is not permitted, unless it has been demonstrated (through appropriate evaluation) that there will be no negative impacts on the natural features or their ecological functions. “Adjacent to” will generally mean within 120 metres of such habitat unless it is determined through the consideration of appropriate information or studies that a greater or lesser distance should be considered for particular species or site.

- d) Development proponents should exercise due diligence to ensure that any activities being contemplated would not contravene the Endangered Species Act, 2007, that came into effect on June 30, 2008 or any of its subsequent regulations.

#### **DEVELOPMENT IN THE ENVIRONMENTAL PROTECTION DESIGNATION**

**4.9.8** There may be circumstances where development may be appropriate in the Environmental Protection designation, if such development:

- a) is not located within a the habitat of endangered or threatened species;
- b) cannot be located on another portion of the lot that is not within the Environmental Protection Zone;
- c) is essential in the location proposed;
- d) does not result in an expansion or intensification of an existing use as it relates to Provincially Significant Wetlands and significant habitat or endangered or threatened species;
- e) is set back as far as possible from a watercourse; and,
- f) is supported by an Environmental Impact Study that is prepared in accordance with this Section 4.9.9 (Requirements for an Environmental Impact Study) and approved by Council, subject to the comments of the appropriate agencies.

The requirement for an Environmental Impact Study may be waived by Council if the intent is to replace an existing building, as long as development, and any new site alteration is in the same existing disturbed area/site alteration envelope as that which it is replacing and will not result in a negative impact on the adjacent natural features or on their ecological functions.

Where new development is proposed within the Environmental Protection designation and the proposal conforms with the above criteria, a planning approval will be required. For the purposes of this policy, development is not intended to include the creation of a new lot for conservation purposes, forestry or woodlot management practices.

#### **REQUIREMENTS FOR AN ENVIRONMENTAL IMPACT STUDY**

- 4.9.9** Where the policies of this Plan require that an Environmental Impact Study (EIS) be prepared, such an EIS shall be prepared in accordance with the requirements of this section.

The purpose of an EIS is to:

- a) collect and evaluate all the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of relevant environmental feature(s);
- b) make an informed decision as to whether or not a proposed use will have a negative impact on the critical natural features and ecological functions of the Town; and,
- c) evaluate the existing and potential forest resources on the property and the effect of the proposed uses on those resources.

Where the focus of study is adjacent to lands as defined by this Plan, the EIS shall evaluate the ecological function of the adjacent lands and demonstrate that there will be no negative impacts on natural features or ecological functions.

Any EIS required by this Plan must describe the critical natural features and ecological functions, identify their significance and sensitivities and describe how they could be affected by a proposed use. The EIS should give consideration to the relevant aspects and inter-relationships of various components of the natural heritage system on and off the site. In addition, the EIS must address how the proposed development will protect, maintain or restore the critical natural features and ecological functions of the natural heritage system.

Any EIS must be approved by Council and any other appropriate agencies, before a planning application that facilitates the development, is subject to the EIS and is accepted by Council.

#### **CONTENTS OF AN EIS**

- 4.9.10** The EIS shall include a description of:

- a) the proposed undertaking;
- b) the natural features and ecological functions of the area potentially affected directly and indirectly by the undertaking, and an assessment of their sensitivity to development;
- c) any lands that support environmental attributes and/or functions that may qualify the lands for designation within the *Environmental Protection* designation;
- d) the direct and indirect effects to the ecosystem that might be caused by the undertaking;
- e) any environmental hazards (i.e. slope, flooding contaminants) that need to be addressed as part of the design and how they will be addressed;

- f) any monitoring that may be required to ensure that mitigating measures are achieving the intended goals;
- g) how the proposed use affects the possibility of linking core areas of the natural heritage system by natural corridors that may or may not be identified on the schedules to this Plan; and,
- h) recommendations with respect to how the adverse effects will be avoided or minimized over the construction period and the life of the undertaking. For example, the EIS may recommend limits of buffers and setbacks adjacent to watercourses, waterbodies, valleys, significant wetlands and vegetation to protect the natural feature and its attributes and/or function from the effects of development.

