



**OFFICIAL PLAN
OF THE TOWN OF ESPANOLA**

**AS ADOPTED BY COUNCIL
OF THE TOWN OF ESPANOLA
NOVEMBER 14, 2017**

**TOWN OF ESPANOLA
TOWN HALL
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TOWN OF ESPANOLA OFFICIAL PLAN

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OFFICIAL PLAN OF THE TOWN OF ESPANOLA

SECTION 1: TITLE, COMPONENTS AND ADMINISTRATION

- 1.1 Upon approval of the Minister of Municipal Affairs(MMA), this Official Plan will be known as the: **“OFFICIAL PLAN OF THE TOWN OF ESPANOLA.”**
- 1.2 The Official Plan covers all land within the corporate limits of the Corporation of the Town of Espanola, the Town. The attached text and Schedules 'A' and 'B' constitute the Official Plan.
- 1.3 The Official Plan 5 Year Review Background Report and supporting information and material contain supplementary background information which is the basis for the policies of this Plan but does not form part of the Official Plan.
- 1.4 The Town shall administer this Official Plan. The principal duties shall be the review of all development applications for conformity to the Official Plan, including severances, subdivisions, zoning amendments and minor variances; the review of all applications for amendment to the Official Plan and the review of the Official Plan from time to time to ensure its relevancy.

In this Plan, “Council”, the “Town”, and the “Corporation” are used to indicate the general vision and policy direction of the Town. It is recognized that Council has the authority to make land use planning decisions and that Town staff and the Corporation as a whole assist with the implementation of the Plan.

- 1.5 Pursuant to the *Planning Act*, no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform to the Official Plan.
- 1.6 The Planning Period for this Official Plan is approximately 20 years (2016 to 2036). The designation of land is intended to provide and maintain an adequate supply of land for residential uses, employment uses (commercial, industrial), institutional uses, public service facilities, parks and open space uses to meet projected growth and development demands over the planning period. The Plan has been prepared on the basis of current Provincial Planning Policy, existing conditions, and information available at the time of the Plan’s preparation. It is intended that there will be a need to review various policies from time to time and if necessary revise it not less frequently than every five years as per the *Planning Act*.

SECTION 2: PLANNING FRAMEWORK

Espanola is both a well-established, historical, urban town site and a significant rural area representing the amalgamation of two former municipal entities, the Town of Espanola and the Township of Merritt. The Town, with a population of 5,048 (2016 Census Revised Counts, Statistics Canada, November 14, 2017) people enjoys the benefits of quality lifestyles, natural and heritage amenities, and essential services. The Plan is based on the premise that Espanola is the focus of a region extending from Nairn on the east, Spanish on the west, Manitoulin Island on the South, and the woods and mining operations to the north.

The Town shall continue to create a hospitable economic environment with sustainable employment opportunities in a planned, financially sound community that recognizes its valued assets.

The basic intent of this Plan is to develop a future strategy to manage both new development and the resources of the area for the continued use and enjoyment by both residents and visitors. The Official Plan is one tool in which to implement the strategic directions and key objectives of the *Town of Espanola Economic Strategy, 2010*. This strategic plan is designed to guide the Town in achieving the following vision:

“This Plan is also supported by the Town of Espanola Strategic Plan, 2013, and its vision for the Town to be a “*safe, healthy community in which to live, work and thrive*” and mission statement:

“The Corporation of the Town of Espanola is committed to serving the needs of our community by supporting the positive, well-balanced, social, economic, environmental and physical growth of the town. We will continue to pursue excellence by providing accountable and affordable services while promoting the highest quality of life.”

A strategic and proactive Official Plan will help to achieve these goals, and will help the Town in guiding and assessing proposed land use changes. This Plan establishes a framework within which Council can demonstrate their commitment to the logical development of the community and to assess the merits of proposals for development, exercise their powers to pass zoning by laws, and evaluate consents for conveyances of land. Flexibility has been built into the policies of this Plan to allow some freedom of interpretation when making decisions on land use matters that reflect the needs of the community. All planning decisions made by the Town shall be consistent with the Provincial Policy Statement.

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

This Plan seeks to optimize the use of existing and new services and facilities, to protect and rehabilitate the natural heritage of the area, take full advantage of its opportunities for sustainable economic development and to promote a healthy community, while maintaining a strong financial position for the Town.

While limited population growth is anticipated over the planning period, this Plan encourages the provision of choice and flexibility in land use, subject to good planning principles.

2.1 The Future of Espanola

The Town is strategically located fifty (50) minutes from the City of Greater Sudbury, and is the largest municipality within the Sudbury District, outside of the City of Greater Sudbury. This Plan is formulated on the premise that Espanola will continue to change and attract new families and businesses which will maintain population and economic growth. The Town will plan to accommodate change through the efficient use of land and services.

The Town will continue to be a vibrant and exciting place to live, work and visit. It will provide a wide range of housing and will be a place for those persons of retirement age seeking an alternative to urban life.

The Town, as envisaged, will continue to have the social and cultural values that have evolved through time; a community spirit, a sense of belonging, a tradition of self-reliance, social responsibility, sharing, neighbourliness and an appreciation of heritage and culture. This quality of life will have been preserved through new economic opportunities.

2.2 Environmental Resources

To ensure a sustainable future, the Town is committed to conserving natural resources through sound stewardship and best management practices.

There are natural resources in the area which play a key role in the economic base of the Town. These natural resources consist of lands with timber and mineral potential. Espanola's future is dependent primarily on the future of the forest and paper industry. The extent and rate of the Town's growth will be a function of growth in the region, the sensitive management of the resources, and the prosperity of its primary industries. The management and preservation of the Town's natural resources will play a prominent role in the evolution of the community.

Important waterways, wetlands, flood plains, fisheries and wildlife habitat, and aggregate reserves will be managed and protected, since these natural heritage features, constraints, resources and attractions are an important part of what makes the Town special and unique. Preserving shorelines and riparian vegetation adjacent to shores and wetlands will serve as habitat for many organisms, corridors for the movement of others, and nurseries for aquatic and upland species. Lakeshore development must not result in unacceptable degradation of the quality and integrity of a watershed ecosystem, including water, land, plant, and animal life. Land use planning decisions will preserve and enhance, where possible, the environmental quality of an area, minimize impacts of land uses on the natural environment, and protect the integrity of ecosystems. Expected impacts of climate change will be considered in decisions related to environmental quality and protection of the community from environmental hazards.

The policies of the Plan recognize that there are lands within the Town which are prone to periodic flooding and/or are otherwise unsuitable for development. Policies also recognize the potential for unstable slopes where development should be regulated to provide for a safe environment if the area is to be developed. The Plan contains policies to ensure that development within these areas is prohibited to avoid potential hazards or any further impact on the flood plain.

2.3 Growth Forecast

Growth forecasts are necessary for the planning and timing of land development, infrastructure expansion and the provision of public services and facilities.

The forecast and land requirements to accommodate change over the planning period are taken from the 2016 Background Study. The Town experienced a low growth (1%) in population between 2006 and 2011. However, trends still indicated that many communities in Northern Ontario will experience declining populations. The growth forecast projects the population to decrease from the 2011 level of 5,364 to a 2036 level of 5,187 persons.

The Town will maintain an adequate supply of land designated and available for urban growth to accommodate its projected residential and employment growth requirements. The Plan is based on the concept that the existing level and pattern of development in the Town will remain substantially the same over the period of the Plan.

Due to the anticipated low level of growth in the long term, the Plan concentrates on policies which support and suggest improvements to existing neighbourhoods, facilities and services in the shorter term.

Demand for choice and flexibility in housing and employment opportunities will be accommodated in the following ways:

- a) Intensification of land use in existing settlement areas involving infill, redevelopment and the conversion of existing buildings. Council will promote opportunities for redevelopment and intensification through the provision of adequate infrastructure and community facilities and through the reuse of brownfield sites;
- b) Development of vacant lands within the general limits of the existing urban areas. The continued wise use of the current infrastructure through the rounding out of the services to provide access to limited development will be encouraged in order to better use the existing infrastructure. It is assumed that all such lands will be developed over the planning period.

2.4 Settlement Patterns

The Town of Espanola will provide a mix of housing opportunities, including affordable housing, and will continue to be a centre for residential, commerce and services. New residential construction in the 20-year planning period is expected to be minimal. The

goal is to provide opportunities for a range of housing types such that choice is available to residents.

The Town will actively encourage desirable commercial and industrial development in appropriate areas to complement residential development and contribute to the development of a complete community.

Redevelopment activities in the Town will result in the ongoing restoration of the historic building stock and there will be more emphasis on architecturally blending the "new" to reflect the "old" when developing new projects where such is merited. The Town will encourage affordable housing initiatives and redevelopment of brownfield sites. New settlement in the Town will be planned to avoid future extension of services.

Low density housing is expected to continue to account for the majority of housing completions. Medium density housing types such as row houses and low-rise apartments are anticipated to become a more common form of residential development to accommodate changes in the population profile (aging of population) and demand for affordable housing.

It is the intention of the Town to encourage development to take place primarily in the existing built-up area where access is appropriate and the appropriate services are available. A limited amount of development will be permitted to take place within the Rural and Waterfront areas, provided that it is in accordance with other relevant policies of this Plan. In certain circumstances, the Town may decide to restrict development in particular areas where it is deemed that the proposal may be premature in the context of the overall development of the Town. In determining whether any development is premature, the Town will take into consideration, among other things, such factors as the condition of the existing municipal roads, the amount of previous development activity in the immediate area, the number of undeveloped lots, accessibility and availability of Municipal services

2.5 Economic Development

Espanola has a strong and growing local economy that offers a range of employment opportunities for its citizens. Employment opportunities will continue to be provided through a balance of industry, education, tourism, service and light industry, and health care. This development will be directed to areas designated and determined to be best suited for each economic sector. A well-rounded, vibrant community with economic opportunities for people of all ages will be an objective for the Town. Mixed use forms of development will be encouraged where the uses are compatible and provide for opportunities for residents to enjoy the benefits of a range of housing and services.

The Town will foster a climate for innovative economic opportunities with cooperation among members of the community and all levels of government. In addition to attempting to attract new commerce and industry and new residents, the Town will encourage the retention and expansion of existing businesses as an important generator of local employment, and will support the development of businesses, development and both redevelopment and reuse that makes use of 'green' technology.

The Town will seek to retain its resident labour force by ensuring a diversified economic base. While its economy, like that of all municipalities, is influenced by the many factors beyond its control, such as the global economy, interest and exchange rates, fuel costs, federal and provincial taxation, regulation and trade policies, it does have key areas in which commitment and action are required to remain competitive:

- a) Residential Marketing: leverage the Town's existing infrastructure, recreation, and health facilities to maintain population and encourage growth through marketing Espanola for residential relocation to and within Northern Ontario. Focus on people who are retiring, but still active (55-65 years old) and young families (parents or couples aged 30-45 years old).
- b) Retirement Living: The aging population is the largest demographic in the world. More and more people are looking to relocate for retirement. Wait lists exist for retirement homes within the regional market area. There is an opportunity to capitalize on this demographic and develop apartments, townhouses, condominiums and retirement homes in Espanola in response to demand. Espanola is a logical choice for retirement living based on the following factors:
 - "Full-Service Community": small town, yet all the facilities and services of a big city
 - Proximity to nature
 - Affordable housing
 - Lower property assessments
 - Excellent health care services and educational facilities
 - Friendly, safe, and accessible community
 - Proximity to large city and the associated facilities and services, such as entertainment venues
 - Recreation amenities
- c) Business Attraction: Over the past few years, Espanola has attracted a significant franchise retail base that includes *Canadian Tire*, *Your Independent Grocer*, *Giant Tiger*, *McDonald's*, *Dairy Queen* and *Tim Hortons®*. Espanola serves as the centre for business, retail, medical, government, transportation and distribution for the LaCloche/Manitoulin and surrounding areas, which combined has a total population of approximately 40,000. More opportunities exist to attract new commercial business to service the regional market area due to its strategic location and availability of affordable fully-serviced industrial and commercial properties.

2.6 Tourism

The Town will recognize opportunities to provide for sustainable tourism development, including the tourism potential of the Spanish River and natural resources of the area surrounding Espanola. Tourism will also be promoted, where appropriate, by assisting private efforts to improve and increase the range of tourist services and facilities,

including walking, cycling, skiing and snowmobile trails, which will help service the leisure needs of the tourists and residents of the Town.

2.7 Commerce and Industrial

The Downtown and Highway Commercial area along Centre Street will continue to function as the commercial area. Community Improvement Policies have been included to assist in the revitalization of the Downtown area, which has the potential to play an important role in attracting tourists and area residents to the Town. The commercial service sector, comprised of community, business, industry and personal services, will be encouraged to expand and diversify.

2.8 A Healthy Community

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

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

2.9 Linkages

The transportation, servicing and communication networks constitute the linkages within which the Town's residents and visitors will live, work and play. In an effort to reduce our carbon footprint, it will be an ongoing goal to minimize the time, distance, economic and energy costs of movement for persons, goods and information.

The Spanish River and Darkie Creek waterways, wetlands and lakes within Espanola collectively represent important natural linkages which contribute to a sustainable environment and important natural habitat. The protection of former railway corridors, as public lands through adaptive re-use, should be encouraged in those appropriate circumstances for such potential uses as recreational, communication, utility and transportation corridors, including rapid transit. Individual, private modes of transportation will continue to be relied upon in the future, however, alternative transportation modes will be supported. Innovative, accessible and low-cost transportation options are encouraged to assist people without private modes of transportation (such as low-income earners and those with reduced mobility), to get to places they need to go and access essential services.

The integrity of the existing Provincial and Municipal road networks shall be maintained and upgraded, and integrated with cycling and walking routes as much as possible.

Pursuant to the Town's 2001 Active Community Charter, planning decisions will place importance on people-powered travel and include smart growth principles. Within built-up areas, emphasis will be placed on designing facilities that encourage walking and cycling. Walking and cycling trails that safely connect people to places they want to go, such as shoreline areas, existing parks or other important physical or man-made features, will be developed wherever possible.

2.10 Energy Conservation and Air Quality

The Town shall promote energy conservation and improved air quality by:

- a) initiating, participating, and cooperating in energy conservation and air quality improvement programs, including public education and awareness;
- b) encouraging denser, contiguous development: intensification of existing built-up areas and the efficient use of existing infrastructure;
- c) incorporating energy conservation measures into site design, and into the design, construction and renovation of buildings;
- d) encouraging the use of walking, bicycling, transit, and carpooling as alternatives to private automobile use;
- e) encouraging the planting of native trees;
- f) promoting design and orientation of subdivisions and developments, which maximize the use of alternative or renewable energy systems, such as solar and wind energy, at appropriate locations.

2.11 Water Conservation

The Town shall promote conservation by:

- a) initiating, participating, and cooperating in conservation programs, including public education and awareness programs;
- b) encouraging development using the highest building design standards, such as LEED and any related standards;
- c) encouraging the efficient use of existing water/sewerage infrastructure;
- d) encouraging the reuse and multiple uses of treated water, including stormwater; and
- e) encouraging the planting of native trees, shrubs and other ground vegetation for temperature reduction and infiltration.

2.12 Waste Reduction

The Town shall support the reduction, reuse, recycling and recovery of materials from waste by:

- a) initiating, participating and cooperating in conservation programs, including public education and awareness programs;
- b) encouraging development proposals to provide adequate waste disposal, recycling and composting facilities, and support innovative waste collection and diversion programs; and
- c) supporting the reduction of waste from construction debris as a result of the demolition of buildings by promoting and encouraging the adaptive reuse of older building stock

2.13 Adaptive Design for Climate Change

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

- a. The protection, enhancement, and restoration of significant natural heritage features and areas;
- b. Green industries, building technologies, and construction practices;
- c. Environmental designs and retrofits of buildings and infrastructure that reduce the quantity and improve the quality of stormwater runoff;
- d. The incorporation of active transportation networks and linkages in proposed developments;
- e. Tree planting and innovative green space designs that reduce energy use through shading and sheltering;

- f. The planting of native and non-native, non-invasive tree and vegetation species in proposed developments that are resilient to climate change and reduce carbon footprints;
- g. Artificial shading in appropriate locations;
- h. Greater use of permeable surfaces and pervious pavement, where appropriate, to reduce flood risk and strains on sewer and stormwater infrastructure;
- i. The establishment of community gardens in suitable locations that have maximum exposure to sunlight;
- j. Public education and awareness of measures to reduce the effects of climate change; and
- k. Consideration of impacts of extreme weather (precipitation, drought, wind, and extreme heat and cold, etc.).

SECTION 3: GENERAL DEVELOPMENT POLICIES

The policies of this Section deal with development considerations that are common to a number of land use categories. These policies apply, where relevant, in addition to the policies under the specific land use designations identified on Schedule 'A'.

3.1 Growth Management Principles

The Growth Management Policies are based on the following principles:

- a) that the measures necessary to accommodate growth through land use intensification, having regard to the timely and efficient use of existing infrastructure, will be supported;
- b) that growth-related infrastructure costs and the financial implications of required works for the Town's capital budget will be evaluated and reported at an early stage of the development approval process;
- c) that growth will be directed to areas that are suitable for the provision of full municipal services in keeping with the Town's long term servicing and financial plans;
- d) that development adjacent to urban areas be managed to recognize that this is a plan for only twenty years and that in order to protect the long-term economic development potential for the community and in recognition of good land use planning and community planning principles, all development must recognize that there will be future outward

expansion of the urban area and a logical progression in the extension of service areas will occur; therefore, all development must be evaluated having regard to cost-effectiveness and optimization of existing infrastructure capacity and its future expansion;

- e) the Town will encourage new development to be planned to provide a mix of housing types and tenures as a means of diversifying the housing stock and encouraging the supply of affordable housing;
- f) that the Town maintain an adequate supply of vacant designated land to enable some choice and flexibility, while recognizing the growth projected for the planning horizon and the need to develop in an orderly, efficient, timely and affordable manner;
- g) that the Town will encourage measures that protect and enhance the ecological function and integrity of the area's natural heritage in a sustainable manner and shall manage development to avoid natural hazards and significant natural features;
- h) that planning for growth will support the identification and protection of the Town's cultural heritage resources; and
- i) that the financing requirements to service new development should not impact the long term financial health of the Town or place an undue burden on existing taxpayers. The Town may consider the involvement of the private sector in the development, operation, construction and financing of long term servicing infrastructure.

3.2 Servicing

The Town of Espanola will plan the provision of services to accommodate growth so that servicing is timely, cost efficient, environmentally sound, and within the financial means of the Town. Servicing subject to this strategy includes physical infrastructure, such as sanitary sewer works, storm drainage works, water supply and distribution, and road works. It also includes the provision of community facilities and services, including parks and recreation facilities, libraries, economic development, building, fire and police services.

The Town, in consultation with the appropriate agencies, will also have regard for the provision of other services, such as electrical and communications, utilities, schools, health services and other social services.

Policies

1. The use of existing infrastructure and public service facilities will be optimized, wherever feasible, before giving consideration to the development of new infrastructure and public service facilities.

2. Development will be encouraged to take place within the Urban Service Area where services are already available or can be readily provided. Such services and facilities include public roads and sidewalks, garbage collection and disposal, fire protection, police protection, education, school busing and parks. In general, new development should not create an undue financial burden for the Town unless the Town is satisfied that the long term benefits outweigh the costs.
3. The Town will promote the maintenance and expansion of a municipal sanitary sewer collection and treatment system that will avoid development and land use patterns which may cause environmental or public health and safety concerns and that will:
 - a) have the potential to service all areas of the Town intended for urban development;
 - b) maximize the service area of gravity drainage systems and minimize the number of pumping stations required;
 - c) optimize the capacity of the existing treatment plant and collection system to accommodate new development;
 - d) be financially viable and in compliance with all regulatory requirements;
 - e) protect human health and the natural environment; and
 - f) provide appropriate levels of septage disposal for the rural development within the community as per the MOECC's "Provincial Policy Statement, 2005: Reserve Sewage System Capacity for Hauled Sewage" fact sheet.
4. The Town will promote the maintenance and expansion of a water supply system and distribution system that will avoid development and land use patterns which may cause environmental or public health and safety concerns and that will:
 - a) have the potential to service all areas of the Town intended for urban development;
 - b) provide adequate water pressure for all servicing conditions;
 - c) promote water conservation and place a high priority on the efficient use of water as a method to minimize the future demand for water supply and associated sewage treatment;
 - d) direct and accommodate new development in a manner that promotes the efficient use of existing municipal water services;
 - e) be financially viable and in compliance with regulatory requirements; and
 - f) protect human health and the natural environment.

5. Within the Urban Service Area, it is intended that all new development proceed on the basis of full municipal services.
6. No development will take place within the Urban Service Area unless adequate municipal water and sewer services are available where there are existing services. The Town shall be satisfied that sufficient uncommitted reserve capacity exists in the sewage and/or water systems and that such capacity has been allocated to the proposed development. For a draft plan of subdivision, this means allocating the capacity at the time of draft approval, and at the granting of site plan approval in all other situations. Development approvals within the Urban Service Area will only be given where there is sufficient existing or planned water and/or sewer servicing capacity to accommodate the proposed use within a reasonable time frame.
7. Municipal water and individual on-site sewage services (partial services) may be used within the Urban Service Area to allow for infilling and rounding out of existing development on partial services, provided that site conditions are suitable for the long-term provision of such services with no negative impacts. All development within the Urban Service Area should be dependent upon the municipal water supply and distribution system for both potable water and fire protection.
8. The Town will monitor the servicing requirements of proposed and approved development and monitor the availability of municipal services. The Town may reserve a maximum allocation of available residual servicing capacity for any one land holding. Applications that do not meet the Town's priorities for the allocation of servicing capacity may be refused on the basis of prematurity.
9. Where projected and potential growth within any portion of the Urban Service Area is nearing or exceeding the threshold of available sewer or water servicing capacity, the Town will adopt measures to manage the allocation of available capacity until such time as the capacity constraints are resolved. Where the constraints are likely to be short term (generally less than three years), such measures may include, but are not limited to deferral of development approvals; the use of conditions to ensure that development, once approved, occurs in a timely manner; the use of holding zone provisions; and development phasing limitations.
10. Sewer and water services will be sized according to ultimate land areas and populations intended to be served.
11. The Town will not extend municipal water and sewer services beyond the Urban Service Area except as set out in this Plan. Proposals to expand municipal water and sewer services beyond the Urban Service Area shall require a comprehensive review and a site specific amendment to this Plan or be incorporated as part of an Official Plan update associated with a Five Year Review.

