



# City of Dryden Official Plan

Version:  
Approval Date:



**DRYDEN**

**Prepared For:**

The Corporation of the City of Dryden  
30 Van Horne Avenue  
Dryden, Ontario, P8N 2A7

**Prepared By:**

Quartek Group Inc.  
89-91 St. Paul Street, Suite 100  
St. Catharines, Ontario L2R 3M3



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**Schedules**

- Schedule A-1: Settlement Area
- Schedule A-2: Rural Area
- Schedule B-1: Settlement Area Environmental Resources
- Schedule B-2: Rural Area Environmental Resources
- Schedule C-1 : Settlement Area Road Classification
- Schedule C-2: Rural Area Road Classification

**Appendices**

- Appendix A – Definitions
- Appendix B – Urban Design Guideline Checklist
- Appendix C – Natural Shoreline Buffer

**Insert By-law Here**



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# SECTION 1 INTRODUCTION





## **1.0 INTRODUCTION**

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### **1.1 PURPOSE OF THE OFFICIAL PLAN**

The City of Dryden Official Plan is intended to establish a vision, guiding principles, and policies to manage and direct development and change within the City to the year 2047 (25-year planning horizon). The Official Plan balances the interests of individual property owners with the wider interests and objectives of the community to achieve orderly physical and economic growth while protecting social, cultural, and natural heritage resources.

The Official Plan is intended to be a living document and will be reviewed in accordance with the requirements of the *Planning Act* and Provincial Plans (Provincial Policy Statement, Growth Plan for Northern Ontario). This Plan shall comply with provincial requirements of the 10-year (or 5-year) review process and may be amended to reflect changing circumstances or new priorities.

The Official Plan establishes policies that will be considered throughout the development approval process when considering public works and other municipal services. The Official Plan provides the policies to sufficiently designate land to accommodate and be prepared for future residential, commercial, industrial, employment, and open space lands to meet the needs of the City and maintain the City's role as a regional service centre and transportation hub for the surrounding population.

The main implementation tool, the Zoning By-law, will be updated in accordance with the requirements of the *Planning Act* to ensure that it is in conformity with the policies of this Plan.

### **1.2 COMMUNITY CONTEXT**

The City of Dryden is a community in motion. A diverse environment alive with activity, commerce, and recreation. Surrounded by nature, Dryden is connected to the outdoors including the lakes, parks, and trails found throughout the city. Dryden is a hub for business, sport, government, the focal point for travelers, visitors, and guests.

The City of Dryden is a regional centre located on Highway 17 (Trans-Canada Highway) mid-way between Thunder Bay, Ontario (352 kilometres East) and Winnipeg, Manitoba (351 kilometres West).



Geographically, the City of Dryden occupies a total land area of 66.19 square kilometres or 6,619 hectares and is comprised of the former Town of Dryden and the amalgamated Township of Barclay in 1990s, to which is now the City of Dryden.

Dryden is the second-largest city in the Kenora District of Northwestern Ontario, located on Wabigoon Lake and is encompassed by the beauty of tranquil lakes, spectacular views, and the boreal forest.

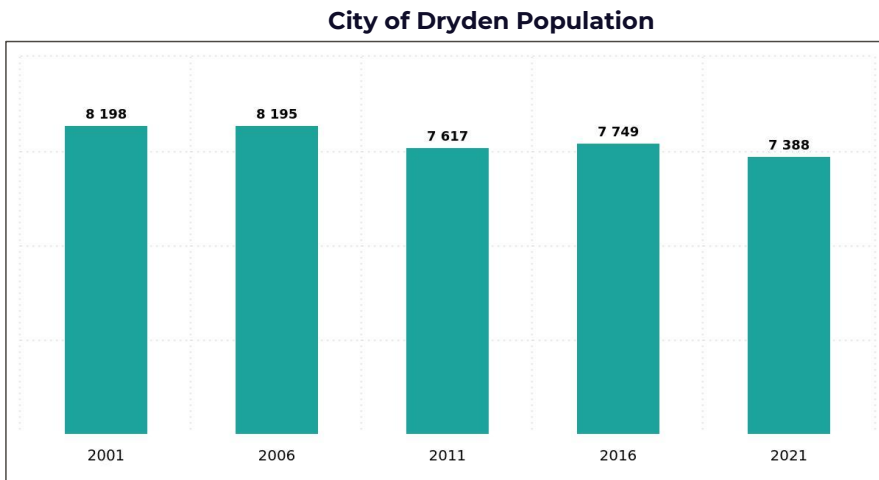
Conveniently located nearby, is a full service, Dryden Regional Airport offering a 6,000-foot runway utilizing ILS (Instrument Landing System) technology, and a fully modern, regional hospital which has 24hr ambulatory and emergency services, CT scan, acute care services, visiting specialty surgeons, specialty clinics and telemedicine.

The following section provides the statistical data from Statistics Canada Census Profile from 2017 to 2022 for the City's population, age profile, household profile, education, and labour force. Additionally, the recent City of Dryden's Community Capacity Study and Business Gap Analysis prepared by Explorer Solutions provide supplemental population projections for the 20-year horizon.

### 1.2.1 POPULATION

From 2000 to 2005, the population in Dryden exhibited a trend of increase and peaked at 8,629 in 2004. A decrease then occurred from 2007 to 2011, when the population declined by 753 at the same period as the economic downturn. In the last ten (10) years, the population in Dryden fluctuated at approximately 7,800.

According to the February 2022 census data from Statistics Canada, Dryden has a population of 7,388 people.



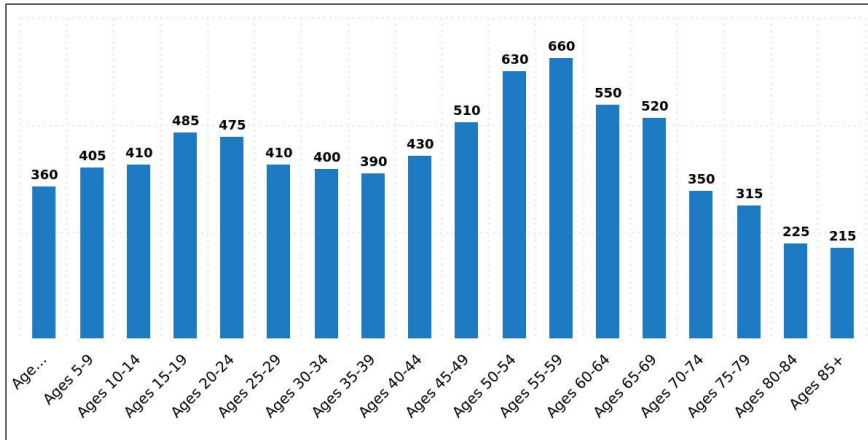
Source: Statistics Canada, February 2022

### 1.2.2 AGE PROFILE

The largest population of Dryden is the age group between 55 and 59 years old, and the least populated age group is 85+ years old. The working age group between 15 to 64 years old comprises 63.82% of the population, while 23.79% make up the younger population which will be a part of labour force in less than 2 decades.

Of the total population in Dryden, 810 identify themselves as First Nations, and 640 as Metis.

**City of Dryden Age Profile**



Source: Statistics Canada, April 2017

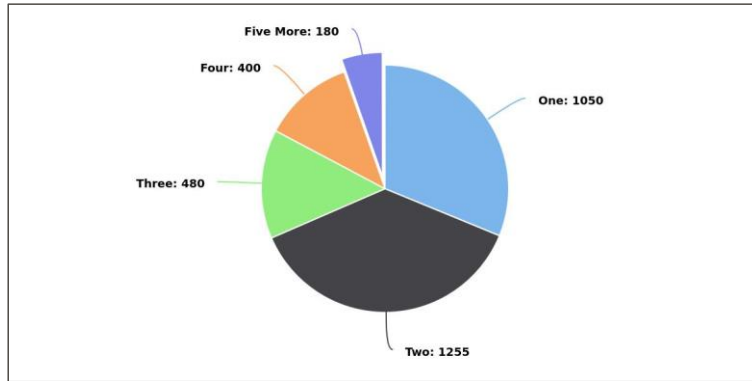
### 1.2.3 HOUSEHOLDS

According to Statistics Canada Census and the 2019 Canadian Housing Statistics Programs (CHSP), the largest household and dwelling characteristic in Dryden is comprised of single detached dwellings with 2,535 units. The other dwelling types include semi-detached dwellings, row house or duplex units, low rise apartment buildings, and moveable (mobile) dwellings. To date there are approximately 2,855 constructed dwelling units.

Additionally, the City has 475 approved sites of vacant land to accommodate additional dwelling types; Although, these sites vary in size for the different housing type.

The following household profile provides the breakdown of the number of people living in the different housing types in the city.

### City of Dryden Household Profile

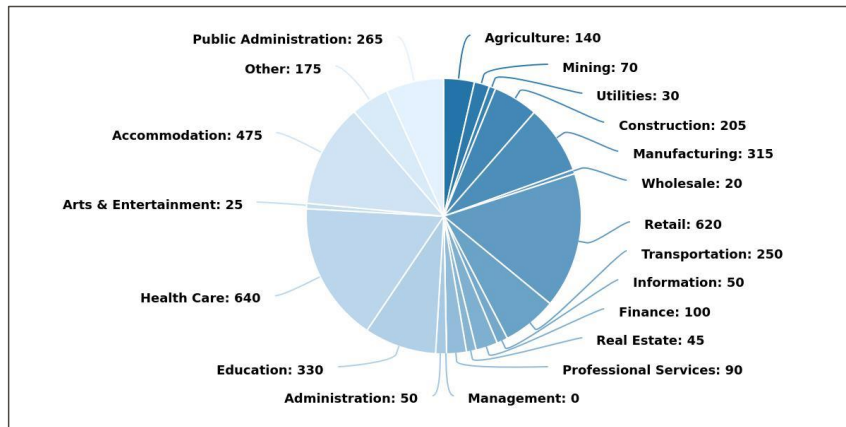


Source: Statistics Canada, 2019

### 1.2.4 EMPLOYMENT

Dryden’s workforce currently totals 3,750 people. Dryden’s employment base is concentrated in sales and service and education related occupations. At the same time, Dryden’s traditional strengths in forestry and trades-oriented activities are also reflected in the City’s employment composition. Occupations tied to hospital functions are also well represented with notable concentrations of registered nurses and paramedical occupations. The City is ambitious to develop a more robust tourism sector by promoting local arts and culture.

### City of Dryden Employment Profile



Statistics Canada, November 2017

### 1.3 GROWTH FORECAST

The Community Capacity Study and Business Gap Analysis, prepared by Explorer Solutions in association with the City assessed whether the supply of vacant residential and employment lands within the Settlement Area is sufficient to accommodate anticipated residential and employment growth for the 25-year planning horizon.

Anticipated growth was based on projections (population, employment, and households) associated with several growth scenarios including the organic growth and decline of the population and the anticipated major economic events in the community including the Goliath Gold Project. This is a prospective project that consists of the construction, operation, decommissioning, and remediation of an open-pit and underground gold mine and associated mining infrastructure, including a tailings storage facility located 20 kilometres east of Dryden. In 2019, the project received Federal Environmental Assessment Approval. Currently, Treasury Metals Inc. is in the process of receiving additional permits and approvals to construct and operate the project.

The Goliath Gold Regional Complex is expected to create significant new employment and traffic in the City of Dryden. The Company estimates that the construction, exploration, mining and processing will create 450 jobs. The mine is expected to have a life of 13.5 years. If the Goliath Gold project is commissioned, this employment and business opportunity is assumed to increase the population to 10,341 residents by 2040.

The Nuclear Waste Management Organization (NWMO) is another potential contributor to the City's population growth. This project is in the site selection process of an underground nuclear waste repository between Ignace and Dryden. The Township of Ignace is 110 km east of Dryden, with a population of approximately 1,200 residents.

The project began in 2010 and is a multi-year process to identify a site where Canadian nuclear waste can be contained and isolated in a deep geological repository. Currently, the municipalities of Ignace and South Bruce are the final two (2) shortlisted areas.

The project expects a repository to be built by 2033, with testing and construction occurring between 2033 and 2043, and full operations beginning in 2043. A site selection decision will be made in 2024.



The Nuclear Waste Management Organization (NWMO) estimated that the 10-year construction period will generate approximately 1,165 jobs (including direct, indirect and induced jobs). Upon completion in 2033, the operation of the repository will create an additional 1,340 jobs (including direct, indirect and induced jobs). If the NWMO project is commissioned in the Ignace Area, it is estimated that the population of Dryden is expected to reach 11,237 people.

Fully serviced lands have been designated for future residential, commercial, and industrial needs in a manner that has minimized speculation and uncertainty. This Plan maintains that approach to planning by designating sufficient lands to meet the needs of the community for the next ±20 years.

The growth forecast factors include the potential economic downturn including aging workforce and delay and cancellation of economic opportunities. The following growth targets have been used in preparing this Plan.

	<b>2022</b>	<b>2047</b>	<b>Growth</b>
<b>Population</b>	7,388*	11,762	4,374
<b>Households</b>	4,110	6,781	2,671
<b>Employment</b>	3,750	6,188	2,438

\*Statistics Canada Data

### 1.3.1 ACCOMMODATION OF GROWTH

The following policies provide the framework to accommodate the anticipated growth in the City.

1. Projected population, housing and employment will primarily be accommodated within the Settlement Areas as shown on Schedule A-1 'Settlement Area'.
2. Growth will be accommodated by:
  - a) Efficient usability of vacant and occupied lands;
  - b) More compact built form and density of development;
  - c) Reuse, rehabilitation, regeneration, intensification and enhancement of the built environment;
  - d) Redevelopment and build out of underutilized properties;
  - e) More integrated, interactive mix of uses, activity and functions;
  - f) Service, infrastructure, energy, transportation sustainable, accessible, efficient and supportive development;

- g) Design initiatives to support compatible, innovative, efficient and sustainable buildings; improved streetscape; neighbourhood and community design; enhanced natural and cultural heritage protection, preservation and conservation; an accessible, integrated, interactive, usable and connected public realm;
  - h) Recognizing the preferred mix and interaction of uses contemplated, the City's Urban Design Guideline Checklist (found in Appendix B) shall be emphasized in the evaluation of all development, redevelopment and intensification opportunities;
  - i) Upgrading of existing infrastructure and public service facilities, and where required, the provision of new infrastructure and public service facilities to ensure adequate service capacity to support development, redevelopment and intensification; and
  - j) Providing a balance of housing and employment opportunities to maximize the opportunities for people to live and work in Dryden, and to maintain a sustainable healthy tax base to support a balanced and complete community, and sustainable long-term growth and development opportunities.
3. This Plan establishes a land use planning framework consistent with and supporting the growth and intensification strategy set out in the Provincial Growth Plan for Northern Ontario, as follows:
- a) Intensification - the development of a property, site or area at a higher density than currently exists through; the redevelopment, including the reuse of brownfield sites; the development of vacant and/or underutilized lots within previously developed areas; the infill development and the expansion or conversion of existing buildings.
  - b) Intensification Corridors - areas along major roads, arterials that have the potential to provide a focus for higher density mixed-use development.
  - c) Strategic Core Areas - delineated medium-to-high-density areas that are priority areas for long-term revitalization, intensification, and investment. These areas may consist of the downtown area, and other key nodes in the city.

#### 1.4 EFFECT OF THE OFFICIAL PLAN

The policies contained herein, together with the Schedules and any amendment(s) which are adopted and finalized pursuant to the *Planning Act*, constitute the City of Dryden Official Plan (the "Plan"). This Plan applies to all lands included within the boundaries of the Corporation of the City of Dryden.

Sections 2 to 7, including the Schedules, constitute the City of Dryden Official Plan. Interpretation of any boundary line on the Schedules of this Plan is intended to be flexible except where they meet with roads, watercourses, railway lines, transmission lines or other clearly defined physical features.

Where reference is made to other documents, such as Federal or Provincial Acts, legislation, or guidelines, it is understood that it is the latest approved version of the document that is being referenced, unless otherwise specified. It is recognized that provincial and federal ministries or bodies (e.g., agencies, boards, and commissions) may change names from time-to-time. Where reference is made to a ministry or other body, it is understood that it is the ministry or body as it is known at the time of reading, that is being referenced.

This Plan and planning decisions must conform and not conflict with the provincial plans in effect such as the Growth Plan for Northern Ontario, is consistent with the Provincial Policy Statement, and, and has regard to matters of provincial interest identified in the *Planning Act*.

No public or private works shall be undertaken in the City, and except as provided for under the *Planning Act*, no By-law shall be passed for any purpose that does not conform to the policies of this Plan.

The capital works program and resulting capital budget are intended to provide the infrastructure required to implement the guiding principles, growth forecasts and land use plan established in this Plan. It is at the discretion of municipal officials to continuously seek out government funding, private/public partnerships and other source funding, to support and implement the guiding principles and land use policies of this Plan. The approved Plan will provide a basis for the review of the City's Zoning By-law.

## 1.5 HOW TO USE THE OFFICIAL PLAN

The Official Plan should be read as a whole to understand the comprehensive and integrative intent as a policy framework for priority-setting and decision-making. More than one Section or Schedule may apply to a particular area or matter.

The text of the Official Plan is set out in paragraphs of explanation and numbered and lettered policies. The policies embody the essentials of the Plan. The paragraphs of explanation are to provide further information that will assist in the interpretation of the policies and help clarify the general intent of the Plan.



# SECTION 2

## GOALS AND OBJECTIVES



## 2.0 GOALS AND OBJECTIVES

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The Official Plan offers a sustainable approach to land use planning in the City of Dryden, focusing on the integration of land use, transportation, and sustainable development to ensure that social, cultural, economic, natural environment, built environment, and governance factors are considered in the management of change for the City's future.

Growth and development should be directed to locations where it makes financial sense by using existing and planned infrastructure. New development should be designed to use land efficiently, be responsible to the natural environment and be compatible with existing land uses. To protect and enhance the quality of life and shape change, this Plan establishes the fundamental goals and objectives that will guide future development in the City of Dryden.

### 2.1 GOALS AND OBJECTIVES

The goals and objectives reflect the present and future needs and values of the City of Dryden and the residents.

#### 2.1.1 COMMUNITY

1. To support and maintain a high quality of life for current and future residents of the City.
2. To ensure that the City remains safe and well served by the corporation.
3. To create a vibrant, welcoming and inclusive community identity that builds on unique local features.
4. To ensure that all stakeholders and the public have appropriate and adequate opportunities to participate in planning processes.
5. To direct new residential development to the serviced areas of the City, away from significant or sensitive resources and areas which may pose a risk to public health and safety.
6. To support activities and infrastructure that promote a healthy community including recreation facilities, trails and parks, and community gathering places.
7. To engage the community through sharing information and collection of comments to ensure that the City develops in a manner that fosters community spirit and pride.



8. To promote connectivity, mobility and accessibility within and between neighbourhoods, employment areas, downtown and the waterfront areas.
9. To provide a mix and range of housing types that shall meet the physical and financial needs of all current and future residents, in particular the aging population and new entrants to the housing market, with the goal of providing a timely response to housing needs associated with a diversified economy.
10. To recognize barriers for disabled people and provide accessibility features for current and proposed buildings.

### **2.1.2 CULTURE**

1. Encourage the conservation of cultural heritage resources, which includes their identification, protection, management and use.
2. To recognize and support the diverse ethnic groups, ages and interests of the present and future residents of the City.
3. To support the cultural community and support local artisans, through the installation of public art and creation of public spaces that celebrate the creativity of the community.
4. To engage with Indigenous communities when considering significant land uses or public works in the City.
5. To recognize and respect the cultural values and heritage of First Nations, urban indigenous, and Métis populations.
6. To build a physically attractive and accessible community that enhances the community's quality of life and sense of place.
7. To ensure that planning for land use, infrastructure and other municipal or community services considers culture in the consultation and decision making process.
8. To recognize the contribution cultural heritage makes to the municipality's identity, economic prosperity, quality of life, and overall sense of place.

### **2.1.3 ECONOMY**

1. To develop the City as a focus for industry, trade, transportation and logistics, commerce and services throughout the District and Northwestern Ontario.
2. To build a globally competitive economy and stimulate new investment and entrepreneurship by diversifying traditional resource-based industries.



3. To promote post-secondary education institutions to provide opportunities in developing a highly educated workforce in both the trades and development of a knowledge-based economy.
4. To encourage the diversification of the economy of the City by providing sufficient land area and a broad range of employment uses.
5. To support the development of the City as a regional service centre, servicing tourists, First Nations, and the surrounding communities.
6. To be prepared for fluctuations in the resource-based economy and be investment ready.
7. To be prepared to support commuting import of employees from neighbouring jurisdictions and unincorporated District of Kenora.
8. To encourage resource-efficient agricultural practices including local food production and producers, promoting value added agricultural products encouraging shopping locally and the use of local materials in processing and manufacturing wherever possible.
9. To promote downtown Dryden as a focus for goods and services for residents and a destination for the travelling public.

#### **2.1.4 ENVIRONMENT**

1. To identify a continuous natural heritage system throughout the City. This system will provide for the preservation of important ecological functions and features as well as providing open space and preserving the wilderness character of the area.
2. To protect important natural resources such as wildlife habitat areas, wetlands and aggregates and to ensure their preservation where they presently exist.
3. To protect surface water resources, as they are a vital component of the ecosystem and a source of drinking water. Land use related decisions of Council will maintain and enhance surface and groundwater resources in sufficient quality and quantity to meet existing and future uses on a sustainable basis, promote water conservation and support the efficient use of water resources on a watershed basis.
4. To protect human life from water related hazards such as flooding and erosion.
5. To encourage the wise use of the City's mineral aggregate and forestry resources. The City will balance its responsibility to protect the ecological

integrity of the natural heritage system, rural landscapes and the quality of life for its residents while recognizing the historic resource based economy in Northern Ontario.

6. To encourage sustainable practices including promoting locally grown foods and other materials, less reliance on the automobile and wise use of energy resources including promoting alternative forms of energy.

### 2.1.5 HOUSING

1. To direct new residential development primarily to the serviced area of the City.
2. To maintain an adequate supply of land for residential development and ensure the availability of water and sewage treatment capacity.
3. To encourage intensification and infill development where adequate services such as water supply, sanitary sewerage, storm water management and drainage, schools and parkland are available and commercial and community facilities are accessible.
4. To encourage affordable housing, assisted seniors' housing, and housing for special needs groups to locate in the City. This housing shall be directed to areas near support services such as community and medical facilities, shopping, parks and open space and be compatible with adjacent homes and uses.
5. The City shall make efforts to promote and encourage innovative housing options like tiny homes built for year-round use in the Rural Residential designation and along the waterfront to minimize the potential impacts on the natural environment with smaller building footprints.
6. The City will consider the conversion of existing mobile/trailer parks in the Settlement Area for the potential redevelopment for tiny homes subdivision.
7. The City shall encourage the use of existing, vacant lots for new development. Infill development is the most economical approach to growth and development and represents responsible management of the City's finances and resources.
8. To provide a range of housing opportunities that will meet the physical and financial needs of an ageing population and be able to respond to quickly changing needs associated with a resource-based economy.
9. The use of two residential units, in a single detached, semi-detached or townhouse, and one residential unit in an ancillary building or structure on a

legal lot or parcel of land in the urban settlement area may be encouraged, as long as there are no more than three cumulative residential units in a single detached, semi-detached or townhouse legal lot or parcel of land in the urban settlement area. Further, one parking space be provided for the additional unit.