#### WHAT AN EIS SHOULD DEMONSTRATE

4.9.10 The EIS should demonstrate, where applicable, that the proposed use will:

- a) not discharge any substance that could harm air quality, groundwater, surface water and associated plant and animal life;
- b) be supplied by an adequate supply of water and that the groundwater taking associated with the use will not harm existing water supplies, surface water features and associated plant and animal life;
- c) not cause erosion or siltation of watercourses or changes to watercourse morphology;
- d) not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use;
- e) not cause an increase in flood potential on or off the site;
- f) maintain/enhance/restore/rehabilitate the natural condition of affected watercourses, and protect/enhance/restore/rehabilitate aquatic and fish habitats;
- g) not significantly affect the scenic qualities of the area;
- h) not encourage the demand for further development that would negatively affect wetland functions or contiguous wetland areas;
- i) enhance and restore endangered terrestrial, aquatic and fish habitats where appropriate and feasible;
- j) not create noise that will have an adverse impact on the enjoyment of neighbouring properties;
- k) not interfere with the function of existing or potential natural corridors;
- l) not lead to a significant reduction in the forest resource or interior forest habitat in an area; and,

- m) not lead to species loss or negative impacts on endangered, threatened or vulnerable species and/or their habitat.

In addition, the EIS shall demonstrate that there will be no negative impacts resulting from the proposed use on the significant natural features that are identified on Schedule B to this Plan or the ecological functions for which the area is identified. Recommendations of the EIS shall be implemented through appropriate zone categories and regulations as well as site plan or subdivision agreements.

- 4.9.11 There may be instances where a development or undertaking is minor in nature. In such cases, staff and Council may exercise some discretion and scope the extent of the assessment to be undertaken through the EIS.

#### **ZONING BY-LAW IMPLEMENTATION**

- 4.9.12 The boundaries of the Environmental Protection designation as shown on Schedule A reflect current data provided by the Ministry of Natural Resources and Forestry through the Town's membership in Land Information Ontario (LIO) at the time this Official Plan was prepared. To ensure consistency, this same data will be used in the implementing Zoning By-law and such lands will be placed in appropriate environmental zones in the implementing Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the Environmental Protection in relation to the extent and severity of the natural environmental features and ecological functions of the area.

The implementing Zoning By-law shall also specify that all buildings and structures be set back an appropriate distance from the boundary of an Environmental Protection Zone. A reduction in the setbacks will require either an amendment to the implementing Zoning By-law or a minor variance subject to the comments of the appropriate agencies. Matters to be considered in reviewing an application to reduce the setback include:

- a) the nature and stability of the soils;
- b) the nature and stability of the vegetation and cover;
- c) the slope of the land;
- d) the nature of existing and proposed drainage patterns;
- e) the nature of the fish and wildlife that may be present; and,
- f) the scale of the proposed development.

Council shall be satisfied that the proposed development can be accommodated without there being a negative impact on the features and functions of the corridor and in a safe manner.



## **4.10 CROWN LAND**

**4.10.1** The purpose of the Crown Land designation is to identify lands in the Town which are Crown land. The Crown Land designation as shown on Schedule A to this Plan applies to over 70% of the land within the Town.

### **4.10.2 PERMITTED USES**

This Official Plan and the Town's Zoning By-law will not be applicable to government agencies but will apply to persons and individuals undertaking land use activities on Crown land including lands covered by water. Permitted uses on Crown land will be uses permitted in the Rural designation.

### **4.10.3 DEVELOPMENT POLICIES**

Where lands are proposed to be patent in accordance applicable legislation and regulations, an Official Plan Amendment will not be required but a Zoning By-law Amendment will be required to recognize the use or uses proposed for the patent land. In reviewing a Zoning By-law Amendment in this context, Council will expect the proponent to conform to other applicable policies in this Plan.

## **SECTION 5 – COMMUNITY SERVICES AND FACILITIES**

### **5.1 GENERAL**

- 5.1.1 The intent of this Plan is to maintain a level of public service that is appropriate for the urban and rural character and environment of the Town of Atikokan. Capacity is available within the water and sewer treatment service facilities to allow for reasonable expansion of these services within the Townsite of Atikokan. It is recognized that servicing in a rural area is generally difficult and expensive to provide due to dispersed development patterns consistent with the rural character. It is not expected that there will be additional significant demands for community services or facilities above the level that presently exists.
- 5.1.2 The objectives of this section of the Plan is to provide policies that will ensure adequate services are provided that recognize the Town's financial capabilities and not place undue strain on the Town's financial resources.
- 5.1.3 The use of alternative development standards is encouraged for new development and redevelopment provided that the standard of development allows for flexibility and adaptability in urban design and housing, enhances the liveability of the proposal, provides cost efficiency in the delivery of services and supports the principles of environmental sustainability.
- 5.1.4 Decisions with respect to community services and infrastructure will be coordinated with growth and development with a priority that such facilities are financially viable over their life cycle, which may be demonstrated through asset management planning. Prior to the development of new infrastructure, it shall be demonstrated that existing infrastructure has been optimized and opportunities for adaptive reuse have been considered.**
- 5.15 Opportunities to utilize or integrate cost effective forms of green infrastructure in the Town will be explored and viable systems or installations will be promoted.**