12. Development applications for lands which require the connection and extension to the municipal sanitary sewage and water systems must be incorporated into the Town's overall future servicing scheme in a manner and subject to those designs and specifications satisfactory to the Town. All costs associated with the extension of the municipal sewage and water system to the lands shall be the responsibility of the developer. These costs would include, but not be limited to, all engineering design, construction and borrowing costs for all works required to service the development, all approval costs, legal, surveying and planning fees, as well as any costs related to replacing the sanitary sewage and/or water treatment capacity at the existing municipal sewage treatment plant or water facilities. The connection of this development to the municipal sanitary sewer and/or water systems shall be deemed premature until a servicing agreement, satisfactory to the Town, regarding the afore-referenced has been entered into by the developer and the Town.
13. In the case of infill development and redevelopment, particularly for high density residential development, the developer shall provide such studies as required by the Town in order that the Town can satisfy itself that no additional trunk water or sewer mains are required to service the development. If such services are required, the Town shall ensure that agreements are entered into between the developer and the Town regarding the provision of such trunk services.
14. Notwithstanding that the Town provides and maintains municipal services, industrial uses may be permitted to secure their own water supply and process their own industrial waste under special circumstances with the authorization of the Town and the Ministry of the Environment and Climate Change (MOECC).
15. Within the Rural and Waterfront areas, development has taken place and will continue to take place on the basis of private individual services. In the Rural and Waterfront areas, individual on-site sewage services and individual on-site water services shall be used for new development where site conditions are suitable for the long-term provision of such services. All development on private services must receive approval from the appropriate approval authority. Any required servicing studies, including servicing options reports, will be provided by the developer to the satisfaction of the Town and appropriate approval agency.
16. Within the Rural and Waterfront areas, any application for subdivision using individual on-site services shall be accompanied by a detailed hydrogeological study and such other analysis as is required in accordance with MOECC Guidelines, all of which shall be prepared by a qualified professional and satisfactory to the Town. Lots shall have sufficient area so that a private well for water supply can be located without danger of contamination by the sewage system and so that a serious drawdown of groundwater levels beyond the boundaries of the lot itself can be avoided. Confirmation of hauled sewage capacity will be required.
17. Lands within the Rural and Waterfront areas may be developed on the basis of communal services. Any such system will have to meet the requirements of the Town, this Plan and all other approvals. ~~Alternatively,~~ the Town ~~shall~~ ~~could~~

- ~~choose to~~¹ enter into operating agreements with the developer under terms and conditions set out in an agreement between the parties. The Town, in approving any communal system, will have particular regard for the documented performance of the proposed systems, the financial securities which are to be provided, the long term maintenance requirements, and the operation and administration requirements for the systems. In reviewing proposals for development on communal systems, the Town will also determine the number and types of communal systems that will be accepted by the Town. In general, the Town shall only accept developments on communal systems when it can be clearly demonstrated that such systems will not create an unacceptable financial burden on the Town and when it deems it appropriate to do so.
18. All new development on existing lots of record. fronting on Clear (Griffin) Lake, shall only be undertaken using a sand point well or drilled well in accordance with applicable provincial regulations.
 19. The Espanola Mobile Home Park is a partially serviced area. The expansion of partial services shall only be permitted in the case of system failure, infill, or minor rounding out of development.
 19. Notwithstanding the provisions of the servicing policies of the Official Plan, on the land described as part of Lot 8, Concession IV, shown on Schedule "A1" to this Plan as a Special Exception Policy Area, residential development serviced with municipal water and private waste disposal systems is permitted. The minimum lot size for any residential lot created will be 2,400 m² and the minimum lot frontage will be 30 metres. These lots shall connect to the municipal sewage system once the system has been upgraded and extended to the area. The municipality may recover the cost of extending the sewage disposal system to these lots, by way of a by-law to levy a 'sewage rate' pursuant to the provisions of the *Municipal Act*, on the landowners benefiting from the works.
 20. Notwithstanding the provisions of the servicing policies of the Official Plan, on the land described as Parts 3, 4, 5 and 6 on Plan 53R-17214, located on Part of Lot 8, Concession IV of the Town of Espanola, shown on Schedule "A1" to this Plan as Special Exception Policy Area 2, residential development serviced with municipal water and private waste disposal system is permitted. The lot shall be connected to the municipal sewage system once the sewage system has been upgraded and extended to the area. The minimum property area will be 4.45 ha or 44,514 m² and the minimum frontage will be 200 m. All other applicable policies of the Plan shall apply to the lands within the Special Exception Policy Area 2. The only permitted use shall be a single family dwelling, a kennel, home occupations and uses accessory to the foregoing subject to an amendment to the Zoning By-law. The Zoning By-law shall establish setbacks between the kennel facilities and adjacent residential dwellings and shall set a limit to the number of dogs permitted on the property at one time.

3.3 Applications to Expand the Urban Service Area

The primary means for reviewing the adequacy of the Town's land supply and expanding the urban service area, if warranted, will be the five year review process. It is recognized

that emergent opportunities may present themselves in the interim and that these should be evaluated according to the Growth Management Principles of Section 3.1 of this Plan. Privately initiated applications for amendments to the Official Plan to expand the Urban Service Area will be evaluated for public benefit on the basis of the policies of Section 3.2 and the following criteria:

- a) the need for urban growth at the proposed location and the reasons why a comprehensive review of the Urban Service Area is necessary in advance of the five year Official Plan review process;
- b) the costs and benefits of permitting growth at the proposed location;
- c) cross-jurisdictional issues; and
- d) the implications for the Town's supply of vacant land designated for growth, having regard for the Town's intent that the inventory of vacant designated land be maintained for a 20 year supply.

3.4 Access to Public Road

All new development shall have frontage on and direct access to an improved public road which is maintained year-round by the Town or other public authority and has sufficient capacity to accommodate traffic generated by new development. An exception to this policy will be allowed for agriculture, forestry and conservation uses not having an accessory dwelling or to any building or structure to which the public shall have access, and where such development demonstrates that access to a public highway can be provided.

The relevant access and setback policies and guidelines and requirements of the MTO and the Town shall apply to any new development abutting a highway or road under the jurisdiction of the relevant public road authority. In addition to all applicable municipal requirements, all proposed development located in the vicinity of a provincial highway within MTO's permit control area under the *Public Transportation and Highway Improvement Act* (PTHIA), will also be subject to MTO approval.

New development may also be permitted on the basis of water access only, upon confirmation of secured, mainland public docking access and parking.

3.5 Community Improvement

The Community Improvement provisions of the *Planning Act* provide the opportunity to plan for, and co-ordinate, comprehensive physical improvements to older areas of the Town. "Community Improvement Policies" are intended to give municipalities a planning mechanism, to address deficiencies within designated areas in a co-ordinated and comprehensive fashion, and to encourage private investment activity in these areas. On occasion, private investment can be supplemented with public funding through municipal and provincial levels of government.

Under the *Planning Act*, municipalities may designate "Community Improvement Project Areas" within which the Town may acquire lands, prepare improvement plans, and undertake various community improvement projects and works to implement these plans. The policies of this Section of the Plan provide a framework for the selection and designation of "Community Improvement Project Areas" and for the preparation and implementation of community improvement plans.

In 2014 the Town adopted the Community Improvement Plan for the Downtown Core / Highway 6 Corridor Revitalization.

It is the Town's intention to continue to encourage improvements to the quality of existing development, community facilities and public services and to provide additional community facilities as circumstances and finances permit.

It is intended that the application of the Community Improvement Policies shall be directed towards the following objectives:

- a) Provide for the designation of "Community Improvement Project Areas" in areas of the Town that exhibit problems of instability, building deterioration, inadequate municipal services and facilities, or inappropriate arrangement of land uses.
- b) Promote the long term stability and viability of designated "Community Improvement Project Areas."
- c) Encourage the co-ordination of municipal expenditures and planning and development activity within designated "Community Improvement Project Areas."
- d) Encourage residential intensification opportunities, such as mixed use and infill developments, accessory apartments, and residential conversion of upper floors of commercial buildings.
- e) Stimulate private property maintenance and reinvestment activity.
- f) Facilitate the cleanup and redevelopment of brownfield properties.
- g) Enhance the visual quality of designated "Community Improvement Project Areas" through the recognition and protection of heritage buildings, and by enhancing streetscapes.
- h) Reduce the detrimental effects of incompatible land uses in designated "Community Improvement Project Areas."
- i) Upgrade physical services and social and recreational facilities in designated "Community Improvement Project Areas."
- j) Promote the improvement of energy efficiency standards for residential, commercial, industrial, public, recreational, institutional, religious,

charitable or other uses within the designated “Community Improvement Project Areas.”

- k) Support the creation of Affordable Housing by considering any municipally-owned, undeclared surplus land for Affordable Housing before any other use is considered.
- l) Support the implementation of measures that will assist in achieving sustainable development and sustainable living.
- m) Support heritage conservation efforts and protect heritage properties and areas.
- n) Fostering the improvement of businesses and public spaces to remove barriers which may restrict their accessibility.
- o) Encourage innovative, accessible and low-cost transportation options to assist people without private modes of transportation (such as low-income earners and those with reduced mobility), to get to places they need to go and access essential services.

The Town will maintain a municipal-wide “Community Improvement Project Area” designation of all lands within the corporate limits. The Town will identify and establish by by-law criteria for delineating community improvement plans, including a schedule of works for the maintenance, rehabilitation, repair and development of public and privately-owned facilities and lands.

3.6 Division of Land

The policies for the creation of new lots in the Town are outlined below. The division of land in all land use designations must conform to these policies as well as other applicable policies contained in the Plan.

The division of land takes place in two ways: by consent to land severance and by plan of subdivision. The division of land by consent to land severance is intended for the creation of generally not more than two or three new lots, a lot boundary adjustment or a technical amendment. Where a parcel of land is capable of being divided into four or more lots, development shall occur by plan of subdivision.

There are certain general policies that apply to all divisions of land in all land use designations, as well as additional policies that apply specifically to each land use designation.

3.6.1 General Lot Creation Policies Applicable to All Land Use Designations

1. The frontage, size and shape of any lot created shall be appropriate for the proposed use and conform to the provisions of the Zoning By-law.

2. In accordance with Section 3.4, all new development shall have frontage on and direct access to an improved public road which is maintained year-round by the Town or other public authority and has sufficient capacity to accommodate traffic generated by new development. An application shall not result in the land-locking of any parcel of land. New development may also be permitted on the basis of water access only, upon confirmation of secured mainland access and parking.
3. The severing of previously severed lots in the Rural and Waterfront areas shall not be encouraged, with the exception of lot adjustments and technical amendments. Only where it can be shown that the creation of a lot would result in the proper development of land shall it be eligible for consent. In determining the proper development of land, the following shall be considered:
 - a) environmental impacts, including cumulative impact of development;
 - b) amount of previous severance activity and density of development in the area;
 - c) number of existing lots of record in the area;
 - d) condition of and accessibility to roads;
 - e) the proposed land use is resource-based recreational (including recreational dwellings) or limited residential development, and the need for the new lot has been established.
4. Creation of a new municipal road shall only be permitted as a minor extension of an existing municipal road and shall only extend across the frontage of the property for a length satisfactory to the Town. Where any division of land requires such a new road, approval must first be obtained from the Town. The Town shall consider such requests in accordance with the overall plans for road maintenance and improvements. Nothing in the afore-referenced should be construed as encouraging the extension of municipal roads.
5. The opening of unopened road allowances as a minor extension of a road will require the approval of the Town. The Town will normally require an agreement for the construction of the road. Where more than one landowner will benefit from the opening of a road allowance, the Town will endeavour to recover a reasonable share of the road building costs from any benefitting owners who did not contribute to the original cost of construction. Such costs may be recovered by means of a special development charge which will be a condition of a severance or plan of subdivision. Nothing in the afore-referenced should be construed as encouraging the opening of unopened road allowances.
6. The extension or the creation of strip residential development on roads in the Rural areas shall not be permitted. Strip development is defined as a series of four or more developed or undeveloped residential lots located on one side of a public road within a 300 metre length along the public road. The 300 metre

distance shall be measured between the two lot lines located at either end of the strip. No new residential lot shall be created within a 300 metre distance of a strip residential development located on the same side of the road. However, the afore-referenced shall not preclude infilling where such is permitted by this Plan.

7. The creation of a lot having access only to a Provincial highway will generally be discouraged. In special circumstances where there is no other alternative available, such lot may be considered provided that the MTO has approved the proposed entrance. The policies and guidelines of the MTO will apply in such circumstances.
8. Where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be designed such that the lots back onto the provincial highway and front onto a local internal street.
9. MTO's policy is to allow only one highway entrance for each lot of record. MTO will restrict back lots that do not have frontage on a Provincial highway from using other property owner's entrances. New cottages or developments that do not have frontage on a provincial highway must gain access from a new or existing municipal public road that meets MTO access management practices and principles.
10. Any division of land must respect the separation distances for land uses as set out in this Plan and in the Zoning By-law.
11. All division of land for new farm and non-farm uses shall comply with the Minimum Distance Separation Formula I or II as amended.
12. Road widening may be required as a condition of any division of land. In areas where it is not possible to widen a road equally due to topographic, existing buildings, or similar circumstances, the widening may be taken unequally.
13. The Town is entitled to a dedication of land for park purposes as a condition on any division of land in accordance with the *Planning Act* (5% for residential development and 2% for commercial/industrial development). Cash-in-lieu of land may be requested by the Town in situations where there is a public park in the area which is adequate for existing and future population. Cash-in-lieu may also be requested where the amount of land involved is small and, therefore, unsuitable for park development. Where lands are dedicated for park purposes, the Town will accept only those lands suitable for park use:
 - a) the parcel should be well proportioned and usable for either passive or active recreation. The Council may refuse to accept land if the parcel is considered too small and there are no opportunities to acquire adjacent parcels to create an open space area of acceptable size;
 - b) every attempt shall be made to integrate existing parks and recreational facilities through a system of open space linkages;

- c) the parcel should be well drained, of gentle slope, easily maintained and not subject to periodic flooding;
 - d) more rugged terrain or preservation areas (i.e., flood plains or wetlands) may, however, be incorporated into the park system as an additional contribution if the area is to fulfil a natural/passive and or historical function in the Town;
 - e) every attempt shall be made to prevent the unnecessary removal of trees in the development of playgrounds;
 - f) land should be found for multi-function sites able to offer both active and passive forms of recreation and thereby meet a variety of needs.
12. The decision of whether to accept a parkland dedication or the alternative cash-in-lieu shall be based on the need to acquire as much parkland as required in the area to meet a variety of needs. Generally, cash-in-lieu of parkland shall be accepted when suitable land to meet the parkland guidelines is not available or when the land is not needed. These funds shall then be placed in a park reserve fund to be applied toward the purchase of other parkland or to improve and maintain existing parks.
 13. For any division of land, the Town will impose certain conditions to the approval of the severance or subdivision. An agreement relating to the conditions may be required.
 14. In considering applications for division of land, the Town may consult with the School Boards and any other Boards or Committees which must plan for future growth.
 15. The cumulative effect of development and the resulting financial implications for the Town will be monitored on an ongoing basis.
 16. The Town, on an annual basis, shall monitor the number, type and location of rural residential lots created by consent.
 17. A division of land will not be allowed for a parcel of land subject to flooding or other physical condition which would make it unsuitable for the intended use unless the proposed lots contain sufficient suitable land outside the flood risk or hazardous area to safely accommodate all buildings, structures and sewage disposal facilities, and the site has safe access for people and vehicles, appropriate for the nature of the hazard.
 18. New lots should be created in areas only where an uneconomic extension of any major services is not required.
 19. Where applicable, the applicant will provide sufficient information to substantiate that all lots created are suitable for wells and septic systems in accordance with

current regulations to the satisfaction of the Town and the appropriate approval authority. New lots with communal or individual on-site sewage services shall only be created if there is confirmation of sufficient reserve sewage system capacity to treat septage, as per the MOECC's "Provincial Policy Statement 2005: Reserve Sewage System Capacity for Hauled Sewage".

20. Development of 5 or more residential lots should average 1.0 hectare, with no lot below 0.8 hectares unless a hydrogeological study has demonstrated the area is not hydrogeologically sensitive and there will be no threat to human health and safety.
21. Development on all lands within 300 m of a waterbody or inflowing stream will be considered to have the potential to impact that waterbody and also downstream. Therefore the impacts on a waterbody of any development within 300 m of it must be evaluated prior to making a decision on the proposed development, in accordance with the Lakeshore Capacity Assessment Handbook.

3.6.2 Consent Policies for Land within the Rural and Waterfront Designation

1. The division of land in the Rural or Waterfront designation shall take place through the consent process. Subdivisions will not be permitted in the Rural or Waterfront designation except by Official Plan Amendment **and shall only be considered for recreational or limited residential development².**
2. Consents may be granted in accordance with the following:
 - a) A maximum of one (1) consent from an existing land holding less than 35 hectares will be considered for residential uses. For purposes of this Section, an existing land holding is defined as a property existing as of June 18, 1985.
 - b) A maximum of three (3) consents from an existing land holding consisting of 35 hectares or more in size will be considered for residential uses. For the purposes of this Section, an existing land holding is defined as a property existing as of June 18, 1985.
 - c) Consents to land severance for lot adjustments or technical amendments which do not create new lots shall not make a lot ineligible for a consent so long as the intent of the Plan is maintained.
 - d) New residential lots shall have a lot area of not less than 1.0 hectares (2.47 acres). One dwelling unit is permitted per lot.
 - e) Residential uses will be in accordance with the other relevant policies of this Plan, including the Minimum Distance Separation Formula I as amended. Residential development shall be located so as to avoid natural hazard areas and to ensure that the impact on natural environmental

features will be in accordance with the natural heritage policies of Section 5 of the Official Plan.

- f) In addition to Clause 3.6.2.2 a) and b), infilling within existing concentrations of residential development shall be permitted. For the purposes of this Section, infilling shall refer to situations where the land under consideration is an existing lot, fronts upon a public road and is located between existing residential buildings or an existing residential building and a natural or man-made barrier, such as a public road, a navigable stream or a railway right-of-way, separated by not more than approximately 100 metres and located on the same side of the road.
- g) Severances for the creation of new lots in the Rural or Waterfront designation shall only be permitted in accordance with the policies of Section 3.6.1 and the policies of the applicable designation.
- h) Before approving any development proposal within the Waterfront designation, Council must be assured that the proposed development will not exceed the capacity of the lake to accommodate development. Proponents of shoreline development proposals may be required to conduct a Lakeshore Capacity Assessment in accordance with the MOECC's Lakeshore Capacity Assessment Handbook to determine whether the lake is at capacity for development. New development on Sensitive Lakes will only be permitted in accordance with Section 4.8.1.
- i) When considering applications for waterfront development, Council shall ensure that cultural heritage resources both on shore and in the water are not adversely affected. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources.

3.6.3 Consent Policies for Land within the Mineral Aggregate Extraction Designation

- 1. Division of land within the Mineral Aggregate Extraction Designation shall not, in the opinion of the Town and the appropriate government agencies, preclude the extraction of the aggregate resource and should not be approved for residential uses

3.6.4 Land Division in the Urban Area

- 1. All proposals which have the effect of creating more than three (3) lots shall be processed as applications for a Plan of Subdivision, unless, in Council's opinion, a Plan of Subdivision is not necessary for the proper development of the area.
- 2. The proposed development shall be at a scale which is compatible with the existing or anticipated scale of development in the area.

3. Access roads shall have the capability to support the additional traffic loads anticipated from the proposal. Where upgrading and additional maintenance may be required, the Town will assess the financial impact of these additional expenditures and may levy development charges, impost fees or request a contribution from the developer to offset these costs.
4. Lots shall have access on an interior road, developed to standards satisfactory to the Town. A limited number of lots may be permitted access on an existing road of an appropriate standard where the Town and the authority having jurisdiction are satisfied that such access is appropriate. Nothing in the aforementioned shall be construed as encouraging access to existing roads. Generally, new power and telecommunication services will be located underground.
5. As many trees as possible shall be preserved, particularly mature and healthy stands of trees and reforestation shall take place where appropriate.
6. Topography and/or vegetation shall be maintained and augmented to create an appropriate or desirable environment and buffering may be requested to ensure compatibility with adjacent uses.
7. Plans of subdivision shall be designed to allow for the appropriate integration of the subject lands with the adjacent lands.
8. The proposal shall be appropriately served by existing levels of municipal services, such as fire protection, police protection, garbage collection and school facilities. Any proposal requiring substantial upgrading to existing services will generally not be permitted unless it is determined by the Town and any pertinent agencies to be appropriate.
9. For Plans of Subdivision, the Town shall enter into a subdivision agreement with each developer as a condition of the approval of a plan of subdivision. This agreement will set out the internal and external services and obligations that shall be required of the developer.
10. The developer should provide background information satisfactory to the Town demonstrating the appropriateness of the location for any Plan of Subdivision.
11. Plans of Subdivision shall be compatible with adjacent areas and the general intent of this Plan.
12. Subdivision proposals will also be reviewed in terms of the policies set forth in Section 6.5 regarding Stormwater Management.
13. A heritage impact assessment done by a qualified professional may be required for any lands to be subdivided. The assessment and any recommendations for the conservation of significant cultural heritage resources identified through the assessment may be a condition of approval and, where appropriate, may be included in the subdivision agreement.

14. The review of major development proposals or plan of subdivision may require a complete financial impact analysis demonstrating the potential financial implications of the proposed development on the Town, major development proposals or plan of subdivision may not be approved without an approved plan for financing municipal services. Approval of major development proposals or plan of subdivision may be refused or deferred if a satisfactory financial analysis is not submitted for the Town's review or if the Town determines that the required investment in municipal work is premature. The financial impact analysis will consider the scope, total cost, cost sharing and timing of major road, sewer, water and stormwater management works. The financial impact analysis shall also incorporate an assessment of the total cost, cost sharing and timing of community facilities and services, including parks and recreation facilities, libraries, and fire and police services needs associated with growth. The Town may stage infrastructure works and/or development approvals to manage its capital budget commitments.

3.7 Group Homes

The term Group Home is used to describe accommodations where residents live under staff supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being. Group homes permit residents a degree of independent living in a residential setting that ensures that their specific needs are provided for. It is the intent of this Plan to recognize the need for group homes, the needs and concerns of the residents of the Town, and to ensure the effective integration of group homes into the community. Group homes are permitted subject to the requirements of the Zoning By-law.

Group homes may be registered with the Town on an annual basis, as per the registration policies and procedures established by the Town.

A group home shall be licensed or funded under an Act of Parliament of Canada or the Province of Ontario. Council shall provide input to licensing or funding agencies on applications for group homes within the Town to ensure that, in addition to the housing needs of the residents, additional supportive services and facilities exist for the residents.

The Zoning By-law shall permit group homes in all residential zones subject to the approval for use under the licensing or funding agency.

The Zoning By-law shall set out criteria and regulations on such matters as:

- a) the type of group home (i.e., custodial and non-custodial),
- b) health, safety, and building code compliance,

- d) parking requirements and amenity areas.

On-site parking requirements shall be established on the basis of the expected number of residents, support staff and visitors.

3.8 Cultural Heritage and Archaeological Resources

The Town recognizes the importance of cultural heritage resources within the Town. Therefore, the Town will encourage the identification, conservation, protection, restoration, maintenance and enhancement of cultural heritage resources. All development permitted by the policies of this Plan shall conserve significant cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all development will be planned in a manner which preserves and enhances the context in which cultural heritage resources are situated.

Cultural heritage resources include built heritage resources, archaeological resources and cultural heritage landscapes..

The Town may establish a Municipal Heritage Committee (MHC) pursuant to Section 28 of the *Ontario Heritage Act* to advise and assist on matters related to Parts IV and V of the *Act*. In addition, the Town may wish to expand the role of the heritage advisory committee to advise and assist the Town on other matters of cultural heritage conservation.

An archaeological assessment may identify the need for archaeological preservation *in situ* or rescue excavation of resources of cultural heritage value or significance as a result of development proposals. To ensure that the integrity of the resource is maintained, *in situ* preservation is the preferred option.

Pursuant to the *Ontario Heritage Act*, and in consultation with the MHC, the Town may, by by-law:

- a) designate properties to be of cultural heritage value or interest;
- b) define the Town, or any area or areas within the Town as an area to be examined for designation as a heritage conservation district; and
- c) designate the Town, or any area or areas within the Town, as a heritage conservation district.