### 2.1.6 SUSTAINABLE DEVELOPMENT

1. To promote compact development by using land and existing infrastructure efficiently.
2. To plan for development that enables and facilitates active transportation (e.g., bike lanes and trails) without compromising freight movement.
3. To direct mixed-use and higher density residential development to land within the Settlement Area.
4. To protect and promote development in the Downtown Commercial Area.
5. To support infill and intensification in built-up areas (e.g., Edgewater Terrace Subdivision, Milanese Subdivision Stage III) where services exist.
6. To permit limited residential growth in the Rural Area, where lot size and configuration can support private water supply and sanitary sewage systems, and where the development would be compatible with the character of the land use in the surrounding area.
7. To permit limited industrial development in the un-serviced area, except where the development consists of a resource-based industry that requires a large land area and is compatible with the land uses of the area.
8. Where appropriate, preserve agricultural activities and agricultural land where they presently exist.
9. To provide opportunities for the adaptive re-use of former industrial areas and brownfield sites where industrial use is no longer viable.
10. To support mixed-use neighbourhoods and mixed-use in the downtown area.
11. To implement, where feasible, the green development strategy initiatives under the *Federal Sustainable Development Act*, to ensure that the City is a healthy and productive place to live, today and in the future. Support public and private projects and developments that emphasize resilient infrastructure, and technologically driven initiatives that align with efforts for clean water, climate change action, and a low-carbon economy.

12. To enhance the quality of life for existing and future residents by improving access to parkland, cultural and recreational facilities, and linking recreational settings with active transportation networks wherever practical.
13. To provide a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources.

### **2.1.7 TOURISM**

1. To support the development of the heritage sector by identifying and conserving cultural heritage resources, cultural heritage landscapes, archaeological sites, and other elements that define or represent the City's and Region's history.
2. To provide opportunities to enhance the Downtown as a destination for visitors by providing access to the water, and development standards that support more walkable and bikeable streetscapes and bike parking facilities.
3. To recognize and enhance the waterfront for recreational purposes, including opportunities for arts and festival events for citizens and tourists.
4. To explore more opportunities to incorporate local artists' work into developments and public works projects, such as public art.
5. To support the development of sports tourism opportunities.

### **2.1.8 TRANSPORTATION**

1. To appropriately plan and consolidate existing entrances on Highway 17, where feasible, to alleviate the need for the relocation of the highway and to ensure that appropriate connections to the new roads are protected and maintained to preserve the City's role as an important regional service centre.
2. To recognize the importance of rail to the economy of the City and surrounding area and ensure that development in the vicinity of the rail corridor does not conflict with transportation facility.
3. To support the continued use and expansion of Dryden Regional Airport.
4. To encourage pedestrian and bicycle use with the installation of bike lanes where possible in the City through the development of a connected trail system and improved infrastructure for cycling.

5. To recognize and support facilities that provide boaters with access to the area waterways.
6. To recognize and support transportation facilities that provide medical or accessible transportation within the community.
7. To minimize conflicts between automobiles and people through appropriate parking areas and access site design.



# SECTION 3 GENERAL LAND USE PROVISIONS





### **3.0 GENERAL LAND USE PROVISIONS**

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#### **3.1 GENERAL**

- 3.1.1 The following general land use policies apply to all lands in the City of Dryden 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.
- 3.1.3 All existing uses lawfully used for such purpose prior to the date of this Plan to be in effect may continue to exist. Existing uses which are permitted by this Plan will be placed in an appropriate exception zone if the City is satisfied that the use does not pose a risk to public health or safety.

#### **3.2 ACCESSORY USES**

- 3.2.1 Unless otherwise detailed in the Zoning By-law, wherever a use is permitted in a land use classification, it is intended that the uses, buildings or structures normally incidental, accessory and essential to that use shall also be permitted. Where permitted in the Zoning By-law, residential dwelling units shall be permitted as an accessory use in commercial buildings. However, commercial use must remain the primary use in the building and must occupy the entire frontage of the building along the street face.
- 3.2.2 Any new guest cabins and accessory dwellings above boat houses are not a permitted accessory use in any land use designation.

#### **3.3 ACCESSORY OR SECONDARY DWELLING UNIT**

- 3.3.1 An accessory or secondary dwelling unit is a self-contained residential unit that may be permitted in a principle dwelling unit, being single detached, semi-detached, duplex, townhouse, or separate from the principle dwelling unit like a detached garage located on the same lot.

The unit may be in any part of the dwelling, including the basement. The units provide an affordable housing option for many people in the City.

Additional Residential Unit (ARU) is not legal unless the size and required on-site parking has been approved and inspected by the City to ensure the units are safe, legal, and livable. The ARUs shall be subject to the applicable requirements of the Ontario *Building Code Act*.

### 3.4 AFFORDABLE HOUSING

3.4.1 Affordable housing is a critical component of a healthy community. The opportunity to rent or purchase suitable and affordable housing allows all residents to participate fully in the community and in the workforce. The following policies are intended to ensure that adequate and affordable housing is available for all residents, particularly seniors and new entrants into the housing market.

- a) Affordable housing consists of housing options combined with shelter costs that do not exceed more than 30% of a household's gross annual income;
- b) The City will encourage and promote the development of affordable housing by providing planning incentives that may include:
  - i. Density bonusing;
  - ii. Deferral or waiving of fees and development charges;
  - iii. More flexible zoning.
- c) Secondary dwelling units are permitted in accordance with Section 3.3.1 of this Plan.

The Canada Mortgage and Housing Corporation (CMHC) defines shelter cost as the average monthly total of all shelter expenses paid by households that own or rent their dwelling. Shelter costs for owner households include, where applicable, mortgage payments, property taxes and condominium fees, along with the costs of electricity, heat, water and other municipal services. For renter households, shelter costs include, where applicable, the rent and the costs of electricity, heat, water and other municipal services. For households living in a dwelling provided by the local government, First Nation or Indian band, shelter costs include, where applicable, the monthly use or occupancy payment and the costs of electricity, heat, water and other municipal services.

Density bonusing is referred to as bonusing or floor area relaxations, and used as a zoning tool that permits private developers to build additional floor area, in exchange for amenities and affordable housing needed by the community. Amenities can be community centres, libraries, parks, childcare centres, and more.

Flexible zoning is to encourage a mix of housing types (single, two, and multi-family) and a variety of lot sizes and housing values within a neighbourhood, for affordable housing, and adaptive re-use of buildings for housing in communities with municipal services.

### 3.5 AGGREGATES AND MINERAL RESOURCES

- 3.5.1 The 2020 Provincial Policy Statement states that minerals and petroleum resources shall be protected for long-term use. Minerals are defined by the Provincial Policy Statement as metallic minerals (e.g., gold, copper, nickel) and non-metallic minerals (e.g., mica, salt talc). Mineral aggregate resources are defined as gravel, sand, clay, rock, or other material prescribed under the *Mining Act* and *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes. The entire City of Dryden has high mineral potential and the areas of known mineral deposits and significant areas of mineral potential for are identified on Schedule B-1 'Settlement Area Environmental Resources' and B-2 'Rural Area Environmental Resources' as Primary Aggregate Resources.
- 3.5.2 To permit continued development of the extractive industry in a logical and controlled fashion, protection of areas having high quality mineral aggregate resources for long-term use shall be considered for any development proposal. In all cases, any new development should not adversely affect the viability of the extraction industry in the future.
- 3.5.3 In areas shown as Primary Aggregate Resources on Schedules B-1 'Settlement Area Environmental Resources' and B-2 'Rural Area Environmental Resources', development which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
- a) Resource use would not be feasible or;
  - b) The proposed land uses or development serves a greater long-term public interest; and
  - c) Issues of public health, public safety and environmental impact are

addressed.

- 3.5.4 Non-extractive land uses or developments shall be prohibited in those areas identified as having an aggregate or mineral resource potential unless it can be shown that:
- a) Extraction would not be feasible; or
  - b) The proposed land use or development serves a greater long-term interest of the general public than does aggregate or mineral extraction; or
  - c) The proposed land use or development does not preclude or hinder future extraction and would not be incompatible with future extraction for reasons of public health, public safety, and environmental impact.
- 3.5.5 Progressive and final rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased to accommodate new land uses, to promote land use compatibility, and to recognize the interim nature of extraction. An Official Plan Amendment to the new land use designation may be required to implement the subsequent land use. Progressive rehabilitation in accordance with the *Mining Act* should be undertaken wherever feasible.
- 3.5.6 Extractions of any size shall be undertaken in a manner which minimizes social and environmental impacts.
- 3.5.7 Existing mineral aggregate operations shall be permitted to continue without the need for Official Plan Amendment, rezoning or development permit under the *Planning Act*.
- 3.5.8 Development of those areas for purposes other than resource extraction shall not be permitted in accordance with Policies 3.5.1 and 3.5.2. If such development is permitted, the underlying designation will apply.
- 3.5.9 Development in or adjacent to an area of known mineral or aggregate resources, shall be located and buffered sufficiently to ensure that the extraction is not limited, and that the development is not affected by the noise, dust or other health and public safety issues that are related to the extractive activity.

- 3.5.10 New or expanding aggregate or mineral extraction operations should be well removed from residential areas and screened from view to the greatest extent possible. New or expanded aggregate or mineral extraction operations should also not negatively affect existing and future adjacent land uses, social values, and the environment.
- 3.5.11 New or expanding aggregate and mineral extraction operations shall engage with Indigenous communities as described in the *Mining Act* for a graduated approach to consultation that is directly related to the scope of the proposed development and its potential for adverse effects to the Indigenous and treaty rights.
- 3.5.12 Council shall conserve cultural heritage resources when considering the establishment of new areas for mineral extraction or when considering the establishment of new extraction operations or the expansion of existing extraction operations. When necessary, Council will require an archaeological assessment be required for any construction activity located in an area of archaeological potential to determine the potential impacts and satisfactory measures to mitigate any negative impacts on cultural heritage resources.

### 3.6 AIR QUALITY AND CLIMATE CHANGE

- 3.6.1 Climate change can be defined as a long-term change in average weather conditions, including temperature, wind patterns and precipitation, primarily due to increases in greenhouse gas emissions related to human activities. It may involve, for example, increased frequency and severity of extreme weather events, as well as erratic weather patterns. Climate change is highly complex and dynamic, and the timing, nature and severity of its impacts on communities are difficult to predict and will vary locally and regionally. However, scientific research and analysis suggest that communities will need to adjust to the effects of climate change in one way or another, despite our best efforts at reducing our greenhouse gas emissions in the future.
- 3.6.2 Several policies in this Official Plan may directly or indirectly contribute to reducing the City's overall impact in terms of greenhouse gas emissions. These include a focus on increased energy efficiency, support for alternative means of transportation, and the promotion of mixed-use

communities. However, a broader approach is required to establish more comprehensive mitigation.

- 3.6.3 In collaboration with agencies such as Natural Resources Canada and Health Canada, the City may consider the preparation of a Climate Change Mitigation and Adaptation Plan that outlines:
- a) Mitigation strategies to reduce the City's contribution to climate change;
  - b) Adaptation strategies to assist the City in coping with the effects of climate change on the community; and
  - c) Implementation of a by-law that manages the effects of climate change.

### 3.7 ARCHAEOLOGICAL RESOURCES

- 3.7.1 Council recognizes that there may be archaeological remains of prehistoric and historic habitation, or areas containing archaeological potential within the boundaries of the municipality.
- 3.7.2 Council recognizes that archaeological potential will be determined for individual development applications and building permits and areas of archaeological potential are determined through the use of provincial screening criteria, and/or developed by a licensed archaeologist. Archaeological potential criteria include features such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement.
- 3.7.3 If there are known archaeological heritage resources and/or areas exhibiting archaeological potential within the municipal boundaries of the City, an archaeological assessment by a licensed archaeologist may be required in accordance with the provisions of the *Ontario Heritage Act*.
- 3.7.4 Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the *Ontario Heritage Act*. Council recognizes archaeological preservation in situ as the preferred method of ensuring that the integrity of the resource is maintained. However, Council also recognizes there may be a need for rescue excavation or archaeological resources as a result of development

proposals and will consider this only when it is demonstrated that in situ preservation is not possible.

- 3.7.5 The City shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Tourism, Culture, and Sport; the Ministry of Government Services; and Bereavement Authority of Ontario, when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the *Ontario Heritage Act* and the *Funeral Burial and Cremation Services Act* shall apply.

### 3.8 BED AND BREAKFAST ESTABLISHMENTS

- 3.8.1 Bed and Breakfast establishments may be permitted in the Residential land uses in the Settlement Area and Rural Area in the City and subject to an amendment to the Zoning By-law and to the following criteria:
- a) Shall be located on a public road that is maintained year-round;
  - b) Shall have sufficient lot area to accommodate on-site outdoor amenity areas for the guests, on-site parking for guest parking and provide adequate buffering to adjacent use;
  - c) Shall be located in a residential dwelling and is the secondary use to the main dwelling use;
  - d) Shall apply for a license application for the Bed and Breakfast Establishment; and
  - e) Should external expansion be required to the dwelling to accommodate the proposed guest accommodation, the expansion should be consistent with the character of the surrounding residential area.

### 3.9 BROWNFIELDS

- 3.9.1 A brownfield site is a property that has been or may be impacted by former industrial or commercial uses and may be contaminated resulting from the former activities.
- 3.9.2 Should brownfield sites be identified, the City will encourage the re-use and redevelopment of sites. The City will work closely with the development community to support the continued redevelopment of these sites. In addition, the City will assist property owners of brownfield

sites in seeking Provincial and Federal funding assistance for rehabilitating these sites.

### 3.10 CANNABIS

3.10.1 The Federal Government introduced the legislation to legalize and regulate cannabis. In December 2017, Ontario passed legislation to regulate the lawful use, sale, and distribution of recreational cannabis. In October 2018 the legislation expanded to include the personal recreational use of cannabis, use in public and private places, personal growing (for recreation use), legal online sales (for recreational use). In January 2019 the Provincial Government outlined deadlines to local municipalities to opt in or opt out of allowing retail cannabis stores. In April 2019, retail cannabis stores were permitted in Ontario with specific requirements. Requirements included, but were not limited to, the store being regulated and licensed by the Alcohol and Gaming Commission of Ontario (AGCO), being 19 years of age or older, not convicted or charged with offences, protect access to youth and children, all stores must have a licensed retail manager.

The City opted in to allow for retail cannabis stores in the Commercial land uses.

3.10.2 Under the *Cannabis Act*, access to cannabis for medical purposes will continue to be provided under those authorized and healthcare practitioners. The City recognizes that legislation sets the framework for the production, manufacturing, sale, and distribution of cannabis products (e.g., marijuana, edibles). To regulate the retail sales of cannabis in the City, Council shall be satisfied that the proposal for a retail store offering cannabis products meet the following criteria:

- a) No co-location of alcohol or tobacco and cannabis use in one location;
- b) Minimum distance of 150 metres (492 feet) of storefronts from schools and community centres;
- c) Minimum distance of 320 metres (1,050 feet) between cannabis retail store locations;
- d) Shall have a licensed retail manager on-site at all times during operation;
- e) Shall provide proof of license from the Alcohol and Gaming Commission of Ontario (AGCO) to operate; and
- f) No window display of any products.



### 3.11 COMMUNICATION TOWERS

- 3.11.1 The City recognizes that the installation of communication towers is required to supply, improve, and maintain the quality of service. Local Zoning By-laws cannot prevent a telecommunication tower from being constructed, since the Federal Government has the approval authority under the *Radio Communication Act*. Industry Canada recognizes the importance of considering the potential impact of communication towers on the adjacent surroundings and the community. A proponent seeking to establish a communications tower shall work with the City, seek input from the community, and meet any applicable City policies or procedures.

### 3.12 COMMUNITY AND NEIGHBOURHOOD DESIGN

- 3.12.1 Community and urban design objectives and compatibility criteria contribute to the creation of livable, complete communities and neighbourhoods, and to uses in all designations. A concentration on urban design focuses attention on how buildings and the spaces around them look and function in their setting. It contributes to creating lively places with distinctive characters and establishing meaningful connections between people and the built environment. The best urban design is informed by a solid appreciation of the place being built, the people in it, and the community around it.
- 3.12.2 Council shall promote development of complete communities and neighbourhoods throughout the City, which include a range of uses to meet the residential, employment, shopping, and recreational needs of residents. Where appropriate, establishing community hubs allows the co-location of public service facilities to provide convenient, integrated, and cost-effective services.
- 3.12.3 Council shall make decisions on new development in accordance with the urban design guidelines checklist found in Appendix B which are high-level and are intended to assist those involved in development. The guidelines recognize that development proposals should be given the flexibility to address design matters in different ways, allowing for creativity, particularly since different design responses may be appropriate depending on the context of each area. In addition, the *Planning Act* provides municipalities with the ability to include the following in the site plan approval process:

- a) Matters relating to storm water flows, refuse storage, exterior lighting, including the character and scale of buildings, and their sustainable design.

### **3.13 CONTAMINATED AND POTENTIALLY CONTAMINATED SITES**

- 3.13.1 Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, mining uses, utility, or similar uses. Sources of site contamination can include disposal of waste materials, including mine tailings, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have similar potential.
- 3.13.2 Council shall promote opportunities for remediation and/or alternative uses of brownfields or former landfill sites for new uses (e.g., outdoor storage, public open space, uses with minimal disturbance to the site) following the required remediation requirements of the Ministry of Environment and Climate Change. Any proposals for redevelopment of brownfields will require acknowledgement confirming the submission and filing of a Record of Site Condition on the Brownfields Environmental Site Registry, and that there is no threat to public health and safety.
- 3.13.3 Council supports the rehabilitation of contaminated sites in the City. Where planning approvals are required or development is being proposed on lands that are contaminated prior to giving any consideration to the development proposal, Council shall require that the proponent submit, along with the development application, the Ministry of Environment and Climate Change Acknowledgement confirming the submission and filing of a Record of Site Condition on the Brownfields Environmental Site Registry.
- 3.13.4 New land use will not be permitted until the site has been restored, in accordance with provincial guidelines and legislation.
- 3.13.5 In some cases, where site remediation requirements are known and feasible, planning approvals using a Holding “H” Zone may be considered. In these instances, the remediation of the site and the submission of a Ministry of Environment and Climate Change Acknowledgement confirming the submission and filing of a Record of Site Condition, shall

be required prior to the removal of a holding symbol. In the interim, uses permitted on such properties shall be restricted to existing land uses.

### 3.14 CREMATORIUMS

- 3.14.1 The City recognizes that there should be optional providers available for families and customers in need of services for the deceased. Complementary to the cemetery and funeral service establishments, a crematorium may be permitted in the designated Industrial use, and or Open Space use in conjunction with an existing cemetery in the City.
- 3.14.2 The establishment of a crematorium shall be subject to site plan control pursuant to the requirements of Section 41 of the *Planning Act*, and will include, but not be limited to, the following considerations:
- a) On-site parking for visitors;
  - b) A minimum distance of approximately 300 metres (984 feet) from lands zoned to permit sensitive land uses which includes: all residential uses, wetlands, hazard designation, hospitals, schools, nursing homes, community centres, childcare facilities, and playgrounds;
  - c) Landscaping, fencing and buffering from adjacent uses;
  - d) On-site servicing including water, sanitary, grading and storm water management; and
  - e) No outside storage.

### 3.15 CROWN LANDS

- 3.15.1 Crown Land is land for which patent has not been issued. Two (2) provincial ministries are responsible for the administration of Crown Land. The Ministry of Natural Resources and Forestry is responsible for the administration of Crown land, pursuant to the *Public Lands Act*. This includes acquisition, disposition, and management of Crown lands and water. The Ministry of Natural Resources and Forestry is encouraged to have regard for the policies and Schedules of this Plan and to consult with the City with respect to the use and disposition of Crown Lands within the municipality. The City shall also have regard for the policies of the Crown Land Use Policy Atlas where City lands interface with Crown Lands.
- 3.15.2 The Ministry of Energy, Northern Development and Mines administers the *Mining Act*, specifically prospectors licensing, claim registration, early

exploration plans/permits, advanced exploration, mine production, mine closure plans and mine site rehabilitation.

- 3.15.3 New aggregate operations may be permitted and require approval of operations on Crown Land subject to the application process set out under the *Aggregates Resources Act*.
- 3.15.4 The use and development of Crown Land will take place in accordance with the land use management policies of both Ministry of Natural Resources and Forestry and Ministry of Energy, Northern Development and Mines.
- 3.15.5 The City 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.

### 3.16 CULTURAL HERITAGE RESOURCES

- 3.16.1 Cultural heritage resources include, archaeological resources, built heritage resources and cultural heritage landscapes.
- 3.16.2 The *Ontario Heritage Act* will be utilized to conserve, protect and enhance the cultural heritage resources in the municipality through the designation by by-law of individual properties, conservation districts and cultural heritage landscapes, and the protection of archaeological sites.
- 3.16.3 Council recognizes the importance of cultural heritage resources within the municipality. Therefore, Council will encourage, the conservation of cultural heritage resources, which includes their identification, protection, management, and use.
- 3.16.4 In accordance with Section 27 of the *Ontario Heritage Act*, the municipal clerk shall maintain a register of all property designated under Part IV and Part V of the *Ontario Heritage Act*. This register may also contain properties that have heritage conservation easements placed upon them and properties that are not designated, but which are considered by Council to be of cultural heritage value or interest.

- 3.16.5 A Municipal Heritage Committee (MHC) may be established pursuant to Section 28 of the *Ontario Heritage Act* to advise and assist Council on matters related to Parts IV and V of the Act. In addition, Council may wish to expand the role of the heritage advisory committees to advise and assist Council on other matters of cultural heritage conservation.
- 3.16.6 Pursuant to the *Ontario Heritage Act*, and in consultation with the MHC, Council may, by By-law:
- a) Designate properties to be of cultural heritage value or interest;
  - b) Define the municipality, or any area or areas within the municipality as an area to be examined for designation as a heritage conservation district; and
  - c) Designate the municipality, or any area or areas within the municipality, as a heritage conservation district.
- 3.16.7 Council shall have regard for the potential conservation of cultural heritage resources during the undertaking of municipal public works or environmental assessment projects or private development. When necessary, satisfactory mitigation measures and/or heritage impact assessments (HIA) will be required to mitigate any adverse impact to cultural heritage resources.

Municipalities are enabled by the Provincial Policy Statement under the *Planning Act* (R.S.O. 1990) to use HIAs in the planning process. Section 2.6.1 of the Provincial Policy Statement states that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” and the mechanisms defined for conservation include the implementation of recommendations, mitigative measures and alternative development approaches set out in a heritage impact assessment (HIA).

### **3.17 DARK SKY/DIRECTIONAL LIGHTING**

- 3.17.1 Developments shall be required to design lighting that provides security and adds visual interest while minimizing light pollution through the application of dark sky lighting principles.
- 3.17.2 There are four principles to retaining natural dark skies, all of which can be accomplished through the implementation of design and installation. The four key principles include:

- a) Minimize the amount of illumination by reducing the number of fixtures and reduce the wattage of the bulb to the lowest level while still providing adequate illumination to the site;
- b) Minimize the area of illumination by ensuring the light is projected to the area required, aim fixtures downwards so no light is directed up or to the sides, use shield lighting fixtures;
- c) Minimize the duration of illumination by setting timers or motion sensors to the area requiring lighting; and
- d) Minimize the amount of cold wavelength illumination in favour of the warmer end of the light spectrum like using bulbs that are incandescent, compact fluorescent or LED with warm colours, use high pressure sodium (HPS) bulbs for large fixtures for parking lot illumination.

### **3.18 DEVELOPMENT ADJACENT TO SHORELINES AND WATERCOURSES**

- 3.18.1 Where significant development or redevelopment that requires site plan approval contemplated within 30 metres (98 feet) of a lake, an Environmental Impact Study (EIS) shall be prepared by a qualified professional (e.g., ecologist, biologist) prior to consideration of planning approvals. This excludes non habitable structures and buildings like gazebos, storage sheds, docks.

New development or redevelopment of shoreline areas shall incorporate appropriate vegetative shoreline buffers to filter sediment and nutrients from surface run-off before it enters the lake. These shoreline vegetative buffers should extend at least 15 metres (49 feet) inland from the shoreline and comprise 75 percent of the shoreline lands on a lot. Any work below the high-water mark will require approval from the Ministry of Natural Resources and Forestry.

- 3.18.2 Development of existing lots of record may be permitted subject to the following policies:
- a) Where possible the sewage disposal system is set back a minimum of approximately 30 metres (98 feet) from the shoreline; and
  - b) A natural shoreline vegetation buffer is established within approximately 15 metres (49 feet) of all watercourses and water bodies. If approximately 15 metres (49 feet) of vegetation is unattainable, a qualified professional (e.g., ecologist, biologist) shall confirm that there



will be no negative impacts to the natural shoreline with a reduced buffer.