### **5.2 ROADS**

- 5.2.1 Safe and efficient movement of people and goods within the Town and to and from adjacent municipalities is encouraged by this Plan. The road system should safely serve the Town but should not be developed to a standard or extended beyond which would result in a burden to the residents and taxpayers of the Town.
- 5.2.2 The classification of roads in the Town as shown on Schedules “C” and “C-1” ~~“A” and “B”~~ are as follows:
- (a) Provincial Highways - this system of roads applies to the numbered provincial highways under the jurisdiction of the Ministry of Transportation. The primary purpose of provincial highways is to move people and goods between major centers and through the Town. Access to provincial highways is restricted to allow for this primary purpose. Entrance permits are required from the Ministry of Transportation for any new entrance/access onto Highway 11. Along Highway 11B and Highway 622 access is permitted provided the entrance meets the

minimum safety and geometric requirements of the Ministry of Transportation.

- (b) ~~Town~~ **Local** Roads - this system of roads applies to all public roads under the jurisdiction of the Town of Atikokan. The Town is responsible for the maintenance of public roads within their jurisdiction. The primary purpose of the Town roads is to facilitate local travel and areas for development. Direct access to Town roads is normally permitted from any abutting lot provided there are adequate sight lines, suitable grades and the access will not cause traffic hazards.
  - (c) **Private/Crown** Roads - this system of roads applies to all roads that are not under the jurisdiction of the Town or the Ministry of Transportation which are privately maintained for individual access purposes or maintained by the Ministry of Natural Resources **and Forestry** or its agents as forest access roads. The primary purpose of forest access roads is for resource extraction, management and their use by the public is governed by the policies of the Ministry of Natural Resources **and Forestry** and may be both seasonal and year-round roads, are not always maintained and may be decommissioned.
- 5.2.3 Construction of a new public road, or extension of an existing public road, shall be designed and constructed to meet approved standards and the road shall be suitable for assumption into the Town's road inventory.
- 5.2.4 The Town of Atikokan is not responsible for the costs associated with the design and construction of new roads or the extension of existing roads. These costs are the direct responsibility of the proponent for the new road and/or road extension.
- 5.2.5 Unless it is clearly in the public interest, private roads will not be assumed by the Town into the Town road system. The Town is not responsible for upgrading private roads to an approved standard acceptable for assumption into the municipal road system. These costs are the direct responsibility of the owner(s) of the private road.
- 5.2.6 Year-round maintenance will be provided on all roads under the jurisdiction of the Town of Atikokan and the Ministry of Transportation.
- 5.2.7 The right-of-way width of ~~Town~~-local roads shall generally be a minimum of 20 metres (66 feet). As a condition of development the Town may required the dedication of road widenings to achieve the 20 metres (66 feet) road right-of-way widths where they presently do not exist. **Where existing local roads are confirmed to deviate over private property, the Town will seek the conveyance of such lands through Planning Approvals.**
- 5.2.8 All new roads developed by the Town shall be planned in accordance with the appropriate Class Environmental Assessment under the Environmental Assessment Act.

### 5.3 WATER SUPPLY

- 5.3.1 All new residential, commercial, institutional and industrial development within the serviced area of the Townsite of Atikokan shall be connected to the municipal water supply system. **The extent of lands serviced by the Town's water service system is shown on Schedule C-1 to this Plan.** Water line extensions outside of the serviced area of the Townsite will only be permitted to remedy a health concern **or to accommodate minor rounding out or infilling of existing development on partial services, provided a servicing options assessment has been undertaken and site**

**conditions are suitable for the long-term provision of such services with no negative impacts.**

- 5.3.2 The public water piped distribution and treatment supply to the area outside the service area of the Townsite is not considered feasible over the life of this Plan. Development in the serviced area of the Townsite is encouraged to make efficient use of the water supply system.
- 5.3.3 The source of water supply in areas beyond the serviced area of the Townsite of Atikokan is primarily from private individual wells. Any surface waters used for domestic purposes should be filtered and treated prior to consumption.
- 5.3.4 The replacement, upgrading or expansion of the water treatment plant will be in accordance with the requirements of the Class Environmental Assessment of the Environmental Protection Act.
- 5.3.5 The responsibility for water supply and treatment in those areas outside of the serviced area of the Townsite of Atikokan will be with each property owner.
- 5.3.6 Individual private wells serve as an adequate supply of water for the rural development of the Town. It is intended that lot sizes remain large enough to ensure that private wells remain the primary source of water in the Resource Development Area of the Town.