The Town will lead the community in restoring, rehabilitating, enhancing and maintaining cultural heritage resources owned by the Town as examples of the proper stewardship of such resources. The Town may participate in the development of significant cultural heritage resources through acquisition, assembly, resale, joint ventures or other forms of involvement that shall result in the sensitive conservation, restoration and/or rehabilitation of those resources.

In all designations, the Town shall ensure that appropriate care is taken to preserve mature trees and other vegetation of heritage significance and/or scenic value. Existing landmark trees and tree and hedge lines should be an essential consideration in the design of any development. The preservation of heritage trees along streets and roads shall be encouraged by the Town, except where removal is necessary because of disease damage, or to ensure public health and safety.

The Town recognizes that there may be archaeological remains of prehistoric and historic habitation, or areas containing archaeological potential within the boundaries of the Town. The Town may require archaeological assessments 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 assessment reports conducted by licensed archaeologists are to be in compliance with guidelines set out by the Ministry of Tourism, Culture, and Sport (MTCS), as well as licensing requirements developed under the *Ontario Heritage Act*.

Areas of archaeological potential include when the lands in question contain or are located within at least one of the following:

- 300 metres of a known archaeological site;
- 300 metres of a primary water source, such as a lakeshore, river or large creek;
- 300 metres of an ancient water source identified by a beach ridge, riverbed;
- 300 metres of a secondary water source, such as a wetland, marsh, small creek, spring;
- 10 metres of a cemetery dating prior to 1945 (WWII);
- Elevated topography (knolls, drumlins, eskers, plateaus, etc.);
- Pockets of sandy soil in a clay or rocky area;
- Unusual land formations (mounds, caverns, waterfalls etc.);
- An extractive area (for food or scarce resources);
- Non-aboriginal settlement features (monuments, cemeteries);
- Historic transportation features (road, rail, portage);
- Designated property (refer to Municipal Heritage Committee);
- Local knowledge associated to property with historic events, activities or occupations.

The Town shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

The United Chiefs and Councils of Manitoulin (UCCM) and the North Shore Tribal Council, as well as any member First Nations, shall be provided an opportunity to comment on all development proposals where a Stage 2 Archaeological Assessment has shown the potential for aboriginal artifacts to be encountered.

The retention, renewal and conservation of commercial built resources of historic and architectural merit will be encouraged if they are affected by an application for

development or redevelopment. The effects of such development plans on the character of the surrounding area will also be considered and a statement of impact to significant built and cultural heritage landscapes may be required. The impact of such development plans on the character of the surrounding area will also be considered.

The Town may utilize available government or non-government funding assistance programs to assist in the implementation of cultural heritage conservation policies. The Town, where appropriate, shall co-operate with other levels of government, as well as private agencies and individuals in the conservation of cultural heritage resources in the Town. The Town shall co-ordinate its heritage plans and programs with heritage plans and programs of senior levels of government.

3.8.1 Alteration, Removal or Demolition

Where heritage resource buildings are designated under the *Ontario Heritage Act*, no alteration, removal or demolition shall be undertaken which would adversely affect the statement of cultural heritage interest or value except in accordance with the *Ontario Heritage Act*.

To ensure a greater degree of protection to designated heritage resources properties, Council may enter into agreements with property owners, or may attempt to secure conservation easements, in order to protect those features of a building or structure deemed to have particular heritage value.

The cultural heritage value or interest of a building will be considered at the time of application for demolition.

3.8.2 Alteration or Demolition on Adjacent Lands

Where a heritage property is protected under Parts IV or V of the *Ontario Heritage Act*, development, site alteration or demolition may be permitted on adjacent lands where it has been evaluated through a Heritage Impact Statement done by a qualified professional, and demonstrated to the satisfaction of Council that the heritage values, attributes and integrity of the protected heritage property are retained.

For the purposes of this Section, adjacent lands shall include lands that are contiguous, and lands that are directly opposite a protected heritage property, separated only by a laneway or municipal road. A holding provision may be applied on the zoning of lands adjacent to protected heritage properties to ensure that, prior to development or site alteration, a Heritage Impact Statement done by a qualified professional is required to demonstrate how the heritage values, attributes and integrity of the protected heritage property are to be conserved and how any impacts may be mitigated.

3.8.3 Cemeteries and Burial Sites

If an identified and marked or unmarked cemetery or burial site is affected by development, there shall be adequate archaeological assessment by a licensed consultant archaeologist and consultation with the appropriate government agencies, including the MTCS and the Cemeteries Regulation Unit of the Ministry of Government

and Consumer Services. The local cemetery board may also be consulted. Provisions under both the *Ontario Heritage Act* and the *Funeral, Burial and Cremation Services Act* shall apply.

3.8.4 Marine Archaeology

Council shall require a marine archaeological assessment to be conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* if partially or fully submerged marine features such as ships, boats, vessels, artefacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and impacted by shoreline and waterfront developments.

3.9 Home Based Business

Home based businesses are an important means of realizing small business start-ups and stay-at-home self-employment. Home based businesses are expected to be limited in their extent as to be operated within the dwelling and will be compatible with the residential nature of the area. The use of accessory buildings for home based businesses shall be strictly limited in the Zoning By-Law and will generally be permitted only in the Rural area. Home based businesses are permitted subject to the requirements of the Zoning By-law. The Zoning By-law may provide home based business regulations which:

- a) include a detailed list of permitted home based business uses; generally limit the number of employees, other than residents of the house to two individuals;
- b) provide a maximum percentage of the floor area of the residence which may be used for the home based business, or the maximum floor area of an accessory structure;
- c) provide appropriate parking standards for such uses; and
- d) limit traffic impact, ensure safe access and prohibit uses that are deemed to be significant traffic generators.

Home based businesses located along Highway 6 require the approval of the MTO. Typically, the MTO will require that the property owner obtain an entrance and sign permit. As a condition of these permits, the MTO requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future if the MTO's safety requirements are not met and that an additional entrance will not be permitted to accommodate a Home Based Business. In addition, depending on the amount of highway frontage, the MTO may not support a future severance where a property owner wishes to separate the business from the property and, therefore, would require a new entrance from the highway for the new lot of record.

To help ensure the external appearance of the residence is maintained and to regulate outdoor storage and signs, home based businesses may be subject to site plan control, sign by-laws and other by-laws, as applicable.

3.10 Housing

3.10.1 Garden Suites

Garden suites, sometimes called a granny flat - means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable and removable following their intended use. Garden suites are intended as housing for those who are generally capable of living independently but who, by virtue of their age or a disability, require the support of others to live on their own. The Plan shall allow the establishment of a garden suite on any lot upon which a single detached dwelling is a permitted use subject to a site-specific temporary use Zoning By-law amendment.

The *Planning Act* enables a Municipality to enact a temporary use by-law to permit a garden suite for a period of up to twenty (20) years, with subsequent renewals as necessary and, together with the *Municipal Act*, allows a Municipality to enter into an agreement respecting:

- the installation, maintenance and removal of the garden suite.
- the period of occupancy by the person(s) named in the agreement.
- a monetary or other form of security related to the garden suite.

In considering a request to establish a garden suite, the proponent shall demonstrate:

- that the increased intensity of use can be addressed in the proposal;
- compliance to the Ontario Building and Fire Codes;
- that there will be no adverse impacts on adjacent land uses (i.e., drainage, access for fire protection, sun shadow, existing infrastructure capacities, etc.);
- compliance with applicable zoning standards for lot size, setbacks and parking; and
- how the external appearance will complement the principal residential dwelling.

Garden suites are permitted in the Residential designation and in the Rural designation, provided that servicing can be accommodated.

3.10.2 Second Units

Second units (also known as accessory apartments, basement apartments or in-law suites) are self-contained dwelling units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as

above laneway garages). Encouraging the establishment of second units is an efficient, cost effective means of increasing the supply of affordable, rental accommodations.

Second units are permitted “as of right” in the urban area, in conjunction with a single detached dwelling, semi-detached, duplex, or row dwelling, or accessory building, and in accordance with the following criteria:

- a) No more than an amount equal to 40 per cent of the gross floor area of the principal dwelling may be developed for a secondary dwelling unit, except where a basement unit is created, in which case, there is no maximum size.
- b) The second unit will comply with the Ontario Building and Fire Codes.
- c) A maximum of one unit is permitted in a detached dwelling, one in each half of a semi-detached building, and only one for the whole of a duplex dwelling.
- d) The second unit is designed and located in such a manner to not have an impact on the streetscape or character of the surrounding neighbourhood.
- e) No additional parking space is required but, where a new one is provided, it cannot be located in the front yard. Tandem parking in the existing driveway is permitted.
- f) As a condition of approval, Council may require that the second units be registered in accordance with the provisions of the *Municipal Act*.

Second units are permitted in the Residential designation and may be permitted in the Rural designation and Waterfront designation, provided that servicing can be accommodated.

3.10.3 Affordable Housing

The Town may participate in federal and provincial housing programs designed to provide affordable housing in the community and may collaborate with the Manitoulin-Sudbury District Services Board (MSDSB) and other agencies as appropriate, to identify and respond to affordable housing needs in the community.

- (a) Affordable housing shall be encouraged through infilling and intensification where servicing is appropriate, by encouraging non-profit housing, and an appropriate mix of housing types and low to medium densities. Council will encourage affordable rental housing accommodation in existing and new housing stock. Secondary dwelling units and garden suites shall be considered a form of affordable housing.
- (b) The Town of Espanola will target a 5% ratio of affordable housing units in all new development.

- (c) The Town will encourage expanding the supply of affordable supportive housing units for seniors, to assist with the projected need for 53 units by 2031 in the LaCloche Region of the MSDSB.
- (d) Affordable is based on the definition in the PPS.

3.11 Community Facility Uses

Community facility uses, such as schools, public parks, day care centres, hospitals, museums, churches, libraries, community centres, service clubs and similar public or quasi-public uses will generally be permitted in all land use designations except Mineral Aggregate Extraction, Industrial and Environmental Protection, provided that the design and siting of the buildings and structures are in keeping with the character of the surrounding area and the community facility use will not detract from the primary function and use of the area. Community facility uses will be subject to the following policies:

- a) the land is suitable for the proposed use;
- b) adequate off-street parking, buffering, screening and loading space shall be provided;
- c) consideration will be given to locating any institutional use that generates a significant amount of traffic in an appropriate location so that surrounding uses are not adversely affected by it; and
- d) public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, and facilitate active transportation.

3.12 Facility Accessibility Guidelines and Design Standards

The purpose of these guidelines and standards is to meet the needs of persons with disabilities in a meaningful way. It is to include all persons who may have a spectrum of disabilities, whether it be mobility, cognitive, hearing or vision impaired, limited dexterity or stamina. The Town of Espanola will stay on top of technological advances and new construction practices, as well as changes to barrier free design requirements of the *Ontario Building Code* and the CSA Standard B651-Barrier Free Design. It is the intent of Municipal Council to incorporate these design standards for all newly constructed and retrofitted facilities owned, leased or operated by the Town of Espanola, to the extent practical. Development, whether new construction or retrofitted, will be encouraged to design to these standards, to the extent practical.

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

3.12 Land Use Compatibility

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

the Ministry of Environment's Guidelines. Compatibility may be achieved in a variety of ways. It may be a separation distance which is appropriate to the particular uses. It may be buffering features such as a berm, wall, fence or landscaping, or a combination of these features. It may also consist of an intervening land use which would be compatible with both of the conflicting uses. Where buffering provisions are the means to be used to ensure compatibility, such provisions will be determined through the implementing Zoning By-law and, if appropriate, the site plan approval process. Buffering may also be achieved by the natural physical features of the land.

3.13 Separation Distance

Residential dwellings and public uses will be located an appropriate distance away from any use or facility which would be a potential source of nuisance or health hazard, such as railways, airports, freeways and major highways, industrial uses, waste disposal sites, wrecking yards, mineral aggregate areas and livestock operations. Separation distances specific to the particular use will be established in the Zoning By-law or through development approval processes.

All new farm and non-farm development must comply with the Minimum Distance Separation (MDS) provisions as amended from time to time. Notwithstanding the above, the following development is not subject to the MDS formulae:

- a) New development within the Urban Settlement Area;
- b) Development on existing lots of record for building permits where no other planning approvals that may trigger the application of MDS are required;
- c) ~~Where a new lot is proposed with an existing dwelling, and that dwelling is already located on a lot separate from a livestock facility;~~
- d) ~~Where there are four, or more, existing non-farm uses closer to the subject livestock facility and in immediate proximity to the current application as per the criteria found in MDS Guideline #12;~~
- e) ~~Rebuilding of a dwelling or livestock facility after a catastrophe is exempt from MDS, providing the resulting new dwelling or livestock facility is built no closer than before the catastrophe and does not result in higher values for Factor A, B and/or D than before the catastrophe; and~~
- f) ~~Closed cemeteries with low levels of visitation shall be treated as a Type A land use and will be zoned appropriately.~~

For the development scenarios identified below, MDS is intended to be applied in the following manner:

- a) ~~Where a new lot is proposed with an existing dwelling, MDS is not required to be met to adjacent livestock facilities that are not located on the lot subject to the consent. If a livestock facility(s) is presently located on the lot being severed, MDS would be applicable to that facility(s).~~

- b) A reduced MDS I setback may be permitted provided there are four, or more, non-agricultural uses, residential uses and/or dwellings and those four or more non-agricultural uses, residential uses and/or dwellings adhere to the conditions outlined in MDS Guideline #12.
- c) Building permits for uses that are typically subject to MDS I do not need to meet MDS if the development relates to reconstruction and satisfies all the conditions identified in MDS Guideline #11.
- d) MDS II setbacks are not required for livestock facility reconstruction provided the resulting livestock facility is built no closer to the surrounding existing or approved development or dwelling than the livestock facility which existed before the building permit application and that it does not result in higher values for Factor A, B and/or D than before the catastrophe.
- e) Closed cemeteries with low levels of visitation shall be treated as a Type A land use and will be zoned appropriately.³

Influence areas and minimum separation distances between industrial land uses and sensitive land uses will be determined in accordance with the MOECC's Guidelines on land use compatibility. Separation distances or appropriate remedial measures may also be incorporated into subdivision agreements or other agreements.

3.14 Noise

For any proposed residential development in close proximity to a major source of noise, such as a Provincial highway, an airport, a railway or aggregate operation; or where a development which could be a major source of noise proposes to locate in close proximity to existing residential development, the developer may be required to conduct a noise study. The study shall be prepared in accordance with Provincial guidelines satisfactory to the Town and the recommendations incorporated into a development agreement which may include subdivision or site plan control agreements. For any residential development proposed in close proximity to a major source of noise, or any nonresidential development which could be a major source of noise proposed in close proximity to existing residential development, the Town will consider any potential noise problem in determining the appropriateness of the proposed development.

The following setback criteria are required: 100 m from a freeway right-of-way or principal main railway, 50 m from a provincial highway right-of-way or secondary main railway. Uses proposed within these buffer areas may be subject to noise feasibility and/or detailed noise studies in accordance with the MOECC's guidelines.

3.15 Hazard Protection

The Town shall minimize the risk to public safety and to property by restricting development within areas identified as being susceptible to natural and human made hazards in accordance with MOECC guidelines..

New development shall avoid natural hazards, and redevelopment will be required to properly characterize and properly mitigate the natural hazard. Impacts of climate change will be considered in the assessment of natural hazards.

The Town may encourage the use of flood plain lands for passive recreational uses which do not involve buildings or structures and may acquire flood plain lands for these purposes. The acquisition of lands subject to natural hazards shall not be considered as part of the parkland dedication required under parkland dedication sections of the *Planning Act*.

To reduce the risk to public safety and property due to erosion and slope instability, the Town shall ensure that development avoids natural hazards and that the natural hazard processes are allowed to occur naturally, or are mitigated in cases where existing development is at risk.

The Town shall restrict development in the vicinity of human generated hazards, such as suspected contaminated sites, closed landfill sites and mine hazards, until it is demonstrated through an appropriate study prepared by a qualified professional in accordance with provincial requirements that rehabilitation measures to address and mitigate unknown or suspected hazards are under-way or have been completed.

The Town shall ensure that development involving uses that are sensitive to noise, air emissions or odour impacts is appropriately protected from sources such as operating landfill sites, transportation corridors, airports and sewage treatment plants.

3.16 Non-conforming Uses

Any existing use which does not conform with the relevant policies contained in this Official Plan will be deemed non-conforming in terms of this Plan. Such uses may be zoned in any implementing Zoning By-law in accordance with their present use provided that:

- a) the zoning will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;
- b) they do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic flow they generate;
- c) they do not pollute the air, water or soil to the detriment of health, comfort and property; and
- d) they do not interfere with the development or enjoyment of adjacent areas in accordance with this Plan.

Where an existing use does not meet with the criteria set out above, it may not be zoned in accordance with its present use. Furthermore, the Town may seek means to eliminate the use and may acquire it when sufficient funds are available or assist in whatever way possible in the relocation of the use.

Where an existing non-conforming use is discontinued, any rezoning may only take place in conformity with this Official Plan.

Where an existing use has been zoned as a non-conforming use, but there is merit in granting permission to extend or enlarge the use, either within the lands held in ownership or on adjacent properties, the Town may amend the Zoning By-law to permit such extension or enlargement without the necessity of amending the Official Plan if it complies with the general intent and purpose of this Plan. The Town also may, based on merit, permit the extension or enlargement of a non-conforming use on lands owned at the time of passing of the By-law, provided that the intent and purpose of the Official Plan are maintained.

The Town shall use the following guidelines when assessing any application for an extension or enlargement of a use which is zoned as a non-conforming use:

- a) The extension or enlargement should not aggravate the non-conforming situation for neighbouring uses.
- b) The extension or enlargement should be in reasonable proportion to the existing use and to the land on which it is to be located.
- c) Any extension or enlargement involving land should be minor in relation to the total property. Any major change shall require an amendment to the Plan.
- d) The compatibility of the extension or enlargement to surrounding uses with regard to noise, vibration, fumes, smoke, dust, odours, lights and traffic generation will be examined carefully.
- e) Adequate buffering, setbacks and any other measures necessary to reduce the nuisance will be required and, where possible, shall be extended to the existing use.
- f) Proper access to the site will be provided to ensure that no traffic hazards are created.
- g) Adequate on-site parking and loading space will be provided.
- h) Applicable services, such as storm drainage, water supply, sewage disposal and roads, etc. are adequate or will be made adequate.
- i) Neighbouring uses will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made.

The Town may permit a change in use to a similar use or more compatible use.

Where an existing building or structure which has been zoned as a non-conforming use is destroyed, such building or structure may be reconstructed to its former dimensions

and location, provided work is commenced within twelve months of the date of destruction.

An existing building or structure which is zoned as a non-conforming use may be reconstructed or strengthened to a safe condition, provided the external dimensions and use of the building or structure are generally not changed.

The development of existing undersized lots on private services may be permitted in accordance with the relevant provisions of the Zoning By-law and this Plan, provided that the lot is of an adequate shape and size with soils appropriate for a well and sewage disposal system approved by the appropriate authority. The minimum lot size for private services development will be 2,000 m². A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not bring the lot up to the standard required in the Zoning By-law. In such a case, the lot does not lose its non-conforming status and may be developed in accordance with the relevant provisions of the By-law.

3.17 Parks and Recreation

Public parks may generally be permitted within all land use designations except Mineral Aggregate. It is intended that parkland be acquired partly by dedication in accordance with the *Planning Act* and partly through a program developed by the Town which may include such things as acquiring additional land, building appropriate facilities, establishing recreation programs and developing municipally-owned water-oriented facilities. It is an important priority that, whenever possible, waterfront lands be acquired by the Town. Only those lands which are not deemed to represent an environmental hazard or constraint shall be considered appropriate for parkland dedication in accordance with the *Planning Act*. It is the intent of this Plan that the concept of recreational trails connecting various parts of the Town be considered as an integral part of the Town's future development. Recreation trail systems are a unique community resource providing opportunities for public waterfront access, outdoor leisure and recreational activities, interpretation of the natural environment and historic context of the community, connecting people to places and diversity of tourism activities. The Town may consider preparing a comprehensive approach or plan for community recreation trails to provide a framework of acquiring lands for such purposes.

3.18 Public Infrastructure Uses and Utilities

Public infrastructure uses and utilities, such as power (excluding alternative energy systems and renewable energy systems), sewer services, water services, roads, railways, telecommunications, but not including waste disposal sites, will generally be permitted in all land use designations, provided that such use or utility is necessary and appropriate in the location and can be made compatible with surrounding uses.

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

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

Development proponents shall determine, through the production of appropriate technical studies, whether or not noise is expected to exceed the MOECC's noise criteria, where a stationary noise source not associated with industry such as a hydro transformer or gas compressor station, is proposed within 1,000 m of a sensitive land use. Such studies shall be prepared by a qualified professional in accordance with MOECC guidelines. New power and telecommunication services shall be encouraged to be located underground, wherever possible. Municipal sewage and water treatment plants will be permitted in any land use designation, subject to all necessary approvals being obtained from the MOECC, and be appropriately zoned in the implementing Zoning By-law. The relative location of sewage treatment plants and sensitive uses shall follow the requirements of the MOECC's Guidelines on land use compatibility.

3.19 Crown Land

Council recognizes the multiple resource attributes on Crown Land within the Town and wishes to ensure a balanced approach to resource management to ensure that resource development is optimized for the economic health of the area while taking into consideration the ecological functions of natural spaces.

While the Crown is not bound by the policies or land use designations of this Plan, it is a policy of this Plan that the Town will work in close co-operation with the Province to determine the future use and development of the Crown Lands. The Town encourages the Province and its resource Ministries to consult with Council when making land use decisions concerning Crown Lands. Conversely, the Town will contact the Province for input when development is proposed on private properties adjacent to Crown Lands.

This Plan shall be binding on any lands that cease to be Crown Lands, either by sale or transfer into private ownership, and the use and development of those lands shall require an Amendment to this Plan.

3.20 Site Plan Control

Site plan control is intended to be used where the type of development proposed or the features of the particular site require the assurance of a consistent standard of development, safe and efficient vehicular and pedestrian movement, compatibility between land uses and appropriate placement and provision of services and drainage regarding the development of buildings, structures and other proposed features. It is also intended that site plan control shall be used to regulate such matters as the exterior design of buildings and structures, including, without limitation, the character, scale, appearance and design features of buildings and their sustainable design, but only to the extent that it is a matter of exterior design.

In addition, the Town will use site plan control to implement sustainable design elements on any adjoining highway under its jurisdiction, including, without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities. Site plan control may also be used to design facilities with regard for accessibility for persons with disabilities.

In order to implement the above-noted policies, the Town will prepare and adopt design guidelines for each of the various land use designations. All commercial sites, industrial sites, institutional sites, mobile home parks, multiple residential sites (three or more units), airports, wrecking yards, disposal sites, lands which are identified as natural or man-made hazards, and sites which are zoned as special exception, are described as proposed site plan control areas. Mineral Aggregate Extraction sites are also included as proposed site plan control areas; however, only development as defined by Section 41 of the *Planning Act*, such as buildings or structures, parking lots or a grouping of three or more trailers may be subject to site plan control.