3.18.3 The City will promote the use of best management practices to minimize the impacts of development on water quality. Best management practices shall include measures such as:

- a) Large lot sizes and increased frontage requirements;
- b) Enhanced setbacks for buildings, structures and septic systems;
- c) Protection of shoreline vegetated buffers;
- d) Avoidance of steeply graded lots;
- e) Restrictions on the amount of impervious surfaces such as parking areas and patios;
- f) The use of lot-level stormwater management practices such as infiltration from roof leaders to reduce runoff; and
- g) The use of erosion control measures during site development and construction.

3.18.4 Where development would result in a significant increase in stormwater runoff (post development runoff exceeds pre-development flows), the City shall require the proponent to complete stormwater management works (Stormwater Management Report) that will ensure that off-site surface water quality and quantity is not adversely impacted by the development. Direct outfalls to surface waters should be avoided and wherever possible developments shall utilize infiltration as a method for stormwater management.

### **3.19 DEVELOPMENT ON PRIVATE ROADS**

3.19.1 Development on private roads may create new infrastructure needs that are difficult to monitor and maintain. Such development may also direct pressure away from defined Settlement Areas and may reflect unjustified and/or uneconomic expansion.

3.19.2 Development on private roads shall generally be discouraged but may be permitted in exceptional circumstances. In these cases, land division may be permitted subject to such conditions set out in a Development Agreement with the City.

- 3.19.3 Where development is approved on private roads, environmental, public health, and safety concerns must be considered (e.g., fire suppression and other emergency services access).
- 3.19.4 The City may monitor the application of this policy and may, during the life of this Plan, consider a comprehensive study of the planning, financial, and legal implications of lot creation through severances and development on private roads.

### **3.20 DEVELOPMENT IN THE VICINITY OF THE DRYDEN REGIONAL AIRPORT**

- 3.20.1 Development of airport lands is an integral part of the City. All buildings and structures within the area of the airport must comply with Federal height restrictions. All development in the City shall recognize the long-term importance of air transportation to the economy of the City.

### **3.21 DEVELOPMENT IN UNSERVICED AREAS**

- 3.21.1 Development along the highway corridor shall be the priority. Limited development can occur in the unserviced areas of the City.
- 3.21.2 Proposals for development or redevelopment based on private services shall be assessed for the adequacy of surface water and groundwater quality and quantity, and potential impacts on groundwater in accordance with the requirements of Ministry of Environment and Climate Change technical guidelines and inspection by the Northwestern Health Unit. In considering impacts on groundwater quality and quantity, the City may require a Hydrogeological Assessment, according to Ministry guidelines, that considers among other matters the cumulative impacts of development on the sustainability of groundwater resources.
- 3.21.3 Confirmation of valuable existing or planned capacity for the treatment of hauled sewage/septage will be required prior to the approval of new lots or units serviced by individual private sewage disposal systems. Where other applicable policies of this Plan permit industrial or commercial land uses serviced by individual on-site sewage and water services, these shall be restricted to dry uses only, in which no industrial liquid wastes, wash or cooling water, or process wastes are permitted. Dry industries are defined as those in which the disposal of less than 10,000 litres per day of the domestic waste of employees is permitted and treated within septic

systems and into which the discharge of industrial liquid wastes, wash or cooling water or process wastes is prohibited.

### 3.22 DRAINAGE

3.22.1 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 City in accordance with the *Ontario Water Resources Act*, if applicable. In addition, the management and removal of storm water on properties adjacent to Provincial Highways requires the approval of the Ministry of Transportation.

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

3.22.3 A storm water management report or other water quality assessments 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. The direct discharge of storm water to water bodies should be avoided where possible.

3.22.4 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*. Where required under the *Fisheries Act*, prior authorization from the federal department of Fisheries and Oceans must also be obtained.

### 3.23 ENERGY EFFICIENCY AND SUSTAINABILITY

3.23.1 The City recognizes the importance of supporting policies aimed at reducing energy consumption and reliance on carbon-based fuels to develop greener, healthier, active communities and a culture of conservation. The City shall encourage new development to implement green development standards and the principles of energy efficiency.

Energy efficiency refers to promoting energy efficient urban and building designs, appliances, and modes of transportation, while energy diversity refers to promoting the development and use of alternative and renewable energy systems.

3.23.2 Proposed development should incorporate the following best practices in sustainability:

- a) Buildings should be oriented in such a way as to maximize passive solar energy gain;
- b) New developments should consider the use of green building technologies and rating systems, such as Leadership in Energy and Environmental Design (LEED) or other similar green development standards;
- c) Land use patterns should support the use of alternative modes of transportation;
- d) Development should reduce hard surfaces and maximize site permeability;
- e) The City should promote the use of tree planting (native or non-invasive tree species) and vegetation that is resilient to climate change and innovative green spaces such as green roofs in new or existing developments;
- f) The City should promote landscaping and tree planting programs in areas of low wildland fire hazard that help moderate summer and winter micro-climatic conditions;
- g) The City should promote alternative and renewable energy systems as accessory and standalone uses;
- h) New development should be designed to accommodate more affordable alternative energy and renewable energy technologies in the future; and
- i) Water use and reduction strategies and technologies should be incorporated.

3.23.3 Various forms of alternative energy systems and renewable energy systems can generate thermal and electrical power on a site-specific basis or as part of a more expansive utility grid system, thereby providing environmental, social and economic benefits.

3.23.4 Through the Ontario's *Green Energy and Green Economy Act*, a framework is established for approvals of various types of renewable

energy projects which are thereby exempt from municipal approvals. However, the City has an opportunity to be consulted through the provincial Renewable Energy Approval process.

- 3.23.5 The City will review and provide comments to the proponent with respect to servicing, infrastructure, or any other matter related to a proposed renewable energy project for which a provincial Renewable Energy Approval is required, or any other applicable legislation or regulations. The proponent must then supply the City's comments to the Province with their Renewable Energy Approval (REA) Application.

### 3.24 FISHERIES AND FISH HABITAT

- 3.24.1 It is the intent of this Plan to promote the wise management and sustainable use of fisheries to provide recreational and economic benefit to the Wabigoon Chain of Lakes and Thunder Lake. As defined under the *Fisheries Act*, fish habitat means spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly to carry out their life processes.

- 3.24.2 Any new development or redevelopment within or adjacent to fish habitat, Council shall consider the following:

- a) Development and site alteration may be permitted on adjacent lands to fish habitat, provided that it is demonstrated by a qualified professional (e.g., ecologist, biologist) there will be no negative impacts on the fish habitat or its ecological functions;
- b) Adjacent lands to fish habitat are defined as all lands within a minimum of 30 metres (98 feet) from the normal high-water mark of any watercourse or waterbody defined as fish habitat; and
- c) Prior to making a final decision on new development proposals referred to above, Council may require additional studies, special engineering works or design controls to ensure that the resulting development does not adversely affect the ability of the natural habitat to sustain healthy fish populations.

- 3.24.3 Notwithstanding applicable flood-proofing elevations (e.g., non-residential buildings including docks, gazebos, uninhabited boat houses or those intended for flood or erosion control), all other new waterfront structures shall be set back a minimum of 15 metres (49 feet) from the

water's edge to maintain a natural vegetative buffer to protect fish habitat.

### 3.25 FORESTRY

- 3.25.1 Forest resources provide social and environmental benefits in the form of recreation; education; soil and water conservation; wildlife habitat; buffers between land uses; and natural amenities.
- 3.25.2 Property owners are encouraged to ensure that forest resources on their property are properly managed and may obtain information on the management of forest resources from the Ministry of Natural Resources and Forestry and the Wildland Fire Risk Assessment and Mitigation Reference Manual.
- 3.25.3 The maintenance of forest cover along river and stream banks is encouraged and reforestation in areas where forest resources have been depleted is encouraged.
- 3.25.4 Certain areas of the City 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. The Wildland Fire Risk Assessment and Mitigation Reference Manual is highly recommended to be used in development and activities that comply with the *Forest Fire Prevention Act*.
- 3.25.5 Development of land adjacent to or within high fire risk areas is highly recommended to use the Wildland Fire Risk Assessment and Mitigation Reference Manual and incorporate design measures and construction techniques consistent with the *Forest Fire Prevention Act*. The manual is intended to help minimize the potential damage resulting from a forest, brush or grass fire. Such measures may include identifying access and escape routes, layout of fire breaks, use of fire-resistant construction materials and building and property maintenance.

### 3.26 GARDEN SUITES

- 3.26.1 Garden suites are one-unit detached residential structures containing bathroom and kitchen facilities. Garden suites are designed to be portable and are ancillary to a residential structure. Garden suites are an affordable housing type and are especially suitable for groups such as seniors because they enable older adults to live independently while receiving



informal support from family members or a caregiver in an independent unit.

3.26.2 Garden suites shall be permitted as temporary accommodation for a maximum of twenty (20) years from the date of passing the by-law pursuant to Section 39 of the *Planning Act*. An agreement shall be required between the homeowner and the City with the following provisions:

- a) The garden suite shall not be permitted to be separated by consent from the main residential dwelling on the lot;
- b) The design, mass and location of the garden suite should complement the main residential dwelling and streetscape;
- c) The garden suite shall 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; and
- d) The name of the person(s) who is to live in the garden suite.

### **3.27 GROUNDWATER AND SURFACE WATER RESOURCES**

3.27.1 Groundwater and Surface water resources are used as a source of potable water supply in the City. No development shall be permitted that results in the contamination of water resources.

3.27.2 The City of Dryden Drinking Water Quality Management System Operation Plan should be updated to ensure the proper identification of the potable water sources in the municipality that is sensitive to potential contamination.

3.27.3 The City, together with other government agencies, should develop contingency plans to address such matters as accidental motor vehicle spills, develop and conduct regular groundwater monitoring, continue hazardous waste collection day if applicable, and encourage the use of water conservation measures.

3.27.4 For all larger developments on private wells in areas not serviced by the municipal water supply, the City may require the proponent to complete a Hydrogeological Assessment with evidence that the development can be adequately and safely serviced by a private potable water supply and there is no adverse impact on groundwater resources.

### 3.28 GROUP HOMES AND HOMELESS SHELTERS

- 3.28.1 The following types of Group Homes administered under Provincial legislation shall be permitted to establish in any residential area or residence:
- a) Approved homes;
  - b) Homes for special care;
  - c) Supportive housing programs, adult community mental health programs;
  - d) Children’s residences;
  - e) Accommodation services for the developmentally disabled;
  - f) Satellite residences for seniors; and
  - g) Homes for individuals who have physical disabilities, where the Province licenses, funds or approves the home.
- 3.28.2 A group home is defined as a housekeeping unit in a residential dwelling in which a maximum of nine (9) residents, excluding staff, live as a family under responsible supervision.
- 3.28.3 Only those group homes that can be supported by the existing level and range of community, social and medical services available in the City shall be permitted.
- 3.28.4 All group homes shall be licensed or approved under provincial statute and comply with the Zoning By-law.
- 3.28.5 A homeless shelter (emergency, transitional shelter) is defined as temporary places to stay, usually meant for people with no permanent place to live or in need of a place to stay fleeing from an abusive and violent situation.

Shelters for this purpose are encouraged to be located close to supportive community services (e.g., healthcare, treatment services, social services, public health services, food security services, etc.).

### 3.29 HAZARD LANDS

- 3.29.1 Hazard lands, as defined by this Plan, include:

- a) Those lands identified as Hazard Lands on Schedules B-1 'Settlement Area Environmental Resources' and B-2 'Rural Area Environmental Resources';
- b) Lands along the shoreline of Wabigoon Lake to an elevation of 370.13 metres (1,214 feet) above sea level (Geodetic Survey of Canada datum);
- c) Lands along the shoreline of Thunder Lake to an elevation of 374.59 metres (1,229 feet) above sea level (Geodetic Survey of Canada datum);
- d) All lands within 15 metres (49 feet) of the top-of-bank of any watercourse or water body.

3.29.2 Along the shorelines of Wabigoon and Thunder Lakes, hazard lands shall be defined by either the 15 metres (49 feet) setback from top-of-bank or elevation identified above, whichever is higher with the exception of docks, boat lifts and boat ramps, construction shall not normally be permitted on hazard lands.

3.29.3 On Hazard Lands where a floodway has been defined through engineered flood plain mapping, no development or site alteration will be permitted, except for boat launches, and gazebo. For hazard land area where there is no engineered flood plain mapping, and where hazard lands are defined by either elevation or the 15 metres (49 feet) setback from top-of-bank, applications for Zoning By-law amendment to allow development and site alteration will be considered on an individual basis, provided that such proposals are supported by engineered designs, to the satisfaction of the City, demonstrating that the site is safe for development in spite of naturally occurring hazards, such as flooding and erosion.

3.29.4 Development and site alteration, including the erection and/or construction of buildings or structures, and the placement or removal of fill, may be permitted, subject to a Zoning By-law amendment, where there is no defined floodway and it can be demonstrated, to the satisfaction of the City, that:

- a) The hazards can be safely addressed, and the development and site alteration will be carried out in accordance with established standards and procedures;
- b) New hazards will not be created, and existing hazards will not be 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 will not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

3.29.5 Existing uses shall be recognized despite the natural hazardous characteristics of the land. Expansion to such uses will be discouraged, however, reconstruction and/or minor alterations to existing buildings and structures, and additions or extensions which are not likely to incur significant flood damage and will not result in impediments to flow or floodwater storage, may be considered by the City. Where required under the *Lakes and Rivers Improvement Act* or the *Public Lands Act*, prior written authorization from the Province must be obtained.

### 3.30 HOME INDUSTRIES AND HOME OCCUPATIONS

3.30.1 Home industries and home occupations shall be permitted in Residential land uses provided they are not offensive or create a nuisance as a result of noise, hours of operation, odour, traffic generation or other means and shall not detract from the principal residential use. All new home industries that create compatibility concerns as noted below shall require an amendment to the Zoning By-law and must be adequately separated from residential and other sensitive land uses, both on and off the property.

Amendments to the Zoning By-law to permit home industries and accommodations which may conflict with surrounding residential uses, such as wood-working shops, auto body repair, auto repair, window frame shops, welding shops, carpentry shops, and machine shops shall provide suitable mitigative measures, such as buffering, separation distances, to reduce and minimize the conflict between adjacent residential uses.

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

- 3.30.3 Generally, home occupations shall include occupations or professions which are conducted entirely within a dwelling unit, while home industries are conducted primarily within an accessory building.
- 3.30.4 Access approval from the Ministry of Transportation is required for those home industries or home occupations that have access from a Provincial Highway as per the requirements of Policy 5.2.1.7.
- 3.30.5 Where required by the *Environmental Protection Act*, a Certificate of Approval must be obtained prior to the commencement of the home industrial use.
- 3.30.6 Where contamination is suspected, the reuse of former home industry sites for alternative land uses shall be considered in accordance with the provisions of Policy 3.13.2.

### 3.31 HYDRO CORRIDORS

- 3.31.1 The City shall plan for and protect corridors and rights-of-way for infrastructure, including electricity generation facilities and transmission systems to meet current and projected needs.
- 3.31.2 New development proposed on adjacent lands to existing or planned hydro corridors should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.
- 3.31.3 The City should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, district energy, and renewable energy systems and alternative energy systems, to accommodate current and projected needs.

### 3.32 LAND USE COMPATIBILITY

- 3.32.1 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 (e.g., landscaping, fencing) and separation distances in accordance with the Ministry of Environment and Climate Change's "D" Series or other applicable guidelines shall be incorporated

between sensitive and industrial uses to minimize potential adverse effects, such as noise, odour, vibration, particulate and other contaminants. In addition, the City should have regard to any recommendations provided by a regulatory body in relation to matters outlined in the “D” series guidelines.

3.32.2 In all land use designations where noise and vibration, may be a concern with respect to Provincial Highways, sewage treatment facilities, landfills, and any wind-based electric power generation, the following considerations will apply, in conjunction with or complementary to other separation-related policies in this Plan:

- a) New development abutting a Provincial Highway:
  - i. All proposed new development within 150 metres (492 feet) of a Provincial Highway right-of-way may be required to undertake noise and transportation studies, to the satisfaction of the City, consistent with the requirements of the Ministry of Transportation and the Ministry of Environment and Climate Change and shall undertake appropriate measures to mitigate any adverse effects from noise that are identified.
- b) Wind-based electric power generation:
  - i. Noise studies, as applicable in accordance with all Provincial requirements and guidelines, and any resultant recommended remedial measures, will be required in association with any proposal for wind-based electrical power generation.
- c) New development adjacent to Industrial uses:
  - i. The Ministry of Environment and Climate Change “Guideline D-6 Compatibility between Industrial Facilities and Sensitive Land Uses” shall be complied with for the requirements of noise, odour, vibration and dust studies with respect to the impacts of Class I, II, and III industrial uses. Any mitigation measures required from the results of the studies to address adverse impacts will be required as part of the development of new sensitive land uses.

3.32.3 Unless otherwise detailed in the Official Plan, Zoning By-law, or government recommendation/requirements, separation distances required between industrial uses and residential or other sensitive land uses shall reflect the following potential influence areas:

- a) Class I Industries: 70 metres (229 feet)
- b) Class II Industries: 300 metres (984 feet)



- c) Class III Industries: 1000 metres (3,280 feet)

The following minimum separation distances shall apply between industrial uses and residential or other sensitive land uses:

- a) Class I Industries 20 metres (66 feet)
- b) Class II Industries 70 metres (229 feet)
- c) Class III Industries 300 metres (984 feet)

Separation distances between potentially conflicting land uses shall be measured in accordance with the Ministry of Environment and Climate Change Guidelines.

3.32.4 A minimum separation distance of 150 metres (492 feet) shall apply where residential or other sensitive land uses are proposed in proximity to the municipal sewage treatment plant.

3.32.5 A minimum separation distance of 500 metres (1,640 feet) shall apply for new development proposals to current or former landfill sites or other waste management systems.

3.32.6 Whenever a change in land use is proposed, consideration shall be given to the effect of the proposed use on existing land uses. Where there are potential compatibility concerns, consideration shall be given to the extent to which increased site plan requirements can reduce the potential impacts. If the impacts cannot be minimized to acceptable levels the proposed development shall not proceed.

Compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless coexists with existing development without causing undue adverse impact on surrounding properties. Compatibility can be achieved in a variety of ways, including the provision of appropriate setbacks, buffering features, and transition in building height and massing.

3.32.7 Compatibility of new developments shall be assessed based on the following criteria:

- a) **Height and massing:** new buildings must have regard to the height and massing of adjacent buildings. Where variation in height or massing is proposed, a transition is desirable;

- b) **Pattern of surrounding community:** proposed developments must consider the character of the surrounding buildings, including scale, massing, and architectural design;
- c) **Outdoor amenity areas:** the privacy of outdoor amenity areas of adjacent residential units must be respected;
- d) **Shadowing:** shadowing on adjacent properties must be minimized, particularly on outdoor amenity areas;
- e) **Lighting:** the potential for light spill over or glare onto adjacent light-sensitive areas must be minimized;
- f) **Noise and air quality:** the development should be located and designed to minimize the potential for significant adverse impacts on adjacent sensitive uses related to noise, odours, and other emissions;
- g) **Parking:** adequate on-site parking must be provided, with minimal impact on adjacent uses;
- h) **Buffering:** the development shall provide for sufficient buffering (e.g., landscaping, fencing) between adjacent sensitive land uses;
- i) **Loading and service areas:** the operational characteristics and visual appearance of loading and services areas (including garbage and outdoor storage areas) must be designed to mitigate adverse effects on adjacent properties and should be located away from residential uses, where possible;
- j) **Vehicular access:** the location and orientation of vehicular access must consider impact on adjacent properties including noise, glare and loss of privacy; and
- k) **Recommendations:** the recommendations provided by government agencies and the appropriate setbacks.

### 3.33 MICRO BREWERIES

3.33.1 The City recognizes the growing trend of micro-breweries (e.g., small craft brewery, craft beer bars) and related outdoor patio and eating establishments. Prior to any development application including Official Plan and Zoning By-law Amendment being approved, Council shall be satisfied the new development was assessed based on the following criteria:

- a) Shall be located in the Commercial, Mixed-use, and Industrial zones including downtown;
- b) Permitted as an ancillary use to restaurants;
- c) Maximum total gross floor area does not exceed approximately 400 square metres (4,305 square feet);

- d) Requires a physical separation (wall, glass wall) between the manufacturing, retail store and eating establishment to prevent public access;
- e) Not in conjunction with any residential uses;
- f) Production area not included towards the maximum restaurant, eating establishment size;
- g) Subject to site plan control; and
- h) Adhere to the *Ontario Building Code* and regulations.

### 3.34 MINE HAZARDS

- 3.34.1 Development in proximity to mine hazards sites shall be prohibited unless access or development is required to remediate a specific mine hazard.
- 3.34.2 Progressive rehabilitation is required for any mine hazard in accordance with the requirements of the *Mining Act*. Input from the City will be via the public review opportunities of a Closure Plan, if the Director appointed by the Minister of Northern Development and Mines requires a plan to be submitted should the progressive rehabilitation not meet provincial standards.
- 3.34.3 Development on lands within 1000 metres (3,280 feet) of an abandoned mine hazard site as shown on Schedules B-1 'Settlement Area Environmental Resources' and B-2 'Rural Area Environmental Resources' shall consult with Ministry of Northern Development and Mines, Natural Resources and Forestry, NW Land Use Geologist and undertake any required remediation measures in accordance with the *Mining Act*.
- 3.34.4 Proposed development on, abutting or adjacent to lands affected by mine hazards to be supported by a study prepared by a qualified professional that:
- a) Identifies potential safety hazards;
  - b) Demonstrates that the site can be rehabilitated to mitigate the known or suspected hazard; and
  - c) Establishes measures to address and mitigate known or suspected hazards.
- 3.34.5 The City may consider the potential for the reuse of abandoned mines for other uses following the required remediation requirements of the Ministry of Environment and Climate Change Acknowledgement

confirming the submission and filing of a Record of Site Condition on the Brownfields Environmental Site Registry and no threat to public health and safety.

### 3.35 MOBILE HOME PARKS

3.35.1 Existing mobile home parks are permitted in the Settlement Area and Low-density Residential land use designation. New mobile home parks are discouraged in the Settlement Area and the City may consider them in the Rural Area subject to a Zoning By-law amendment and availability for private water and sanitary services. The City may require a Development Agreement for the creation of a new mobile park and comply with the City's property standards and maintenance by-laws.

3.35.2 Any future expansion of a mobile home park shall be subject to site plan control pursuant to the requirements of Section 41 of the *Planning Act*, and will include, but not be limited to, the following considerations:

- a) Entrances and exits including emergency access;
- b) On-site parking for residents and visitors;
- c) On-site open space and recreational activity areas;
- d) Landscaping and fencing;
- e) Size, orientation, and spatial separation of the mobile home sites;
- f) On-site servicing including water and sewage works, grading and storm water management;
- g) Waste disposal and outside storage locations; and
- h) Comply with the City's property standards and maintenance by-laws.

### 3.36 NATURAL HERITAGE FEATURES AND AREAS

3.36.1 Natural heritage features shall be protected from incompatible development.

3.36.2 Development and site alteration shall not be permitted on significant wetlands.

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

3.36.4 Applications for development and/or site alteration on or within natural heritage features and areas on or adjacent to the natural heritage features

shall not be permitted unless the ecological function of the adjacent lands has been evaluated by a qualified professional (e.g., ecologist, biologist) and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

### **3.37 PORTABLE ASPHALT PLANTS**

- 3.37.1 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.
- 3.37.2 Portable asphalt plants used by a public road authority or their agents, shall be permitted throughout the City, subject to the approval of the Ministry of Environment and Climate Change, except for the following locations:
- a) In the Settlement Area of the City;
  - b) Within approximately 400 metres (1,312 feet) of an existing residential use; and
  - c) Where severe environmental disruption will occur.
- 3.37.3 Portable asphalt plants used on public authority contracts shall be permitted without an amendment to this Plan or the Zoning By-law provided the City is given adequate notice and an opportunity to express concern regarding the location of the plant.
- 3.37.4 Portable asphalt plants shall be removed from the site and the site rehabilitated upon completion of the road project.