## **5.4 SEWAGE DISPOSAL**

- 5.4.1 **The extent of lands serviced by the Town's sanitary sewer system is shown on Schedule C-1 to this Plan.** All new residential, commercial, institutional and industrial development within the serviced area of the Townsite of Atikokan shall be connected to the municipal sanitary sewage treatment system, **notwithstanding minor rounding out of lands in the settlement area or infilling of existing development on partial services may be permitted, provided a servicing options assessment has been undertaken and site conditions are suitable for the long-term provision of such services with no negative impacts.**
- 5.4.2 The Town operates and maintains the sanitary sewage collection system. The Ministry of the Environment or its agent is responsible for the sanitary sewage treatment and distribution system in the Townsite of Atikokan. All development in the serviced area of the Townsite is encouraged to make efficient use of the sanitary sewage system.
- 5.4.3 The sewage treatment plant has a designed capacity to service a population of 9,067. A residual capacity of approximately 5,000 persons is available for new development in the serviced area of the Townsite of Atikokan.
- 5.4.4 Any replacement, upgrading or expansion of the sewage treatment plant facilities shall be in accordance with the approved Class Environmental Assessment process under the Environmental Protection Act.
- 5.4.5 Private individual septic tanks and tile field systems are the primary means of sewage disposal in the area outside of the serviced area of the Townsite of Atikokan.
- 5.4.6 Public sanitary sewage collection outside of the serviced area of the Townsite of Atikokan is not considered feasible over the life of this Plan. Therefore, each individual property owner is responsible for the provision of private sanitary sewage disposal in

areas outside of the serviced area of the Townsite and is subject to the approval of the designated authority.

- 5.4.7 It is intended that lot sizes remain large enough and soil conditions are suitable to allow the safe and efficient operation of individual private sewage disposal systems. Private sewage disposal systems will be the primary source of sewage disposal in the Resource Development Area of the Town.
- 5.4.8 All new individual private sewage disposal systems require the approval of the designated authority.
- 5.4.9 The Town encourages the regular inspection and maintenance of private sanitary sewage disposal systems to ensure their safe operation. Any private sanitary sewage system that is not functioning properly or is failing shall be repaired or replaced in accordance with the requirements of the designated authority.

## **5.5 NON-HAZARDOUS SOLID AND LIQUID WASTE DISPOSAL**

- 5.5.1 A new solid waste disposal site at the eastern boundary of the Town is ~~planned for the municipality~~ and has been approved in accordance with the requirements of the Environmental Assessment Act. No additional solid waste disposal sites are anticipated over the life of this Plan.
- 5.5.2 If additional solid waste disposal sites are required or an expansion to the new facility is required, these sites shall be planned in accordance with the requirements of the Environmental Assessment Act and should:
- (a) avoid areas of high ground water;
  - (b) maintain an adequate separation and buffer from all existing development;
  - (c) avoid pollution of the ground water and watercourses;
  - (d) require an amendment to the Zoning By-law; and
  - (e) be approved by the Ministry of the Environment.
- 5.5.3 Liquid waste disposal sites may be permitted subject to an amendment to this Plan and provided the applicant has demonstrated to the satisfaction of the Ministry of the Environment that the facility may be established without adverse impacts on surrounding land uses and the natural environment. A Certificate of Approval from the Ministry of Environment is required for all liquid waste disposal sites.
- 5.5.4 Any reuse or redevelopment of a closed waste disposal site, within the first 25 years of its closure, requires the approval of the Ministry of the Environment.

## **5.6 RECREATION AND OPEN SPACE**

- 5.6.1 The existing recreation and open space facilities that are available to the residents of the Town are considered suitable. However, with increased population growth additional recreational and open space facilities may be required.
- 5.6.2 It is the intent to this Plan to encourage the provision of additional public and private recreational and open space facilities at appropriate locales for use by the Town residents and tourists.

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

## **5.7 COMMUNITY FACILITIES AND SERVICES**

- 5.7.1 The existing services provided by the various services offered by the Fire Services department, the Ontario Provincial Police, ~~the Town Police~~ and other provincial agencies are considered adequate to meet the needs of the residents of the Town.
- 5.7.2 The existing school facilities within the Town meet the needs of the community regarding educational facilities.

## **5.8 ENERGY SUPPLY**

- 5.8.1 **The Town will promote and seek out opportunities to develop and utilize renewable energy systems and alternative energy systems, in accordance with Provincial and Federal requirements. At the time this Plan was updated, Ontario Power Generation had completed a project to convert the former coal-fired hydroelectric production facility to a bio-mass facility utilizing wood pellets manufactured in Atikokan. The Town identifies this facility and the use of renewable fuels as an example of a sustainable long-term source of energy.**

## **SECTION 6 – IMPLEMENTATION AND ADMINISTRATION**

### **6.1 THE TOWN'S ROLE IN IMPLEMENTATION AND RESPONSIBILITIES**

6.1.1 This Official Plan shall be implemented by means of the powers conferred to the Town of Atikokan by the Planning Act and other statutes which may be applicable. In particular, the Plan shall be implemented through:

- (a) the preparation, adoption and enforcement of the zoning by-laws;
- (b) the preparation, adoption and enforcement of other zoning provisions such as property maintenance and occupancy standards by-laws, interim control, temporary use by-laws and holding by-laws;
- (c) the consent and subdivision approval process;
- (d) the site plan control process;
- (e) community consultation and engagement;**
- (f) undertaking special studies or initiatives that will help to achieve the Vision Goals and Objectives of this Plan; and,**
- (g) participation in programs funded by senior levels of government for housing, community improvement, etc.