If, in the opinion of the Town, a matter defined as development, excluding the actual excavation, was not addressed or was insufficiently addressed by the licensing under the *Aggregate Resources Act*, then the Town could, by by-law, designate that specific area as a site plan control area. The site plan agreement may only deal with matters addressed in Section 41, such as the massing and conceptual design of buildings, driveways and easements, and such a site plan agreement shall not conflict with the licence under the *Aggregate Resources Act*. Notwithstanding the aforementioned, lands subject to development that may have or create an adverse impact on the natural environment or may be subject to the effects of a man-made or natural hazard due to the lands close proximity to such a hazard are also included as proposed site plan control areas. The Town shall use site plan control to obtain road widening, where necessary, especially where the proposed use will generate significant volumes of traffic or where the entrance onto the public road would otherwise be deemed insufficient by the Town. This policy applies to all roads under Town jurisdiction.

3.21 Temporary Uses

Temporary uses may be permitted in the implementing Zoning By-law. Notwithstanding the policies and designations of this Official Plan, the Town may, in accordance with the provisions of Section 39 of the *Planning Act*, pass By-laws to authorize the temporary use of land, buildings or structures for any purpose. In considering applications for such temporary uses, the Town shall have regard for the following. Such uses will be temporary in nature, be compatible with surrounding land uses and will not interfere with the long term development of the area, and appropriate controls will be included in the amending By-law to adequately regulate the temporary uses.

3.22 Wayside Pits and Quarries and Portable Asphalt Plants

Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning or development permit under the *Planning Act* in all areas, except

those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

The Town shall require a rehabilitation plan as a condition of approval.

3.23 Development Studies

The Town may require, prior to development decisions as defined in Section 3.24, a proponent to submit those studies deemed appropriate by the Town, completed by qualified professionals, indicating that the proposed development is safe, environmentally and financially sustainable and in the long term best interest of the Town. In addition to specific studies listed throughout this Plan, additional supporting studies may include, but are not limited to, hydrogeological terrain analyses, natural environmental impact studies, hazard evaluations, servicing studies, traffic studies and stormwater management reports

3.24 Development Applications

The Town shall request additional information that it needs when considering development proposals or *Planning Act* applications. Such information may be required as part of a complete application, or may be required prior to Council's decision on a proposed development. Such information may include, but not limited to, any of the following:

- Hydrogeological and terrain analysis report
- Servicing capacity/feasibility/options study
- Water supply assessment
- Groundwater impact assessment
- Surface water impact assessment
- Stormwater management report/drainage plan
- Environmental impact study
- Flood plain assessment
- Slope stability study
- Transportation impact assessment
- Pedestrian impact assessment
- Archaeological assessment
- Natural heritage evaluation
- Heritage assessment
- Noise/dust/vibration/odour study
- Agricultural soils assessment
- Market study
- Concept plan showing planned land use
- Land use inventory
- Geotechnical assessment of amine
- Public consultation strategy
- Health impact assessment
- Consideration of the impacts of climate change
- Any other study identified in the Official Plan.

For studies required to support development proposals or *Planning Act* applications, under the Town's jurisdiction, the Town shall Review the studies and may do so internally or through the use of peer reviewers with the cost of such review at the proponent's expense. Where appropriate, the Town may also consult with provincial ministries and agencies.

In addition to the information and materials required under the *Planning Act* and Ontario Regulation 543/06 or 545/06 or 200/96, as amended, the following shall be provided as part of a complete application where applicable by the applicant at the time of the filing of an application for an amendment to the Official Plan, Zoning By-law, consent or subdivision or a minor variance:

- description of the applicant's interest in the land (owner, tenant, purchaser);
- identification of the registered landowner, if different from the applicant;
- identification of the agent for the applicant, if any;
- assessment roll number
- owner's authorization/consent to apply for an Official Plan amendment if the owner is not the applicant
- description and/or plan of the existing uses, previous uses and complete description of the subject lands;
- description and/or plan of the existing land uses within 500 metres of the subject land; and,
- detailed outline of the reasons for the Official Plan amendment.

The Town may, by by-law, require preconsultation for development applications for which the Town is the approval authority.

SECTION 4: LAND USE POLICIES

4.1 Urban Service Area

The Urban Service Area applies to the area of the Town where the majority of residential, commercial and business growth and development in the Town will take place. It includes existing and proposed areas where development is, or will be, serviced with municipal sewer and/or water services. Through the identification of an Urban Service Area, there will be less pressure for ad hoc rural development which would subsequently exert pressures on the Town's natural heritage systems. By directing the majority of future growth to the Urban Service Area, rural areas will maintain the historical rural character and ensure sustainable growth.

All development within the Urban Service Area shall conform with the policies of this Section, as well as any other appropriate policies of the Plan. This area functions as the urban service centre of the Town and, as such, serves as the retail, cultural, service and employment centre to surrounding areas. There is a sufficient supply of vacant land in the Urban Service Area to accommodate projected residential, commercial and industrial change in the Town during the planning period.

The Urban Service Area shall be developed in accordance with the land use pattern shown on Schedule 'A' to this Plan. The Urban Service Area establishes the pattern of development in general terms by dividing the area into six land use designations:

- Residential
- Downtown and Highway Commercial
- Industrial
- Open Space
- Institutional
- Study Area

4.1.1 Residential

The Residential designation shall mean that the land in the areas so designated shall be used primarily for residential purposes.

Goal

To promote the development of a mix of housing types that will satisfy the Town's projected housing needs.

The objectives of the Residential designation are to:

- a) Accommodate and encourage the development of a choice of dwelling types, according to location, size, design, accessibility and affordability to meet the housing needs and the anticipated demand within the Town.

- b) Support the distribution of a choice of dwelling types by zoning lands for a range of densities and structural types throughout the Urban Service Area.
- c) Support the development of residential facilities that meet the housing needs of persons requiring special care.
- d) Direct the expansion of residential development into appropriate areas according to availability of municipal services, soil conditions, topographic features, environmental constraints; and in a form which can be integrated with established land use patterns upon establishment of the need for new development.
- e) Encourage infill residential development in residential areas where existing land uses are not adversely affected and where development can efficiently utilize existing municipal services and facilities.
- f) Minimize the potential for land use compatibility problems which may result from an inappropriate mix of: low, medium and high density housing; higher intensity residential uses with other residential housing; or residential and non-residential uses.
- g) Support the provision of services and amenities that enhance the quality of the residential environment.
- h) To ensure that the design and size of new housing will enhance the identity and character of existing residential areas.
- i) Promote residential development that makes efficient use of land and services.

Permitted Uses

The permitted residential uses shall include a full range of housing types and densities. In addition, uses which are complementary to the proper functioning of a residential area shall also be permitted. These shall include schools, parks, churches, medical and dental clinics, neighbourhood commercial uses, parks and open space uses, public utilities and similar uses where they are compatible in residential areas, provided that steps are taken to protect the residential amenities of the area, such as provision for increased setbacks, landscaping, buffering, off-street parking, and other measures deemed appropriate by the Town.

Policies

1. In order to encourage the development of a pleasant residential environment that is generally consistent with the existing physical character of the Urban Service Area, various policies which will influence the density, type and location of residential development are included as follows:

- a) Local commercial uses shall be restricted to those which cater to the day-to-day needs of neighbouring residents. Permitted uses shall be zoned in a separate category in the implementing Zoning By-law. The By-law may place limits on the total size of neighbourhood commercial uses that can locate on a Residential designated site in order to ensure that their function is of a local nature. A site-specific amendment to the Zoning By-law will be required.
 - b) Community facility uses shall be subject to the policies of Section 3.10 of this Plan.
 - c) Where residential development is proposed adjacent to lands designated Industrial, the Town shall determine, in accordance with MOECC Guidelines on land use compatibility, what separation distances and/or studies shall be required in support of the proposed development. The approval of development proposals shall be based upon the achievement of adequate separation distances and the recommendations of the required studies.
2. The development of a variety of residential types shall be encouraged. In addition to private development, assisted forms of housing shall be encouraged by utilizing various government programs. Housing co operatives will also be encouraged to provide viable housing alternatives.

Any application for multiple residential development will require a specific amendment to the implementing Zoning By-law. Applications for multiple residential developments shall be evaluated according to the following criteria:

- 1. the density of development should be related to the size of the site to avoid excessive densities on inadequate sites;
 - 2. the design should be compatible with adjacent uses, particular attention should be paid to maintaining the character and amenity of adjacent residential areas;
 - 3. adequate parking should be available;
 - 4. any large scale development shall have direct access to a collector or arterial road;
 - 5. the site must be served by municipal water supply, storm and sanitary sewers.
3. Residential Intensification is a means of providing opportunities for the efficient use of land and encouraging compact urban form. Residential Intensification refers to the development of a property, site or area at a higher density than currently exists on the site through:

- redevelopment, including the redevelopment of brownfield sites;
 - the development of vacant and/or underutilized lots with previously developed areas;
 - infill development, including lot creation;
 - the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
 - the conversion or expansion of existing residential buildings to create new residential units or accommodation. Residential Intensification may be permitted in the Residential and Downtown and Highway Commercial designations through an amendment to the Zoning By-law, subject to the following policies.
- a) For the purposes of this Plan, development is only considered infill when it occurs on vacant or underutilized sites within an established residential neighbourhood. It is not intended that infill housing will occur on undeveloped blocks of land in recently planned or newly developed registered plans of subdivision.
 - b) Underutilized sites are defined as those sites that can reasonably accommodate more residential development than what currently exists on the site within the context of the surrounding established residential neighbourhood.
 - c) Infill housing may be in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments.
 - d) The conversion of existing single detached residential dwellings into multiple unit dwellings is a means of providing affordable rental housing. Residential conversion shall address the following development criteria:
 - i) the dwelling is structurally sound and of sufficient size to allow the creation of one or more dwelling units in accordance with the minimum unit sizes set out in the Zoning By-law;
 - ii) the lot is of sufficient size to allow the required off-street parking and allow for any proposed additions to the residential structure;
 - iii) the exterior renovations have specific regard for the relationship of the building to adjacent structures;
 - iv) adequate access and circulation for vehicular traffic, including emergency vehicles is provided;
 - v) suitable landscaping and lot grading and drainage are provided;
 - vi) residential conversion may be subject to Site Plan Control; and
 - vii) there is adequate servicing capacity available.

- e) The physical environment of the neighbourhood, composed of its lots, buildings, streetscapes, topography, street patterns and natural environment are some of the elements that collectively determine much of the character of a neighbourhood and its streetscape. The applicant may be required to provide a 'Neighbourhood Character Statement' consisting of an inventory of the urban design characteristics of the structures and the natural environment within a neighbourhood.
- f) Residential Intensification projects shall use innovative and creative urban design techniques to ensure that character and compatibility with the surrounding neighbourhood are maintained. The applicant may be required to provide an adequately detailed statement of the compatibility, where it is clearly demonstrated that the proposed project is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood based on, but not limited to, a review of both existing and proposed built form, massing, and architectural treatments and accommodates natural heritage and hazard features. Applicants will be encouraged to preserve and upgrade buildings considered by Council to be of cultural heritage value or interest. Applicants may be required to undertake a Heritage Impact Assessment done by a qualified professional to demonstrate that the proposed project is sensitive to, compatible with and a good fit with the surrounding neighbourhood.
- g) Residential intensification proposals beyond permitted garden suites and secondary units will be subject to a concurrent site plan process. In addition to all other site planning issues, Residential Intensification site plan proposals will be evaluated to ensure:
 - i) sensitivity to existing private amenity spaces as they relate to the location of proposed building entrances, garbage receptacles, parking areas and other features that may impact the use and privacy of such spaces;
 - ii) the use of fencing, landscaping and planting buffers to mitigate impacts of the proposed development on existing properties; and
 - iii) consideration of the following Urban Design Principles:
 - 1. Residential Intensification projects shall use innovative and creative standards of design for buildings to be constructed or redeveloped.
 - 2. The form and design of Residential Intensification projects should complement and/or enhance any significant natural features that form part of the site or are located adjacent to the site.

3. New development should provide for a diversity of styles, continuity and harmony in architectural style with adjacent uses.
 4. New infill development should have a similar relationship to the street as surrounding development and may be required to provide for pedestrian travel including sidewalks and bike lanes.
 5. The design and positioning of new buildings should have regard for the impact of the proposed development on year-round sunlight conditions on adjacent properties and streets.
 6. Buildings should be positioned to define usable and secure open space areas on the site and to afford a reasonable measure of privacy to individual dwelling units.
 7. Parking and driveways should be located and designed to facilitate manoeuvrability on site and between adjacent sites, and reduce traffic flow disruption to and from the property.
- h) Residential Intensification will only be permitted where adequate infrastructure exists to support the proposed development, including:
- i) off-street parking supply and buffering;
 - ii) community facilities, with an emphasis on outdoor recreational space;
 - iii) traffic impacts and transportation infrastructure; and
 - iv) municipal services.
- i) The Zoning By-law may limit the number of units that may be contained in a converted dwelling and specify minimum requirements for lot area, frontage, setbacks and gross floor area for the units to be created. Zoning By-law provisions will ensure that new development recognizes the scale of adjacent land uses and is compatible with the character of the area. The Zoning By-law may also limit the extent of structural additions or changes that would be permitted for a converted dwelling/building. There may be instances when a minor variance is warranted based on the configuration of the site or development constraints associated with it.

4. Any new lots created through consents will be in keeping with the established lot pattern of the surrounding area in terms of frontage, depth, and overall size and configuration. Consents for the purposes of enlarging and/or reducing the size of an existing site, where no new development is proposed and that results in a lot pattern that is not consistent with the surrounding area in terms of frontage, depth, and overall size and configuration, shall be discouraged.
5. The creation of rear lot development (flag-shaped lots) shall be discouraged in the Residential designation unless the criteria in policy 10.2.6 are met and the following urban design considerations are addressed:
 - a) Access to the new project shall be wide enough to provide:
 - i. separate pedestrian/vehicular access;
 - ii. sufficient space beside the driveways for landscaping and fencing to buffer the adjacent properties;
 - iii. adequate space at the street curb for garbage and blue box pickup; and
 - iv. snow storage for the clearing of these driveways.
 - b) In laying out a rear lot development project, care should be taken to avoid creating front to back relationships between existing and proposed dwelling units. To support privacy, the front doors of the new units should not face onto the rear yards of existing homes. As well, depending on the scale of the development and the building types proposed internally, front doors should face front doors.
 - c) Where existing dwellings fronting onto the street are not incorporated into the infill project, adequate land should be retained in the rear yard of these dwellings to provide:
 - i. appropriate outdoor amenity space;
 - ii. adequate separation distance between the existing houses and the habitable areas of the infill project;
 - iii. sufficient space for landscaping in the rear yards for visual separation if required; and
 - iv. parking and vehicular access for the existing houses, so as not to introduce parking into the front yards of the existing house.
8. Density of new Residential development will be in keeping with the character of the community, and targets will be established through establishment of minimum and maximum lot sizes in the Zoning By-law.

4.1.2 Downtown and Highway Commercial

The lands designated Downtown and Highway Commercial include the downtown area, lands abutting Centre Street, and the Shopping Centre. Many establishments in the traditional downtown core are small-scale and are accessible by both pedestrians and motorists. In contrast, many of the commercial establishments along Centre Street and Highway 6 primarily serve the motoring public and rely heavily upon automobile traffic for their existence. This area also supports service uses which do not directly serve the general public but provide employment opportunities, such as offices and wholesale uses.

Goals

The Downtown and Highway Commercial area is the primary multi-functional activity centre serving Espanola and the surrounding area. It contains office, retail, service, government, recreational, and entertainment facilities, as well as non-commercial uses, including residences. It is distinguished from other areas in the Town by its multi-functional land use pattern. It is intended that the Downtown and Highway Commercial area will continue to be an important employment centre and commercial area in the Town. Support will also be given to the continued development of the Downtown and Highway Commercial area as the primary location for hotel, cultural, entertainment and other service facilities that will promote local tourism.

The Downtown and Highway Commercial area contains many of the Town's original buildings and some of the most architecturally important buildings in the Town. Support is given to establishing priorities for preservation and retention of buildings in this area through the provisions of Section 3.8. The policies on preservation are balanced against policies which promote growth and development in the Downtown Commercial area. The Town will support the blending of these two approaches to the Downtown by encouraging property owners to incorporate architecturally and/or historically important buildings and features into new development projects.

The objectives of the Downtown and Highway Commercial designation are to:

- a) promote the continued development of the Downtown and Highway Commercial area as an important business, administrative, institutional, and entertainment area for the Town of Espanola;
- b) promote new business and recreational facilities which are compatible with the nature of the area, and which compliment the appearance and function of any significant natural features, architecture, and public open spaces that are adjacent to the site;
- c) provide a range of commercial services and facilities to address the needs of the residents of Espanola and of the area surrounding the Town;
- d) encourage the enhancement of pedestrian-oriented shopping ;

- e) facilitate vehicular and pedestrian movement into and within the area through improvements to the network of pedestrian facilities, roads and parking areas;
- f) encourage efficient traffic flows and the provision of adequate parking and pedestrian access and safety;
- g) support the development of services and facilities that will attract and support tourism;
- h) enhance the attractiveness and accessibility for residents, persons with disabilities and visitors, with particular attention to attracting seniors and families with children;
- i) promote a high standard of design for buildings to be constructed in the strategic or prominent locations in the Downtown and Highway Commercial area and discourage development and design treatments that are considered detrimental to the functional success and visual quality of the area while allowing flexibility for individual design creativity and innovation;
- j) co-ordinate the planning and design of streetscape improvements, including the upgrading of building façades, signage, sidewalks, lighting, parking areas and landscaping; and
- k) lighting poles and other surface utilities shall be carefully sited and advertising signs shall be in keeping with good design and highway safety practices in order to maintain the appearance and safety of the area.

Permitted Uses

The permitted uses comprise a full range of commercial activities to cater to a wide range of consumers. This would include: retail sales; personal and professional services; cultural, recreational and entertainment facilities; automobile services; sales and service establishments for mobile homes, recreational vehicles and similar goods; offices; trades and crafts; hotels, motels, and private clubs; restaurants nurseries; building supply centres and home improvement stores; catalogue stores; large format retail stores; and public institutional and quasi-institutional uses.

Accessory residential uses and multiple unit residential developments are also permitted, provided the uses are compatible with surrounding areas and adequate parking and access to open space facilities is available.

The expansion of existing non-commercial uses or the development of new non-commercial uses shall be permitted provided the uses are compatible with the primary commercial function of the Downtown and Highway Commercial area.

Mixed-use buildings that provide for the integration of two or more permitted uses, other than light industrial, shall be a permitted form of development in all areas of the Downtown and Highway Commercial area. Mixed-use development proposals shall be subject to the policies pertaining to the separate land use components.

Policies

1. In developing any Downtown and Highway Commercial use, the following conditions shall apply:
 - a) Where a Downtown and Highway Commercial use abuts a residential area, an adequate buffer of land with planted trees, shrubs and, where appropriate, fencing, shall be provided to protect the amenity of the residential area.
 - b) A landscaped strip shall be provided at the frontage of any site to a public street with the exception of required entrances.
 - c) When the property does not abut a side street, sufficient off-street parking and loading facilities shall be provided on site. Parking entrances shall be designed to provide good traffic circulation and, where possible, parking areas should be screened from adjacent uses.
 - d) Vehicular ingress and egress along Centre Street shall be limited with respect to the number, width and location of driveways.
 - e) Off-street loading shall be provided in an amount adequate to serve the specific use.
 - f) Appropriate landscaping shall be provided along the road frontage to act as a visual buffer.
 - g) The Zoning, Site Plan, and Sign Control By-laws may specify higher standards for setbacks, the location of parking and loading areas, landscaping, signage, and screening of outdoor storage areas for industries adjacent to residential areas and at Town entrances.
2. The Downtown and Highway Commercial area, shown on Schedule 'A' of the Official Plan, should be sufficient to accommodate growth. Nevertheless, it is recognized that, over the life of this Plan, there may be proposals to expand the boundaries. Expansion of the Downtown and Highway Commercial Area shall require an amendment to this Plan and the Zoning By-law and shall have regard for:
 - a) long term detrimental effect upon existing commercial areas;
 - b) adverse impacts related to traffic, parking, loss of privacy, noise, shadowing or other matters that development may have on adjacent land uses outside of the Downtown and Highway Commercial area;

- c) adequate buffer planting or fencing will be provided adjacent to any residential area;
 - d) adequate provision for loading, deliveries and servicing for businesses;
 - e) the design and appearance of buildings or additions, including exterior materials, siting, location, landscaping, exterior lighting and signing and potential impacts on surrounding land uses; and
 - f) adequate reasons as to why the proposed uses could not locate within the existing designated area.
- 3 Council may require proposals to expand the Downtown and Highway Commercial area to be accompanied by a market analysis to be prepared at the developer's expense. The market analysis must address the need for the expansion, the type, size and number of stores, the suitability of the proposed site and the resulting impact on existing commercial areas.
 4. The developer shall be responsible for any costs arising from the extension of the existing municipal utilities, such as storm and sanitary sewers and water lines. Such extensions shall not impair, in any way, the capacity of the various systems for servicing anticipated growth areas.
 5. The efficient utilization of lands and buildings within the Downtown and Highway Commercial area will be encouraged, through the development or adaptive re-use of vacant or underutilized land and functionally obsolete buildings and the rehabilitation, where feasible, of buildings that are functionally viable but substandard and require improvements in appearance and/or condition.
 6. The enhancement of a pedestrian circulation system throughout the Downtown Commercial area will be supported.

Where appropriate, redevelopment projects will be encouraged to include pedestrian design features, such as the widening of sidewalks, the provision of landscaped areas accessible to pedestrians, and street benches. Consideration will also be given to the upgrading of public streets to accommodate pedestrian traffic through measures such as the widening of sidewalks, the provision of weather protection, the use of accessibility design standards, and the development of at-grade, mid-block street crossings.

Parkland dedication, which may be required of new commercial or residential development within the Downtown and Highway Commercial area, may be taken in the form of setbacks, parkettes, or public art that enhance pedestrian circulation or contribute to the visual amenity of the Downtown and Highway Commercial area.

7. To provide adequate parking facilities, the Town will continually assess parking needs and monitor existing areas. Parking requirements will be applied through

the Zoning By-law to new development within the Downtown and Highway Commercial area, based on the type of use and at a standard sufficient to satisfy the incremental demand for parking generated by the proposed development. To achieve this, the Town will endeavour to provide adequate parking in accordance with the following criteria:

- a) parking in areas closest to the demand;
 - b) employee parking spaces in areas other than those of high shopper parking demands;
 - c) multi-function parking areas which will serve demands from institutional, commercial and recreational uses; and
 - d) encouraging merchants to provide and finance parking facilities.
8. The Town may enter into agreements to allow payments of money by the landowner to the Town as consideration for the granting of exemptions from the provision of all or part of the parking required for a proposed development, in accordance with the following policies:
- a) If a commercial development is unable to provide enough parking spaces, Council has the authority to offer an exemption from the parking requirements of the Zoning By-law and accept a cash payment in lieu of each parking space not provided. The cash payment may be a one time charge or an annual charge and shall be detailed in the Town's Cash-In-Lieu By-law.
 - b) Council shall adopt a Cash-In-Lieu By-law enabling it to accept cash payments from developers of commercial development proposals unable to provide the necessary number of parking spaces.
 - c) This Plan considers the payment of cash-in-lieu of parking as an effective mechanism for encouraging a compact, efficient and viable core.
 - d) Monies raised through cash-in-lieu of parking shall be placed in a special fund, separate from general revenues, dedicated to managing existing public parking resources and/or establishing new parking facilities. The Town will maintain a list of those properties which have contributed to cash-in-lieu of parking.
 - e) In order to determine the actual costs of providing a parking space and the appropriate fee to be charged for each space levied, the Council shall undertake periodic parking studies.
 - f) In order to encourage development / redevelopment within the downtown core, the Town may wish to have a cash-in-lieu fee, which is less than the true cost of providing new parking spaces.