### **3.38 PROVINCIAL HIGHWAYS**

- 3.38.1 Provincial highways are roadways under the jurisdiction of the Ontario Ministry of Transportation. These roads are designed to facilitate the movement of traffic to the municipality. Highways 17, 594, and 601 are the Provincial Highways providing access to the City.
- 3.38.2 New direct access onto a provincial highway will be restricted. Development shall be encouraged to utilize local roads and service roads

wherever possible. Where access is a possibility, it will only be considered to those properties that meet the requirements of the Ministry of Transportation's access management practices and principles.

- 3.38.3 In addition to all the applicable municipal requirements, all proposed development located adjacent to, and in the vicinity of, a provincial highway within the Ministry of Transportation's permit control area under the *Public Transportation and Highway Improvement Act*, will also be subject to Ministry of Transportation approval. Early consultation with the Ministry of Transportation is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to, or in the vicinity, of a provincial highway or interchange/intersection within Ministry of Transportation's permit control area will be subject to Ministry of Transportation's policies, standards and requirements.
- 3.38.4 A Transportation Impact Study, prepared by a professional and certified engineer, may be required to address both the impact of any new development upon the provincial highway system, as well as any associated highway improvements that are required prior to the approval of the development.
- 3.38.5 The Ministry of Transportation's policy is one highway entrance for one lot of record. Back lot development cannot use another entrance for access to a provincial highway.
- 3.38.6 Where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision is to be designed such that the lots back onto the provincial highway and front onto a local internal road.
- 3.38.7 Any new proposed access connection (e.g., public road or signalized intersection) onto a provincial highway shall meet the Ministry of Transportation's access management practices and principles.
- 3.38.8 Any proposals for new snowmobile or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation.

- 3.38.9 A drainage/stormwater management report/plan shall be prepared by a qualified engineer and reviewed and approved by the Ministry of Transportation for those developments located adjacent to, or in the vicinity of, a provincial highway whose drainage would impact the highway and/or downstream properties.
- 3.38.10 Outdoor storage and loading areas should be visually screened or appropriately located so as not to be visible to the traveling public.
- 3.38.11 Entrances serving home occupations, home industries or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future without the review and approval of the Ministry of Transportation, and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a severance that would result in a separate entrance to a business and one for the retained parcel.
- 3.38.12 For highway safety reasons, wind turbines located adjacent to a provincial highway will be set back a minimum distance measured from the limit of the highway property line equal to the distance of the height of the wind turbine structure plus the length of one blade.

### 3.39 RAILWAYS AND RAIL YARDS

- 3.39.1 Except for infilling on existing lots of record, new residential development and other sensitive land uses shall not be permitted within 70 meters (229 feet) of a rail yard. Notwithstanding the above, where a planning approval is required limited residential development of a restrictive infill nature may be permitted provided:
- a) It has been demonstrated to the satisfaction of Council in consultation with the railway, that there will be no negative impacts on the long-term function of the rail yard;
  - b) That the applicable policies and guidelines including the Ministry of Environment and Climate Change noise assessment and land use compatibility guidelines, have been addressed; and



- c) Council is satisfied that appropriate noise mitigation measures will be undertaken.

3.39.2 Applications for planning approvals to allow for residential or other sensitive land uses within 70 meters (229 feet) of a rail yard, or within a railway corridor shall be accompanied by a Noise and Vibration Study, to the satisfaction of Council in consultation with the railway, demonstrating that applicable provincial policies and guidelines with respect to noise and land use compatibility have been addressed. Such applications shall be permitted only where Council is satisfied that appropriate noise and vibration mitigation measures will be implemented at the time of development. These studies must comply the Ministry of Environment and Climate Change requirements.

3.39.3 Appropriate safety measures, such as setbacks, berms, and security fencing, shall be provided in associational development proposals adjacent to rail yards or railway corridors, to the satisfaction of the City in consultation with the railway. Where applicable, the City will ensure that sightline requirements of Transport Canada are addressed.

### 3.40 SIGNIFICANT WILDLIFE HABITAT

3.40.1 As defined in the Provincial Policy Statement (PPS) wildlife habitat are areas where plants, animals, and other organisms live, and find adequate amounts of food, water, shelter, and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

3.40.2 Wildlife habitat is considered significant where it is: ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system. Criteria for determining significance of the wildlife habitat is provided in the Ontario Ministry of Natural and Forestry Resources Significant Wildlife Habitat Technical Guide (October 2000) and Natural Heritage Reference Manual (2005) and features will be identified and delineated consistent with these references and direction from the Ministry of Natural Resources and Forestry.

- 3.40.3 Preliminary ecological assessments (constraints analysis) based on existing mapping and reference information, existing local knowledge, and preliminary field visits will be conducted when new development is proposed within or adjacent to significant wildlife habitat.
- 3.40.4 Where preliminary assessments indicate proposed development is within or adjacent to significant wildlife habitat an Environmental Impact Study (EIS) will be required to determine whether there will be negative impacts on the natural features or their ecological functions.
- 3.40.5 The Environmental Impact Study (EIS) shall also make recommendations with respect to appropriate performance standards and mitigation techniques. The Ministry of Natural Resources and Forestry is the lead agency responsible for approving the delineation of significant wildlife habitat and determining sufficiency of mitigation measures contained within Environmental Impact Study (EIS). The Ministry shall be consulted on applications adjacent to significant wildlife habitat.

### 3.41 SNOW STORAGE AREA

- 3.41.1 Snow storage area means a designated or specified area within private property (e.g., landscaped or other suitable private area) that is reserved for the storage or stockpiling of accumulated snowfall (snow), occurring and accumulated within private property, when plowed, and shoveled.
- 3.41.2 Development applications subject to site plan control will be required to have sufficient room and designate an area on the site for accumulated piles of snow to avoid creating a hazardous condition. If there is not sufficient space on the site, then it is the responsibility of the owner to have the snow hauled to one of the City's designated snow storage sites or outside the City.

### 3.42 THREATENED AND ENDANGERED SPECIES

- 3.42.1 The *Endangered Species Act (ESA)* prohibits the killing, harming, harassment, capture, or taking of a Species at Risk in Ontario (SARO), and the damaging or destroying of their habitat. The protection of significant habitat of threatened or endangered species, especially habitat essential for reproduction or for survival at critical points in the life cycle, is fundamental for the recovery of these species at risk. Protection is

necessary to prevent the expiration of species and to assist with their recovery.

3.42.2 Development and site alteration shall not be permitted in significant habitat of species listed on the Species at Risk in Ontario (SARO) list as endangered or threatened.

3.42.3 Where a habitat regulation under the *Endangered Species Act* is in place for a species, the regulated habitat is considered to be significant threatened or endangered species habitat for the purposes of the Provincial Policy Statement.

3.42.4 Where preliminary assessments indicate the potential presence of significant habitat of threatened and endangered species, the local Ministry of Natural Resources and Forestry office will be contacted by the City for review and confirmation of the information.

3.42.5 Where development or site alteration is proposed within 120 metres (394 feet) of the boundary of an identified habitat of a species at risk, the proponent shall provide the City with an Environmental Impact Study (EIS) that demonstrates that there will be no negative impacts on the significant habitat or on its ecological function and the local Ministry of Natural Resources and Forestry office will be contacted by the City for review.

3.42.6 If impacting an endangered or threatened species cannot be avoided, a permit or agreement under the *Endangered Species Act* should be obtained before the activity proceeds. The City will work directly with Ministry of Natural Resources and Forestry district staff to develop agreements or permits when required.

### 3.43 THUNDER LAKE

3.43.1 As Thunder Lake supports a sensitive Lake Trout fishery, any new lot creation within 300 metres (984 feet) of Thunder Lake will generally not be permitted. The creation of new lots less than 300 metres (984 feet) of Thunder Lake will be considered only where the proposal is supported by a Hydrogeological Assessment, prepared in accordance with the Ministry of Ontario Lakeshore Capacity Assessment Handbook, and to the

satisfaction of Council that demonstrates that the proposed lot(s) are not within the drainage basin of Thunder Lake.

- 3.43.2 Any planning approval required to accommodate redevelopment or a change in use within 300 metres (984 feet) of Thunder Lake must be supported by a Hydrogeological Assessment, prepared in accordance with the Ministry of Ontario Lakeshore Capacity Assessment Handbook, and to the satisfaction of Council, that demonstrates that the proposed development will not have a negative impact on the water quality of Thunder Lake.
- 3.43.3 Where new development occurs adjacent to Thunder Lake, a minimum undisturbed 15 metres (49 feet) natural vegetated buffer will be required adjacent to the shoreline to minimize the impact of development on the water quality of Thunder Lake.
- 3.43.4 The City shall ensure that cultural heritage resources both on shore and in the water are not adversely affected. When necessary, measures that mitigate any negative impacts on cultural heritage resources will be required.

### 3.44 TINY HOMES

- 3.44.1 Tiny homes are an alternative form of affordable housing and Council should encourage tiny homes in the Rural Residential land use designation and along the waterfront shoreline of existing undersized vacant lots of record. Tiny homes can be used for permanent, short-term accommodation, long-term or year-round use, and as tourism opportunities, subject to servicing, design and site-specific considerations.
- 3.44.2 Tiny homes are permitted in any undersized legal lot in the Residential land use designation in the Settlement Area and Rural Residential land use designation in the Rural Area of the City subject to adhering to the site servicing requirements for water and sanitary sewage and have frontage on public road.
- 3.44.3 The City shall consider opportunities for redevelopment of existing mobile home/trailer parks located in the Settlement Area for tiny home subdivisions as alternative affordable housing.

### **3.45 TOURIST ACCOMMODATION/SHORT-TERM ACCOMMODATION**

- 3.45.1 Tourist or short-term accommodation including Airbnb is considered as renting out dwellings including cottages for a short-term. The accommodation can be all bedrooms or the entire dwelling as a place of temporary residence, lodging or occupancy by way of concession, permit, lease, rental agreement or similar agreement for any period of consecutive calendar days.
- 3.45.2 The City shall require that a license be obtained to operate the short-term accommodation and be able to monitor the available locations within the municipality.

### **3.46 TRANS-CANADA PIPELINE LIMITED**

- 3.46.1 TransCanada Pipelines Limited (TCPL) operates high pressure natural gas pipelines within its rights-of-way which cross through the City and is identified on Schedule A-1 'Settlement Area' and Schedule A-2 'Rural Area', to this Plan.
- 3.46.2 Any development within 200 metres (656 feet) of TCPL facilities may affect the safety and integrity of the pipelines. TCPL is regulated by Canada Energy Regulator (CER) which, in addition to TCPL, has a number of requirements regulating development in proximity to the pipelines. This includes approval requirements for activities on or within 30 metres (98 feet) of the pipeline centreline ("Prescribed Area") such as excavations, blasting and any movement of heavy equipment.
- 3.46.3 New development can result in increasing the population density in the area and may result in TCPL being required to replace its pipeline to comply with CSA Code Z662. Therefore, the City shall require early consultation with TCPL for any development proposals within 200 metres (656 feet) of its facilities ("Class Assessment Area").
- 3.46.4 A setback of 10 metres (33 feet) shall be maintained from the limits of the right-of-way for all permanent buildings and structures. Accessory structures shall have a minimum setback of at least 3 metres (10 feet) from the limit of the right-of-way. A minimum setback of 10 metres (33 feet) shall be maintained from the limits of the right-of-way for any parking

area or loading area, including parking, loading, stacking and bicycle parking spaces, and any associated aisle or driveway.

3.46.5 In the Settlement Area for urban development, the City will encourage the development of TCPL's right-of-way for passive parkland or open space purposes subject to TCPL's easement rights.

### 3.47 WASTE DISPOSAL SITES

3.47.1 Development proposed within 500 metres (1,640 feet) of an existing or closed waste disposal site 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 Climate Change and the City.

3.47.2 Waste disposal sites and facilities will be planned and maintained to ensure the sanitary, economic, efficient and most environmentally appropriate disposal of waste and in accordance with provincial regulations. New waste disposal sites shall proceed only by way of amendment to this Plan.

3.47.3 The planning criteria for the City's consideration of applications for amendment to this Official Plan and/or the Zoning By-law for new or expanded waste disposal sites within the City are:

- a) Locations of poor agricultural potential;
- b) Abandoned mine;
- c) Locations removed from proposed or existing built-up areas;
- d) The adequacy of access on roads of suitable construction and the nature of the roads relative to the type and volume of traffic anticipated;
- e) Locations generally not exposed to public view and the capability of adequate buffer areas to preserve the scenic beauty and amenity of an area;
- f) The use and character of the surrounding lands and the potential for compatibility of both the landfill and the proposed final use;
- g) The potential for negative effect to the environment including ground and surface water, soils and air subject to the proposed control and mitigation of such effects; and

- h) The potential for effect on other land use planning objectives of the City which may be relevant.

### 3.48 WATER RESOURCES

- 3.48.1 Protecting the quality and quantity of groundwater and surface water is a public health and environmental issue. Groundwater contributes to the base flow of streams and to the quantity and quality of potable water that can be drawn from private wells.
- 3.48.2 Towards safeguarding the integrity of the groundwater and surface water resources, the City will manage the resource to ensure that flows within natural systems are maintained and that new development can be accommodated within the system without affecting the supplies (from both quantity and quality standpoints) available to other users.
- 3.48.3 The quality and quantity of ground water and surface water will be protected, improved or restored by:
  - a) Considering impacts of a development proposal at a watershed;
  - b) Identifying surface water features, ground water features, hydrologic functions and natural heritage features and areas integral to the ecological and hydrological integrity of the watershed;
  - c) Promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality;
  - d) Ensuring best stormwater management practices to minimize stormwater volumes and contaminated loads from entering the watercourses and maintain or increase the extent of vegetative and pervious surfaces, promotion of infiltration.
- 3.48.4 Development in the City can change existing conditions such that the quantity and quality of stormwater run-off is altered. Stormwater management considers both water quantity and quality aspects of stormwater run-off where artificial drainage improvements or practices become necessary. The protection and rehabilitation of stream corridors and erosion control along watercourses are best approached through an integrated strategy and best management practices. It is especially crucial for the City to encourage best practices, included but not limited to the following policies:
  - a) Stormwater management shall be integrated as a component of the



development approval process, particularly for subdivisions, multiple lot/unit residential development; commercial, industrial and institutional and in the design and implementation of stormwater infrastructure within the Settlement Areas;

- b) Stormwater management shall incorporate an ecosystem approach through the design, construction and post construction phases;
- c) Ecological functions, particularly fish habitat, will be conserved or enhanced on a local and sub-watershed basis;
- d) Stormwater management plans shall be considered as an opportunity to rectify existing nutrient, contaminant, erosion or hydraulic flow issues;
- e) Stormwater management planning should include water quality targets;
- f) In the design and construction of stormwater management infrastructure best management practices shall be used to ensure that, wherever feasible, the emphasis will be on-site facilities to resolve or manage storm water, to minimize the City's obligation for the assumption and maintenance of ponds or other facilities;
- g) That there will not be any new or increased downstream flooding or erosion;
- h) That natural habitat areas are protected or enhanced or restored;
- i) That a construction mitigation plan is instituted to prevent stream borne sediments, changes in flow or other adverse characteristics from affecting the ecological functions or other impacts on receiving waters during construction; and
- j) That the post construction phase shall include rehabilitation, continued maintenance, or infrastructure, and preferably, a monitoring program.

3.48.5 The City will ensure that clean, safe and reliable drinking water is supplied to all consumers served by the Dryden Water System and promote the protection of drinking water sources from Wabigoon Lake and Thunder Lake. The City shall comply with all applicable legislation and regulations under the *Safe Drinking Water Act*.

### 3.49 WAYSIDE PITS AND QUARRIES

3.49.1 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.

- 3.49.2 Wayside pits and quarries shall be permitted throughout the City except for the following:
- a) In areas designated residential land uses;
  - b) Within 90 metres (295 feet) of an existing residential land use; and
  - c) Where severe environmental disruption will occur.
- 3.49.3 Wayside pits and quarries used on public authority contracts shall be permitted without an amendment to this Plan or the Zoning By-law provided that the City is given adequate notice and an opportunity to express concern regarding the opening of the pit or quarry.
- 3.49.4 When considering the establishment of new wayside pits and quarries or the expansion of existing operations, consideration shall be given to cultural heritage resources, including the completion of archaeological assessments, environmental impacts, and appropriate mitigative measures, as required.
- 3.49.5 The Ministry of Transportation shall ensure that wayside pits and quarries used for its purposes are rehabilitated in consultation with the City. Progressive and final rehabilitation of wayside pits and quarries is required.

### **3.50 WETLANDS**

- 3.50.1 Wetlands within the City are identified on Schedule B-1 'Settlement Area Environmental Resources' and B-2 'Rural Area Environmental Resources' and are designated "Environmental Protection" in this Plan.
- 3.50.2 As defined in the Provincial Policy Statement, wetlands are lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wetlands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

- 3.50.3 Wetland areas are a significant environmental resource, which contribute to the ecological well-being of the natural environment. It is the intent of this Plan to protect wetland areas within or adjacent to the City from incompatible land uses.
- 3.50.4 No development or site alteration shall be permitted in or adjacent to any designated wetland and Provincially Significant Wetland (PSW). If a wetland has not been evaluated to confirm the status or significance, then a wetland evaluation or scope Environmental Impact Study (EIS) by a qualified professional (e.g., ecologist, biologist) shall be completed. This evaluation and/or scoped EIS will confirm the characteristics of the wetland and if development or site alteration is permitted within 120 metres (394 feet) of the wetland or can be reduced to a regulation area of interference that demonstrates to the satisfaction of Council that there will be no negative impact on the wetland its ecological functions. The Council may request a peer review of the EIS to confirm the reduced regulation area within or adjacent to the wetland at the owner/developer cost to ensure no negative impact on the wetland or its ecological functions.

### 3.51 ZONING BY-LAWS

- 3.51.1 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.

# SECTION 4

## LAND USE DESIGNATIONS



## 4.0 LAND USE DESIGNATIONS

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### 4.1 SETTLEMENT AREA

Within the planning horizon of this Plan, most urban growth shall take place in the Settlement Area as shown on Schedule A-1 'Settlement Area'. This is the area where the highest level of public services and utilities are presently available. All development in the Settlement Area shall be connected to a municipal sewage and water system where such services are available, and connection to those services does not necessitate a pre-mature or uneconomical expansion of services.

All development in the Settlement Area shall also be located on a year-round maintained public road. The expansion of the Settlement Area may only occur if it is justified through a comprehensive review as outlined in the Provincial Policy Statement. However, adjustment of the Settlement Area boundary may be considered outside of a comprehensive review where there would be no net increase in land within the boundary, in accordance with the Provincial Policy Statement and Growth Plan for Northern Ontario policies.

This Section of the Plan establishes policies for the land use designations shown on Schedule A-1 'Settlement Area' of this Official Plan. These policies identify where different types of land uses can locate in the City, and policy considerations that will be applied when new development is proposed.

The Settlement Area is divided into the following land use designations:

- Residential
- Mixed-use
- Commercial
- Institutional and Community Facilities
- Industrial
- Open Space

There may be natural heritage and environmental protection areas including hazards delineated in the Settlement Area mapping, however, the detailed description and identified features are found on Schedules B-1 and B-2 with reference to the specific polices found in Section 4.

Detailed development standards and permitted uses in the land use designations will be governed by the City's Zoning By-law.

#### **4.1.1 RESIDENTIAL**

- 4.1.1.1 The City will ensure that there is an appropriate distribution of residential areas provided throughout the City and that future growth occurs in an orderly manner.
- 4.1.1.2 The City will ensure that residential development occurs in a compact, efficient and logical pattern to ensure that the environmental, health, safety, land consumption, infrastructure, public service, and municipal finance issues, which may arise from improper development, do not occur.
- 4.1.1.3 The City will ensure that the land use policies reflect an appropriate range of residential uses which serve the City's diverse mix of individuals and families. Different types and tenures of housing units will be encouraged.
- 4.1.1.4 The City will encourage that housing is planned and developed which meets the needs of citizens at all levels of income and ensure that the land use policies discourage development forms/patterns which negatively impact affordability.
- 4.1.1.5 The City's urban fabric includes a variety of residential neighbourhoods. The policies of this Plan are intended to support and enhance the City's existing neighbourhoods and encourage the development of new, livable neighbourhoods. Residential development will be planned to be safe and have convenient access to shopping, public open space, recreation facilities and other urban amenities.
- 4.1.1.6 The City will ensure that there is a sufficient supply of City owned and private serviced residential land to provide at least a three (3) year supply of residential land in accordance with the Provincial Policy Statement. To make efficient use of designated lands, the City will promote the development of vacant land already designated for development and intensification-sites by ensuring that these areas are suitably built-out before the urban boundary is recommended for expansion.
- 4.1.1.7 The City will ensure protection for stable residential areas from inappropriate change and will encourage strategies which assist

residential neighbourhoods in transition to revitalize, with minimal negative impacts to adjacent areas.

- 4.1.1.8 The City will recognize existing residential uses in the different residential land use designations and honor those uses as legal non-conforming.

A legal non-conforming use is one that was lawfully in existence before a new zoning by-law came into effect. If there is a change in the land use designation that went from low-density residential to high-density residential or from residential to commercial, that use may no longer be permitted. However, if a lawfully existing use (e.g., single detached dwelling) was on the property before the new zoning was changed, the use can remain as a legal non-conforming use. If the use was to be altered or expanded or a new use on the property, the Committee of Adjustment is empowered to grant a physical expansion of or other alteration subject to being satisfied that the proposed new use is in closer conformity with the other uses specifically permitted or at least has no greater negative impact on the surrounding neighbourhood than the current use.

- 4.1.1.9 The City will promote opportunities for residential intensification and redevelopment on lands located within the Settlement Area. Refer to Policy 4.1.1.30.

- 4.1.1.10 The City will ensure that the urban design guideline checklist (Appendix B) is provided with all new major plan of subdivision applications. The City will encourage sustainable design methods for residential buildings and neighbourhoods when new areas are being planned and/or during the development review process.

- 4.1.1.11 The City will ensure that all new development is designed in an attractive manner, is accessible to all and accommodates the needs of pedestrians as well as other modes of transportation (automobile, cycling, walking).

- 4.1.1.12 The permitted uses in the Residential Area include:

- a) Low-density residential including single detached dwelling units, semi-detached dwelling units, duplexes;
- b) Medium-density residential including triplexes, fourplexes, townhouse units;
- c) High-density residential including mid to high rise apartments;



- d) Accessory or additional residential units
- e) Bed and breakfast establishments;
- f) Group homes;
- g) Garden suites;
- h) Mobile home parks (including tiny homes);
- i) Waterfront dwellings (including tiny homes);
- j) Minor private and public open space facilities; and
- k) Home occupations and home industries 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.

#### Low-density Residential

4.1.1.13 Low-density residential designation is intended to provide housing for residential development at a minimum density of 20 units per hectare of land and maximum of 45 units per hectare of land.

The primary permitted uses in the Low-density designation include single detached dwelling units, semi-detached dwelling units, duplexes.

The secondary permitted uses in conjunction with the established primary use include accessory buildings and structures, bed and breakfast, group home, additional residential unit, home occupation and home industry.

#### Medium-density Residential

4.1.1.14 Medium-density residential designation is intended to provide housing for residential development at a minimum density of 25 units per hectare of land and maximum of 50 units per hectare of land.

The primary permitted uses in the Medium-density designation include triplexes, fourplexes, townhouse (street or block) dwelling units. Generally, medium-density residential buildings shall not exceed four (4) stories in building height.

The secondary permitted uses in conjunction with the established primary use include accessory buildings and structures, bed and breakfast, group home, additional residential unit. Home-based businesses may be

permitted if it is accessory to the principal residential use and occurs entirely within the confines of the dwelling unit.