6.1.2 With respect to **this** official plans, the Town of Atikokan has the responsibility to:

- ~~(a) prepare Official Plans;~~ **make land use decisions that conform with the policies of this Plan;**
- (b) review Official Plans from time to time and make amendments as necessary;
- (c) advise and secure the views of the public, local authorities, agencies, **First Nations**, and boards **with respect to the policies contained in this Plan;** ~~their Official Plan and amendments;~~
- (d) be consistent with the Provincial Policy Statement 2014;**
- (e) be consistent with the Northern Growth Plan; and,**
- (f) review, consider and recommend local legislation, zoning by-laws and amendments, which implement the policies of the Official Plan.

### **6.2 PUBLIC PARTICIPATION**

6.2.1 The Town intends that the public be involved in the formulation and implementation of planning policies. To this end, the Town shall notify and seek the views and participation of the public prior to making decisions regarding planning amendment applications pursuant to the provisions of the Planning Act.

~~6.2.2 The Town may forego public notification and public meetings in connection with a technical official plan or zoning by-law amendment if such amendment will not affect the provisions and intent of the Official Plan, the Zoning By-law or amendments thereto, and may include the following matters:~~

**The following types of minor alteration may be made to this Plan without the need for a formal Official Plan Amendment provided the Ministry of Municipal Affairs**

and Housing is provided with a copy of the revised or consolidated Official Plan referring the nature of the alteration:

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

### **6.3 STREAMLINING REVIEWS OF PLANNING APPLICATIONS**

6.3.1 The Province has implemented a “one window” planning service for provincial review and approval of certain municipal planning applications at the Ministry of Municipal Affairs and Housing. The “one window” approach will allow for a coordinated provincial input at the pre-adoption stage. The Ministry of Municipal Affairs and Housing will rely on the expertise of other ministries as needed.

~~6.3.2 With respect to Consent applications, at the time the Town is delegated this approval authority, the Town will undertake the municipal plan review function and will be responsible for decisions regarding individual Consent applications and where appropriate the Town will rely on the expertise of other ministries as required.~~

### **6.4 OFFICIAL PLAN - AMENDMENTS AND REVIEW**

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

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

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

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

6.4.5 The Official Plan shall be amended to reflect the existing policies of the Town.

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

6.4.7 Prior to considering an amendment to this Plan, the Town shall preconsult with the Ministry of Municipal Affairs and Housing and any other person or public body that Council considers to have an interest in the amendment, pursuant to Section 17(21) of the Planning Act, to ensure that provincial and local interests are considered.

### **6.5 ZONING BY-LAW**



- 6.5.1 The Zoning By-law divides the lands within the Town into a number of zones, each of which will have regulations to control the use of the lands and use, character and location of buildings and structures built upon the land. The Town may also pass a zoning by-law for the protection of a site of a significant archaeological resource.
- 6.5.2 The Zoning By-law is one of the main methods of implementing the Official Plan policies.
- 6.5.3 The Zoning By-law shall ensure that all lands within the Town are zoned for purposes compatible with the Official Plan.
- 6.5.4 All zoning by-laws and amendments to the Zoning By-law passed after this Plan is in effect shall conform to the policies of this Plan.

## 6.6 NON-CONFORMING USES

- 6.6.1 Where a legally existing use of land does not comply with the land use designations and policies of this Plan, it may be zoned in the Zoning By-law in accordance with the existing use, after due consideration, provided that:
- (a) the zoning will not permit any change of use or performance standard that may aggravate or cause conflicts with adjacent complying uses;
  - (b) the use of land will not constitute a danger or nuisance to surrounding uses and persons by virtue of a hazardous nature, poor property conditions, traffic generation or similar characteristics;
  - (c) there is no pollution of air or water to the extent of interfering with the ordinary enjoyment of the property and surrounding uses; **and**,
  - (d) the use does not interfere with the desirable development of the surrounding area that is in conformity with this Plan; **and**
  - ~~(e) where the existing use is discontinued for more than one (1) year, any rezoning may only take place in accordance with the policies of this Plan.~~
- 6.6.2 Non-conforming uses shall cease to exist in the long term.
- 6.6.3 Extensions or enlargements of the land, building or structure of a legal non-conforming use may be permitted by a minor variance to the Zoning By-law provided that:
- (a) the proposed extension or enlargement will not unduly increase any existing nuisance as a result of the use, particularly as it may affect adjacent residential uses; and
  - (b) the extension or enlargement will not create any new nuisance in addition to those in existence as a result of the current use.
- 6.6.4 The repair or replacement of a legal non-conforming use may be permitted provided that:
- (a) the repair or replacement will not unduly increase any existing nuisance as result of the use, particularly as it may affect adjacent residential uses; and
  - (b) the repair or replacement will not create any new nuisance in addition to those in existence as a result of the current use.