9. The following pertains to land adjacent to Darkie Creek and Highway No. 6 identified as being in a Flood Fringe area and as identified by the "Environmental Protection" designation on Schedule 'A' to this Plan.

Land identified within this section is a Site Plan Control Area and may only be developed for Highway Commercial uses subject to a zoning amendment and approval of a Site Plan.

In considering any such Zoning amendment and Site Plan, the Town shall require the submission by the developer of a detailed engineering report addressing what floodproofing is required for the proposed development and access. The report shall detail the implications such floodproofing measures will have on the adjoining land within the Environmental Protection designation in terms of the flood level, volumes, velocity of flow and the effect on upstream and downstream properties. The report shall also identify what associated engineering and flood mitigation work will be required off site, prior to development of the land and take into consideration the comments and requirements of the Ministry of Natural Resources and Forestry (MNRF) concerning the recommendations of the Engineer's Report and the acceptability of the engineering works required.

Any land rezoned to permit Highway Commercial uses within the ~~Highway Commercial Flood-affected Environmental Protection~~⁴ designation shall be placed in a holding zone pursuant to Section 7.1 of this Plan until such time as the Site Plan incorporating the recommended flood mitigation and engineering works is approved by the Town and the MNRF.

General provisions regarding floodproofing of buildings constructed in the Highway Commercial zone shall be included in the Comprehensive Zoning By-law.

Notwithstanding the above provisions, the highway commercial uses permitted on the easterly part of the property south of Clear Lake and adjacent to the Provincial Highway (being that portion zoned Highway Commercial by By-law No. 518 in 1975), shall be limited to tourist lodgings other than campgrounds or trailer parks, and taverns or restaurants.

Notwithstanding the foregoing, the additional uses of pallet and ceramic manufacturing and sales shall be permitted on Parcel 17524, Sudbury West Section, being Lot 10, Lot 11 and part of Lot 12, Plan M 74, being on the west side of Centre Street, north of Second Avenue. All manufacturing activities shall take place indoors, while outdoor storage must conform with the policies of this Plan.

4.1.3 Institutional

The objectives of the Institutional designation are to:

- a) provide a broad range of institutional facilities to accommodate the needs of the residents of the Town and the surrounding area;
- b) provide flexibility in the location of new and the expansion of existing institutional uses with the Town; and
- c) encourage the joint use of community, educational and recreational facilities.

Permitted Uses

Current Institutional designations on Schedule “A” represent existing Institutional uses. New institutional uses, such as schools, day care centres, hospitals, museums, churches, libraries, community centres, government buildings and similar public or quasi public uses, including related residential units, will be permitted in all land use designations with the exception of the Environmental Protection Areas, and subject to the servicing policies of this Plan.

Policies

The location and site development of new Institutional uses will require an amendment to the Zoning By-law to identify the lands as Institutional. In considering an application for the development of new Institutional uses, Council shall ensure that the design and siting of the buildings and structures are in keeping with the character of the surrounding area and that the Institutional use will not detract from the principal use of the area. In this regard, all Institutional uses are proposed for Site Plan Control.

Proposals for new Institutional uses or expansion of existing uses shall be evaluated in accordance with the following:

- a) compatibility with surrounding uses;
- b) adequate off-street parking has been provided;
- c) access points are limited and designed in a manner that will minimize the danger of vehicular and pedestrian traffic in the immediate area;
- d) where possible, uses should be grouped in a manner that will ensure the economical extension and maintenance of public utilities and services; and
- e) the provision of full municipal water supply, storm and sanitary services.

4.1.4 Industrial

The Industrial designation is intended to serve as the major employment areas in the Town and to provide guidance for the future development of industrial land use within Espanola. The intent of this Plan is to group industrial uses so as to maximize their

compatibility and minimize any negative impacts on nearby residential or other sensitive land uses.

The objectives of the Industrial designation are to:

- a) designate sufficient industrial land to accommodate the growth anticipated during the planning period, including an adequate supply of available serviced land and an allowance for sufficient choice in terms of location, size of properties, and servicing requirements;
- b) minimize any potentially adverse impacts from industrial development on surrounding land uses;
- c) encourage industrial uses to locate in industrial parks or to areas that can be shown to be compatible with other uses;
- d) encourage an efficient utilization of land within industrial areas;
- e) encourage the rehabilitation, replacement, or adaptive re-use of functionally obsolete industrial buildings, and the relocation of incompatible uses to more appropriate locations;
- f) in order to maintain an adequate supply of lands designated for industrial development, the conversion of lands for non-industrial purposes may only be permitted through a comprehensive review where it has been demonstrated that the lands are not required for industrial purposes over the long term, and that there is a need for the conversion of the lands.

Permitted Uses

The permitted uses in the areas so designated shall be industrial uses, including warehousing, processing, manufacturing, assembling, fabricating, railway uses and storage. In addition, certain other compatible uses are permitted, such as commercial uses accessory to the main industrial uses, commercial uses primarily serving the industrial area, wholesale uses, office uses, other quasi-industrial, or service or business uses, commercial uses which require large sites for storage, and accessory residential uses, such as a caretaker's residence. Commercial uses shall be clearly accessory and incidental to the main industrial use of the property.

Policies

1. In order to recognize the needs of existing and future industry and to address concerns over land use compatibility, industrial land uses in the Plan are separated into categories in the implementing Zoning By-law. These categories are differentiated on the basis of the range of main permitted uses or industrial processes, the potential impacts such uses or processes would have on adjacent areas, and the scale and intensity of development allowed. Zone provisions shall be included to separate, screen or otherwise buffer adjacent sensitive land uses from open storage areas, noise, odour and other impacts.

2. Where an industrial development is proposed adjacent to lands designated or used for sensitive land uses, such as residential development, the Town shall determine, in accordance with MOECC D-Series Guidelines for land use compatibility, what separation distances and/or studies may be required in support of the proposed development. Studies are required to allow development to occur within the influence area, but development may not occur closer than the minimum separation distance as prescribed for the class of industry.
3. Separation distances will vary depending upon the nature of the proposed industrial use and the sensitive land use. The approval of development proposals shall be based upon the achievement of adequate separation distances and the recommendations of the required studies.
4. Adequate off-street parking shall be provided to accommodate industrial employee parking requirements. Adequate off-street loading facilities shall also be provided. Outdoor storage areas shall be appropriately buffered from adjacent roads and properties.
5. Certain industrial uses within the Industrial designation, including industries requiring large amounts of open storage and those with nuisance aspects relating to their operations, may be restricted, through the Zoning By-law, from locating near residential areas or along major entryways to the Town.
6. The Zoning, Site Plan, and Sign Control By-laws may specify higher standards for setbacks, the location of parking and loading areas, landscaping, signage, and screening of outdoor storage areas for industries adjacent to residential areas and along major entryways to the Town.
7. Industrial traffic should be directed away from, and not through, residential areas.

4.1.5 Study Area

1. Part of the residential area of the Town is identified as the Study Area by a dashed line on Schedule 'B1'. Because of the proximity of this land to steep slopes, potential hazards for new development may exist. The uses permitted within the Residential designation are permitted within the Study Area; however, prior to permitting any development on land so identified, Council shall require the submission of a report by an appropriately qualified Engineer and shall be satisfied that the extent of the hazard is identified and that, if necessary, adequate measures can be taken to protect the proposed development.
2. Where the recommendations of the Engineer's report suggest that greater setbacks or limitations be placed on any new development, these recommendations shall be implemented either through an amendment to the Zoning By-law or as a requirement of the Site Plan approval.

3. Council shall require the submission of site plans for all development within the Study Area, including the single detached dwellings. The Study Area is identified as the Site Plan Control area pursuant to Section 41 of the *Planning Act*.
4. In considering any development within the Study Area, the Municipality shall consult with the MNRF as part of the proposal. Where appropriate, the Municipality may incorporate the comments of the MNRF into requirements of the zoning or as conditions of site plan approval.

4.2 Rural

Lands designated Rural are intended to be maintained as rural in nature and are not suited to future growth of the Town of Espanola. A goal is to protect and enhance these areas as the mineral, fishery, wildlife, wetland, aggregate, timber, recreation and tourism resources of the Town. The amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage landscape, including maintenance of tree cover and large open space areas.

Permitted Uses

Lands designated Rural are not intended to be the focus of rural residential or commercial development. Uses permitted on lands designated Rural shall be of a non-urban nature, including outdoor recreation uses, nature parks, ski trails, conservation works, agricultural uses, agriculture-related uses, home occupations, kennels, forestry, forestry works, including harvesting and silviculture, public utilities, market and nursery gardens, and mineral and mineral aggregate operations. Limited small scale commercial and industrial uses may be permitted subject to a By-law amendment. The policies for permitted uses are set out below.

Not all rural land is appropriate for the above-listed uses. Among other things, site specific conditions such as flood plains and other natural hazards, bedrock at surface, poor drainage, organic soils or high water table may make certain areas undesirable for development. The Town may discourage the use of lands that would require substantial changes and improvements which are incompatible with the rural landscape before development could occur.

Policies

1. Limited low density residential development is permitted in Rural areas and shall generally be single detached dwellings. The conversion of existing single detached dwellings into two-family unit dwellings may be permitted in accordance with the provisions of the Zoning By-law.
2. Most commercial and industrial development will take place in the areas recognized for commercial or industrial in this Plan. However, it is anticipated that there may still be a need for small scale commercial and industrial development in the Rural area.

3. Commercial uses may be allowed in the Rural designation. Rural commercial uses which provide for the basic and immediate needs of the rural population and of tourists and the travelling public shall be permitted. Rural commercial uses shall include, but shall not be limited to, resort and recreation commercial uses, tourist facilities, auction barns, farm related commercial and convenience commercial, flea markets, and golf courses.
4. Permitted Rural Industrial uses may include, but not be limited to, agricultural processing plants, builders' supply yards, bulk storage yards, contractor yards, transportation terminals, motor vehicle repair garage, sawmill, warehousing, and other similar industrial uses.
5. Rural Commercial and Industrial uses must meet the following criteria:
 - a) the use must be appropriate for the proposed location and be compatible with surrounding land uses;
 - b) access to uses will be carefully controlled in order to avoid creating any traffic hazard. Generally, there should be no more than two accesses per lot;
 - c) shall be appropriately screened and buffered;
 - d) adequate off-street parking and loading spaces will be provided;
 - e) advertising signage and outdoor storage of goods and materials will be appropriately controlled;
 - f) the uses will be placed in a separate category in the Zoning By-law;
 - g) the site conditions are suitable for the long-term provision of individual on-site sewage services and individual on-site water services
 - h) development on the lot will be subject to site plan approval.
6. On-farm diversified uses and normal farm practices shall be encouraged in accordance with provincial standards.
7. Outdoor recreation uses shall be allowed in the Rural designation in accordance with the policies outlined below.
 - a) Outdoor recreation uses may include sports and recreation clubs, public land, aerodromes and other such uses.
 - b) Outdoor recreation uses shall be appropriate for the proposed location and be compatible with surrounding uses.
 - c) Adequate off-street parking and loading spaces shall be provided.

- d) Advertising signage and outdoor storage of goods and materials will be appropriately controlled.
 - e) Outdoor recreation uses shall be compatible with existing surrounding land uses.
 - f) Outdoor recreation uses shall be zoned appropriately in the Zoning By-law; development on the lot will be subject to site plan approval.
8. A Wrecking Yard shall be permitted in the Rural area in accordance with the following:
- a) A wrecking yard includes premises where derelict, discarded, abandoned or inoperable motor vehicles and/or other goods, wares, merchandise or articles are stored wholly or partly in the open. This shall include junk yards, scrap yards or automobile wrecking yards. A wrecking yard shall be located an adequate distance away from any existing or proposed residential, commercial, institutional or park uses. The actual separation distance may vary depending on topography, intervening land uses or natural buffering. Site specific distances will be established in the Zoning By-law.
 - b) The wrecking yard shall be adequately screened on all sides, either naturally or by artificial means, so that no portion of the operation, including the storage area, is visible from a public road or recreational watercourse.
 - c) The wrecking yard shall not cause or contribute to the pollution of any ground or surface water or natural heritage areas. The Town may require studies identifying impacts on the above areas and appropriate mitigation measures. An accessory dwelling for the owner of the wrecking yard may be permitted. A wrecking yard shall be licensed in accordance with the applicable licensing by-law.
9. Airports will be permitted in the Rural designation in accordance with the following:
- a) The Airport, either public or private, shall be licensed by Transport Canada. Airports shall be used primarily for commercial or recreational purposes. Any related facilities which are normally incidental to the operation of an airport shall also be permitted.
 - b) The Zoning By-law shall establish site specific standards and uses for airports, and appropriate controls in the vicinity of the airport to restrict land use and provide limits on the height of buildings and structures in accordance with Transport Canada regulations.
 - c) Where a new airport is proposed, the Town shall ensure that there are no land use conflicts between the airport and sensitive land uses, such as

adverse effects from odour, noise and other contaminants. Once established, the Town shall protect airports from the establishment of incompatible lands uses.

10. Rural Area Special

The lands designated Rural Area Special on Schedule 'A2' *Land Use Designations* shall not be developed for residential or other sensitive land uses as permitted in the Rural designation until such time as a noise assessment done in accordance with Ministry of Environment requirements demonstrates no adverse impacts on the proposed sensitive use from the adjacent landfill. A holding zone shall also be placed on the subject lands. The holding provision shall be removed upon confirmation, through the noise assessment, of no adverse impacts. The noise assessment shall be completed to the satisfaction of Council.

4.3 Mobile Homes

A mobile home park shall mean a property developed for the siting and placement of mobile homes. It is the intent of this Plan to ensure mobile homes are principally located in mobile home parks and are developed to appropriate standards. One mobile home park is currently located within the Town.

Mobile homes are considered as an alternative type of residential development and are defined as a dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.

Mobile homes will only be permitted within the "Mobile Home" designation in the form of a mobile home park. However, individual mobile home units may also be permitted as temporary forms of housing subject to a temporary use by-law pursuant to Section 7.3.

Uses which are incidental to a mobile home park, including a park management office, recreational facilities, laundromat, storage facilities, and other similar uses or other uses that can be shown to be directly related to the operation of a mobile home park, may also be permitted.

In addition to mobile homes, modular homes or traditionally-built homes are also permitted.

The development of a mobile home park on land not designated Mobile Home shall require an amendment to this Plan and the Zoning By-law. Mobile home developments shall follow the requirements of the *Safe Drinking Water Act*, 2002.

4.4 Environmental Protection

The following policies apply to those lands designated "Environmental Protection" on Schedule 'A' to this Plan.

The Environmental Protection designation includes all land susceptible to flooding and/or having deep organic soils. The boundaries delineating the Environmental Protection designation are based upon the Flood Risk Mapping Study completed in September 1983 and a Terrain Analysis undertaken in 1984.

The Flood Risk Mapping Study projected flood levels for the Spanish River and Darkie Creek based upon the regional storm and the 1:100 year storm scenarios, all lands under either scenario are designated Environmental Protection.

The Boundary of the Environmental Protection designation shall be the regulatory flood level as shown on the flood plain mapping currently in effect and available from the office of the Corporation of the Town of Espanola and the MNRF.

When additional Engineered Flood Line mapping becomes available for Spanish River and Darkie Creek, it will be included in the Official Plan by amendment.

Policies

1. No land uses other than Environmental Protection, conservation; agriculture; forestry; wildlife management; parks; and public and private outdoor recreation facilities, such as golf courses, shall be permitted in the Environmental Protection designation.
2. Because these lands possess physical characteristics that may result in property damage or loss of life, no buildings or structures shall be permitted within the Environmental Protection designation except for flood or erosion control structures; shoreline stabilization; buildings or structures associated with marine orientated uses, such as docks and boathouses; storage sheds; parking facilities, public utilities; and picnic pavilions. Any such structure shall require the prior approval of the MNRF.
3. Setbacks from land designated "Environmental Protection" shall be included in the implementing Zoning By-law and will apply to buildings and structures, including private sewage disposal systems.
4. The Town may consider minor extensions to alterations to or the rebuilding of an existing building or structure within the Environmental Protection designation provided that such construction complies with the requirements of the MNRF and the alterations and additions or rebuilding do not increase the hazard of flooding on upstream or downstream land.
5. Any additions, extensions or alterations to existing buildings are to be protected by acceptable floodproofing measures to the level of the regulatory flood, in consultation with the MNRF.

4.4.1 Flood Fringe Areas

1. Certain land within the Environmental Protection designation around Darkie Creek may be within the Flood Fringe as opposed to the Floodway to the

Creek. Because of their flood characteristics, the Flood Fringe areas may have the potential for development subject to suitable floodproofing measures to the level of the regulatory flood being applied. As such, where land is identified as being within the Flood Fringe, it may be developed subject to an amendment to the Comprehensive Zoning By-Law without requiring an amendment to this Plan.

The extent of the Flood Fringe of Darkie Creek is shown on Schedule B1, while the extent of the Floodway and floodproofing measures will need to be reviewed on an individual property basis.⁵

2. Whether or not land lies within a Flood Fringe area will be determined by the Town in consultation with the MNRF. Both the Town and the Ministry will take into consideration the following matters in making their determination:
 - a) the accuracy of the existing mapping;
 - b) a detailed report by an appropriately qualified Engineer(s) identifying the potential impact of the development of the land, including landfilling, on the flood plain and property upstream or downstream; and
 - c) the proposed engineering works and Flood mitigation techniques appropriate to alleviate the impact of the proposed development.

Areas identified as being within a Flood Fringe may only be developed for purposes permitted on the land in the immediately adjacent land use designation, subject to a Zoning By-law amendment. Such a zoning amendment shall include Council placing the land within the Holding Zone, pursuant to Section 7.1 of this Plan. When the Zoning By-law is amended, the zone provisions will include a minimum elevation to adequately flood proof building openings and shall include any other matters considered necessary in order to adequately protect any development from flood damage, and completion of a site plan approval.

Land identified as being a Flood Fringe area shall be a Site Plan control area for the purposes of Section 41 of the *Planning Act*. As the development permitted may include residential uses, all dwellings will be subject to site plan approval.

4.5 Mineral Aggregate Extraction

The Espanola area contains sand and gravel deposits which provide a valuable source of road and building construction material. Aggregate resource extraction should be considered an interim land use. Rehabilitation of aggregate extraction operations is required and sites will be returned to productive uses compatible with surrounding land uses. In recognition of the value of these aggregate resources, the Plan provides for the continuation and expansion of existing pits and quarries and the introduction of new pits and quarries. The potential impacts of pits and quarries on other land uses are also taken into account. In addition to the policies of the Plan, existing pits and quarries in Espanola are also subject to the provisions of the *Aggregate Resources Act*.

The Mineral Aggregate Extraction designation includes sand, gravel and bedrock resources. These resources have been identified in studies by the MNRF. In accordance with the Provincial Policy Statement, it is the intention of the Town to protect, wherever possible, the mineral aggregate resources designated in this Plan for aggregate extraction and to ensure that the resources are utilized in accordance with proper controls.

Permitted Uses

On Schedule 'A', the areas designated as Mineral Aggregate Extraction include both existing licensed operations as well as reserve areas. In the areas identified as Mineral Aggregate Extraction, pit or quarry operations, together with accessory uses, such as crushing facilities, stockpiles, offices and storage and screening operations shall be permitted. Asphalt plants, ready-mix concrete plants and aggregate transfer stations may be permitted within the land designated as Mineral Aggregate Extraction, subject to the provisions of the Zoning By-law. Within the reserve areas, interim land uses, such as agriculture, forestry and outdoor recreation uses may be permitted provided that these do not include buildings or activities which would preclude the establishment of a pit or quarry.

Policies

1. For the areas designated as Mineral Aggregate Extraction, the area to be zoned and licensed must be located within the boundaries of the designation shown on Schedule 'A'. Any proposal to expand beyond the limits of the designation will require an amendment to the Official Plan.
2. The concept of an influence area is recognized as a means of protecting against incompatible land uses in the vicinity of Mineral Aggregate Extraction areas and to protect existing pits and quarries from encroachment from other incompatible land uses. In accordance with this concept, it will be the policy of the Town to discourage incompatible land uses in areas surrounding Mineral Aggregate Extraction areas by careful review of any severance application, rezoning application or other development proposal in consultation with the appropriate government agency. In accordance with MOECC D-Series, the minimum separation distance is 300 m and the potential area of impact is 1,000 m.. In these areas, development which would preclude or hinder the establishment of new operations or access to the resources will 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. Only existing licensed pit and quarry operations will be zoned in the Zoning By-law to permit such uses.

4. Within the areas designated Mineral Aggregate Extraction in the Official Plan, the establishment of a new pit or quarry or the expansion of an existing operation onto lands not zoned for such use shall require an amendment to the Zoning By-law.
5. The lands within the Mineral Aggregate Extraction designation which are not zoned for a pit or quarry will be placed in an appropriate zone category which will protect the lands from any incompatible development.
6. The Town is designated under the *Aggregate Resources Act*. All pit and quarry operations must be licensed by the MNRF and must meet the requirements of that Act. Through the licensing procedure, the Town may request that appropriate conditions be placed on the license.
7. All pits and quarries must satisfy the requirements of the MOECC with respect to pumping and dewatering, water supply, wastewater, solid and liquid waste disposal, dust and all emissions to the atmosphere, including noise and vibrations.
8. The removal of a Mineral Aggregate Extraction designation from Schedule 'A' shall require an amendment to this Plan. Such an amendment will provide justification for the change in designation and clearly demonstrate and document the need for the alternate land use. In considering such amendments, the Town shall take into account the following:
 - a) evidence provided by the applicant that aggregate extraction is not feasible due to quality, quantity or other development constraints;
 - b) the reason for the choice of the location and consideration given to alternate locations on non-aggregate lands;
 - c) the consideration given to the option of sequential land use in which the mineral aggregate is removed prior to development of land for the proposed use.
9. The establishment of any new Mineral Aggregate Extraction designations will require an amendment to the Official Plan. In proposing any such amendment, the applicant must provide sufficient information for the Town and any appropriate government agency to properly evaluate the proposal. Information the applicant must provide may include, but not necessarily be limited to, the following:
 - a) the type and location of any neighbouring land uses;
 - b) location of access routes, including consideration of upgrading of existing roads;

- c) pit or quarry site plan and supporting information related to site development, landscaping and buffering, operations, decommissioning, and progressive and final site rehabilitation;
- d) reports from qualified professionals regarding noise, blasting, hydrogeology, drainage, environmental impact, archaeological assessment and any other relevant matters in accordance with MOECC Procedure D-1-2 Land Use Compatibility: Specific Applications.