Medium-density residential will be encouraged to have front porches or covered entrances. Attached garages should be designed so that the resulting streetscape is predominated by the front yard landscaping, front doors, and front windows of the housing units instead of garages. Buildings should incorporate landscaping in all yards which provide a buffer between the building and adjacent sensitive land uses. Parking areas shall be located in the side or rear yard. The site will be designed to provide for the collection and storage of recyclable waste on-site.

#### High-density Residential

4.1.1.15 High-density residential designation is intended to provide housing for residential development at a minimum density or greater than 60 units per hectare of land.

High-density residential permitted uses include medium-rise and high-rise apartment housing to a maximum of eight (8) stories in building height.

Accessory private recreation facilities or amenities for the benefit of the immediate residents are permitted. Small scale neighbourhood convenience or personal service uses scaled to serve the needs of the residents of the development may be permitted on the ground floor of medium-rise and high-rise apartments.

High-density residential lots may accommodate medium-rise and high-rise apartments where the issues of casting of shadows, obstruction of views, and privacy for adjacent lots need to be managed and potential negative impacts minimized.

High-density residential will be encouraged to have a covered entrance which is aligned with the street and main building entrance. Buildings should incorporate a built form, architectural articulation, exterior materials, and window design which prevent large continuous “slab” walls. Buildings should incorporate landscaping in all yards to provide a buffer between the building and adjacent sensitive land uses. Parking areas

should be located in the side or rear yard and/or underground. The site will be designed to provide for the collection and storage of recyclable wastes on-site, snow removal and dark sky requirements for the site will need to be identified.

#### General Policies

4.1.1.16 Any new Low to Medium or new Medium to High-density development sites may be permitted in the Residential land use designation by way of a Zoning By-law Amendment, provided:

- a) The permission represents only a change from low to medium-density residential, or medium to high-density residential;
- b) The site is located on arterial or collector roads, in close walkable proximity and accessibility to commercial centres, community facilities and parks; and
- c) The site is appropriately located adjacent to or in close proximity to existing medium or high-density residential sites.

4.1.1.17 Residential development or redevelopment shall generally be by plan of subdivision or condominium. Consents to sever individual parcels less than three (3) new lots 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*.

4.1.1.18 In existing built-up residential areas which are relatively stable and where the potential for new development or redevelopment is limited, the building designs and densities shall be compatible with the physical character and identity of the surrounding residential lands.

4.1.1.19 New development in existing neighbourhoods (redevelopment or intensification) shall reinforce and improve upon the character defined by the existing built form and landscaping. The City will maintain and improve existing neighbourhoods through tools such as by-laws (e.g., property standards, tree cutting), civic beautification, and urban design guidelines.

4.1.1.20 The following standards for additional dwelling units shall be provided:

- a) No more than three (3) residential units on any parcel of land designated for residential use. No zoning or other planning permission would be required to build two (2) accessory units on an existing

residential lot; such units could be basement apartment, garage suite, or a separate garden suite, or a single-family home divided into three (3) units;

- b) Defined access to individual units are required without disruption to other units;
- c) The lot size and configuration are sufficient to accommodate adequate parking and open/amenity spaces;
- d) The building age and condition can support the intensified use and the building code requirements as well as health and safety requirements can be satisfied;
- e) While permitted in basements, are not be permitted in the cellar area of a dwelling;
- f) The availability and adequacy of municipal services (water, sanitary) to accommodate the increased density shall be available.

4.1.1.21 Group homes administered by the Ministry of Health or Ministry of Community and Social Services under Provincial legislation shall be permitted in any residential area. The types of group homes which are permitted include:

- a) Approved homes;
- b) Homes for special care;
- c) Supportive housing programs;
- d) Accommodation for adult mental health programs;
- e) Accommodation services for individuals with a developmental disability;
- f) Satellite residences for seniors;
- g) Homes for individuals who have physical disabilities, where the Province licenses, funds or approves such a group home program; and
- h) Homeless shelters (emergency, transitional housing) for individuals who are socially disadvantaged and community resource centres will require a Zoning By-law amendment.

4.1.1.22 One (1) garden suite may be permitted, but only on a lot zoned for a single detached dwelling. The garden suite will be smaller and physically separate from the principal dwelling unit and will be adequately serviced by the primary residence. The exterior design of the garden suite should be in character with the design of the principal dwelling unit and the location of the garden suite on the lot will not adversely impact the privacy

of adjacent yards. Garden suites must meet the requirements of the Building Code and Fire Code.

4.1.1.23 Waterfront/shoreline residential areas are located adjacent to Wabigoon and Thunder Lakes. These areas provide opportunities for low-density residential uses (e.g., single detached, tiny homes) oriented to the water.

4.1.1.24 Large-scale mixed-use development including residential and commercial uses along the waterfront is subject to a Secondary Plan or Master Plan process undertaken by the City to determine the appropriate allocation of commercial and residential uses balanced with open space and amenity areas, and the protection of the lake.

4.1.1.25 New septic systems are encouraged to be located as far back from the shoreline as possible, and septic fields shall be located a minimum of 30 metres (98 feet) from the shoreline, unless it is not physically possible (due to terrain features or lot depth) to locate the septic field at such a distance. If this minimum distance cannot be achieved, the septic field shall be located as far back as possible and in accordance with current legislated minimum setback requirements, a minor variance application will be required to accommodate this. Septic systems servicing shoreline areas that are located within 20 metres (66 feet) of a lake shall use on-site phosphorous treatment systems that reduce phosphorus and nitrate from reaching the shoreline. New lots should be large enough to ensure that sewage systems shall not be within 30 metres (98 feet) of a lake.

4.1.1.26 New development or redevelopment of shoreline areas shall incorporate appropriate vegetative shoreline buffers to filter sediment and nutrients from surface run-off before it enters the lake. These shoreline vegetative buffers should extend at least 15 metres (49 feet) inland from the shoreline and comprise at least 75 per cent of the shoreline lands on a lot.

4.1.1.27 New lots may be permitted by consent if the lots are considered as infilling or as minor extensions to existing developed areas. Where development exceeds three (3) new lots, a Plan of Subdivision shall be required.

4.1.1.28 Where new lots are created, the City will require that roadways are developed in a manner that will provide greater connectivity in the shoreline areas and that they are built to a standard that will enable safe travel for emergency service providers.

4.1.1.29 The following standards of residential open/amenity space shall be provided for with any residential development or redevelopment:

- a) The provision and maintenance of adequate parking for the development;
- b) The provision for on-site waste and recycling;
- c) The provision and improvement and/or maintenance of on-site landscaping, parks and recreational areas;
- d) 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
- e) The development is to be adequately served by community facilities such as parks, commercial uses, churches, and school sites.

Intensification Strategy Policies (Intensification Areas)

4.1.1.30 Intensification and infilling within appropriate areas throughout the Settlement Area will be supported in accordance with Urban Design Guidelines (Appendix B).

4.1.1.31 Infilling and intensification is encouraged throughout the City's existing built-up residential areas. Intensification in residential areas should address:

- a) Land use and neighbourhood character compatibility;
- b) Lot pattern and configuration;
- c) Accessibility;
- d) Parking on-site requirements;
- e) The potential for additional traffic and traffic maneuverability;
- f) Natural conservation/protection; and
- g) Available capacity of municipal infrastructure.

4.1.1.32 The objectives of the intensification policies of this Plan are to:

- a) Support the Settlement Area by strategically directing most intensification to the Intensification Areas identified on Schedule A1 – Settlement Area.
- b) Ensure that intensification and infilling are consistent with the character of the surrounding neighbourhood.
- c) A minimum of 15% of all new dwelling units constructed annually in the

- City will occur within the Settlement Area.
- d) The predominant built form for intensification and redevelopment within the residential areas of the Settlement Area will be single detached, semi-detached, townhouses, and apartment buildings subject to the relevant development and compatibility policies of this Plan.
  - e) The provision of affordable housing in intensification areas is encouraged.
  - f) Intensification areas will be developed at a higher density than surrounding areas, subject to other applicable policies of this Plan related to the character of the area and appropriate design standards.

#### **4.1.2 MIXED-USE**

4.1.2.1 Mixed-use areas are areas where existing or proposed development reflect a mix of residential and commercial uses, and include individual properties where commercial, residential, or a combination of both uses are appropriate. The areas are generally located in the Settlement Area but may be considered for approval in other locations as part of a planned community in a comprehensive Secondary Plan.

In addition to the objectives for residential areas and commercial areas, objectives for development in Mixed-use areas are as follows:

- a) To provide opportunities for a range of permitted residential and/or commercial uses on specific properties within the Settlement Area; and
- b) To ensure that development is compatible with surrounding uses and neighbourhoods and contributes to the more efficient use of municipal services as well as ensure the conservation of cultural heritage resources.

4.1.2.2 Within the Mixed-use designation the primary permitted uses of land will generally be limited to:

- a) Waterfront where the lands are intended for major redevelopment including tourist related commercial, residential, and retail uses will develop. The focus of this development will be the waterfront at the foot of Van Horne Avenue at Wabigoon Lake.
- b) Multiple unit residential development; and
- c) Commercial uses generally related to retail, office, health services, accommodation, personal services and recreational uses but may be



expanded to include uses such as restaurants, micro-breweries where superior forms of building design are proposed with particular attention focused on providing high quality living environments for those in and near these developments.

- 4.1.2.3 Waterfront multiple unit residential development take the form of medium-density uses including townhouses and high-density multi-unit buildings or apartments ranging from four (4) to eight (8) storeys, preferably in the form of condominium ownership where a significant portion of the waterfront is dedicated to public and communal uses including open space, docks and other marine facilities. Architectural details of the development shall reflect the character and culture of the community while using innovative building designs that will create a focal point in the City.
- 4.1.2.4 Mixed-use developments will be designed to complement the character of the surrounding area and limit adverse impacts between residential and non-residential uses, addressing matters such as the design of building access points (e.g., consideration for residential versus non-residential access, security access, parking supply and location), and provision of adequate buffering and transition to manage and limit potential impacts on surrounding existing development.
- 4.1.2.5 The design and location considerations for development for mixed-use, commercial, or residential uses will include provisions of the following:
- a) Commercial uses shall be provided on the ground level with a minimum of 50% of the gross floor area and occupy the front of the building with sufficient street face;
  - b) The residential uses shall be above the ground floor;
  - c) The height, mass, scale and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area;
  - d) Appropriate open space (private and/or public), including landscaping and buffering, will be provided to maximize privacy for residential uses;
  - e) Parking areas will be designed to satisfy the residential and non-residential needs of each development proposal;
  - f) Adequate snow storage will be made available on-site or provisions for off site hauling to a designated site;

- g) Dark sky and directional site lighting to avoid light trespass onto adjacent uses;
- h) Service areas will be required on the site of each development (e.g., waste and recycling containers); and
- i) The conservation of cultural heritage resources, if required.

#### **4.1.3 COMMERCIAL**

4.1.3.1 The Commercial Area designation includes Downtown Core and Regional Business Centre as shown on Schedule A-1 'Settlement Area' and A-2 'Rural Area'. It is the general intent of the Commercial Area designation to provide a full range of commercial uses to support the day-to-day needs of the community. It is also the intent of the Commercial Area to support the commercial needs of the travelling public and tourists.

4.1.3.2 The primary uses permitted in the Commercial Area designation are all types of commercial uses including:

- a) Retail stores including cannabis retailers;
- b) Restaurants, micro-breweries, patios;
- c) Offices;
- d) Medical clinics, dentists;
- e) Hotels/motels;
- f) Motor vehicle gas bars; and
- g) General business uses appropriate to a commercial area.

4.1.3.3 Adequate off-street parking and loading facilities shall be provided for all permitted uses. Access points to such parking areas shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.

4.1.3.4 Adequate buffering shall be provided between the Commercial Area uses and any adjacent residential uses to reduce the impact of noise, light, traffic and view on adjacent residential uses. Such buffering may include the provision of landscaping buffer, trees, shrubs, the use of open space, a berm, wall, fence or planting or any combination of these uses sufficient to accomplish the intended purpose.

4.1.3.5 Dark sky and directional lighting so that it is deflected away or shielded from residential uses shall be required.

- 4.1.3.6 No open storage shall be permitted adjacent to residential uses or in any front or side yard.
- 4.1.3.7 More than one commercial use may be permitted in a building on a lot.
- 4.1.3.8 New use shall only be permitted on lands where municipal water and sewer services are provided within the Settlement Area.

#### Downtown Core

- 4.1.3.9 The Downtown Core will provide the widest range of commercial uses in the City. The development of new specialty commercial, restaurant, entertainment and personal service uses is encouraged.
- 4.1.3.10 New buildings should be built to the street line with provision for parking to the rear. Where on-site parking is provided, parking areas should be connected with adjacent uses wherever possible.
- 4.1.3.11 Improvements to public spaces such as trees, benches and lighting will be encouraged through redevelopment and public projects. Street art and public spaces in the Downtown Core are encouraged and shall reflect the cultural identity and character of the Region.
- 4.1.3.12 Multi-unit residential development and condominium development shall be encouraged through infilling and intensification in the Downtown Core. Proposed development or alteration will conserve significant built heritage resources and significant cultural heritage landscapes and will be subject to technical cultural heritage studies (e.g., conservation plan, heritage impact assessment). Development should be consistent with existing landscape and streetscape qualities. Commercial uses on the street level shall be encouraged, however, multi-unit residential units are permitted on the ground floor subject to being to the rear of the commercial buildings in the Downtown Core.
- 4.1.3.13 New buildings and redevelopment shall be designed in a manner that is sensitive to the existing scale and character, including massing, materials, height, orientation and location of significant built heritage resources. Proposed development or alteration will conserve significant built heritage resources and significant cultural heritage landscapes and will be subject to technical cultural heritage studies (e.g., conservation plan, heritage

impact assessment). The use of local building materials or wood and stone is recommended to be incorporated into the building design. Buildings should also be designed to be energy efficient, utilizing green energy sources and sustainable materials wherever possible.

#### Regional Business Centre

4.1.3.14 The Regional Business Centre is the focus of large-scale commercial and industrial uses in the region. This permitted uses in the Regional Business Centre include:

- a) Big-box retail uses;
- b) Small and mid-sized industrial uses that are not obnoxious such as light manufacturing, assembly of processed material, goods and products, warehousing, public utilities, research and development laboratories that do not pose any threat to public health or safety, technology centres, offices, and educational institutions; and
- c) Tourist oriented accommodation and services.

This area will continue to function and expand as the primary employment area in the City, second only to the pulp mill located in the Heavy Industrial Area on the west side of Highway 594.

4.1.3.15 The continued development of retail commercial and light industrial uses will be promoted in the Regional Business Centre to serve the residents of Dryden, the District of Kenora and the travelling public.

4.1.3.16 Applications for planning approvals for new or expanded industrial or other uses that uses could result in an adverse effect shall be evaluated in accordance with the requirements of Policy 4.1.5.8 and 4.1.5.11 of this Plan.

4.1.3.17 Where other applicable policies allow for industrial or commercial uses within the Regional Business Centre designation, these shall be restricted to dry uses only, in which no industrial liquid wastes, wash or cooling water, or process wastes are permitted.

4.1.3.18 The existing route of the Trans-Canada Highway through the City is likely to change in the lifetime of this Plan. Maintaining safe and efficient transportation along the current corridor is paramount to maintaining the economic health of the Regional Business Centre. To prevent conflicts

between the function of the highway and the abutting uses, the following design criteria shall be considered when development is proposed:

- a) Parking areas and access shall be linked wherever possible along Highway 17. Along this portion of the Highway, the number of commercial entrances to Highway 17 will be reduced and access to the rear of the lots fronting onto Highway 17 will be provided;
- b) Through the use of site plan control, the City may acquire sufficient land to provide for a five lane cross section with sidewalks on both sides through the Regional Business Centre and provision for a parallel service road to the rear of the lots on the north and south sides of Highway 17;
- c) The City will require, as a condition of any planning approval, that developers provide a transportation analysis, to the satisfaction of the Ministry of Transportation and the City Public Works Department, indicating the effects of traffic from the proposed developments on the current Highway 17 and how any potentially negative effects can be mitigated. Developers will be financially responsible for all recommended highway improvements required to accommodate development related traffic;
- d) Developments shall provide for pedestrian access and convenience. Landscaping, lighting and amenity areas will be included as components of development or redevelopment of this area;
- e) As a condition of development or redevelopment, outdoor storage areas except for the display of vehicles, equipment or other new products being sold on the lands, must be landscaped to provide visual screening from the traveling public using the current and future highway; and
- f) Industrial uses requiring outdoor storage or large vehicle parking areas will be encouraged to locate on lands that do not directly abut the current and future Highway.

#### **4.1.4 INSTITUTIONAL AND COMMUNITY FACILITIES**

4.1.4.1 Institutional and Community facilities are intended to provide for the culture, education, health and welfare of the existing and future residents of the City.

4.1.4.2 The Institutional and Community Facilities designation permitted uses include:

- a) Community centres and recreational facilities;
- b) Public and private schools;
- c) Religious institutions;
- d) Nursing and retirement homes;
- e) Medical centres;
- f) Day care centres and nursery schools;
- g) Social and cultural facilities;
- h) Police Stations and Fire Halls;
- i) Government offices; and
- j) Cemeteries.

4.1.4.3 The Institutional and Community Facilities designation is intended:

- a) To provide for appropriately located parks and community facilities that are accessible to the people they serve, while not having an adverse effect on abutting land uses;
- b) To encourage the location of community facilities at strategic locations with convenient access for residents;
- c) To recognize the changing needs of the community and the subsequent need for redevelopment of community facilities; and
- d) To ensure the conservation of cultural heritage resources through the process of change.

4.1.4.4 In considering an application for the conversion of lands designated Institutional and Community Facilities for residential uses Council shall ensure that the development respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below:

- a) The lot frontage(s) and lot area(s) of any proposed new lot(s), including any retained lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;
- b) The proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;
- c) Front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;
- d) The setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;

- e) The new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;
- f) Existing trees and vegetation shall be retained where possible and enhanced through new tree planting and additional on-site landscaping; and
- g) The width of any garage(s) at the front of new building(s) and width of driveway(s) on the property shall be limited to ensure that the streetscape is not dominated by garages and driveways.

4.1.4.5 New institutional uses shall be subject to an amendment to the Zoning By-law and may be at the discretion of the City to amend this Plan.

4.1.4.6 New institutional uses shall be conveniently located with access to water, sanitary and storm drainage services or equipped to provide on-site water and sanitary services and adequate landscaping and buffering to residential uses.

4.1.4.7 New institutional uses shall be oriented in such a manner so that there are no adverse impacts on nearby residential uses with regards to parking, traffic, site lighting, and noise.

#### **4.1.5 INDUSTRIAL**

4.1.5.1 The Industrial Area designation and policies are intended to promote development through the expansion of the existing industrial base and stimulation of new industrial growth. Appropriate areas that accommodate the needs of existing industries through expansion or relocation and the establishment of new industries are shown on Schedule A-1 'Settlement Area' and A-2 'Rural Area'.

4.1.5.2 It is the intent of the Industrial Area designation to:

- a) Expand the City'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 City.

- 4.1.5.3 Permitted uses in the Industrial Area designation shall include:
- a) Manufacturing;
  - b) Processing, assembling, fabricating, servicing;
  - c) Storage of goods and raw materials;
  - d) Crematorium;
  - e) Warehousing;
  - f) Wholesaling and service sector industries including transportation, communication, business services, government services, medical and other health laboratories, medical marijuana facility;
  - g) Mineral exploration, mining, mineral aggregate resource extraction operations; and
  - h) Waste disposal sites.
- 4.1.5.4 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.
- 4.1.5.5 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.
- 4.1.5.6 The City shall proceed with new development with access to fully serviced industrial lands as the priority.
- 4.1.5.7 All industrial uses shall be developed on the basis of full municipal services. The proponent shall follow the Ministry of Environment and Climate Change's D-4 Land Use on or Near Landfills and Dumps, D-5 Planning for Sewage and Water Services, and D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses guidelines.
- 4.1.5.8 New development applications are subject to site plan control pursuant to Section 41 of the *Planning Act*.
- 4.1.5.9 Where dry industrial uses are proposed on private services, Council may require supporting information, such as groundwater impact assessment or Hydrogeological Assessments, to address matters such as: the



susceptibility of groundwater to contamination from sewage effluent; the ability of the site to treat sewage effluent to acceptable standards, the adequacy of groundwater, in terms of both quality and quantity to service the proposed development; and the potential for interference with the water supplies of neighbouring properties. Supporting information is subject to Ministry of Environment and Climate Change D-Series guidelines, or their successor documents.

4.1.5.10 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 to minimize the impact of the industrial activity including visual appearance.

4.1.5.11 Industrial uses shall be developed in an attractive manner to provide a positive statement of the City. 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 Environment and Climate Change regarding emissions and noise.

4.1.5.12 Aggregate extraction operations shall be allowed in the Industrial Area designation provided that:

- a) The operation is compatible with surrounding land uses;
- b) Adequate buffering is provided;
- c) An approved amendment to the Zoning By-law is obtained;
- d) An approved Site Plan Agreement pursuant to Section 41 of the *Planning Act* is registered on title. The agreement may 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, ingress/egress;
- vii. Haulage routes;
- viii. Improvements/maintenance to City roads as a result of increased truck traffic on existing roads; and
- ix. Site rehabilitation.

4.1.5.13 If there is a need for additional aggregate extraction operations, Council and the Ministry of Environment and Climate Change shall be satisfied with:

- a) The disposal of liquid wastes, pumping operations and the control of air and noise pollution, among other matters;
- b) No excavation, building, equipment, machinery or stockpiling of material is allowed:
  - i. Within 30 metres (98 feet) of a lot line of an adjacent lot used for recreational or commercial purposes;
  - ii. Within 50 metres (164 feet) of a lot line of an adjacent lot used or designated for residential or institutional purposes;
  - iii. Within 30 metres (98 feet) of any road or road allowance; and
- c) A quarry with blasting operations is to be setback a minimum of 800 metres (2,625 feet) from a residential building.

4.1.5.14 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 for buildings, machinery and equipment from lot lines is determined on a site-specific basis in consultation with the City and with the Ministry of Environment and Climate Change through the issuance of a Certificate of Environment Compliance Approval.

4.1.5.15 Related aggregate industrial uses such as asphalt plants, concrete batching plants and aggregate recycling operations may also be permitted provided they are compatible with adjacent land uses and subject to an amendment to the Zoning By-law.

#### 4.1.6 OPEN SPACE

- 4.1.6.1 The Open Space Area designation is to preserve and conserve those lands which are ecologically sensitive and those areas of scenic quality and to provide community and cultural facilities to serve the City's residents.
- 4.1.6.2 The intent and primary land uses for areas designated as Open Space shown on Schedule A-1 'Settlement Area' and A-2 'Rural Area' shall be for:
- a) Active and passive recreational uses;
  - b) Public and private parks;
  - c) Trailer parks and campgrounds;
  - d) Golf courses;
  - e) Playing fields and playgrounds;
  - f) Swimming facilities;
  - g) Nature trails;
  - h) Marinas; and
  - i) Natural and wildlife management areas.
- 4.1.6.3 Small scale commercial uses up to a maximum of 5% which are ancillary to and support the permitted recreational and open space uses may also be permitted by amendment to the Zoning By-law.
- 4.1.6.4 Open space linkages which provide access to recreational and open space uses in the City will be encouraged.
- 4.1.6.5 As a condition of development or redevelopment, the City may require land to be dedicated for a park or other recreational purposes in accordance with the provisions in Section 42 of the *Planning Act*. The dedicated land should be used for active open space. If land is unsuitable for open space or recreational use due to topography, for example, the City may require payment-in-lieu of the parkland dedication in accordance with the following requirements:
- a) Development or redevelopment of land for residential purposes shall be at a standard of 5% of that land being developed or redeveloped;
  - 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;
  - c) An alternative to requiring land conveyance for residential development, City may require that land be conveyed to the

municipality for park or other recreational purposes at the rate of 1 hectare for every 300 dwelling units.

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

- a) Be relatively level and are not required for drainage purposes, nor contain land 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, soccer fields, baseball fields, etc.;
- d) Have adequate access within the development; and
- e) Be provided with basic service requirements.