## 6.7 FEES

- 6.7.1 Pursuant to Section 69 of the Planning Act, the Town of Atikokan may prescribe tariff of fees through a Tariff of Fee By-law for the processing of applications made in respect to planning matters such as Official Plan amendments, Zoning By-law amendments, Consents, Site Plan Approval or any other planning matter.
- 6.7.2 The Tariff of Fee By-law shall prescribe the fees to be charged for processing applications in respect of planning matters and shall indicate the authority to which the fee is payable.

## 6.8 MINOR VARIANCE

- 6.8.1 The Town shall recommend minor variances for relief from regulations to the Zoning By-law, in accordance with Section 44 of the Planning Act, the rules of procedure and regulations issued by the Minister under the Planning Act and the policies of this Plan. **In reviewing an application for minor variance the Town will generally require an applicant to demonstrate why it is not possible, feasible or reasonable to comply with the zone standards and regulations.**
- ~~6.8.2 The Town may also recommend minor variances to other by-laws, such as Interim Control by-laws and the Property Maintenance and Occupancy Standards By-law.~~

## 6.9 SITE PLAN CONTROL

- 6.9.1 The Official Plan may be implemented through the use of site plan control subject to the provisions of Section 41, of the Planning Act. All of the area affected by the Official Plan shall be deemed to be a site plan control area with the exception of single and two unit residential dwellings.
- 6.9.2 The goals of implementing site plan control are to:
- (a) ensure safe and efficient vehicular and pedestrian patterns;
  - (b) ensure that development will not have a detrimental visual impact on adjacent uses;
  - (c) ensure industrial and commercial developments do not reduce the enjoyment of adjacent lands;
  - (d) ensure parking, storage, loading facilities and garbage disposal areas are located in a manner that does not negatively impact on traffic flows or create adverse visual impacts;
  - (e) ensure on-site drainage and grading is adequately provided; and
  - (f) ensure possible natural heritage features are protected and the proposed development is protected from hazard lands.
- 6.9.3 A Site Plan Control By-law may require site plans and/or detailed drawings of a proposed development to be submitted for approval by the Town. Such site plans and/or drawings will show any or all the required information deemed necessary from the items listed in policy 5.9.4.
- 6.9.4 Prior to the issuance of a building permit, the applicant may be required to enter into a site plan agreement with the Town which may address one or more of the following

matters:

- (a) widenings to any roads or highways that abut the lands subject to the application. Any proposed widenings requested must be shown on the site plan drawing;
- (b) provision of sufficient parking, access driveways and similar matters;
- (c) the construction of walkways, ramps and pedestrian access;
- (d) proper lighting of buildings and lands;
- (e) the provision of adequate landscaping and buffering in the form of trees, shrubs, walls, and berms;
- (f) storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
- (g) the conveyance of any easements for the construction, maintenance and improvements of any drainage works, water works and other public utilities;
- (h) adequate drainage and management of surface storm water and waste water from the lands, buildings or structures; and
- (i) the location of all buildings and structures to be erected and the location of all facilities and works to be provided in conjunction with the buildings and structures;
- (j) the massing and conceptual design of proposed buildings;**
- (k) the relationship of proposed buildings to adjacent buildings, streets and public areas;**
- (l) interior walkways stairs, elevators accessible to the public from streets, open spaces and interior walkways in adjacent buildings;**
- (m) exterior design including character, scale, appearance and design features of buildings and their sustainable design;**
- (n) sustainable design elements on any adjoining highways;**
- (o) facilities designed to improve accessibility.**

**For the purpose of items j) through o), such provisions may be applied to residential buildings containing fewer than 25 dwelling units.**

## 6.10 HOLDING PROVISIONS

- 6.10.1 In accordance with Section 36 of the Planning Act, the Town may approve a by-law which identifies a use of land but prohibits the actual development of this land until a later date when identified conditions have been met.
- 6.10.2 During the interim period, when the holding provision is in place, uses permitted on the affected lands are limited to existing uses only.
- 6.10.3 Prior to removal of the holding symbol, the Town must be satisfied that the following conditions have been met:
- (a) the servicing requirements for the subject lands are in place;
  - (b) that any impacts on surrounding lands can be mitigated through the use of site plan control or other design requirements; or
  - (c) that a site plan agreement has been executed in accordance with the policies of this Plan and the Planning Act.
- 6.10.3 It shall be the responsibility of the applicant requesting the removal of the holding symbol to demonstrate that the conditions for the removal of the holding symbol have been satisfied.