4.6 Open Space

The Open Space designation of land shall mean that the predominant use of land in the areas so designated shall be for conservation, parkland and recreation, and similar public uses. Areas within the Town that are designated Open Space are shown on Schedule 'A'. Policies contained in this Section of the Plan describe the intent, function, and permitted uses of the Open Space designation. The objectives of the Open Space designation are to:

- a) provide a balanced range of active and passive cultural and recreational activities and facilities to accommodate the needs of residents and the region the Town serves;
- b) ensure that the quality of natural resources and the environment are protected;
- c) ensure that the design and location of open space areas and facilities are such that they are accessible to the residents of the Town;
- d) integrate existing parks and facilities through the use of open space linkages;
- e) promote the physical and cultural resources and facilities of Espanola;
- f) provide for open space areas in all parts of the Town to allow for a balanced distribution of locations for both active and passive recreational pursuits; and
- g) enhance the accessibility of publicly-owned open space areas for persons with disabilities, where there is no danger to public safety and where significant natural features and ecological functions can be protected; and
- h) provide shade, using natural and artificial structures placed in convenient, accessible locations in a manner that is sensitive to the surrounding environment to create protection against ultraviolet radiation at the right time of day and at the right time of year.

Permitted Uses

Lands designated as Open Space are intended to be used primarily as parkland. Such lands shall generally be kept free of buildings and structures, except for those accessory buildings or structures which are necessary to serve the use and for those recreational buildings and structures, such as arenas, pools, playground equipment and ball field. Accessory uses, such as gift shops and restaurants may also be permitted. Cemeteries shall also be permitted as a special use in this category where deemed appropriate by the Town.

Policies

1. The Town may request, as a condition of draft approval of a subdivision or provisional consent, the dedication of land to the Town for parkland to achieve other open space and recreational needs. In addition to the foregoing, it is also the Town's intention:
 - a) to locate sufficient open space and recreation facilities which are accessible as possible to all Residential areas; and
 - b) to co-operate with other public, quasi-public and private agencies in the provision of open space and recreational facilities.
2. Where any lands designated for Open Space use are under private ownership, this Plan does not intend that such lands will necessarily remain as Open Space indefinitely, nor shall it be considered as implying that the Open Space areas are free and open to the general public or that the lands will be purchased by the Town. At any particular time, if proposals to develop such privately-owned lands are made and the Town does not wish to purchase such lands in order to maintain them as Open Space, then an application for the redesignation of such lands for other purposes will be given due consideration by the Town. In considering such applications, the Town will determine first if the land is required for public purposes and if it can be purchased by the Town or other public agency. If the land is not to be purchased, the Town may give consideration to the proposed amendment to the Plan after taking into account:
 - a) the situation respecting any existing physical and/or environment hazards and the potential problems which might arise by amending the Plan;
 - b) the proposed methods by which these problems may be overcome in a manner consistent with accepted engineering practice and resource management techniques; and
 - c) all other applicable policies of the Official Plan.
3. Where recreation or conservation projects are designed for public use, adequate parking areas shall be provided and access points to the parking areas shall be designed in such a manner that they will minimize danger to pedestrians. Facilities such as ramps, walkways, and safe road crossings to enable persons with disabilities to reach open spaces and parkland shall be provided, where possible.

4. Where Municipal road allowances provide public access to water, the Town will not close or convey those portions of the allowance, unless it is deemed to be in the greater public interest to do so.

4.7 Waste Disposal Site

Waste disposal sites shall be limited to closed or operating waste or sanitary landfill sites certified by the MOECC, and are identified with the letters 'WD' on Schedule 'A'. Ancillary uses, such as recycling depots and transfer stations, may also be permitted. Disposal of liquid industrial, radioactive or toxic waste shall not be permitted.

Waste disposal sites shall avoid natural hazards and shall be located an adequate distance away from any natural heritage feature or any existing or proposed residential, commercial, institutional, park or outdoor recreation uses. A report from a qualified professional which establishes appropriate separation distances based on site specific considerations will be required for new waste disposal sites.

All waste disposal sites shall be located and operated so that the contamination of any ground or surface water supply does not occur.

All waste disposal sites shall be set back a sufficient distance from a public road so that all functions related to the operation of the site can be carried on within the site so that there is no unsightly appearance visible from the road.

All waste disposal sites shall be located so that ingress and egress points do not create a traffic hazard.

All waste disposal sites no longer in use shall be rehabilitated to the standards required by the MOECC. No use shall be made of land used as a waste disposal site within a period of twenty-five years from the year in which such land ceased to be used, without prior approval of the MOECC.

All waste disposal sites shall be developed, operated and maintained in accordance with provincial legislation.

The establishment of a new waste disposal site shall require an amendment to this Plan.

MOECC considers the most significant contaminant discharges and visual problems to be normally within 500 metres of the perimeter of a fill area. This distance is recommended to be used as a study area to assess the potential adverse impacts or risks to health and safety and to recommend necessary remedial measures when reviewing new land use proposals within this distance.

Proponents of development applications within 500 metres of an open or closed landfill site may be required to hire a qualified professional to undertake a study to consider factors such as ground and surface water contamination by leachate, odour, litter, dust, noise, visual impact, air emissions, vectors and vermin, and landfill generated gases, especially methane gas.

4.7.1 Waste Disposal Buffer

Waste Disposal Buffer is shown on Schedule “A2”. No waste of any kind will be placed on those lands. The specific purpose of establishing the buffer is to facilitate noise, dust and odour control, minimize litter and visual impacts and to attenuate landfill leachate. No development shall be permitted in the Waste Disposal Buffer except those facilities necessary for the control and management of the leachate. In other respects, the policies of Section 5 Environmental Hazards & Constraints and Section 4.7 regarding land uses adjacent to Waste Disposal Sites should continue to apply.

4.8 Waterfront

It is a goal of the Municipality to maintain shorelines and the area between the shoreline and any buildings in their natural state and as a vegetative buffer, to protect the visual and environmental integrity of the lakes. The principle of development in the vegetative buffer shall be minimal disturbance on the ground, shrub and canopy layers.

Permitted Uses

The Waterfront is a sensitive area and, as such, permitted uses are limited to single family dwellings (resource-based recreational and limited residential uses only), tourist commercial and other commercial uses that relate to the waterfront area (i.e., resorts, camps, restaurants and attractions) and Open Space uses.

Policies

1. The Waterfront designation generally includes lands which form the bed of any waterbody and those lands extending inland 150 metres (500 feet) from any standing waterbody greater than 8 hectares (20 acres) in area or any substantive river, creek or other waterbody identified in this Plan.

Lands which physically or functionally relate to the Waterfront designation, although extending beyond 150 metres (500 feet) from the waterbody, will be deemed to be within the Waterfront designation.

Lands which do not physically or functionally relate to the Waterfront designation, although within 150 metres (500 feet) of the waterbody will be deemed not to be within the Waterfront designation.

Development on all lands within 300 metres of a waterbody or inflowing stream has the potential to impact that waterbody.

2. All buildings, structures and tile fields will be set back at least 30 metres (98 feet) from the high water marks of lakes and rivers.
3. When replacing existing buildings, structures and tile fields, a 30 metre setback should be maintained. A reduction in the 30 metre setback may be considered through an Application for Minor Variance to the Zoning By-law.

4. Natural vegetation within the 30 metre setback shall be disturbed as little as possible, consistent with passage, safety and provision of views and ventilation.

Any vegetation disturbed during construction/ development that is not required for passage, safety, provision of views, and ventilation shall be restored to a minimum of pre-development levels and enhanced where possible. When determining appropriate location for vegetative disturbance, regard shall be had for good stormwater management practices.

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

5. Before approving any development proposal within the Waterfront designation, Council must be assured that the proposed development will not exceed the capacity of the lake to accommodate development. This shall be determined in accordance with the MOECC's Lakeshore Capacity Handbook.
6. Council may consider the possibility of a septic re-inspection program for any lake within the Municipality.

4.8.1 Sensitive Lakes

Policies

Council recognizes that certain lakes within the Municipality are sensitive to new development. For example, Clear (Griffin) Lake has been determined to be at capacity for development based on measured levels of phosphorous. Additionally, Council recognizes the use of Lake Apsey as the source of the water supply for the Town of Espanola.

The following additional policies shall apply to the Waterfront designation adjacent to the following lakes:

- Clear Lake (Griffin Lake)
 - Lake Apsey
1. The natural state of the land, water and vegetation shall be preserved as much as possible in the watershed area of the lake. To ensure that the impact of development is minimized, these lands are proposed as a Site Plan Control Area. In this area, regard shall be had for the siting of buildings and private sewage disposal facilities, the cutting or clearing of natural vegetation, stormwater management principles, and the alteration of the shoreline. Shoreline alterations, which include the adding or removing of fill or the erection of docks or breakwaters, shall require the prior approval of the MNRF under the *Lakes and Rivers Improvement Act* and/or *Fisheries Act*.

2. In preparing the implementing Zoning By-law, Council shall have regard for the following criteria:
 - a) the inclusion of minimum setback of 30 metres for dwellings and private sewage disposal facilities from the high water mark. The minimum setbacks shall meet the recommended separations required by the approval authority. ~~A reduction in the 30 metre setback may be considered through an Application for Minor Variance to the Zoning By-law.~~⁶
 - b) When replacing existing buildings, structures and tile fields, a 30 metre setback should be maintained. A reduction in the 30 metre setback may be considered through an Application for Minor Variance to the Zoning By-law.
 - c) Wherever possible, the natural vegetation shall be preserved between the sewage disposal facilities and the high water mark.
 - d) The natural vegetation shall be maintained except that a cutting area 10 metres wide may be made to afford a view from the dwelling to the water and to afford a waterside activity area.
 - e) The shoreline will not be altered nor any fill added or removed within 30 metres of the high water mark.
3. Notwithstanding this policy, in circumstances where the size of an existing lot of record is such that filling is required within the 30 metre setback from the high watermark, in order to satisfactorily locate the dwelling and the proposed tile bed, a reduction in the setback will be permitted, subject to the approval authority advising, in writing, by the issuance of a Certificate of Approval, that the proposed sewage disposal system conforms to Part VII of the *Environmental Protection Act* respecting private sewage disposal systems.
4. The Waterfront designation adjacent to Clear Lake (Griffin Lake) shall apply to the Clear Lake watershed which shall be interpreted as a strip of land 150 metres inland from the high water mark of Clear Lake (Griffin Lake). For the lands east of Highway No. 6, the designation shall be as shown on Schedule 'A'. Where an Ontario Land Surveyor determines that the height of land defining the watershed includes more or less land than the lands shown on Schedule 'A', the designation shall be interpreted as following the height of land, without requiring an amendment to this Plan.
5. The Municipality shall not approve the creation of any further lots by plan of subdivision or by severance within 300 metres of Clear Lake or Lake Apsey, except in accordance with the Lakeshore Capacity Assessment Handbook. However, on registered lots or on existing land ownerships provided that the lot or land has frontage and direct access to a publicly-owned and maintained road, the permitted land use shall be one dwelling per lot or ownership. No additional intensive public or private recreation development shall be permitted.

6. The Municipality shall take any and all measures at its disposal to control the proper development and management of the Lake. These measures shall include control of public access to the Lake on lands owned by the Municipality and may include a motorboat control By-law, a request to the Ministry of Environment and Energy for annual spring phosphorous sample results, and periodic review of the state of development in the Clear Lake (Griffin Lake) watershed and surrounding lands.
7. The Town recognizes the need to protect its drinking water sources. Accordingly, Council may consider the preparation of a watershed-based source protection plan for Lake Apsey and its watershed. Such a plan would identify potential threats to drinking water quality and quantity and recommend appropriate protection measures including, where warranted, restrictions on development within the Lake Apsey watershed. Where appropriate, such restrictions may be implemented through the Comprehensive Zoning By-law. Council may also consider the preparation of an Action Plan to address blue-green algae events in Lake Apsey.

SECTION 5: ENVIRONMENTAL HAZARDS & NATURAL HERITAGE FEATURE CONSTRAINTS

Environmental Hazards and Constraints areas are defined as either naturally occurring hazards or human-made hazards which may adversely affect public health or safety or property. Natural Heritage Features also present a constraint to development in order that the feature may be protected and enhanced.

5.1 Development Objectives in Hazard Areas

Development in such areas may also be harmful to the natural environment. Such constraints may render an area unsuitable for development and/or may require specific studies and mitigative measures to overcome the identified constraint. Accordingly, this Plan shall carefully regulate land uses in and around areas identified as having natural or human-made hazards to protect public health or safety or property.

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

Environmental hazards and constraints include:

- Lands prone to flooding
- Organic soils
- Erosion hazards
- Lands with steep slopes and ravines
- Wildland fires
- Contaminated sites
- mine hazards
- Natural heritage features
- Water resources
- Areas of significant mineral potential

Efforts have been made through this Plan to identify lands subject to potential environmental hazards and constraints. New information or detailed site examination may result in additional lands being identified as having environmental hazards and constraints. If such hazards and constraint lands are identified through a comprehensive program, Council shall incorporate the identified new lands into this Plan through an Official Plan Amendment. In cases where hazards and constraints are identified on a site specific basis, only an amendment to the Zoning By-law shall be required to identify the land. These hazards and features will be incorporated into the Official Plan at the time of the Five-Year Review, except where Official Plan policy directs otherwise (e.g. Provincially Significant Wetlands).

Environmental Hazards and Constraints are shown on Schedule 'B'. The use of areas designated Environmental Hazards and Constraints shall be directed towards the following objectives:

- a) Protect and enhance natural heritage features for the benefit of present and future generations in Espanola. The Town will utilize environmental impact studies and guideline documents to ensure that natural heritage areas are evaluated and protected.
- b) Conserve natural resources for the benefit of present and future generations.
- c) Minimize the possibility of property damage, social disruption and danger to life from flooding, by restricting the uses and activities permitted on lands susceptible to flooding and/or erosion processes.
- d) Define and regulate natural hazards as permitted by provincial natural hazard management policies, including, but not limited to, floodplain areas, slope hazards and erosion hazards.
- e) Minimize the potential for contaminated lands to create a hazard to public health and safety, to property or to the natural environment and encourage the restoration of contaminated lands.

5.2 Flood Plain Hazards

Flood plain management policies are intended to prevent the loss of life, to minimize property damage and social disruption and to encourage a coordinated approach to the use of land and the management of water.

For the purpose of this Plan, a flood plain shall mean low lying lands adjacent to watercourse corridors defined by the 1:100 year flood. The extent of some of the 1:100 year flood plain has been determined by considering information provided by the MNR and engineer's drawings contained in the report 'Flood Risk Mapping Final Report, 1983' and has been used to determine the extent of the Environmental Protection Designation. However, it is recognized that not all flood plain areas are identified on the Schedules. Where a landowner is proposing to develop in close proximity to a watercourse where a flood line study has not been completed, the landowner may be required to undertake a detailed flood line study.

Policies

1. Development shall not be permitted within the flood plain except for:
 - a) flood and/or erosion control structures;
 - b) shoreline stabilization;
 - c) minor additional and/or renovations to existing structures in accordance with the policies below;
 - d) minor recreational facilities which, by their nature, must locate near watercourses;

- e) uses such as agriculture, forestry, conservation, wildlife management and similar activities will be permitted provided that no associated buildings and structures are located on the flood plain and the use does not adversely affect the ability of the flood plains to pass floodwaters.
- 2. Stormwater management facilities are generally discouraged within the flood plain. Such facilities shall only be permitted within the flood plain where it can be demonstrated that the natural hazard can be addressed and if the facility can be suitably integrated with the natural heritage features of the area.
- 3. No new septic systems are permitted within the flood plain. Notwithstanding this policy, there may be situations with existing development where a replacement septic system within the flood plain may be necessary.
- 4. Where new lots are being created, part of which will be located in the flood plain, there must be a sufficient area of land outside of the flood plain to place the buildings and services in accordance with the policies of this Plan and the provisions of the Zoning By-law, as well as any other applicable regulations.
- 5. In the flood plain, it will be the policy of the Town to encourage the retention of natural vegetation.
- 6. Where there is an existing lot of record located entirely within the flood plain or where an acceptable building envelope outside of the flood plain does not exist, such lot shall not be developed.
- 7. Areas that would be rendered inaccessible to people or vehicles during times of flooding hazards shall not be developed unless it has been demonstrated that the site has safe access appropriate for the nature of the development.
- 8. Development and site alteration shall not be permitted within the flood plain regardless of whether an area of inundation contains high points of land not subject to flooding.
- 9. Development is prohibited in the flood plain for:
 - a) uses associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding or failure of floodproofing measures or protection works or erosion;
 - b) essential emergency services,, such as fire, police, ambulance stations and electrical substations that could be impaired in the case of flooding or failure of flood protection works and/or erosion; and
 - c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances and outdoor industrial storage.

10. Existing development within the flood plain falls into two main categories: existing development where safe access exists and existing development where safe access does not exist. This Plan defines safe access as the primary access to the property, such that the access road (private or public) would not be flooded by more than 0.3 metres of water during a 1:100 year flood elevation.
- a) Where safe access exists, minor additions onto an existing building located within the flood plain may be permitted where it can be demonstrated that:
 - i. the gross floor area of the addition is 50% or less of the original gross floor area of the building to a maximum of 50 square metres (538 square feet);
 - ii. the increase in the footprint of the building is no greater than 20% of the original building footprint;
 - iii. the number of dwelling units does not increase;
 - iv. development is flood proofed in accordance with MNRF's 2002 Technical Guide, River and Stream Systems: Flood Hazard Limit; and
 - v. the proposal meets all other relevant policies of this Plan, including setbacks.
 - b) Where safe access does not exist, minor additions onto an existing building located within the flood plain may be permitted where it can be demonstrated that:
 - i. the gross floor area of the addition is 20% or less of the original gross floor area to a maximum of 20 square metres (215 square feet);
 - ii. the increase in the footprint of the building is no greater than 20% of the original building footprint;
 - iii. the number of dwelling units does not increase;
 - iv. development is flood proofed in accordance with MNRF's 2002 Technical Guide, River and Stream Systems: Flood Hazard Limit; and
 - v. the proposal meets all other relevant policies of this Plan, including setbacks.
 - c) Where minor renovations, additions or alterations to existing buildings or structures within the flood plain are deemed appropriate, such development shall be subject to site plan control.

- d) If an existing structure is destroyed (other than by flood) or requires restoration or reconstruction to make it safe, such reconstruction shall be subject to the policies of Section 3.16 of this Plan. Where a structure is being replaced, an adjustment to the existing building footprint may be considered, provided such change would maintain or improve the hydraulic impacts created by the original structure.
11. The zoning of flood plain lands will reflect the restricted use of these lands and will prohibit any new development, with the exception of existing uses and minor additions and/or renovations to existing structures. Floodproofing in accordance with MNRF's 2002 Technical Guide, River and Stream Systems: Flood Hazard Limit may be required.

5.3 Erosion Hazards

The Erosion Hazard associated with a watercourse bank is based on three components: a toe erosion allowance, a stable slope allowance and an erosion access allowance.

Generally, the erosion hazard limit is defined as a distance, measured horizontally from the toe of the bank, that is equal to the toe erosion allowance, plus three times the height of the bank, plus six metres.

The toe erosion allowance is the setback that ensures safety if the toe of the slope adjacent to the watercourse erodes and weakens the bank, thereby increasing the risk of slope failure.

The stable slope allowance is the setback required for the slope to reach a long term stable position that resists further slope failure. The stable slope allowance is generally defined as a horizontal setback measured from the toe of the bank, bluff or slope, equivalent to 3.0 times the height of the bank, bluff or slope.

The erosion access allowance is the setback that ensures sufficient space for equipment to access the slope side of a building or structure in the event of a slope failure. The erosion access allowance is generally a distance of 6 metres, measured horizontally from the stable slope allowance.

Where detailed geotechnical engineering information is available or has been provided by a developer, the Town will take these recommendations into consideration in determining the definition of the erosion hazard limit and the limits can be defined based on the findings of the engineering recommendations.

The hazard limit for areas containing organic soils, including muck, marsh and peat type soils, is equivalent to the limit of the organic soils.

Policies

1. Development and/or land uses that may be susceptible to damage from erosion or may cause or aggravate bank erosion or slope failure will be prohibited within the erosion hazard limit.
2. A developer may be required to produce an engineer's geotechnical slope evaluation, at his expense, for any new development proposed in the vicinity of erosion hazards and slopes.
3. Development on existing lots of record containing erosion hazards and slopes shall be subject to the following:
 - a) Where possible, the development shall be placed outside of the erosion hazard limits.
 - b) Where there is insufficient area to place the development outside of the erosion hazard limits, development shall only proceed where an assessment prepared by a qualified geotechnical engineer determines the property can be safely developed. A geotechnical evaluation must contain erosion control measures associated with all structural, landscaping and surface drainage components of the development of the property.
4. Additions to existing buildings and structures within the erosion hazard limit shall be generally discouraged. Additions shall only be considered when:
 - a) the addition is supported by a geotechnical evaluation;
 - b) the addition does not extend further into the erosion hazard limit than the existing structure;
 - c) the addition generally does not exceed 30% of the floor area that existed at the date of the adoption of this Plan; and
 - d) the addition incorporates all identified erosion control measures associated with all structural, landscaping and surface drainage components of the development of the property.
5. The Zoning By-law shall contain specific erosion hazard and slope setbacks.
6. Where development on existing lots of record or additions to existing buildings and structures on erosion hazards and slopes is deemed appropriate, such development shall be subject to site plan control.

5.4 Geotechnical Assessments

1. Geotechnical assessments, hydrogeological studies, river morphology studies, erosion control plans and/or other supporting technical studies will be required to satisfy the tests set out in the "Hazardous Sites Technical Guide", MNRF, 2006, as amended. In addition, the studies will:

- a) accurately delineate the Riverine Erosion Hazard Limit;
 - b) identify existing erosion and/or slope instability hazards;
 - c) assess the impact of the proposed development on existing hazards;
 - d) assess the potential for the proposed development to create new hazards;
 - e) identify measures to safely avoid the potential hazards, including appropriate development setbacks from the Erosion Hazard Limit; and
 - f) identify and address any associated impacts that development adjacent to the Erosion Hazard Limit will have on components of the Natural Heritage System.
2. The Town shall require that the geotechnical assessment and other technical studies be completed by qualified professionals and to its satisfaction, in consultation with public agencies, prior to the approval of an Official Plan Amendment, Zoning By-Law Amendment, application for new lot creation or site plan application.
 3. A geotechnical assessment and other required technical studies may be completed as part of an Environmental Assessment, or an Environmental Impact Study in accordance with Section 5.13 of this Plan.

5.5 Wildland Fire

1. Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by MNRF. Generalized wildland fire assessment mapping for the Town, provided by MNRF, has been included on Schedule B1 and B2, and is intended to serve as a starting point for more detailed assessments.
2. In the absence of detailed municipal assessments, proponents submitting a planning application may be required to undertake a site review to assess for the presence of areas of high to extreme risk for wildland fire on the subject lands and adjacent lands (to the extent possible). If development is proceeding where high to extreme risk for wildland fire is present, measures should be identified by proponents to outline how the risk will be mitigated.
3. Lands determined to be of high to extreme risk for wildland fire may be designated as site plan control areas.

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

5.6 Contaminated Sites

Potentially contaminated sites are sites where the environmental condition of the property (soil and/or groundwater) may have potential for adverse effects on human health, ecological health or the natural environment. In order to prevent these adverse effects, it is important, prior to permitting development on these sites, to identify these sites and ensure that they are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations.

While the identification of potentially contaminated sites is important in the planning application review process, the policies in this Section should not be interpreted as a commitment on the part of the Town of Espanola to identify all contaminated sites or properties. Rather, the objective of the Town is to responsibly utilize available information in the development application review process in order to help ensure that development takes place only on sites where the environmental conditions are suitable for the proposed use of the site.