4.1.6.7 Development within areas designated Open Space Area will complement the natural environment.

4.1.6.8 In areas intended for Open Space in the vicinity of the shoreline, the City 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.

4.1.6.9 The City in the design and development of parks, open space areas and recreational facilities shall encourage accessibility for the physically challenged.

4.6.1.10 The City will continue to protect and maintain the Dryden Trail systems including Dryden Signature Trail, Nature in the City Trail (Laura Howe Marsh Wetland Trail), and the Urban Trail.

## 4.2 RURAL AREA

Rural Areas include a variety of agricultural, residential, industrial, commercial and open space uses. Over the lifetime of this Plan, the Rural Areas will experience limited change. Refer to Schedule A-2-Rural Area.

#### **4.2.1 RURAL RESIDENTIAL**

4.2.1.1 Rural Residential development shall be restricted to:

- a) Single detached dwellings (including tiny homes) serviced by private water and sewage;
- b) Development proposals shall be limited in scale and shall not detract from the planned role and function of the Settlement Area; and
- c) Development shall preserve rural character and the scenic quality of the rural landscape and shall avoid densities more appropriately found in the Settlement Area.

4.2.1.2 Consideration of sites to accommodate a tiny home shall provide:

- a) Safe and convenient access to a maintained public road;
- b) Water and sanitary services shall be adequate for the use;
- c) The size of the tiny home shall not be smaller than the minimum required size set out in Ontario's Building Code, of 17.5 m<sup>2</sup> (188 ft<sup>2</sup>); and
- d) On-site parking shall be required.

4.2.1.3 New residential lots shall be large enough to sustain private sewage and water systems. The minimum lot area shall not be less than 0.8 hectares (2 acre) in size. The Zoning By-law will specify other application regulations reflecting the Ministry of Environment and Climate Change technical guidelines on private wells.

4.2.1.4 Limited residential development is permitted in the Rural Areas. New lots may be created:

- a) As infilling between existing lots that are not more than 200 metres (656 feet) apart on the same side of the road; or
- b) As an extension to an existing built-up area provided that not more than two lots are created as such an extension; or
- c) To create up to two additional lots from an original 40 hectare (99 acre) parcel of land.

#### **4.2.2 RURAL COMMERCIAL AND INDUSTRIAL**

4.2.2.1 Rural Commercial and industrial uses that meet the needs of the rural community may be permitted provided that:

- a) Those uses are compatible with adjacent uses;

- b) Rural commercial uses permitted shall be restricted to those which serve the needs of the rural economy. General examples of such uses include but are not limited to small convenience stores, farm machinery sales and service outlets, bed and breakfast establishments, farm vacation establishments, animal shelters, kennels and riding stables;
- c) Tourist commercial uses may be permitted in the Rural Area designation and shall include the full range of commercial facilities that principally serve the tourist trade. Such uses as lodging facilities, campgrounds and resorts, recreation facilities, bed and breakfast establishments, farm vacation establishments, golf courses, parks and facilities related to boat traffic such as marinas, docks and other services;
- d) The primary intent of the City is to encourage industrial use in areas designated Industrial, however certain types of industry have historically been located in Rural Area and should continue to be allowed to do so. Not only are certain industries acceptable in the Rural Area, but they are also important to the rural economy;
- e) Industrial uses shall be permitted in the Rural Area, subject to the policies of this section and provided that they are not offensive or create a nuisance as a result of noise, hours of operation, odour, traffic generation, air emissions or other means;
- f) Other industrial uses shall be permitted in the Rural Area designation. Such industrial uses established should preferably be small business, either directly related to the rural uses of the land, or mainly of a service nature and in either case with a predominantly local sphere of operation. Other permitted industries may include those requiring large amounts of land, primarily for storage purposes and/or those which are incompatible with urban-type developments or industrial parks. All industrial uses must obtain the appropriate regulatory approvals;
- g) Small-scale industrial uses shall not be a nuisance or a detriment to the rural environment by way of noise, dust, smoke, traffic, pollution, etc. Examples of small-scale permitted home industries include carpentry shops, metal workshops, plumbing, electrical shops, small engine repair shops, farm machinery repair shops, storage buildings for school buses, snowmobiles, trailers, boats and farm machinery, storage buildings, farm equipment sales and other heavy equipment sales;

- h) Large-scale industries (e.g., manufacturing, warehousing) that are unable to locate in the Industrial Area due to land area, open storage and transportation requirements may locate in the Rural Area subject to Council being satisfied that the use does not have unacceptable impacts related to noise, odour, emissions, traffic and servicing;
- i) Large-scale industries will only be permitted in the Rural Area through an Official Plan Amendment. All industrial uses must obtain the appropriate regulatory approvals;
- j) Dry industrial uses may be permitted in the Rural Area subject to an Official Plan amendment. Dry industrial uses are uses where no washing or cooling water is required, no liquid industrial waste or process waste will be generated, and where sewage facilities are less than 4,500 litres per day. Industrial uses in the rural area shall only proceed if approval is granted by the Ministry of Environment and Climate Change and/or the Northwestern Health Unit for sewage facilities;
- k) Mineral exploration, mine development and mining, are permitted uses and must obtain the appropriate regulatory approvals prior to operation.

4.2.2.2 Proponents to provide for new or expanding industrial uses shall be required to address the following matters:

- a) Compatibility with surrounding land uses, and in particular the possible effects of noise, vibration, odour, and other emissions on sensitive land uses;
- b) The adequacy of, and potential impacts on, existing roads and transportation;
- c) The adequacy of, and potential impacts on, waste disposal facilities;
- d) Potential impacts on ground and surface water quality and quantity;
- e) Financial impact on the City;
- f) Potential impacts on the natural environment including, where applicable, fish habitat and natural heritage features;
- g) Where the proposed use would be served by municipal water and sewage services, the adequacy of, and potential impacts on, those services;
- h) Visual impact of the proposed use; and
- i) Proposed mitigation measures to address the matters identified above.

4.2.2.3 Resource and open space uses shall be permitted in all Rural Area if they are compatible with surrounding land uses.

#### **4.2.3 MINERALS AND MINERAL AGGREGATE OR EXTRACTION**

4.2.3.1 It is the goal of this Plan to manage and protect known mineral deposits and mineral aggregate resources responsibly for long-term use, minimizing adverse impacts on the social and natural environments, and protecting them from incompatible uses. The entire City of Dryden has high mineral potential and the areas of known mineral deposits and significant areas of mineral potential for are identified on Schedule B-1 'Settlement Area Environmental Resources' and B-2 'Rural Area Environmental Resources' as Primary Aggregate Resources.

4.2.3.2 Existing sand and gravel pits shall be permitted within the Rural Area designation and within the specific Extractive Uses zone, in accordance with the policies in the Land Use Compatibility section of this Plan.

4.2.3.3 Permits, approvals or licenses shall be obtained, when required, for any air emissions, water takings, and/or water and sewage services.

4.2.3.4 The City will have regard for cultural heritage values when considering establishment of new areas for aggregate or mineral extraction or expansion of existing operations and will ensure mitigation of negative impacts.

4.2.3.5 New mineral or aggregate extraction uses, except for wayside pits and mineral exploration activities, will require an amendment to the Zoning By-law. The City may require the operator to enter into an agreement relating to the operation of extractive uses, landscape buffering and transportation.

Where planning approvals are required to allow for resource extraction activities and residential or other sensitive land uses, proponents may be required to provide supporting technical studies, prepared in accordance with the Ministry of Environment and Climate Change Guidelines, to address potential impacts. These studies will be required to identify the actual influence area of the extraction activity, address potential impacts on surrounding land uses, and identify appropriate mitigation measures. Where potential impacts cannot be appropriately mitigated, planning approvals will not be supported.



In the absence of technical studies prepared in accordance with Ministry of Environment and Climate Change Guidelines defining an actual influence area of less than 1000 metres (3,280 feet), a minimum separation distance of 1000 metres (3,280 feet), shall be required. Where technical studies prepared in accordance with Ministry of Environment and Climate Change Guidelines confirm an actual influence area of less than 1000 metres (3,280 feet), the required separation distance shall be equal to or greater than the actual influence area. A minimum separation distance of less than 300 metres (984 feet) shall not be supported.

4.2.3.6 New aggregate extractive operations on Crown Land must receive approval from the Ministry of Natural Resources and Forestry under the *Aggregate Resources Act* (ARA). Council will provide comments on an application under the ARA to the Ministry only after a public meeting has been held.

4.2.3.7 Progressive and final rehabilitation to accommodate subsequent land uses will be required. Rehabilitation standards shall be in accordance with the *Mining Act* and compatible with standards under the ARA.

#### 4.2.4 RURAL AGRICULTURAL

4.2.4.1 Agricultural uses, agricultural-related uses, and secondary uses are permitted in the Rural Agricultural Area designation.

Agricultural uses mean the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production and associated on-farm buildings and structures, including accommodation for full-time labour when the size and nature of the operation requires additional employment. Agriculture-related uses being farm related commercial and farm related industrial uses that are small in scale and directly related to the farm operation and required to be in close proximity to the farm operation.

4.2.4.2 Cannabis crops and greenhouse facility operations are permitted in the Rural Area. If there is a development proposal for a new cannabis growing operation, the City shall ensure that the operation provides the following:

- a) A minimum lot area of approximately 4.0 hectares (9.8 acres);

- b) Adequate parking for each employee plus parking space per 100 square metres of gross floor area;
- c) Outdoor storage is prohibited;
- d) Security fencing is required along the entire perimeter of the lot or facility as appropriate;
- e) No outdoor signage or advertising; and
- f) Main structure of the facility is to be approximately 45 metres (148 feet) from all property lines.

Additionally, the operation shall require an appropriate minimum buffer distance depending on the size of the operation as follows:

- a) Total gross floor area less than 5,000 square metres (53,819 square feet) and with an air treatment control system, the minimum distance of approximately 150 metres (492 feet) from a residential or institutional zone;
- b) Total gross floor area greater than 5,000 square metres (53,819 square feet) and less than 9,000 square metres (96,875 square feet) and with an air treatment control system, the minimum distance of approximately 200 metres (656 feet) from a residential or institutional zone;
- c) Total gross floor area greater than 9,000 square metres (96,875 square feet) and with an air treatment control system, the minimum distance of approximately 250 metres (820 feet) from a residential or institutional zone; and
- d) Facility of any size where an air treatment control system is not provided, the minimum distance of approximately 500 metres (1,640 feet).

4.2.4.3 Development shall not be located in areas that would adversely affect existing agricultural operations. New land uses, including the creation of lots and new or expanding livestock facilities, will comply with the Minimum Distance Separation (MDS) formulae established by the Province to minimize odour conflicts between livestock facilities and development. The MDS formulae will not be applied to development occurring on an existing lot of record.

4.2.4.4 Secondary uses mean uses that are secondary to the principle use of the property, including but not limited to home occupations, home industries, on-farm diversified uses, and uses that produce value added agricultural

products from the farm operation on the property in the Rural Area designation.

#### **4.2.5 WASTE DISPOSAL**

4.2.5.1 Lands designated as Waste Disposal Sites are areas which have in the past, are presently or are planned to be used as waste disposal land fill sites. Due to the problems of unstable soil conditions, methane gas and toxic leachates, development on or near these sites is subject to the approval of the appropriate provincial ministry and the City.

4.2.5.2 The following shall be considered for any new waste disposal sites:

- a) To provide for the sanitary, economic, efficient and most environmentally appropriate disposal of waste including the promotion of reduction, reuse and recycling objectives in accordance with Ontario's *Waste Free Act*;
- b) To minimize incompatibilities between waste disposal and other land uses;
- c) Any development on or within 500 metres (1,640 feet) of known sites, shall require the submission of technical studies, to the satisfaction of Council, and in accordance with the provisions of the Land Use Compatibility section of this Plan, to address the potential hazards that may be present and to identify appropriate mitigation measures;
- d) Proponents of development on closed landfill sites must obtain approval under the *Environmental Protection Act* prior to development. Any proposal for development within 500 metres (1,640 feet) of an active or former waste disposal site shall be accompanied by gas and leachate migration studies, prepared by a qualified consultant, and completed to the satisfaction of the City, in consultation with the Province; and
- e) The existing municipal landfill has a 30-year capacity and is currently at 75% capacity and is not expected to be closed during the horizon of this Plan.

### **4.3 NATURAL HERITAGE AND ENVIRONMENTAL PROTECTION AREA**

#### **4.3.1 ENVIRONMENTAL PROTECTION AREA**

4.3.1.1 Land designated Environmental Protection Area shown on Schedule B-1 'Settlement Area Environmental Resources' and B-2 'Rural Area

Environmental Resources' generally include shoreline protection, wetlands, floodplain, top-of-bank of any watercourse. These areas are not to be developed.

- 4.3.1.2 The provision of protection works or the dumping of material along the shoreline of the lakes and rivers in the City is prohibited without the prior written approval and authorization from the Province in accordance with the provisions of the *Lakes and Rivers Improvement Act* and/or the *Public Lands Act*.
- 4.3.1.3 With the exception of docks, boathouses and pump houses, construction shall not normally occur on lands designated as Environmental Protection.
- 4.3.1.4 Within the Environmental Protection Area designation development, including the erection and/or construction of buildings or structures or additions thereto, or the placement or removal of fill, 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, to the satisfaction of the City that:
- a) The hazard will not result in public health, safety or potential property damage;
  - b) No new hazards are created or existing hazards aggravated;
  - c) No negative environmental impacts will result from the development;
  - 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, essential emergency services or the disposal, manufacture, treatment, or storage of hazardous substances.
- 4.3.1.5 No plans to divert, channelize or in any way alter an inland natural watercourse shall proceed without prior written authorization from the Province. Where required under the federal *Fisheries Act* prior written authorization from the federal Department of Fisheries and Oceans must also be obtained.
- 4.3.1.6 Existing uses shall be recognized despite the natural hazardous characteristics of the land. Expansions to such uses will be discouraged; however, reconstruction and/or minor alterations to existing buildings and structures, and additions or extensions which are not likely to incur

significant flood damage and will not result in impediments to flow or floodwater storage, may be considered by the City. Where required under the *Lakes and Rivers Improvement Act*, or the *Public Lands Act*, prior written authorization must be obtained.

- 4.3.1.7 Proposals for development or redevelopment within the Environmental Protection Area designation, including construction of buildings or structures, or additions thereto, will be considered on an individual basis, provided that such proposals are supported by engineered designs demonstrating that the site is safe for development despite naturally occurring hazards, such as flooding and erosion.
- 4.3.1.8 Any applications to re-designate Environmental Protection Area lands will be carefully reviewed and shall not adversely impact on the natural environment. The City shall require the proponent to submit an Environmental Impact Study (EIS) prepared by a qualified environmental specialist (e.g., ecologist, biologist) 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.
- 4.3.1.9 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.
- 4.3.1.10 Environmental Protection lands may not be considered acceptable as part of a parkland dedication pursuant to the *Planning Act*.
- 4.3.1.11 Environmental Protection Area lands shall be placed in appropriate zone categories in the implementing Zoning By-law.

4.3.1.12 Property owners, in consultation with the Province, are encouraged to provide a coordinated approach to the use of land and management of water in areas subject to flooding to minimize social disruption.

#### **4.3.2 WETLANDS**

4.3.2.1 Wetlands are essential components of ecosystems that contribute to the high quality of the environment. Wetlands control and store surface water to assist in flood control, function as sediment traps to improve water quality, provide habitat for a variety of plant and animal species, and function as recharge areas for groundwater resources. It is the policy of this Plan to protect wetlands and their critical functions. The Ministry of Natural Resources and Forestry evaluates the biological, social, hydrological and special features of wetlands to determine their relative significance in Ontario and identifies certain areas as Provincially Significant Wetlands.

Wetlands within the City are identified on Schedules B-1 'Settlement Area Environmental Resources' and B-2 'Rural Area Environmental Resources' and are designated "Natural Heritage and Environmental Protection".

4.3.2.2 Areas identified as Wetlands shall not be developed. There is sufficient land within the City to provide for a range of new development opportunities without encroaching upon environmentally sensitive areas.

4.3.2.3 The policies of Wetlands are subject to the following:

- a) A wetland evaluation and/or scoped Environmental Impact Study (EIS) must be performed before any planning approvals are processed for wetlands that have characteristics or components of a Provincially Significant Wetland (PSW). Characteristics of a PSW include significant species or functions. Guidance for wetland evaluations can be found in the Ministry of Natural Resources and Forestry Ontario Wetland Evaluation System – Northern Manual (2013).
- b) Where development or site alteration is proposed within 120 metres (394 feet) adjacent to the boundaries of a PSW, the proponent shall provide the City with an Environmental Impact Study (EIS), prepared by a qualified professional (e.g., ecologist, biologist) and in accordance with Section 7.3 of this Plan which demonstrates that there will be no negative impacts on the wetland or its ecological function;
- c) Any change or interference within or adjacent to the wetland may require a permit from the Ministry of Natural Resources and Forestry;

and

- d) Where the PSW areas are in private ownership, public use and access to these lands for any purpose is not permitted without the consent of the owner.

4.3.2.4 All wetlands, including those that are not designated PSW, are important natural heritage values and will be protected from incompatible development and alteration.

4.3.2.5 Any evaluated wetland that is deemed to be significant will be granted the protections afforded in this section without the need for an amendment to this Plan.

### **4.3.3 NATURAL HERITAGE**

4.3.3.1 The natural heritage values have been supplied by the Ministry's Natural Resource Values Information System (NRVIS). The natural values are constantly changing and being updated as new information becomes available. The City will update the schedules regularly to ensure natural heritage resources are protected and maintained.

4.3.3.2 Council should encourage development to demonstrate sustainable design concepts, such as designing with nature as a commitment to environmental protection for future generations. Natural heritage consists of an overall natural heritage system, which consists of natural heritage features and areas, which are linked by natural corridors, which are important to maintain biological and geological diversity, natural functions, and viable populations of indigenous species and ecosystems.

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

4.3.3.4 Natural heritage features and areas include the following elements:

- a) Wildlife habitat which refers to the habitat for flora and fauna that is ecologically important in terms of features, functions, representation or amount, and contributes to the quality and diversity of an identifiable geographic area or natural heritage system;

- b) Fish habitat which means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly to carry out their life cycle processes; and
- c) Habitat of endangered species and threatened species means the habitat that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations. According to the Ministry of Natural Resources and Forestry there are no Areas of Natural and Scientific Interest (ANSIs) in Dryden.

4.3.3.5 Wildlife habitats may include one or more of the following characteristics:

- a) Seasonal concentrations of animals, such as deer, caribou, heronries, and waterfowl concentration areas;
- b) Rare vegetation communities and specialized habitats for wildlife;
- c) Habitats of species of “special concern” and other wildlife habitats, such as provincially rare plants, reptiles, amphibians and birds, as well as bird nests; and
- d) Animal movement corridors.

4.3.3.6 Wildlife habitats are important components of natural heritage systems in the City and will be protected from incompatible development and site alteration. The City will continue to work with the Ministry of Natural Resources and Forestry to identify and designate wildlife habitats.

#### **4.3.4 ENDANGERED AND THREATENED SPECIES**

4.3.4.1 The presence of, or high potential for, Species at Risk (extirpated, endangered or threatened species) shall be identified through the use of the Natural Heritage Information Centre (NHIC) provincial database, and through consultation with Ministry of Natural Resources and Forestry.

4.3.4.2 The *Endangered Species Act* (ESA) prohibits the killing, harming, harassment, capture, or taking of a species at risk, and the damaging or destroying of their habitat. An Environmental Impact Study (EIS) may be required during the planning of development and site alteration projects to determine whether a listed species or its habitat may be present before carrying out an activity that may contravene the ESA.

4.3.4.3 If there is an identified endangered or threatened species located on the site, the proponents shall prepare an Environmental Impact Study (EIS), which demonstrates that there will be no negative impacts on the habitat



of endangered and threatened species or its ecological function. The Environmental Impact Study (EIS) must be completed by a qualified professional (e.g., ecologist, biologist) to address potential impacts on the habitat of endangered and threatened species. Current best management practices may assist to mitigate an activity's impacts. On a case-by-case basis, additional actions may be required to address specific impacts on a species at a particular site or location.

4.3.4.4 Proponents are responsible for ensuring that any development or activity does not contravene the *Endangered Species Act*, and all development or site alterations must be planned and considered in accordance with the provisions of the *Endangered Species Act*.

4.3.4.5 If impacting an endangered or threatened species cannot be avoided, a permit or agreement under the *Endangered Species Act* must be obtained before the activity proceeds. The proponent should work directly with Ministry of Natural Resources and Forestry district staff to develop agreements or permits when required.

#### **4.3.5 FISH SPAWNING AND NURSERY AREA**

4.3.5.1 Important habitat and natural values are constantly changing and mapping the locations of these features are likely incomplete. As these habitats and values change, the schedules of this Plan will be updated based on information from the Ministry of Natural Resources and Forestry. As these changes are usually minor in nature, formal amendments to this Plan will not be required.

4.3.5.2 Where detailed habitat mapping has not been completed, all water features will be considered fish habitat, unless it can be demonstrated to the satisfaction of the City that the features do not constitute fish habitat as defined in the federal *Fisheries Act*. Evaluations of water features must be performed by a qualified biologist.

4.3.5.3 The City supports the management of fisheries. Such management has important economic, social and environmental benefits. It is also recognized that it is the mandate of the Department of Fisheries and Oceans to protect and preserve fish habitat on Crown and private land under the federal *Fisheries Act*. Under that Act, fish habitat is defined as spawning grounds and nurseries, rearing, food supply and migration areas

on which fish depend directly or indirectly to carry out their life processes.

4.3.5.4 Where fish habitat has been identified, if development or site alteration is proposed within 30 metres (98 feet) of a fish spawning and nursery area, the development should be designed to ensure that there are no negative impacts on the adjacent land, which shall also include land adjacent to all watercourses and waterbodies. The City shall require the proponent to prepare an Environmental Impact Study (EIS) including a fisheries assessment to be submitted with any development application. The Environmental Impact Study (EIS) must be completed by a qualified professional (e.g., ecologist, biologist) and shall identify the features of the fish spawning and nursery area, the nature of the proposed development, the potential impacts that the development may have, and the mitigation measures required to prevent adverse impacts on the fish spawning and nursery area.

#### **4.3.6 WATERFOWL HABITAT**

4.3.6.1 Waterfowl Habitat is identified as providing nesting, feeding and staging areas for waterfowl. Common waterfowl species include but not limited to Canada Goose, common loon, canvasback, mallard, American black duck.

4.3.6.2 Where such Waterfowl Habitat has been identified, and development or site alteration is proposed within 120 metres (394 feet) of these areas, the development should be designed to ensure that there are no negative impacts on the adjacent sensitive areas. The City shall require the proponent to prepare an Environmental Impact Study (EIS) to be submitted with any development application. The Environmental Impact Study (EIS) must be completed by a qualified professional (e.g., ecologist, biologist) in support of the development proposal. This report shall identify the features of the habitat, the nature of the proposed development, the potential impacts that the development may have, and the mitigation measures required to prevent adverse impacts on the habitat.

#### **4.3.7 NESTING SITES**

4.3.7.1 The locations of heronries, nests of ospreys and nests of bald eagles are considered wildlife habitat areas. The City recognizes the importance of shielding the heronries and nests of osprey and bald eagles from habitat destruction or disturbance and it is a policy of this Plan that:

- a) Heronries: no road or pipeline construction, logging, blasting or other similar heavy development activities should take place within 200 metres (656 feet) of a heronry during the sensitive breeding season (between April 1 and August 15). No development that would result in activities of any kind, including pedestrian traffic, all-terrain vehicles, etc., shall be permitted within 400 metres (1,312 feet) of a heronry during the sensitive breeding season. The policies of the Ministry of Natural Resources and Forestry regarding activities permitted within 300 metre (984 feet) during the non-nesting season (August 16 to March 31) are supported;
- b) Bald Eagles: The protection of bald eagle habitat shall be tailored to the sites specific situation based on an Environmental Impact Study (EIS) that demonstrates no negative impacts and includes mitigation measures; and
- c) Osprey: No development activity shall take place within a 200 metres (656 feet) radius of an osprey nest. No development shall take place within 800 metres (2,624 feet) of an osprey nest between April 15 and September 1 inclusive. The policies of the Ministry of Natural Resources and Forestry regarding activities permitted within 800 metres (2,624 feet) of an active nest during nesting and non-nesting periods are supported.