## 6.11 INTERIM CONTROL

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

## 6.12 TEMPORARY USE BY-LAWS

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

## 6.13 IMPLEMENTING COMMUNITY IMPROVEMENT POLICIES

- 6.13.1 The Town of Atikokan shall attempt to use all possible means to implement Community Improvement Policies and these shall include:
- (a) participation in and support for Federal and Provincial community improvement programs;
  - (b) use of authority granted under Section 28 of the Planning Act, to designate a Community Improvement Area, develop Community Improvement Plans and acquire and redevelop land;
  - (c) enforcement of the Property Maintenance and Occupancy Standards By-law; and
  - (d) encouragement of activities aimed at developing the economic viability and attractiveness of the Town;
  - (e) improvements to sidewalks and road surfaces to enable safe and comfortable travel by pedestrian, bicycles and vehicles; and
  - (f) encourage residents, business owners and service groups to participate in tree planting and street beautification and gateway programmes.

6.13.2 The entire Town of Atikokan shall be defined as a Community Improvement Area.

## 6.14 PARKLAND DEDICATION

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

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

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

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

## 6.15 PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS BY-LAW

6.15.1 The Town is committed to the maintenance and development of a safe, healthy and attractive environment. The Town may adopt a By-law pursuant to the Building Code Act, which sets out standards for the maintenance and occupancy of property and prohibits the use of property which does not conform with the standards. The By-law shall require that all substandard properties be repaired in conformance with the By-law or be cleared of all buildings, debris, structures or refuse and left in a graded and leveled condition. The By-law shall specify the manner in which the By-law will be administered and enforced.

6.15.2 The above By-law may address the following items:

- (a) the physical condition of yards and passageways, including an accumulation of debris and rubbish and discarded motor vehicles and trailers;
- (b) the adequacy of sanitation, including drainage, waste disposal and garbage;
- (c) **where building construction has been authorized by permit, that such construction occurs in a timely manner and buildings do not remain in an incomplete state for a prolonged period of time.**
- (d) the physical condition of accessory buildings; and;
- (e) the physical condition of all buildings and dwellings.

- 6.15.3 After passing the above By-law, a Property Standards Officer shall be appointed and a Property Standards Committee shall be established.

## **6.16 APPROVAL AUTHORITY**

- 6.16.1 The Town of Atikokan shall encourage and seek the delegation of approval authority from the Ministry of Municipal Affairs and Housing for consents, subdivision approval and approval for official plan amendments. The delegation of approval authority from the Ministry of Municipal Affairs and Housing to the Town of Atikokan is consistent with Provincial policy to provide local autonomy and empowerment to local governments in the decision making process.

## **6.17 AGENCY NAMES AND RESPONSIBILITIES AND LEGISLATION**

- 6.17.1 From time to time, the names of various government ministries and agencies may change. In addition, responsibilities may shift from ministry to ministry. The names of the various ministries responsible for the programs, regulations and approvals are given in this Plan as of the date of adoption of this Plan. It is not intended to amend this Plan each time a change in name or responsibility occurs. Rather, this Plan shall be interpreted so as to refer to those agencies named, or their successors, as conditions dictate.
- 6.17.2 From time to time Provincial and Federal statutes are amended and section numbers are changed. It is not intended to amend this Plan each time such a change is made. This Plan shall be interpreted so as to refer to legislation as amended from time to time.

## **6.18 LAND USE BOUNDARIES**

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

## **6.19 SUBDIVISION OF LAND (relocated from Section 3)**

### **SUBDIVISION POLICIES**

- 6.19.1 Subdivision of land by plan of subdivision or plan of condominium shall be permitted provided that:
- a) the plan is considered to serve the public interest and is not deemed premature;
  - b) the lands can be provided with adequate services and utilities;
  - c) in the serviced area of the Townsite of Atikokan sufficient reserve capacity in the water and sewage systems shall be available to service the subdivision;
  - d) in the area outside the serviced area of the Townsite, the applicant shall provide a report prepared by a qualified consultant indicating that there is adequate water quality to meet the Ontario Drinking Water Standards and quantity available to service the subdivision and a ground water impact assessment report for sewage