Policies

1. The Town will require applicants to document previous uses of a property or properties that are subject of a development application and/or properties that may be adversely impacting the property that is subject of a development application in order to assist in the determination of the potential for site contamination.
2. The Town will require an affidavit from a qualified person, as defined by provincial legislation and regulations, confirming that a Phase 1 Environmental Site Assessment (ESA) has been completed in accordance with Ontario Regulation 153/04, as amended from time to time, as follows:
 - a) for all applications for proposed plans of subdivision or condominium;
 - b) for all other development applications under the *Planning Act* where a property or properties have been identified through the Town's development review process as potentially contaminated due to previous or existing uses on or adjacent to the property;
 - c) when there is a change in land use to a more sensitive use. A Record of Site Condition may be required at the building permit stage when there is a change in land use to a more sensitive use, even when a Planning Act application is not required.
3. A Phase 1 ESA documents the previous uses of the property and provides an assessment of the actual or potential soil or groundwater contamination on the

- site. Where a Phase 1 ESA indicates that the property or properties that are subject of a development application under the *Planning Act* may be contaminated, the Town will require the application to be supported by an affidavit from a qualified person, as defined by provincial legislation and regulations, confirming that a Phase 2 ESA has been completed in accordance with Ontario Regulation 153/04, as amended from time to time. A Phase 2 ESA provides a sampling and analysis of the property to confirm and delineate the presence of soil or groundwater contamination at the site or confirm the absence of contamination at the site.
4. For a property or properties that have been identified through the Town's development review process as potentially contaminated due to previous or existing uses on or adjacent to the property, and where the Town determines that there is a proposed change in land use to a more sensitive use, the Town will:
- a) require, as a condition of development approval, verification to the satisfaction of the Town from a qualified person, as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including, where required by the Town or provincial legislation and/or regulations:
 - i. filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry;
 - ii. submission to the Town of a Declaration signed by the qualified person acknowledging that the Town may rely on the statements in the RSC; and
 - iii. submission by the property owner to the Town of proof that the MOECCMOECC has acknowledged receipt of the RSC.
 - b) Establish conditions of development approval to ensure receipt of satisfactory verification of suitable environmental condition as per Policy 2 and 3 above.
 - c) Where applicable, utilize the holding provisions of the *Planning Act* to ensure receipt of satisfactory verification of suitable environmental condition.
 - d) Where an RSC has been made a condition of planning approval, a building permit may be issued in regard to a property or properties on a phased basis to allow for site assessment and remediation/risk management.
 - e) Where the Town is deeded, land for public highways, road widening, parks, stormwater management, easements, or for any other purpose, the Town may require, as a condition of transfer, verification to the satisfaction of the Town from a qualified person, as defined by provincial

legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including, where required by the Town or provincial legislation and/or regulations, filing by the property owner of a RSC signed by a qualified person in the Environmental Site Registry, and submission by the owner to the Town of proof that the MOECC has acknowledged receipt of the RSC.

- f) For instances where contamination from a property or properties extends onto a municipal right-of-way and filing of a RSC in the Environmental Site Registry is not possible, the Town may issue a building permit in regard to this property or properties on a phased basis contingent on the execution and implementation of an Off-Site Management Agreement or Remedial Action Plan that remediates/manages contamination in the right-of-way to the satisfaction of the Town.
- g) Where a gasoline station site is being redeveloped and there is no change in use to a more sensitive use, the Town will require that a letter of continued use from the Technical Standards and Safety Authority be provided. For instances where contamination extends onto a municipal right-of-way, the Town will require that an Off-Site Management Agreement and Remedial Action Plan be implemented to the satisfaction of the Town prior to issuance of the building permit.
- h) The Town will not consider an RSC as acknowledged by the MOECC until either:
 - i. it has been confirmed that the RSC will not be audited by the MOECC; or
 - ii. it has been confirmed that the RSC has passed the MOECC audit.

5.7 Mine Hazards

Mine hazards are shown on Schedule 'B'.

Development on, abutting or adjacent lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed, and standards applicable to human and environmental health and safety can be demonstrated.

The Ministry of Northern Development and Mines(MNDM) and all other concerned ministries shall be consulted when development is proposed within 1 km of a known mine hazard within or outside the municipal boundary.

5.8 Mineral Mining and Aggregate Potential

The Town of Espanola contains areas of mineral and mineral aggregate potential, as illustrated on schedules 'B1' and 'B2'. Areas identified as having provincially significant mineral potential will be protected from incompatible uses to ensure the long term availability of the resource. Consequently, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) the resource use would not be feasible, or
- b) the proposed land use or development serves a greater long term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

The establishment of a new mineral mining operation will require an amendment to the Official Plan to identify the location of the operation.

5.9 Wetlands

Wetlands are lands where the presence of water has caused the formation of hydric soils and hydrophytic or water-tolerant plants to predominate. Wetlands provide important habitat for plants, fish and other wildlife that are fully dependent on the presence of a wetland, and for wildlife that need wetlands to complete some lifecycle requirements. Wetlands provide important staging and breeding areas for waterfowl. They also influence the quality, temperature and flow of water and provide storage capacity to offset peak flows associated with storm events. They are important source water protection areas and have groundwater recharge and discharge functions. To date, no Provincially Significant Wetlands have been identified within the Town.

Policies

1. If a proposal for development is made in an area where a wetland has not been evaluated, or if there is reason to believe the significance of an evaluated wetland has changed, Council may consult with MNRF to determine if an evaluation of the wetland is required. If the wetland is a Provincially Significant Wetland, development and site alteration shall not be permitted in the wetland, nor on adjacent lands to the wetland unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.
2. This Plan discourages the destruction of beaver dams where such destruction would significantly alter established local water levels of a wetland. As wetlands are evaluated Council shall incorporate the new Provincially Significant Wetlands into this Plan through an Official Plan Amendment.

3. The Town endorses and encourages the principles of sustainable land stewardship of wetlands. Tax incentives are available through the province when it is demonstrated that proper land stewardship is being carried out on lands that are identified as provincially significant wetlands.

5.10 Endangered and Threatened Species

Development and site alteration shall not be permitted in the habitat of endangered and threatened species except in accordance with provincial and federal requirements..

Proposed development and site alteration shall comply with the provisions of the *Endangered Species Act* (ESA), and as such additional procedural and permitting requirements may exist for certain proposed developments.

5.11 Woodlands and Vegetative Cover

Woodlands are complex ecosystems of different tree species, shrubs, ground vegetation and soil complexes that provide habitat for many plants and animals and economic benefit to both the private landowner and the general public. Woodlands is a general term which collectively refers to areas occupied by trees, treed areas, woodlots, forested areas and naturalizing woodland edges.

Policies

1. In terms of vegetative cover, this Plan recognizes that preserving vegetation along waterways, on sites subject to development and along roadways contributes to the overall health of the area and helps lessen the environmental impact of development and improve the visual appeal of newly developed areas. Development proposals shall be required to preserve vegetative cover or replace vegetative cover when removal cannot be avoided.
2. This Plan supports the retention or restoration of the natural vegetative buffer adjacent to all watercourses as the means of protecting water resources and its related ecological function from the negative impacts of development.
3. The Plan also recognizes that woodlands and forests have great ecological significance. Property owners may benefit from the Managed Forest Tax Incentive Program which is a voluntary program that provides lower property taxes to participating landowners who agree to conserve and actively manage their forests.
4. Forests are a renewable resource if harvested in a sustainable manner. Forestry management is sustainable when it maintains and enhances the long-term health of forest ecosystems to the benefit of all living things, while providing environmental, economic, social and cultural opportunities for the benefit of present and future generations. Sustainable forest management refers to management regimes applied to forest lands which maintain the productive and renewal capacities as well as the genetic, species and ecological diversity of forest ecosystems.

5. Property owners have the right to harvest forest resources on their lands. To mitigate potential impacts due to site alteration and tree cutting in lands identified as containing significant woodland, Council may adopt appropriate by-laws to prohibit or regulate the placing, dumping, removal or regrading of topsoil or fill, and the destruction or injuring of trees.
6. In rural areas, retaining existing natural vegetation along public roads shall be encouraged. Developers shall be encouraged to remove as little vegetation as possible when establishing roads, building sites and servicing facilities. Specific provisions relating to protection of vegetation may be incorporated into site plan agreements. The retention of natural vegetation is not meant to include noxious weeds or invasive species.
7. The Town supports the creation and maintenance of urban forests, including edible/food producing species, as positive elements for environmental and human health. In urban areas, selective protection of significant trees or shrubs shall be promoted. Provisions relating to protection of vegetation may be incorporated into subdivision or site plan agreements.
8. The Town shall ensure that trees along municipal road allowances and on other municipal property are preserved, while allowing appropriate maintenance and the removal of trees which may constitute a safety hazard. Any private removal of trees on Municipal property shall require the approval of Council.

5.12 Significant Wildlife Habitat

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. Some specific wildlife habitats are particularly important and should be considered significant. These are habitats that support important wildlife species or that are particularly susceptible to impacts.

Policies

1. Significant wildlife habitat is denoted on Schedules 'B1' and 'B2' and includes Deer Yard Wintering Area, Great Blue Heron Nesting Site, other nesting site, moose aquatic feeding areas, special concern species habitat, and deer movement corridors.
2. Development in areas of significant wildlife habitat or within 120 metres of significant wildlife habitat shall be permitted only where an Environmental Impact Study carried out in accordance with Section 5.13 of this Plan, and prepared by a qualified professional, has demonstrated that there shall be no negative impact on the habitat or its ecological function and, in the case of adjacent lands, the ecological function of the adjacent lands must be evaluated.

3. In determining the significance of Wildlife Habitat, the Environmental Impact Study will be based on an evaluation of the following considerations that have had regard for and are having regard for the Significant Wildlife Habitat Technical Guide and Significant Wildlife Habitat Criterion Schedule for Ecoregion 5E prepared by the MNRF, which provides information on the identification, description and prioritization of significant wildlife habitats:
 - a) It is an area of habitat where particularly important wildlife species are concentrated or are particularly susceptible to impacts for a specific period of their lifecycle. These areas include, but are not limited to: seasonal concentration areas; rare vegetation communities or specialized habitat for wildlife; habitats for species of conservation concern; and animal movement corridors.
 - b) The amount of the specific type of habitat that exists within the context of the ecological region and its representation within other components of the Natural Heritage System.
 - c) It is an area of habitat having a high diversity of species that are of value for research, conservation, education and passive recreation opportunities.
4. The evaluation of candidate significant wildlife habitats will be instigated when lands outside of the urban area are triggered by development as outlined in the Natural Heritage Reference Manual.

5.13 Fish Habitat

"Fish habitat" is defined as spawning grounds and nursery, rearing, food supply, migration and any other areas on which fish depend directly or indirectly in order to carry out their life process. Fish Spawning Areas are specifically denoted on Schedule 'B'. The Spanish River, Darkie Creek, Clear (Griffin) Lake, Apsey Lake and Espanola's other creeks and streams support a variety of fisheries; however, these fish habitats are vulnerable to degradation from factors such as channelization, loss of stream bank vegetation, untreated urban runoff, increased stormwater flows, sedimentation and changes in the quality, timing and amount of stormwater entering the watercourse.

Policies

1. ~~The harmful alteration, disruption or destruction of~~ Serious harm to fish⁷ habitat is prohibited under the *Fisheries Act*. MNRF is the Fisheries Manager for the Province of Ontario and should be consulted to determine what fish community information may be available for a specific location. Development and site alteration shall not be permitted within 30 metres of fish habitat, except in accordance with relevant provincial and federal requirements. Rivers and all other watercourses in the Town are either direct or indirect fish habitat.
2. No person shall carry on any work or undertaking that results in ~~the harmful alteration, disruption or destruction of serious harm to fish habitat~~^{8a} Development

and site alteration shall not result in a net loss of fish habitat, result in serious harm to fish or fish habitat or negatively impact fish passage.

3. Development that proposes a decrease to the 30 metre setback shall only take place where it has been demonstrated, through a fish and fish habitat assessment, that a net environmental gain of the productive capacity of the area will be achieved. In this assessment, fish habitat biologist shall be required to provide a detailed impact analysis exploring options in design and location of the undertaking for the purpose of clearly demonstrating avoidance of any predicted harmful impacts. Near-shore or in water development, such as docks, water access points and swimming areas shall be carefully assessed through the appropriate review process. Decreases to the 30 metre setback from fish habitat shall only take place through an amendment to the Zoning By-law. Decreases shall only be considered when there is no other practical alternative for development of the land.
4. Development in areas within 120 metres of fish habitat shall be permitted only where an EIS, which is carried out by a qualified professional in accordance with this Plan, has demonstrated that there shall be no negative impact on the habitat or its ecological function. In the case of adjacent lands, the ecological function of the adjacent lands must also be evaluated.

5.14 Water Quality and Quantity

Water quality and quantity are addressed from a number of perspectives in this Plan. The Natural Heritage policies address water quality and quantity through the protection of natural heritage features and areas and fish habitat. Water quality and quantity are also protected through stormwater management policies, water supply and sanitary sewerage policies, and water conservation policies.

The southeast corner of the Town of Espanola is within the Nickel District Conservation Authority's Source Protection Area and is within the Whitefish watershed covered in the Greater Sudbury Source Protection Area Source Protection Plan, shown on Schedule B2, which was approved by the MOEEC on September 14, 2014 and came into effect on April 1, 2015. No vulnerable areas including significant groundwater recharge areas, highly vulnerable aquifers, surface water intake protection zones, and wellhead protection areas are identified within the Town of Espanola; however the Source Protection Plan should be consulted for proposed development in this area.

Policies

1. The Town will seek to protect, improve and/or restore the quantity and quality of groundwater and surface water through its planning approval processes.
2. Development and site alteration will be restricted and mitigative measures or alternative development approaches may be required in or near sensitive surface

water features and sensitive groundwater features in order to protect, improve and/or restore these features and their related hydrologic functions.

5.15 Other Natural Heritage Areas

Nothing within this Section would preclude lands that have been deemed by the Provincial Government and/or the Town to have significant ecological functions or features that have or have not been designated on Schedule 'A' from being recognized in the implementing Zoning By-law. Natural Heritage lands shall be placed in the appropriate zoning classification in the implementing Zoning By-law.

5.16 Environmental Impact Study

An Environmental Impact Study will evaluate the ecological function of natural heritage features and adjacent lands and demonstrate that a proposed development will not have a negative impact on the features and/or adjacent lands.

The terms of reference and guidelines for an Environmental Impact Study will be determined by the Town in consultation with the MNRF. Generally, Environmental Impact Studies, when required, will be considered as required information for a “complete” planning application.

5.16.1 Scoped Environmental Impact Study

The Town may consider reducing an Environmental Impact Study to a scoped study if the proposal is:

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

A scoped statement will involve a checklist that can be completed by the applicant in consultation with the Town or other appropriate approval authority. If the scoped study indicates that there may be some potential impacts that warrant a more complete review, a full site Environmental Impact Study shall be prepared.

5.16.2 Full Environmental Impact Study

Where a full site Environmental Impact Study (EIS) is required, the study must be prepared by a qualified professional with expertise in environmental science. Terms of reference will be prepared to guide the development of an EIS; however, generally the statement will:

- a) define the nature and the boundaries of any significant features and ecological functions on or adjacent to the site;
- b) describe the location, extent and nature of development;

- c) describe the relationship of adjacent lands to any significant features or ecological functions;
- d) describe the relationship of these features and functions to the proposed development and adjacent lands;
- e) demonstrate how and where development can proceed without negative impact on the natural values which make the area significant;
- f) describe any mitigation or compensation proposals designed to alleviate or eliminate impacts.

SECTION 6: TRANSPORTATION, STORMWATER MANAGEMENT, UTILITIES, COMMUNICATIONS AND ENERGY

A safe, efficient, and integrated transportation system, drainage, utility service network, communication and energy is of great importance to the Town. The transportation network includes roads, railways, cycling paths, sidewalks and parking, while the stormwater management system includes drainage ditches, swales and retention/detention facilities. The utility network consists of hydro, gas, cable and telecommunications facilities which provide the necessary electronic linkages to assist and encourage business, telecommunications and home based business. Energy includes the provision of renewable energy systems which produce electrical power from an energy source that is renewed by natural processes. Therefore, the Town shall work toward the maintenance and improvement of the transportation, stormwater management, utility, communication and energy systems within the financing capability of the Town and in co-operation with the private sector, utility companies, and the Provincial Ministries.

6.1 Transportation Planning Goal

It is a goal of this Plan to provide an integrated transportation system that allows for the safe and efficient movement of people and goods throughout the Town, and provide linkages to the regional and provincial transportation network; support the Town's strategies for economic development, growth management, urban form and a healthy environment; and promote alternative modes of travel that will reduce dependency on the private automobile.

6.1.1 Transportation Strategies

Council will consider the following strategies in the pursuit of the Transportation Goal:

- a) provide for the protection of planned and proposed road alignments and corridors to meet the transportation needs of the Town associated with growth within and beyond the population horizon;
- b) co-operate with the MTO;
- c) improve accessibility to the Downtown and other major destinations through a safe, efficient and integrated system of bicycle routes and pedestrian paths; and
- d) Encourage innovative, accessible and low-cost transportation options to assist people without private modes of transportation (such as low-income earners and those with reduced mobility), to get to places they need to go and access essential services.

6.2 Roads

6.2.1 Highway No. 6

Highway 6 is the only provincial highway located within the Town and is under the jurisdiction of the MTO. The sections of Highway 6 between Faraway Road and Sheppard Street, and the section of Highway 6 between Kei Will Drive and the south limits of the Town are designated as Class 2B highway. New guidelines under the MTO Highway Access Management Manual may permit limited development along these sections of highway under these guidelines. MTO regulates building and land uses within 45 metres of the highway limit, as well as areas within a 180 metre radius of the centre point of intersections.

In addition, the MTO regulates up to 800 metres from the limits of Highway 6 for any use that is a large traffic generator, or that will cause people to congregate in largenumbers.

All development proposals within the above limits fall within the MTO's permit control areas under the Public Transportation and Highway Improvement Act. For all new or changes to existing commercial development proposals within the permit control area, the MTO will require a property owner and/or municipality to undertake a traffic impact study in accordance with MTO's Traffic Impact Study Guidelines and the Highway Access Management Manual, and subsequently the design and construction of warranted highway improvements related to a proposed land use development, at their cost, in connection with the terms and conditions for the issuance of PTHIA permits.

The proponent should pre-consult with the MTO with respect to the planning of land development and associated access connections within the MTO's permit control area adjacent to the Provincial highway within the Town, in order to protect the future safety, operation and capacity of both the Provincial Highway network and the Town's transportation corridors for the movement of people and goods.

All signage visible to the highway within 400 metres of the highway property limit requires permits prior to placement.

Any development located within MTO's permit control area under the PTHIA is subject to MTO review and approval prior to the issuance of entrance, building and land use permits. Note that these permits must be obtained prior to any construction being undertaken within MTO's permit control area.

Any proposals for trail crossings of a Provincial highway will require the prior approval of MTO Crossings may be permitted subject to restrictions. Trails running along the MTO right-of-way will not be permitted.

6.2.2 Town Roads

The Town roads are under Municipal jurisdiction and are maintained year-round. Direct access to these roads will only be permitted in locations which can accommodate traffic in a safe manner. Where sight deficiencies exist because of curves or grades, no new

access will be permitted unless the deficiency is corrected in a manner acceptable to the Town, at the proponent's expense.

New entrances will not be established unless a permit is issued by the Town. Where the Town determines that a culvert is necessary, it may be installed by the Town at the owner's expense or by the owner under the supervision of the road superintendent to the satisfaction of the Town.

6.2.3 Private Roads

A private road is defined as a road under private ownership which serves two or more legally conveyable lots and may include a right-of-way registered on title. A driveway provides access to only one property or legally conveyable lot, despite the length of the access. A driveway also includes a shared access between two abutting properties.

There is no legal obligation on the part of the Town to maintain or repair private roads or otherwise provide services to any development located on a private road, nor is there any responsibility acknowledged for the provision of school busing.

New private roads shall only be developed as roads internal to mobile home parks or roads internal to condominiums. In these situations, new private roads shall be developed under agreement with the Town and meet the following requirements:

- a) The design and construction of a private road will be undertaken by a professional engineer or other persons competent in road construction, as approved by the Town, to ensure a minimum standard of construction so that access can be gained for emergency vehicles in accordance with the Ontario Building Code.
- b) New private roads must be directly connected to a public road which is maintained year-round.
- c) The private road must be owned by a mobile home park owner or jointly as a common element condominium by the lot owners served by it or the lot owners have right of access set out in a deed.
- d) An agreement must be registered against the land setting out the procedures for maintenance of the road, acknowledging that the Town will not be responsible for the repair or maintenance of private roads or the provision of services to any development located on a private road, and absolving the Town of any liability or responsibility for its upkeep or the provision of services.

The Town may, at its sole discretion, register notice on title that the Town may not be able to provide emergency services to development located on a private road due to the condition of the road.

In circumstances where a private road is not being maintained to an acceptable standard, the Town may make improvements to bring the road to an appropriate

standard and assess any costs relating to the work to the relevant parties. This action shall not be interpreted as the Town assuming responsibility for the private road.

6.2.4 Pedestrian Policies

One of the objectives of this Plan is to establish pedestrian-friendly environments. Overall, this Plan shall encourage people to walk for health reasons and to reduce their dependence on the automobile. This Plan stresses the need for a clearly defined network of sidewalks, pathways and cycle routes that are linked to established public areas.

Where Council considers it appropriate, new development or redevelopment will be expected to provide pedestrian walkways and sidewalks constructed to an appropriate standard. The location, size and nature of the development will determine whether sidewalks are needed on both sides or one side of the street. In some cases, sidewalks may not be required.

When undertaking public works and where appropriate, the Town will include the provision of facilities which address the needs of pedestrians.

To encourage pedestrian travel, streetscapes should be safe, convenient and attractive for pedestrians. This may include providing sidewalks, locating commercial uses at street level, encouraging building design that provides shelter and providing appropriate lighting, street furniture and landscaping.

6.2.5 Cycling Policies

Cycling also reduces the dependence on the automobile. This Plan shall encourage people to ride bicycles.

Where Council considers it appropriate, new development or redevelopment will be expected to provide bike racks.

When undertaking public works and where appropriate, the Town will include the provision of bike lanes and bike racks to address the needs of cyclists.

6.2.6 New Roads

The Town shall have regard for, but not be limited to, the following road related considerations when reviewing new development proposals:

- a) where new roads are required, they shall be designed with the capacity to accommodate anticipated traffic generated by the development;
- b) the design of the road provides for the safe movement of vehicles and pedestrians;

- c) the carrying capacity of the adjacent roads is sufficient to accommodate the anticipated traffic generated by the proposed development, as well as anticipated growth in levels of background traffic; and
- d) The Town shall ensure that all roads in its jurisdiction are maintained in a safe condition. Priority for road repair shall be given to those roads where such repair reduces the need for major reconstruction of the roads.

6.3 Rights-of-Way Widening

The Town may require land to be conveyed at no cost for the purpose of widening the existing road right-of-way as a condition of severance, subdivision or site plan control approval. Land for widening of the road right-of-way shall generally be sought equally from both sides of the right-of-way. In certain situations, exemptions or modifications to the requirements may be necessary to reflect site constraints, existing physical development or encroachments, placement of buildings, heritage structures, scale of proposed development, and pedestrian safety.