#### **4.3.8 FLOOD PLAIN AREA**

4.3.8.1 The Flood Plain Area consists of lands which are flood or erosion susceptible, unstable, poorly drained or exhibit some other physical condition which could pose a risk to human life and/or property if the lands were developed. These include lands adjacent to the Wabigoon River. The following policies shall apply to lands designated as Flood Plain Area:

- a) Uses permitted in the Flood Plain Area shall include conservation, forestry, agriculture, parks, golf courses or other outdoor recreation uses, and other uses compatible with flooding;
- b) No new buildings or structures shall be permitted on areas designated as Flood Plain Area except where such buildings or structures are intended for flood or erosion control or are normally associated with a water course protection or bank stabilization; for essential public services except where there is threat to the safe evacuation of the sick, elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of flood proofing measures or protection works, or erosion; and those essential emergency services which would

- be impaired during an emergency as a result of flooding, failure of flood proofing measures or protection works, or erosion; and
- c) For other uses normally associated with shorelines such as boat launches and boathouses.

4.3.8.2 All buildings and structures existing at the date of adoption of this Plan shall be recognized.

4.3.8.3 It shall be the policy of Council to discourage expansion of any non-conforming building, structure, or use within the Flood Plain Area; however, reconstruction and/or minor alterations to existing buildings and structures, and additions or extensions which are not likely to incur significant flood damage and will not result in impediments to flow or floodwater storage, may be considered by the City.

4.3.8.4 Development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding and/or erosion hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.

4.3.8.5 Where development (other than development permitted in this Section) is proposed within or adjacent to the Flood Plain Area, the boundaries of the Flood Plain Area shall be determined through a Flood Plain Mapping Study. The findings of the Study would confirm the boundary and consider the potential impacts of climate change.

#### **4.4 CULTURAL HERITAGE RESOURCES**

4.4.1 Cultural Heritage sites include “built heritage resources” and “cultural heritage landscapes” as defined by the Provincial Policy Statement as follows:

- a) Built heritage resources: means a building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest, as identified by a community, including an Indigenous community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers.

b) Cultural heritage landscape means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g., a National Historic Site or District designation, or a United Nations Educational, Scientific, and Cultural Organization [UNESCO] World Heritage Site).

4.4.2 The City in partnership with Indigenous communities, is encouraged to develop a protocol and collaborative process for conserving cultural heritage resources that may be of interest to Indigenous communities.

4.4.3 Development and site alteration shall not be permitted on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

4.4.4 Any new development shall retain and maintain the visual settings and other physical relationships that contribute to a protected heritage property's cultural heritage value or interest to ensure that new construction, visual intrusions, or other interventions do not adversely affect the heritage attributes of the property.

4.4.5 Council shall exercise its legislative authority to control the demolition of heritage structures. Where Council has, through by-law, established an area of demolition control under Section 33 of the *Planning Act* no person shall demolish the whole or any part of a designated property or property in a designated area without first receiving a demolition permit from Council.

- 4.4.6 Where feasible and desirable, Council may consider incentives to land developers in exchange for the conservation of significant cultural heritage resources. This can be accomplished by permitting increased densities, density transfers, tax incentives, assistance through a trust fund, heritage conservation easements and/or other means considered appropriate for heritage resource conservation.
- 4.4.7 The City will consult with appropriate government agencies, when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Ontario Heritage Act and the Funeral, Burial and Cremation Services Act shall apply.
- 4.4.8 Archaeological resource areas are determined through the use of provincial screening criteria, or an archaeological management plan. Significant Native and non-Native cemeteries or unmarked burial sites may also be considered as archaeological resources.
- 4.4.9 Council shall require archaeological assessments be conducted by archaeologists licensed under the *Ontario Heritage Act*, as a condition of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential. Archaeological assessments are to be carried out in accordance with the *Ontario Heritage Act* and the Standards and Guidelines for Consultant Archaeologists.
- 4.4.10 Where archaeological resources are found on-site, the City shall require further investigations through a Stage II and Stage III Archaeological Assessment. The study will be submitted to the City and to the Ministry of Tourism, Culture and Sport. Any features identified may be preserved in situ to ensure that the integrity of the resource is maintained. Excavation of any archaeological features by a licensed archaeologist may also be considered. If the site is determined to be of sufficient cultural heritage value or interest, the development may be prohibited.
- 4.4.11 Council recognizes that there may be (terrestrial and/or marine) archaeological resources or areas of archaeological potential within the boundaries of the municipality.

## 4.5 SECONDARY PLANS

- 4.5.1 While the purpose of this Plan is to provide an overall direction for the City and describe land uses in general terms, a Secondary Plan will form the basis outlining the land uses, detailed traffic and road network, bicycle and trails for pedestrian circulation patterns, and priorities for the upgrading of physical services and utilities.
- 4.5.2 The City completed the North Dryden Secondary Plan in 2006 that provided a general concept for residential, commercial, institutional, and industrial growth north of Highway 17. The Plan also included recommendations for upgrades to transportation corridors or the relocation of roads and improvements to infrastructure. Although the City has implemented some of the Secondary Plan initiatives there are more recommendations to be sought. The City should review the North Dryden Secondary Plan and determine, if any, necessary revisions are required to be consistent with the Provincial Policy Statement and Growth Plan for Northern Ontario.
- 4.5.3 The City should consider a new Secondary Plan to address the importance of prominent views and vistas such as the terminus of Van Horne Avenue.
- 4.5.4 New Secondary Plans will encourage the mix of land uses including residential and commercial use developments. The residential land uses should be focused on medium and high-density uses such as townhouse units, apartment buildings (e.g., condominiums). The commercial land uses should be geared toward live-work units, offices, retail, hotels, restaurants and other eating establishments. The mixed-use land uses should have higher density residential above ground floor commercial uses.
- 4.5.5 New Secondary Plans will be adopted as an amendment to this Plan.
- 4.5.6 New Secondary Plans will be consistent with the Growth Plan for Northern Ontario and Provincial Policy Statement policies.
- 4.5.7 New Secondary Plans will recognize the importance of continued improvement to the municipal infrastructure, roads and will provide direction regarding levels of municipal services, community facilities and open space for areas in need of improvement based on established

community standards, like for example drainage ditches versus storm sewers and where some residents prefer grassed boulevards.

- 4.5.8 New Secondary Plans will recognize the importance of physical recreational facilities in appropriate locations such as a boat launch and a beach area, the development of neighbourhood parks, the development of a variety of recreational facilities, as well as the on-going maintenance and upgrading of these facilities.
- 4.5.9 New Secondary Plans will provide for a transportation network of roads, sidewalks, bicycle lanes and pathways to provide for the safe and efficient movement of people and vehicles and to reduce the potential conflicts. The roadway system will identify the function of the road and address how to reduce conflicts with pedestrians. The pedestrian/bicycle system will consist of sidewalks and pathways in appropriate locations to reduce the need for the private automobile.



# SECTION 5 SERVICING & TRANSPORTATION





## **5.0 SERVICING AND TRANSPORTATION**

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The policies of this Section are intended to provide guidance to Council and the public when determining the extent of municipal services that shall be provided in the City. Municipal services and infrastructure, which includes sanitary sewage, water, and stormwater systems, should be provided in a coordinated manner to promote conservation and efficiency, integral to land use planning, and be phased in an appropriate manner.

Within the Settlement Area, it is the intent of Council that any extension of municipal services and roads be done in an orderly and cost-effective manner. Beyond the Settlement Area, it is the intent of Council to maintain the present level of municipal services, roads and facilities. The provision of municipal services, roads and facilities shall be budgeted and undertaken to guide development in an orderly way and provide an adequate level of service in all areas of the City.

The hierarchy of servicing preference in the City is to focus development where it can be serviced by full municipal sewage and water services wherever feasible. Where full municipal sewage and water services are not provided, and where site conditions permit, multi-lot/unit development should be serviced by communal sewage and water services.

Where municipal services or communal services are not provided, individual on-site sewage and water services may be used if site conditions are suitable for the long-term provision of such services and provided that there would be no degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development.

Development on partial services will only be permitted where they are necessary to address failed individual on-site sewage and water services in existing development, or within settlement areas to allow for infilling and rounding out of existing development on partial services, if site conditions are suitable for the long-term provision of such services with no negative impacts.

Lot creation may be permitted only if there is confirmation by a qualified professional engineer of sufficient reserve sewage and water system capacity within either municipal sewage and water services or within communal sewage and water services. Where development is to be serviced by individual on-site

sewage and water services, or by communal sewage services, the determination of sufficient reserve sewage system capacity includes treatment capacity for hauled sewage from these systems.

Council may consider the preparation of a Multi-Year Servicing Plan that would include recommendations for the resolution of existing problems, consideration of efficiency measures, projections of growth, determination of implications of existing infrastructure and available uncommitted capacity; identification of constraints to development and the need for new infrastructure; adoption of a servicing hierarchy; and conclusions.

## 5.1 MUNICIPAL SERVICES

### 5.1.1 MUNICIPAL WATER AND SANITARY SEWAGE

5.1.1.1 Sanitary sewage and water services will be provided in a manner that prepares for the impacts of a changing climate, protects human health and safety, and the natural environment; and promotes water conservation and water use efficiency. The following policies shall apply for development on municipal water and sewage services:

- a) The City shall encourage infill and redevelopment in areas where there is existing sufficient capacity. The use of existing municipal services should be optimized, wherever feasible, before consideration is given to extending municipal services;
- b) New development or redevelopment in areas where an adequate level of municipal services and facilities cannot be provided or ensured shall be considered premature;
- c) Municipal piped sewer and water services shall only be provided in the land use designations in the Settlement Area. No extension of any municipal water or sewage system shall be made beyond the boundary of the Settlement Area;
- d) All development in the Settlement Area shall be connected to municipal water and sewer services, where such services exist and do not result in the uneconomical expansion of services;
- e) New development and service extensions shall be phased to promote the efficient use of land and infrastructure, so that service extensions and construction occur in a logical progression, beginning with those areas that are closest to the existing built-up and services areas. Larger scale developments shall be phased to ensure that sewage capacity is not allocated prematurely;

- f) Extensions and expansions to municipal services to accommodate new development shall, generally, be done at the cost of the developer. Where services are oversized to accommodate future development, the City may enter into an agreement with the developer to assist in the recovery of additional costs incurred as a result of over sizing services;
- g) When sewage or water treatment plants are at or near capacity, Council will review the matter and, where required, take appropriate action to address the issue by increasing plant capacity prior to approving development proposals that may result in new connections to these facilities;
- h) The extent of municipal services provided beyond the Settlement Area may be expanded with an Official Plan Amendment if there is evidence through a comprehensive review to support the need to expand the Settlement Area boundary; and
- i) No development shall be approved that exceeds the uncommitted reserve capacity of the municipal infrastructure.

5.1.1.2 Municipal waste disposal facilities shall be planned in accordance with the requirements of the *Ontario Environmental Assessment Act*. Liquid waste disposal facilities must be approved under an Environmental Compliance Approval from the Ministry of the Environment, Conservation and Parks (MECP).

## **5.1.2 PRIVATE SERVICES**

- 5.1.2.1 The following policies shall apply for development on private water and sewage services:
- a) It is intended that all development in the Rural Area be serviced by private individual sewage and water services;
  - b) All private servicing systems shall be subject to the approval of the Ministry of the Environment, Conservation and Parks (MECP) and/or the Northwestern Health Unit, as appropriate;
  - c) It is Council's policy not to assume ownership of communal servicing systems involving water and sewage disposal. The effect of this policy is to prevent development where a communal water and sewage servicing system is proposed;
  - d) Only dry industrial uses are permitted on lots serviced by private individual sewage and water services. For the purpose of this Section, "dry" uses are those where no washing or cooling water is required, no

liquid industrial wastes or process wastes will be generated, and where sewage facilities are less than 4,500 litres per day. This policy shall not apply to mineral mining, forestry or agricultural uses;

- e) The use of municipal water in conjunction with private sewage disposal services shall be discouraged, except where necessary to address failed services in existing development. This situation shall be established in consultation with the Chief Building Official and the Northwestern Health Unit. The proponent may be required to provide technical studies to demonstrate that no negative impacts will result from the partial servicing arrangement. Where this development occurs, the City may pass a temporary use by-law which would establish a maximum period for which the partial servicing may occur and limit the sewage effluent to 4,500 litres per day;
- f) New residential development serviced by communal water and sewage services will not be permitted; and
- g) New commercial or industrial development serviced by communal water and sewage services is permitted.

5.1.2.2 Wells must be constructed in accordance with Ontario Regulation 903 – *Wells of the Ontario Water Resources Act*.

5.1.2.3 Lot creation shall only be permitted where confirmation of capacity to dispose of hauled sewage is provided.

### **5.1.3 STORMWATER MANAGEMENT**

5.1.3.1 The following policies shall apply for managing stormwater runoff:

- a) All new development shall be provided with adequate storm drainage facilities connected to storm sewers or watercourses, or on-site infiltration. The design and construction of all storm sewers and improvements to watercourses shall have sufficient depth and capacity to serve all areas, which may be ultimately connected to the system;
- b) Stormwater facilities shall be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long-term in accordance with the Ministry of the Environment, Conservation and Parks Stormwater Management Planning and Design Manual;
- c) A Stormwater Management Plan may be required for new plans of subdivision and major development proposals. The Stormwater

- Management Plan shall include: preparing for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure; minimizing changes in water balance and erosion; mitigating risks to human health, safety, property and the environment, and; maximizing the extent and function of vegetative and pervious surfaces; and promote stormwater best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development. The Stormwater Management Plan shall outline means to lessen nutrient input into surrounding water bodies and municipal storm sewers after construction. A construction-mitigation plan shall outline means to lessen nutrient inputs during construction. The Stormwater Management and construction-mitigation plans shall be submitted to the City for approval. Approved recommendations from the Stormwater Management Plan shall be implemented through the development approval process;
- d) For development located adjacent, or in the vicinity of, a provincial highway whose drainage would impact the highway, a Stormwater Management Plan shall be prepared by the proponent, and reviewed by the Ministry of Transportation for approval; and
  - e) Where required under the *Ontario Water Resources Act*, permits, approvals, and registrations may be required for proposed stormwater management facilities.

## 5.2 TRANSPORTATION

### 5.2.1 PROVINCIAL HIGHWAYS

- 5.2.1.1 Council recognizes the importance of Highway 17, Highway 601, and Highway 594 (Duke Street) for local and regional transportation, as well as economic development. The policies of this Section are intended to ensure that the function of the provincial highways are protected, and that the City remains freight-supportive. In addition to all the applicable municipal requirements, all proposed development located adjacent to, and in the vicinity of, a provincial highway may be within the Ministry of Transportation's permit control area under the *Public Transportation and Highway Improvement Act (PTHIA)* and may be subject to Ministry approval. Any development located within the Ministry's permit control area under the PTHIA is subject to Ministry review and approval prior to the issuance of entrance, building and land use permits, which must be

obtained prior construction. Early consultation with the Ministry is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the City identified for future development that are located adjacent to, or in the vicinity of, a provincial highway or interchange/intersection within Ministry's permit control areas will be subject to Ministry's policies, standards and requirements.

- 5.2.1.2 Provincial highways in the City are Highway 17, Highway 601, and Highway 594 (Duke Street). Right-of-way widths for provincial highways will be determined by the Ministry of Transportation.
- 5.2.1.3 Direct access onto a provincial highway will be restricted. The City will support and encourage the consolidation of access points on the highway.
- 5.2.1.4 Development shall be encouraged to utilize local roads and service roads wherever possible. Where access is a possibility, it will only be considered to those properties that meet the requirements of Ministry of Transportation access management practices and principles.
- 5.2.1.5 A Transportation/Traffic Impact Study, otherwise known as a Traffic Impact Study, prepared by a professional and certified engineer may be required by a proponent to address both the impact of any new development upon the provincial highway system, as well as any associated highway improvements that are required prior to the approval of the development.
- 5.2.1.6 The Ministry of Transportation's policy is to allow only one highway entrance for each lot of record that has frontage on a provincial highway, unless that property can gain access from an adjacent municipal road. The Ministry of Transportation will restrict back lots that do not have frontage on a provincial highway from using other property owner's entrances.
- 5.2.1.7 Any new proposed access connection (e.g., private entrance, public road, signalized intersection) shall be in accordance with the Ministry's Highway Access Management Guideline, as amended. Proponents will consult with the Ministry of Transportation as early as possible in the planning or development approval process to ensure the consideration and implementation of appropriate access management alternatives.

- 5.2.1.8 Any proposals for new snowmobiles or new trail crossings of provincial highway will require the prior approval of the Ministry of Transportation.
- 5.2.1.9 New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.
- 5.2.1.10 Outdoor storage and loading areas shall be visually screened or appropriately located so as to not be visible to the travelling public.
- 5.2.1.11 Entrances serving home occupations or home industries located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future without the review and prior approval of the Ministry of Transportation, and that an additional entrance will not be permitted to accommodate the home occupations or home industries. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.
- 5.2.1.12 Only those land uses that are compatible with patrol yards will be permitted to locate adjacent to and in close proximity to the patrol yard located on Highway 17.
- 5.2.1.13 Without permission from the Ministry of Transportation, Council shall not permit development in planned transportation corridors that could preclude or negatively affect the use of the corridor for the purposes for which it was identified.

## **5.2.2 ARTERIAL ROADS**

- 5.2.2.1 Arterial Roads are intended to carry large volumes of traffic between areas and neighbourhoods in Settlement Areas and intersect with collector and local roads.



5.2.2.2 The City shall protect the carrying capacity of arterial roads by:

- a) The minimum planned right-of-way for an arterial road is 20 metres (66 feet) and a maximum planned right-of-way of 30 metres (98 feet) with curb and gutter and hot mix surface for urban areas;
- b) Restricting the number of intersecting streets and driveways;
- c) Encouraging internal access between adjacent commercial and/or residential development to limit the number of required road access points and encouraging a shared driveway access;
- d) Control of land use and access locations near major intersections, interchanges, at grade rail crossings, grade-separated rail crossings, and bridge approaches; and
- e) Designing cycling facilities as an integral component of the carrying capacity of the arterial road.

### 5.2.3 COLLECTOR AND LOCAL ROADS

5.2.3.1 Collector roads are intended to provide efficient access through the City. The City shall protect the functionality of these roads by:

- a) New access to these roads should be minimized wherever possible;
- b) The minimum planned right-of-way for a collector road is 20 metres (66 feet) and a maximum planned right-of-way of 30 metres (98 feet) with curb and gutter and hot mix surface for urban areas; and
- c) Where new development occurs in the urban area, sidewalks shall be required to be constructed on both sides of collector roads.

5.2.3.2 Local roads are for the local traffic and shall be:

- a) Constructed on a maximum 20 metres (66 feet) right-of-way with curb and gutter and hot mix surface for urban areas;
- b) Roads should be logical extensions of existing streets and wherever possible designed utilizing a grid pattern;
- c) Local roads in rural subdivisions shall be constructed on a 20 metre (66 feet) right-of-way. Double surface treatment is the preferred method of construction, unless otherwise is specified by the City; and
- d) Where new development occurs in the urban area, sidewalks shall be required to be constructed on one side of local roads.

#### **5.2.4 PRIVATE ROADS**

5.2.4.1 Access within any type of condominium may be by common element private road. The minimum road allowance for a private road is 6 metres (20 feet) to allow for unobstructed emergency access.

#### **5.2.5 UNOPENED ROAD ALLOWANCE**

5.2.5.1 Unless it is clearly in the public interest, no new roads are intended to be opened in the City.

5.2.5.2 An individual may request that a road be opened, provided that:

- a) The road is opened at the individual's expense; and
- b) The individual enters into a development agreement with the City for opening the road and bringing the road up to the minimum municipal road standards for assumption purposes.

5.2.5.3 The City may acquire land for rights-of-way or the widening of rights-of-way through conditions of approval for a severance, minor variance, site plan, plan of subdivision, or plan of condominium.

#### **5.2.6 TRAIL SYSTEM**

5.2.6.1 Walking, cycling, and/or snowmobile lanes should be encouraged in all new roadway construction and, wherever possible through reconstruction and resurfacing projects.

5.2.6.2 The City is committed to establishing a safe system of trails for recreation and commuting. The City should have regard for beaches, parks and existing trails including:

- a) The existing trail system and the proposed on-road cycling network; and
- b) The importance of connectivity, including completing and integrating the Trans-Canada Trail into the City network. Trail planning and design shall be focused on trails as both recreation and active transportation infrastructure, including a connected system of trails and bike paths or lanes to permit linkages, where possible.

# SECTION 6 LAND DIVISION



## 6.0 LAND DIVISION

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It is the general intent of the Official Plan that land division shall take place by registered plan of subdivision in conformity with the Plan. Where a plan of subdivision is not necessary for the proper or orderly development of the City, a consent (severance) may be granted in accordance with the following applicable policies. When considering an application for a plan of subdivision or a consent, regard shall be had to the policies of this Plan, applicable provisions of the *Planning Act* and policies of the Provincial Policy Statement.

### 7.1 PLANS OF SUBDIVISION OR PLANS OF CONDOMINIUM

- 6.1.1 Prior to considering any land consent (severance) application, the City shall establish that a plan of subdivision or a plan of condominium is not necessary for the proper and orderly development of the lands.
- 6.1.2 A plan of subdivision or plan of condominium shall conform to this Official Plan and shall normally be required in the following instances:
- a) Where three (3) or more new lots are to be created on a land holding;
  - b) Where a new road or an extension to an existing road is required;
  - c) Where an extension to trunk mains for municipal sewage and/or water services is required; and
  - d) Where it is necessary to ensure that surrounding lands are developed in a proper and orderly fashion.
- 6.1.3 New residential subdivisions in the Settlement Area will be required to provide sidewalks on at least one side of a local road.
- 6.1.4 Lots created by subdivision or condominium within the Settlement Area shall be serviced by municipal sewer and water services.
- 6.1.5 Development that would necessitate a pre-mature or uneconomic expansion of services will not be supported.
- 6.1.6 A plan of subdivision or plan of condominium shall not result in land use conflicts with existing nearby uses unless such conflicts can be appropriately mitigated in accordance with the Land Use Compatibility Section of this Plan.

- 6.1.7 Where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be designed so that the lots back onto the provincial highway.
- 6.1.8 The City shall encourage the preservation of existing mature trees and/or the planting of new native trees as part of any proposed plans of subdivision or condominium.

## 6.2 CONSENTS

### 6.2.1 CONSENTS IN SETTLEMENT AREA

- 6.2.1.1 In the Settlement Area, consents to sever land may be permitted provided that:
- a) No more than three (3) new lots are created, in addition to one retained lot from a lot as it existed prior to the passing of this Plan;
  - b) Resulting use of the land will be in accordance with the policies of this Plan and that no development would lead to the uneconomical expansion or extension to City services or infrastructure;
  - c) Size and shape of the proposed lot is appropriate for the proposed use;
  - d) Parcel fronts on and has access to an existing opened and established public road that is maintained year-round and which is of an acceptable standard of construction; and
  - e) Lots created by consent within the Settlement Area shall be serviced by municipal sewer and water services, where such services are available, planned or feasible. Development that would necessitate a pre-mature or uneconomic expansion of services will not be supported.