- systems when the development consists of more than 5 lots;
- e) the development of land on partial services is discouraged except where it is necessary to address failed services, or because of physical or environmental constraints;
  - f) the development is not likely to adversely affect the economy or financial position of the Town if such subdivision is approved;
  - g) the development is directed away from hazard lands and development and site alteration is not permitted within floodways of rivers and streams;
  - h) the development is not incompatible with any natural heritage features or areas;
  - i) where access is proposed from a provincial highway, the Ministry of Transportation shall be consulted prior to subdivision approval being given to obtain input and support regarding minimum access and entrance permit requirements; and
  - j) the subdivision does not result in land use conflicts with existing nearby uses and where necessary, matters of land use compatibility identified in the policies of 3.14 are appropriately addressed.

6.19.2 It is the intent that plans of subdivision for residential purposes will be primarily within the Residential areas of the Town in conformity with the policies of this Plan. Plans of subdivision for industrial and commercial uses will be permitted if such plan is located in an area in conformity with the designation and policies of this Plan.

### **CONSENT POLICIES**

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

- a) the retained and severed lot(s) can be adequately and safely serviced. In areas not serviced by municipal sewage systems, the designated authority shall be consulted prior to consent approval being given to obtain support for the consent proposal;
- b) the soil and drainage conditions are adequate for the proposed use and permit the proper siting of buildings and if required, the installation of private septic disposal systems;
- c) the lands front onto a public road that is maintained year round by the Town or the Province and is of an acceptable standard of construction however, in certain circumstances consents may be granted for seasonal residential uses on municipally approved private roads and waterfront access lots;
- d) where access is proposed from a provincial highway, the Ministry of Transportation shall be consulted prior to consent approval being given to obtain input and support regarding access and entrance permit requirements;
- e) no traffic hazard is created by the consent and safe access/egress to the retained and severed lot(s) is feasible;
- f) the consent does not result in land use conflicts with existing nearby uses;
- g) the lot size and configuration shall be suitable for the proposed use and, where possible, be consistent with adjacent development;
- h) adequate protection and preventative services for persons and property are available, subject access to access restrictions;
- i) the proposed use can be safely located away from hazard lands and sites and outside of floodways of rivers and streams; and
- j) the development is not incompatible with any natural heritage features or areas.

6.19.4 The following may be considered as conditions of consent by the Town:

- a) that the Zoning By-law be amended, if required;
- b) that any necessary land for road widening, allowances or easements be dedicated to the Town or the Province;
- c) that the applicant improve road access, grading, drainage, etc. to a standard satisfactory to the Town and/or the Province; and
- d) any other condition reasonable to the granting of the consent.

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

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

## **6.20 COMPLETE APPLICATION**

In order to ensure that all the relevant and required supporting information pertaining to a planning application is provided at the time of submission, Council may, by By-law, require a proponent to attend a pre-consultation meeting with staff prior to the submission of a planning application. Subsequent to a pre-consultation meeting, the Town will determine what supporting information (i.e. reports and studies) is required as part of the complete application submission and inform the proponent of these requirements.

The following information, at a minimum, shall be required as part of a complete application:

- a) prescribed application fee;
- b) completed application form together with requisite authorizations, if necessary;
- c) prescribed information and material as required by the Planning Act Regulations;
- d) covering letter, which outlines the nature of the application and details of the pre-consultation meeting (if applicable);
- e) concept plans and/or drawings; and,
- f) any studies identified as necessary through pre-consultation.

The following supporting information may be required as part of a complete application, to be determined through the pre-application consultation with staff:

- a) Transportation Impact Study;
- b) Functional Servicing Report;



- c) **Stormwater Management Plan;**
- d) **Tree Preservation Report and Plan;**
- e) **Hydrogeological Assessment;**
- f) **Watershed or Subwatershed Study;**
- g) **Floodline Delineation Report;**
- h) **Architectural/Urban Design Study;**
- i) **Environmental Site Assessment;**
- j) **Planning Justification Report;**
- k) **Ministry of the Environment (MOE) Record of Site Condition (RSC);**
- l) **Contaminant Management Plan;**
- m) **Environmental Impact Study;**
- n) **Lake Impact Study;**
- o) **Archaeological Assessment;**
- p) **Heritage Impact Assessment;**
- q) **Wind Study;**
- r) **Noise Study;**
- s) **Vibration Study;**
- t) **Geotechnical Study;**
- u) **Slope Stability Study;**
- v) **Market/Retail Impact Study or Analysis;**
- w) **Viewscape or Shadow Impact Assessment;**
- x) **Conceptual Site Plan and Building Elevations;**
- y) **Erosion and Sediment Control Plans; or,**
- z) **Any other study necessary to address issues related to a development proposal.**