The number of lanes on Municipal roads is not likely to increase, since the anticipated volumes of traffic can be accommodated. The rights-of-way may be increased, however, to accommodate such needs as sidewalks, wider right lanes to enable safe and proper side-by-side sharing of the road by cycles and motor vehicles, cycle facilities, utility services and landscaped boulevards. Widenings may also be necessary to allow for the provision of municipal services.

6.4 Parking

Parking is an integral component of the road transportation system. Therefore, it is the policy of this Plan to ensure that the location and design of parking facilities encourage the efficient and safe functioning of the transportation system. The Town shall have regard to the following factors when considering the approval of individual parking lots and the parking component of a larger development:

- a) access and exit to parking areas shall be located so that:
 - i. visibility of other vehicles is not hindered by inadequate sight triangles or buildings set too close to public streets or the internal road system;
 - ii. visibility is maintained between vehicles entering/exiting the site and pedestrians along the property frontage in order to minimize conflict between the two modes of travel;
 - iii. there is minimal disruption to the function of the adjacent road by providing turning lanes where required;
 - iv. where practical, adjoining land uses on arterial, major collector and collector roads shall share access points in order to minimize traffic hazards;

- v. where practical, the Town will require internal links between adjacent parking lots.
- b) where possible, parking facilities shall be sited on a property such that large expanses fronting on public streets are avoided;
- c) parking for persons with disabilities is provided within oversized parking stalls with ramped sidewalks nearby and is well located in respect to convenience for the user, proximity to the building access points or public sidewalks and is protected, where possible, from adverse climatic elements;
- d) illumination of all areas to increase the safe, secure use of parking facilities;
- e) light spillover or glare from any lighting source onto residential uses and public streets shall be minimized, but not to the detriment of safety concerns;
- f) for mixed use development containing residential units, parking areas shall be dedicated for the exclusive use of residents and separated by design or distance from parking areas for other uses except where parking facilities can be shared with these other uses so as to provide adequate, safe, secure and convenient parking for residential use;
- g) parking areas shall be designed to incorporate proper stormwater management, and use permeable surfaces, where feasible;
- h) pedestrian circulation routes through parking areas shall respect natural pedestrian travel routes, minimize hazards and inconvenience and maximize pedestrian security;
- i) the design and layout of parking areas shall ensure the safe and efficient operation of the facility; and
- j) parking facilities shall be designed, located and operated in such a manner that maximizes the security of motor vehicles and cycles from theft and vandalism and their users from assault or personal injury. In the case of cycle parking, the design and operation shall minimize the risk of physical damage to the cycle from the parking facilities or from other cycles sharing the facility.

The Town shall require the provision of on-site loading facilities for development that may regularly receive or dispatch goods. The loading spaces shall be located to minimize the effects of noise and fumes on adjacent uses and shall not interfere with customer/employee parking or pedestrian movement.

6.5 Stormwater Management

Stormwater management is an important part of the Town's broader interest in protecting water quality. Due to the fact that development affects the quality and quantity of storm runoff, the Town will ensure that adequate consideration is given to stormwater management, including off-site impacts. Through proper stormwater management, the Town shall attempt to protect, improve or restore the quality and quantity of water.

Policies

1. Prior to approval of any development concept, the Town may request that stormwater plans be prepared for review by the Town and, if adjacent to a Provincial highway, the MTO. The plan will include a statement of the receiving stream and design objectives to be applied and a description of the stormwater management practices to be applied, in accordance with the relevant Provincial Policies and Guidelines, specifically the `Stormwater Management Planning and Design Manual`, MOECC 2003 and Adaptive Management of Stream Corridors in Ontario`, MNRF 2001 . Applicants are encouraged to consult with the relevant ministries and agencies. Stormwater plans will incorporate applicable impacts of climate change.
2. Prior to approving any development proposal, the Town shall be satisfied that adequate stormwater management and drainage to a suitable outlet are provided.
3. For any development proposal, increases in runoff from the development shall be minimized in accordance with best management practices and watershed needs. The impact of any proposed development on local and area-wide drainage patterns shall be identified. An appropriate method of managing surface runoff shall be developed and implemented as a condition of approval, according to the following policies:
 - a) Developments shall incorporate methods of on-site stormwater best management practices to ensure that post-development flow rates do not exceed pre-development rates.
 - b) Low Impact Development (LID) alternatives, to manage stormwater as close to its source as possible, will be encouraged;
 - c) In order to meet stormwater quality objectives, the retention of existing tree cover or natural vegetation and the provision of significant grassed and natural areas shall be encouraged to facilitate absorption of surface water into the ground and erosion and siltation control measures will be incorporated into any grading and drainage scheme.
 - d) Developments which could have a significant impact on surface drainage shall provide comprehensive drainage plans showing methods of surface water disposal and any impacts on adjacent or affected properties.

- e) In order to achieve the Town's objectives for stormwater management, it will be required that, prior to the start of development on any given site, the proponent submit a plan clearly demonstrating how sediment and erosion control is to be undertaken so as to eliminate off-site impacts. For large developments, this plan will be prepared by a qualified professional engineer.
 - f) Prior to adopting an Official Plan amendment, Zoning By-law amendment or entering into a site plan control agreement, the Town may circulate the proposal to the MTO or other agency, where required. The Town may recommend additional specific requirements on a case-by-case basis.
4. Prior to final approval of any development plan, detailed stormwater design plans will be required. This policy will apply to all commercial, industrial and institutional development and residential development of five units or more and to all forms of development proposed within or adjacent to a Natural Heritage designation.

6.6 Utilities

Existing uses throughout the Town and any new development rely upon the provision of a number of utilities, including telephone, cable television, hydro, natural gas, etc. Many of these utilities are located on roads or other public rights-of-way. The improvement of these utilities is an ongoing process requiring replacement of existing facilities and creation of new sites for utility related functions, such as transformer stations, pumping stations, valve stations, etc. In addition, the Town should actively seek to co-ordinate the siting of these utilities within rights-of-way and the co-ordination among utilities in order to avoid the unnecessary duplication of rights-of-way or easements. Further, where existing aboveground utilities can be relocated underground, the Town shall encourage such relocations.

Each utility company should be consulted in the development, design and approval stages for new development or redevelopment in order to provide the maximum time for preplanning of utility provision.

6.7 Alternative Energy Systems and Renewable Energy Systems

A renewable energy generation facility, a renewable energy project, a renewable energy testing facility or a renewable energy testing project, as defined in Subsection 1(1) of the *Planning Act* is exempt from provisions of the *Planning Act* except as set out in Subsection 62.0.2 of the Act.

SECTION 7: IMPLEMENTATION

7.1 Zoning and Holding By-laws

Following approval of the Official Plan, the Town shall enact new Zoning By-law provisions to implement this Official Plan. Zoning shall be the primary means for implementing the Official Plan. As set out in Section 34 of the *Planning Act*, the Zoning By-law will regulate the use of land, the erection and use of buildings and structures, yard requirements, setbacks, parking and loading space requirements, and to protect significant wildlife habitat, the habitats of endangered and threatened species, wetlands, hazard lands, and areas of natural or scientific interest.

The implementing Zoning By-law shall conform to the policies and designation of this Plan. However, areas may be zoned otherwise in the By-law for their existing uses or in a holding zone category as provided for in the *Planning Act*, and in accordance with the following objectives and criteria.

It is the intention of the Town to place certain lands within a holding category in the implementing Zoning By-law when the principle of development has been established, in order to:

- a) prevent or limit the use of land in order to achieve orderly phased development;
- b) ensure that the private or municipal servicing and design criteria established by the Town have been met and any required special studies completed prior to removing the holding symbol;
- c) allow for the implementation of special design features in specific locations or developments;
- d) where development is to occur by registered plan of subdivision or where a site plan control agreement is a requirement of the development process, the holding zone will be used to ensure that all conditions of development, including financial requirements and agreements in accordance with the provisions of this Plan and/or the *Planning Act*, have been complied with.

Lands which are subject to holding provisions will be identified in the Zoning By-law by the symbol 'h' in conjunction with the appropriate zone symbol denoting the eventual usage of the land and will be subject to the following policies:

- a) Lands in a holding zone will generally be limited to existing uses or uses which will not preclude the future development of the lands, such as agricultural uses, forestry uses, conservation uses, park and open space uses.

- b) New development proposed on land zoned for holding purposes will not be permitted until the Town deems it appropriate to remove the holding symbol through an amending By-law in accordance with the conditions outlined below.

An application for removal of the holding symbol will be reviewed by the Town in consideration of the following criteria:

- a) the proposed use of lands is in conformity with the requirements of the Zoning By-law;
- b) the required services are provided or can be provided;
- c) any required tests or reports are completed to the Town's satisfaction;
- d) the financial requirements of the Town have been fulfilled;
- e) the phasing and design of the proposed development is approved by the Town;
- f) any agreements have been completed to the Town's satisfaction. When the Town is satisfied that the above criteria have been met in full, the Town will consider a proposal to remove the 'h' symbol. Notice shall be given of the Town's intention to consider removing the holding symbol in accordance with the requirements of the *Planning Act*.
- g) any other potential legislative and/or regulatory requirements.

7.2 Interim Control By-laws

The Town may pass Interim Control By-laws to control the use of land, buildings or structures within designated areas of the Town and in accordance with the provisions of Section 38 of the *Planning Act* in order to prevent or limit development until detailed planning studies for the subject lands are completed and approved by the Town. Any Interim Control By-law approved by the Town shall initially be in effect for a period of up to one year from the date of passing of the By-law but may extend for a maximum of one additional year.

7.3 Temporary Use By-laws

Pursuant to Section 39 of the *Planning Act*, the Town may authorize the temporary use of land, buildings or structures for any purpose otherwise prohibited by the Zoning By-law. The temporary use may be initially authorized for a period of time up to three years from the date of the passing of the By-law, except in the case of garden suites, which may be authorized for up to twenty years.

A Temporary Use By-law may be extended by By-law for further periods of not more than three years each. Upon the expiry of a Temporary Use By-law, the use authorized

by the By-law shall cease, unless extended by By-law. Where deemed appropriate by the Town, a Temporary Use By-law may be adopted for a purpose which does not conform to the Official Plan, provided that the long-term objectives and policy direction of the Plan shall not be adversely affected by the By-law.

7.4 Increased Height and Density Provisions

The Town may pass Zoning By-laws in accordance with the *Planning Act* to permit an increase in the maximum height or density of a development, in exchange for the provision of such facilities, services or matters as are set out in the By-law.

The owners of the subject lands shall address one or more of the following requirements to the satisfaction of the Town in order to be eligible for increases in the height and/or density of development beyond that otherwise permitted.

- a) the provision of affordable housing, assisted housing or housing for those with special needs;
- b) the provision of community facilities, such as parks, with a special emphasis on waterfront lands, day nurseries or community centres;
- c) the preservation of cultural heritage value or interest;
- d) the dedication or provision of open space, recreation facilities, waterfront lands or open space trails;
- e) the provision of energy conservation and environmental performance measures.

The increased height and density provisions will be implemented through the implementing Zoning By-law. The Zoning By-law will outline the detailed development standards upon which the bonus provisions will be based and identify the areas or zone classifications where such bonus provisions may apply.

In all cases, the facilities, services or matters provided in exchange for increased height or density of a development project shall be directly linked to the nature of the development and shall be located on the lands which are being developed.

The transfer of increased height and density provisions from one site to another site or from one project to another project shall not be permitted.

In all cases, development resulting from the application of increased height or density provisions shall meet all other applicable Zoning By-law provisions and regulations.

Before passing Zoning By-laws to allow an increase in height or density of a development project, the Town will review the implementation of increased height and density provisions of the *Planning Act* having regard to the following specific matters:

- a) the type or types of development to which increased height or density provisions may apply;
- b) area or areas of the Town where these provisions may apply;
- c) the facilities, services or matters which may be provided in exchange for increased height or density;
- d) the extent of the increases in height and density which may be granted.

In all cases, development resulting from the application of increased height or density provisions shall be compatible with adjacent uses and meet the general intent and purpose of this Plan.

The facilities, services and matters which are to be provided shall be commensurate with the increased height or density which may be granted for each development project.

As a condition to the application of increased height or density provisions to a proposed development, the owner of the subject land will be required to enter into an agreement with the Town to be registered against the title to the land. The agreement will deal with the facilities, services, or matters that are to be provided, the timing of their provision, and the increase in height or density to be given.

7.5 Site Plan Control By-law

For the purpose of establishing an area to be governed by the site plan control provisions of the *Planning Act*, the entire Town is deemed to be the site plan control area, subject to various zone categories to be identified in the Site Plan Control By-law, which are generally described in Section 3.20 of this Plan. For these areas, the Town may pass a Site Plan Control By-law pursuant to the *Planning Act*. Where a Site Plan Control By-law is in effect, the applicant will submit for approval such plans or drawings as required by the Town. The applicant may also be required to enter into an agreement with the Town to provide and maintain those facilities required on the site plan. Such agreements may be registered against the land to which it applies. In the review of site plans, the Town shall consult with the appropriate government bodies to obtain their input.

7.6 Building By-law

A Building By-law has been passed by the Town pursuant to the provisions of the *Building Code Act*.

7.7 Maintenance and Occupancy

It is the intent of the Municipality to encourage the maintenance of the Municipality as a pleasant environment for living, working, shopping and recreation. Continued maintenance of property is essential to the welfare of the Municipality.

It is the intention of the Municipality to support the private efforts of property maintenance and to eliminate any existing hazards to building occupants through the introduction of By-laws specifying standards for all properties within the Municipality for property maintenance and occupancy under the *Building Code Act*.

The Municipality will endeavour to support further property maintenance and safe occupancy by:

- a) utilizing available government programs, where applicable, to provide financial and administrative support to individuals seeking to improve their properties;
- b) undertaking education and public relations programs as needed to demonstrate the benefits of property maintenance; and
- c) maintaining Municipally-owned buildings, properties and community facilities, and providing or maintaining municipal services in good repair.

Upon adopting a Maintenance and Occupancy By-law, the Municipality will appoint a Property Standards Officer who will be responsible for administering and enforcing the By-law.

The Municipality will also appoint a Property Standards Committee in accordance with the *Building Code Act* for the purpose of hearing appeals against an order of the Property Standards Officer.

The By-law will be administered using a standard recording form for building or property condition to provide a clear and equitable procedure for evaluating building condition.

The Maintenance and Occupancy By-law will prescribe standards for the following matters and any others that may be considered necessary:

- a) The keeping of yards, vacant lands, parks, waterfront areas, laneways and passageways free from debris, rubbish, weeds, abandoned or used vehicles, trailers, boats, barges, mechanical equipment or similar material.
- b) The adequacy of sanitation control, including garbage disposal, sewage and drainage.
- c) The maintenance of parking and storage areas.
- d) The maintenance of all buildings and structures, including structural standards of walls, floors, ceilings, foundations, insulation, electrical systems, plumbing, heating, adequacy of protection from weather, natural lighting and ventilation, condition of chimneys, fire protection standards and general cleanliness and upkeep.

- e) The maintenance of fences, swimming pools, accessory buildings and signs.
- f) The establishment of occupancy standards, including pest prevention, adequacy of food preparation facilities, access, ventilation, maximum number of persons per dwelling unit, minimum floor spaces, and room heights.

Council shall ensure that the application of this By-law is not detrimental to the conservation of heritage resources, and may choose to use this By-law to protect such resources.

7.8 Other By-laws

By-laws passed by the Town under the authority of the *Municipal Act* or any other Act may implement the policies of this Plan. For instance, By-laws dealing with the regulation of derelict motor vehicles, wrecking yards, pits and quarries, trailers or signs may be passed by the Town where considered appropriate. Any such By-law shall conform to this Official Plan.

7.9 Subdivision of Land

The Town will use subdivision and consent approval processes to ensure control over the subdivision of land. All plans of subdivision and consent applications must conform to the requirements of this Plan. As part of the approval process, certain requirements may be imposed as a condition to the approval of a plan of subdivision or a consent, and the owner may be required to enter into an agreement with the Town before final approval.

7.10 Construction of Public Works

Certain policies of this Plan will be implemented through the construction of public works. No public works will be undertaken that do not conform to the intent and purpose of the Official Plan.

7.11 Land Acquisition

The Town may acquire and hold land within the Town for the purpose of developing any feature of the Official Plan. The Town may also sell, lease or otherwise dispose of such land when no longer required in accordance with the *Municipal Act* and other relevant provisions of this Plan.

7.12 Amendments

Amendments may be made to the Official Plan when such changes are warranted. The provisions of the *Planning Act* with respect to Official Plans apply similarly to amendments, including the approval of the Minister or the Ontario Municipal Board, as the case may be. When amendments are made to the Official Plan, appropriate

amendments may also be required to the implementing By-laws so that any such By-law is in conformity with the Plan.

7.12.1 Alternative Notice

Official Plan Amendments

1. Notice under subsection 17(17) of the *Planning Act*, of a public meeting for the purpose of informing the public in respect of a proposed minor Official Plan Amendment shall be given by the following:
 - a) by the publishing of two (2) newspaper notices in the local daily newspaper. The first newspaper notice shall be not sooner than twenty (20) days prior to the public meeting, while the second notice should be within approximately seven (7) days of the public meeting; or
 - b) by personal service or pre paid, first class mail to every Owner of land in the area to which the amendment would apply and within 120 metres of such area. In this case, the public meeting may be held no sooner than twenty (20) days after the notice is received. For these purposes, first class mail shall be considered to be received two (2) days after it was postmarked.
2. A minor Official Plan Amendment shall be defined as the one that changes the land use designation of a specific site, or area not exceeding 0.5 hectares, and/or adds a "notwithstanding clause" that alters a policy for such a specific site or area of land.
3. Where the amendment is not considered minor, the general provisions of Subsection 17(17) of the *Planning Act* shall apply.

7.13 Review Procedure

Council shall, not less than every five years after the Official Plan comes into effect, undertake a review of the Official Plan, hold a separate meeting open to the public and revise the Plan, as required, in accordance with the requirements of the *Planning Act*. The revisions shall ensure that the Official Plan conforms to provincial plans, has regard to matters of provincial interest, and is consistent with the policy statements issued under subsection 3(1) of the *Planning Act*.

7.14 Procedural Guidelines

From time to time, the Town may adopt procedural guidelines in order to assist the Town, Municipal staff and the public in effectively dealing with such matters as subdivisions, consents and site plan control. These guidelines, while not forming part of the Official Plan, will assist with its implementation.

7.15 Public and Indigenous Consultation

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

As appropriate, the Town shall engage meaningfully with Indigenous communities and Metis of Ontario on Planning Act applications.

7.16 Cross-Jurisdictional Coordination

The Town may choose to work with the Province, neighbouring municipalities, First Nations, and other agencies when dealing with land use planning matters.

SECTION 8: INTERPRETATION

It is intended that the boundaries of any land use areas shown on Schedule 'A' or 'B' will be considered as approximate only, except where bounded by such features as existing roads, railways, rivers or other natural features. Where the boundary is meant to reflect the boundary of a hazardous, environmentally sensitive or natural heritage feature, the edge of the flood plain, hazardous, environmentally sensitive or natural heritage feature is the boundary. It will not be necessary to make amendments to the Official Plan for minor variations in the approximate boundaries provided that the intent of the Plan is preserved.

It is intended that all figures and quantities contained in the Plan be considered in the metric form. Amendments will not be required for any reasonable variation from these figures and quantities, provided such variations meet the intent of this Plan.

It is intended that buildings, structures and uses that are normally incidental, accessory and essential to a permitted use will also be allowed even though not specifically stated in the land use policies. Further examples of permitted uses for the designations are intended to indicate the possible range of uses considered appropriate and not to be interpreted as all-encompassing unless otherwise stated as such. All permitted uses shall be in conformity with the intent and policies of this Plan.

Any significant change from the policies contained herein will require an amendment to the Official Plan and implementing Zoning By-law. If a change is major, particularly if it will cause changes in the way in which an area is developing, then the Official Plan should be reviewed in its entirety.

Where any Act or portion of an Act is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may replace the specified Act.

For the purposes of this Plan, it shall be interpreted that the word "existing" when used in this Plan shall mean existing as of the date of the adoption of this Plan by the Town.

For the purposes of this Plan, it shall be interpreted that the word "Town" shall mean the Town of Espanola.

For the purposes of this Plan, the word "development" shall be the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include activities that create or maintain infrastructure authorized under an environmental assessment process or works subject to the *Drainage Act*.

SECTION 9: GLOSSARY

Reference for defined term should be made to the Provincial Policy Statement (PPS) as they are not duplicated herein. Some definitions are provided for convenience if not located within the PPS, but the PPS and other applicable policy or legislation shall supersede the definitions found herein):

Barrier:

Includes anything that prevents a person with disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communication barrier, an attitudinal barrier, a technical barrier a policy or a practices.

Best Management Practices (BMPs):

Techniques, facilities and structures designed to protect or improve the natural environment during land development activities and to mitigate the effects of various land uses. BMPs are implemented during the initiation and/or operation of a number of activities, such as agriculture, development servicing, aggregate extraction, woodlot management, retrofitting activities and water taking.

Examples of BMPs include, but are not limited to, land use restrictions, source controls of pollutants, stormwater management ponds, grassed swales, woodlot management, soil erosion control, crop rotation, tree windbreaks and natural fencerows.

Emergency services:

Services, such as those provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

Existing use:

Land, buildings and structures in use at the date of the adoption of this Plan by Town Council and not the total land area or land holding on which the use is located.

Garden Suite:

A one-unit residential unit containing bathroom and kitchen facilities that is ancillary to an existing residential structure and is designed to be portable or

temporary which offers alternative housing arrangement for elderly parents, handicapped family members or other similar social housing needs.

High water Mark:

The mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark, and normally defined by an Ontario Land Surveyor.

Influence area:

The area, at or below grade, surrounding an aggregate resource area in which aggregate resource extraction might have an **adverse effect** on a **sensitive land use**. **Adverse effects** might include, but not be limited to, impacts on human health, loss of normal enjoyment of property, damage to property, or loss of values to property.

Net Environmental Gain:

Is a working principle which strives to achieve a relative increase in environmental features and natural system functions resulting from new development or new land uses or natural resource extraction rehabilitation over the long term. Net environmental gain will be assessed using such measures as biological diversity, including species diversity, ecosystem diversity and genetic diversity within a species, system function and wildlife habitat. Net environmental gain will be determined by comparing the state of the local environment at a base year prior to development or rehabilitation to the long term expected results of measures taken to protect and enhance the environment given the technical feasibility of the measures proposed. The concept of net environmental gain does not mean that there will be no changes to the state of the environment or tolerance for unavoidable loss on a project by project basis.

Organic Soils:

On soils maps, organic soils are often classified as muck, marsh and peat type soils. Organic and peat soils are formed by humification, the decomposition of vegetative and organic materials into humus. The high percentage of organic matter results in a high moisture retention capacity, making them poorly drained. Organic soils lack structure, erode easily and compress so much that they usually cannot support structures.

Sustainable development:

Development to meet the needs of the present without compromising the ability of future generations to meet their own need.

Watercourse:

A stream of water which flows along a defined channel, with beds and banks, for a sufficient time to give it substantial existence. This may include streams that dry up periodically.

Water resource:

Includes a watercourse, wetland, lake, beaver ponds, Municipal drains or other similar waterbody features.