### 6.2.2 CONSENTS IN THE RURAL AREA

- 6.2.2.1 In the Rural Area, consents to sever an individual parcel of land may be permitted provided that:
- a) No more than three (3) new lots are created, in addition to one retained lot from a lot as it existed prior to the passing of this Plan;
  - b) Resulting use of the land will be in accordance with the policies of this Plan and that no development would lead to significant expense by the City for additional public works;
  - c) Soil and drainage conditions are suitable to permit the proper siting of buildings, the supply of potable water and the installation of a sewage disposal system approved by the Ministry of the Environment,



- Conservation and Parks (MECP) and Northwestern Health Unit (NWHU) or its designated agent, and where there are no negative impacts;
- d) In the case of permanent development, the proposed severed lot and the retained lot(s) front on and have access to an opened public road, maintained for year-round use, which is of an acceptable standard of construction;
  - e) The proposed severance will not create a traffic hazard due to limited sight lines on curves or grades;
  - f) The proposed severance does not restrict the potential for economic activities related to the resources of the area such as forestry, mining, aggregate extraction, tourism development, or the management or conservation of a natural or man-made resource;
  - g) The effect of the proposed severance will not prevent access to any other parcel of land;
  - h) The parcel(s) to be severed and the retained shall generally have a minimum area of 0.8 hectares (2 acres) unless supported by a Hydro-geological Study which justifies a smaller lot size;
  - i) The proposed lot shall comply with the Minimum Distance Separation I Formula as amended from time to time.

6.2.2.2 Notwithstanding any other policies of this Plan, consents may be granted to:

- a) Correct lot boundaries;
- b) Convey land to an adjacent lot;
- c) Grant easements; or
- d) Separate buildings or structures in existence at the date of the adoption of this Plan, provided that the requirements of the Zoning By-law are met.

# SECTION 7 IMPLEMENTATION



## 7.0 IMPLEMENTATION

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### 7.1 COMMUNITY BENEFITS

- 7.1.1 Section 37 of the *Planning Act* provides that Council may by by-law impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment:
- a) Council may pass a by-law in accordance with Section 37 of the *Planning Act*, authorizing community benefits charges; and
  - b) Before passing a community benefits charge by-law the City shall prepare a community benefits charge strategy, in accordance with Section 37 of the *Planning Act*.

### 7.2 COMMUNITY IMPROVEMENT PLAN

- 7.2.1 The Community Improvement Plan (CIP) provisions, Section 28 of the *Planning Act*, allow municipalities to prepare Community Improvement Plans for designated Community Improvement Project Areas, where desirable as a result of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings, or for any other environmental, social, or community economic development reason.
- 7.2.2 The City of Dryden adopted the Community Improvement Plan (CIP) on December 16, 2019, which applies to the entire City. The CIP was developed through a community engagement process including workshops and community surveys. The CIP provides a suite of incentive programs and municipal leadership strategies to catalyze local economic development and beautification.

The City offers 14 Financial Incentive Programs including grants, tax assistance, and land disposition programs. The programs range in dollar value and support a wide range of eligible project costs, such as improvements to building façades, signage, landscaping, and parking areas, the provision of affordable housing units, improvements to accessibility and energy efficiency, and full site redevelopment.

- 7.2.3 The following policies apply to any future CIPs or amendments to the existing CIP:



- a) Promoting opportunities for rural economic development, such as the:
  - i. Promotion of northern agriculture, agriculture-related uses and on-farm diversified uses;
  - ii. Development of resource-based tourism; and
  - iii. Redevelopment and improvement of rural commercial, and industrial lands.
- b) Attracting businesses serving the mining industry and related industries;
- c) Attracting educational and training institutions;
- d) Supporting the establishment of services providing inter-community transportation between Dryden and other communities in Northwestern Ontario for purposes such as, but not limited to, attendance at medical appointments;
- e) Promoting the revitalization of the Downtown Core and Highway 17 and 594 corridors;
- f) Encouraging investment, improvement, maintenance and rehabilitation of existing commercial, industrial, and institutional buildings;
- g) Improving the business and property tax base by encouraging building expansion and new development by both the public and private sectors;
- h) Provision of affordable housing;
- i) Encouraging improvements to energy efficiency and energy conservation;
- j) Cleaning up and redeveloping of brownfield sites;
- k) Preserving, rehabilitating, renewing and reusing cultural heritage resources; and
- l) Improving the age-friendliness of the City, including amenities for seniors.

### 7.3 ENVIRONMENTAL IMPACT STUDY

7.3.1 An Environmental Impact Study (EIS) shall be prepared prior to the consideration of a development application in cases when the proposal has the potential to impact the following features, in accordance with the Natural Heritage and Environmental Protection Section of this Plan:

- a) Areas of Natural and Scientific Interest;
- b) Habitat of Endangered and Threatened Species;
- c) Nesting Sites;
- d) Provincially Significant and Unevaluated Wetlands;

- e) Fish Habitat and Spawning Areas; and
- f) Wildlife Habitat.

7.3.2 An EIS is required if any of the features identified above are known to be present or has high potential to be present. While mapping of these features on the Schedules of this Plan may assist in this assessment, an EIS may be required for features not indicated on the Schedules.

7.3.3 A season-specific field assessment may also be required for certain features or areas.

7.3.4 Where required, an EIS shall be prepared by qualified professional (e.g., biologist, ecologist, arborist) and shall include, but not be limited to:

- a) A description of the existing natural environment, including natural features and ecological functions, that may be affected by the proposed development;
- b) A description of the potential impacts of the proposed development on the natural features and the ecological functions for which the area is identified;
- c) Suggested development alternatives that would avoid these impacts or, if impacts cannot be avoided recommended mitigation measures, including proposed implementation methods; and
- d) Recommended monitoring activities.

7.3.5 Where required, no planning approval will be granted until an EIS has been completed to the satisfaction of Council. Where necessary, other agencies or individuals with environmental expertise may be consulted to assist in the review of the EIS.

7.3.6 Where significant woodlands, wildlife habitat, significant valleylands or other natural heritage features are not designated, development and site alterations shall not be permitted for:

- a) Any development permitted under the policies of this Plan within the feature;
- b) Any development permitted under the policies of this Plan within 120 metres (394 feet) of the feature; unless an EIS demonstrates that there will be no negative impacts on the natural heritage features or on its ecological functions.

### Scoped Environmental Impact Study

- 7.3.7 The City may scope the requirement for an EIS, in consultation with the Ministry of Natural Resources and Forestry as applicable, where the proposed development and/or site alteration constitutes a relatively minor undertaking (e.g., construction of small accessory buildings or minor additions), or barely encroaches within the adjacent lands to a natural heritage feature or area.
- 7.3.8 A scoped EIS will involve a checklist that can be completed by the applicant, in consultation with the Ministry of Natural Resources and Forestry, as applicable. Generally, cumulative impacts should be considered.
- 7.3.9 If a scoped EIS indicates that there may be potential impacts to a natural heritage feature, area, or adjacent lands, and their ecological functions, a full EIS shall be required.

### Full Site Environmental Impact Study

- 7.3.10 For more complex proposals, such as plans of subdivisions/condominiums, and resort/recreational developments, a full site EIS is the appropriate mechanism for demonstrating that development can meet the test of municipal and provincial natural heritage policies. Components of a full site EIS typically include consideration of the following:
- a) A detailed description of the natural heritage attributes of the study area, including terrain setting; soils; geology; groundwater and surface water resources; vegetation communities; fish and wildlife communities and habitat; and delineation of the precise boundaries of the natural heritage feature(s);
  - b) A characterization of the existing ecological, hydrological, and hydrogeological functions performed by the significant feature(s);
  - c) A detailed description of the proposed development, including building type and density, servicing (sewage disposal, water supply) and infrastructure (roads, stormwater management, etc.)
  - d) A prediction as to potential impacts (direct, indirect and cumulative) of the development on the natural and physical environment;

- e) The identification and evaluation of measures/options to avoid, reduce or otherwise mitigate impacts to meet the standard of no loss of feature and function;
- f) The selection of a preferred mitigation/rehabilitation strategy;
- g) A summary of predicted net effects after the application of mitigation compared to overall environmental targets and standards; and
- h) An evaluation of the need for and the elements of a monitoring program to assess the effectiveness of the preferred mitigation/rehabilitation strategy. Additional guidance regarding the specific technical requirements of an EIS and the approach that should be taken for the preparation of an EIS within the context of a typical municipal planning process are discussed further in the Ministry of Natural Resources and Forestry's 2010 Natural Heritage Reference Manual.

#### 7.4 EXISTING NON-CONFORMING USES

- 7.4.1 The policies and Schedules of this Plan represent a guiding framework for the future land use pattern in the City. It is recognized that some existing land uses may not conform to the policies and Schedules of this Plan. Nothing in this Plan shall affect the continuance of any use that was legally established on the date that this Plan was adopted whether the use conforms to this Plan.
- 7.4.2 Where an existing land use does not conform with the land use designation or to any applicable policy in this Plan, it may, notwithstanding these policies or designation, be zoned in the City's Zoning By-law in accordance with the present use and performance standards, provided:
- a) The zoning will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent conforming uses;
  - b) It does not constitute a danger or nuisance to surrounding uses by virtue of a hazardous nature, environmental threat, traffic, or other detrimental character; and
  - c) It does not interfere with desirable development in adjacent areas that are in conformity with this Plan.
- 7.4.3 Where an existing use in one or more of these respects is incompatible, it may be made a non-conforming use in the City's Zoning By-law with the intent that the use will eventually terminate.

- 7.4.4 Where a use of land does not conform with the land use designation shown or to any other applicable policy in the Plan, but is nevertheless reasonably compatible with other uses in its vicinity and is a non-conforming use in the Zoning By-law, permission may be given for the enlargement or extension of such uses under Section 45 of the *Planning Act*, provided that:
- a) The enlargement or extension will not seriously jeopardize the possibility of future developments in its vicinity that may conform more closely with the intent of the Plan; and
  - b) In any such enlargement or extension, special efforts are made to enhance the compatibility of the use and to improve its amenity and design.

## 7.5 HOLDING BY-LAW

- 7.5.1 It is an objective of Council that development proceeds in an orderly and efficient manner so that financial hardship will not be experienced by the City. Where the principle of the development has been established, a holding zone may be placed on the lands to limit or prevent the use of the land until such time as Council is satisfied that further development may take place.
- 7.5.2 It is the policy of Council that holding zones and holding zone provisions may be established in areas where a development proposal has been received by Council and the development is considered premature due to servicing or other constraints.
- 7.5.3 Where there is an intention by Council to apply holding provisions, the land subject to the holding provisions must be zoned for its future intended use. The addition of the holding zone “H” suffix to the zone category shall indicate that development of the site cannot proceed until the suffix is removed. The holding zone “H” suffix shall be attached to the appropriate zone category and identified on the Zoning By-law Schedule.
- 7.5.4 Once the holding provisions and “H” suffix are removed, the applicable zone provisions and zone standards of the zone category from which the holding “H” suffix was removed shall apply.
- 7.5.5 Council may pass a by-law under the provisions of Section 39 of the *Planning Act* delegating the approval of Zoning By-law amendments for

the purpose of lifting of Holding (“H”) provisions and housekeeping purposes to the Committee of Adjustment, Planning Administrator, or their delegate.

## 7.6 IMPLEMENTATION

7.6.1 This Plan shall be implemented by means of the powers conferred upon Council of the City of Dryden and other public agencies by the *Planning Act* and other applicable statutes.

## 7.7 INDIGENOUS ENGAGEMENT

7.7.1 The City recognizes and respects the cultural values and heritage of local Indigenous Peoples. The City will continue to pursue community engagements through the Working Circle Committee and other local Indigenous groups and communities.

7.7.2 Development proponents will be encouraged to engage with affected First Nation communities, Indigenous and Métis groups. Early engagement is desired to identify potential issues, opportunities, and mitigation of potential adverse impacts.

7.7.3 The City may pursue the preparation of a Community Engagement Strategy which will outline when and how development proponents, will engage with impacted Indigenous Peoples on development applications and land use projects.

## 7.8 INTERIM CONTROL

7.8.1 Section 38 of the *Planning Act* provides that the City may pass an Interim Control By-law which prohibits the use of land, buildings or structures within the City or within a defined area.

7.8.2 Where Council has, by by-law or resolution, directed that a review or study be undertaken in respect of land use policies in the City or in any defined areas thereof, Council may pass an Interim Control By-law under Section 38 of the *Planning Act* to be in effect for a period of time specified in the by-law, not exceeding three years.

7.8.3 Such a by-law may prohibit the use of land, buildings or structures within the City or within any defined area or areas thereof for, or except for, such

purposes as are set out in the by-law. Council may amend the by-law to extend the period of time during which it will be in effect, for a period of time specified in the by-law, not exceeding three additional years.

## 7.9 OFFICIAL PLAN AMENDMENTS AND REVIEW

- 7.9.1 Council shall monitor the Official Plan on a regular and ongoing basis to ensure the continued appropriateness of the Plan and to determine the need for amendments to provide for changing circumstances in the City.
- 7.9.2 An amendment to the Official Plan shall be required any time that changes are made to the Official Plan policies or to the Schedules in this Plan, except as provided for in this Section.
- 7.9.3 No applications to amend this Official Plan for 2 years after its effective date will be permitted unless the City passes a resolution to allow applications during the 2- year time-out.
- 7.9.4 This Official Plan is not a static document. Although it provides some degree of flexibility, the Plan will be reviewed no later than ten (10) years after it comes into effect as a new Official Plan, and not less than every five (5) years thereafter, pursuant to Section 26 of the *Planning Act*. Review should ensure that the policies are relevant and appropriate, considering changing conditions, and reflect a local interpretation of provincial policy statements.
- 7.9.5 Technical and minor amendments include such matters as the updating of *Planning Act* references, the renumbering of sections, and the correction of typographical and grammatical or cross-referencing errors, provided they do not result in policy changes. Base mapping features on the Schedules of this Plan, including parcel fabric and natural features may be updated based on new information and changing circumstances without need for an amendment. No notice or public meeting shall be required for technical amendments to the Official Plan.
- 7.9.6 *Ontario's More Homes for Everyone Act (Bill 109, 2022)*, received Royal Assent on April 14, 2022, and an Official Plan amendment that is proponent initiated may receive a refund on fees on a graduated schedule over time, up to 100% refund, if the municipality fails to meet the statutory deadlines

for decisions (currently 90 – 120 days). These refunds came into effect on January 1, 2023.

## 7.10 PARKLAND DEDICATION

- 7.10.1 As a condition of a plan of subdivision or condominium, consent, or site plan approval, the City is entitled to the dedication of land for park purposes, in accordance with the provisions of the *Planning Act*.
- 7.10.2 Parkland dedication will normally amount to 5% of the land proposed for residential purposes and 2% of the land proposed for commercial or industrial purposes; or alternatively, be consistent with provisions for park and public recreation purposes as specified in Section 51 of the *Planning Act*.
- 7.10.3 To ensure that parkland dedications are of an acceptable quality, parkland sites should follow these guidelines:
- a) Be relatively level and not be 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/or vehicular access;
  - c) Provide a reasonable park configuration to accommodate the dimensions and shape of large playing fields (e.g., soccer fields, baseball fields, etc.) as appropriate;
  - d) Have adequate access within the development; and
  - e) Be provided with basic service requirements.
- 7.10.4 Cash-in-lieu of parkland dedication may be required, at a rate not to exceed the maximums as set out in the *Planning Act*. Cash-in-lieu of parkland may be requested by the City for any division of land situated in an area where there is an existing public park which can provide adequate facilities for both the existing population and the projected population expected. Cash-in lieu may also be requested where the amount of land involved is small, such as when individual lots are created by consent, and, therefore, unsuited to park development.
- 7.10.5 Cash-in-lieu payments shall not be construed as obligating the City in any way to provide future works or capital improvements for the particular



lands involved in the development (e.g., severance or subdivision) causing the payment to be made.

7.10.6 The City shall not consider accepting any required stormwater facility or area as parkland dedication.

## 7.11 PRE-CONSULTATION AND PRESCRIBED INFORMATION

7.11.1 The *Planning Act* permits the City to require applicants to consult with the City prior to formal submission of planning applications. During the pre-consultation, the City shall determine which studies and information are required by City staff and Council to evaluate the application. Furthermore, City staff shall identify those studies that must be submitted at the time of application submission. All studies shall be prepared by qualified professionals according to all applicable federal, provincial, and municipal guidelines.

7.11.2 Proponents shall consult and engage with affected community, Indigenous and Métis groups. Early engagement is encouraged to identify potential issues, opportunities, and mitigation of potential adverse impacts.

7.11.3 The pre-consultation meeting will be an opportunity for the applicant to outline any public consultation measures that may be undertaken beyond the mandatory requirements of the *Planning Act*.

7.11.4 Pre-consultation with municipal staff is mandatory and depending on the nature of the proposed development and planning application, the City may require the following studies or additional information to deem applications complete and to properly evaluate a development application. Any such studies, or peer reviews thereof, shall be at the expense of the applicant/proponent. The studies include but not limited to:

- Archaeological Assessments
- Architectural/Urban Design Study
- Cultural Heritage Evaluation Report
- Conceptual Site Plan and Building Elevations
- Conservation Plan
- Environmental Site Assessment
- Environmental Impact Study or Scoped Environmental Impact Study

- Erosion and Sediment Control Plan
- Fisheries Assessment
- Functional Site Servicing Report
- Geotechnical Study
- Hauled Sewage Capacity Study
- Heritage Impact Assessment
- Hydro-Geological Study
- Hydrological Study
- Lakeshore Capacity Assessment
- Land Use Compatibility Study
- Minimum Distance Separation Calculation
- Noise Study
- Planning Justification and Impact Analysis/Planning Brief
- Record of Site Condition (RSC)
- Slope Stability Study
- Stormwater Management Plan
- Tree Preservation Report
- Transportation/Traffic Impact Study
- Vibration Study
- Wetland Evaluation

## 7.12 PROPERTY MAINTENANCE

- 7.12.1 Council has passed a property maintenance By-Law under the *Municipal Act*. The purpose of the by-law is to regulate and prescribe standards for the maintenance of private property and municipal land within the City.
- 7.12.2 In addition to the enforcement of the property maintenance by-law, Council shall strive to keep all municipally owned properties and structures in well maintained condition, and provide municipal services such as roads, sidewalks, parks and recreation facilities, in a state of good repair.

## 7.13 PUBLIC ENGAGEMENT

- 7.13.1 Council recognizes that public engagement, involvement, and notification is an essential component of the municipal planning process. The following policies shall apply in the implementation of this Official Plan:
- a) During the mandatory pre-consultation meeting with City staff, proponents for Official Plan Amendments, Zoning By-law Amendments, and/or Plans of Subdivision will be required to outline

any public engagement measures to be undertaken. The City may require additional public engagement measures in order to deem an application complete, as determined on a case-by-case basis;

- b) For major planning initiatives, including but not limited to, a new Official Plan or Official Plan review, comprehensive Zoning By-law review, or new Community Improvement Plan, the City may consider additional means of public engagement including open houses and/or workshops, social media-based engagement, and community surveys;
- c) All public meetings, open houses and/or workshops will be held at physically accessible locations;
- d) Where required, notice of public meetings must be given in accordance with the *Planning Act*; however, the City may consider alternate notice procedures as provided for in the *Planning Act*.
- e) Written and oral submissions from the public relating to applications for Official Plan Amendments, Zoning By-law Amendments, plans of subdivision, plans of condominium, consent, and minor variance will be summarized within a staff report, where applicable, to inform Council of the views and concerns of the public; and
- f) Notices of decision associated with planning applications will summarize written and oral submissions and the effect they have had, if any, on planning decisions.

7.13.2 Council may, by resolution, forego public notification and public meetings in connection with Official Plan, Community Improvement Plan, and Zoning By-law Amendments, if such amendments relate to matters that will not affect the policies and intent of the Official Plan or Community Improvement Plan, or the provisions of the Zoning By-law in any material way, and may include the following matters:

- a) Altering punctuation or language to obtain a uniform mode of expression;
- b) Correcting clerical, grammatical, dimensioning or typographical errors;
- c) Revising figures and images;
- d) Altering the number and arrangement of any provision;
- e) Inserting historical footnotes or similar annotations to indicate the origin and approval of each provision;
- f) Changing the format of a document;
- g) Consolidating amendments; and,
- h) Updating underlying base map features including natural heritage features, parcel fabric, and street network.

## 7.14 SITE PLAN CONTROL

- 7.14.1 The entire City is subject to being a Site Plan Control Area.
- 7.14.2 The City shall be consistent with Bill 109, *Ontario's More Homes for Everyone Act, 2022* and Bill 23, *Ontario's More Homes Built Faster Act, 2022*, to streamline development approvals processes and facilitate faster decisions on development applications requiring Site Plan Approval.
- 7.14.3 Properties along the Highway 17 and 594 corridors within the Settlement Area are hereby designated as being within a Site Plan Control Area.
- 7.14.4 The site plan control process may be used to address land use matters including:
- a) Providing a high standard of landscape amenity, with consideration for accessibility, wayfinding, and buffering of service areas, while retaining natural features, wherever possible;
  - b) Ensuring a safe, functional, and visually attractive environment;
  - c) Minimizing impacts on abutting uses;
  - d) Delivering universal accessibility to community facilities and services;
  - e) Providing for safe and attractive access, parking and loading for vehicles and all forms of active transportation;
  - f) Protecting existing mature trees and/or planting new native trees;
  - g) Controlling stormwater and, where applicable, securing necessary service or utility easements, road widenings, and/or parkland or payment-in-lieu thereof; and
  - h) Providing safe and desirable on-site lighting.
- 7.14.5 To avoid undue restrictions, certain types of development will be exempt from site plan control, as defined through the Site Plan Control By-law. These development types will include, but may not be limited to the following development types:
- a) Single detached dwellings, semi-detached dwellings, tiny homes, to a maximum of ten (10) dwelling units;
  - b) Utility installations;
  - c) Public utilities; and
  - d) Agricultural uses.

7.14.6 Where a Site Plan Control By-law is in effect, the applicant will submit for approval such plans and/or drawings that are required by Council. The applicant may be required to enter into an agreement with the City to provide and maintain those facilities required on the site plan. Such an agreement shall be registered against the land to which it applies.

## **7.15 FEES AND CHARGES BY-LAW**

7.15.1 Council has passed a Fees and Charges By-law in accordance with Section 69 of the *Planning Act*, which provides that municipalities may establish fees for the processing of planning applications.

7.15.2 Council may update its Fees and Charges By-law to meet only the anticipated costs incurred by the City in processing each type of planning application.

7.15.3 Where required, Council may submit planning applications and any supporting information or studies to a professional planner, engineer or other consultant for a professional review and/or opinion. All fees and other costs relating to the consultant's advice as well as reasonable municipal costs associated with the application shall be paid for by the applicant.

## **7.16 TEMPORARY USE BY-LAW**

7.16.1 Council may pass a by-law under the provisions of Section 39 of the *Planning Act* to permit the temporary use of land, buildings or structures, in defined areas for a prescribed period not exceeding three years, for any purpose set out therein and otherwise prohibited by the by-law.

7.16.2 The temporary use by-law shall be in conformity with the Official Plan.

7.16.3 Council shall ensure that the proposed use is not detrimental to the existing uses in the area and that the proposed use is temporary in nature and shall not entail any large capital expenditure or major construction so that the owner does not experience hardship in reverting to the original use upon termination of the temporary use provisions.

7.16.4 Council may, by by-law, grant further periods of not more than three years in which the temporary use is authorized. Notwithstanding the above, garden suites may be permitted by way of a temporary use by-law for a period not exceeding twenty (20) years.

7.16.5 Council may pass a by-law under the provisions of Section 39 of the *Planning Act* delegating the approval of Zoning By-law amendments for the purpose of temporary use provisions and housekeeping purposes to the Committee of Adjustment, Planning Administrator, or their delegate.

## **7.17 ZONING BY-LAW**

7.17.1 Council has passed a Zoning By-law under the provisions of Section 34 of the *Planning Act*.

7.17.2 Council shall update its Zoning By-law to be in conformity with this Official Plan. No applications to amend the new zoning by-law for 2 years after its effective date will be permitted unless the City passes a resolution to allow applications during the 2-year time-out.

7.17.3 *Ontario's More Homes for Everyone Act* (Bill 109, 2022), received Royal Assent on April 14, 2022, and a Zoning By-law amendment that is proponent initiated may receive a refund on fees on a graduated schedule over time, up to 100% refund, if the municipality fails to meet the statutory deadlines for decisions (currently 90 – 120 days). These refunds came into effect on January 1, 2023.