

**Official Plan Amendment No. 4**

**Municipality of Temagami**

**Amendment Number 4 to the  
Official Plan of the  
Municipality of Temagami**

The attached explanatory text and constituting Amendment Number 4 to the Official Plan for the Municipality of Temagami, was prepared and adopted by the Council of the Corporation of the Municipality of Temagami, by By-law Number 21-1558 in accordance with the provisions of Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

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Dan O'Mara, Mayor

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Suzie Fournier, Municipal Clerk

**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**

**BY-LAW NO. 21-1558**

**A By-law to adopt Amendment No. 4 to the  
Official Plan for the Municipality of Temagami.**

**WHEREAS** The Corporation of the Municipality of Temagami is empowered to amend its Official Plan as required;

**AND WHEREAS** Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended, provide Council such authority to amend its Official Plan;

**AND WHEREAS** the policies of the Official Plan of the Municipality of Temagami are approved and in force and effect at this time;

**AND WHEREAS** the Council of the Corporation of the Municipality of Temagami deems it necessary and desirable to adopt an Amendment to the Official Plan of the Temagami;

**AND WHEREAS** a public meeting was held in accordance with the provisions of the *Planning Act*, R.S.O. 1990.

**AND WHEREAS** changes have been made to the Official Plan Amendment following the public meeting and Council has determined that no further notice is required to be given;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Temagami enacts as follows:

1. Amendment No. 4 to the Official Plan for the Municipality of Temagami, consisting of the explanatory text is hereby adopted.
2. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

This By-law will take effect on the date of its passage, subject to the provisions of Section 17 and 22 of the Planning Act, R.S.O. 1990, c.P.13.

READ A FIRST AND SECOND TIME on the 15<sup>th</sup> day of April, 2021.

READ A THIRD TIME and finally passed this 15<sup>th</sup> day of April, 2021.

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Mayor

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Municipal Clerk

**Certification**

Certified that the above is a true copy of By-law No. 21-1558 as enacted and passed by Council of the Municipality of Temagami on the 15<sup>th</sup> day of April, 2021.

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Suzie Fournier, Municipal Clerk

## THE CONSTITUTIONAL STATEMENT

The following Amendment to the Official Plan for the Municipality of Temagami consists of three parts:

**Part A** – THE PREAMBLE does not constitute part of this Amendment.

**Part B** – THE AMENDMENT, consisting of the text of Amendment No. 4 to the Official Plan to the Municipality of Temagami. There is no map or schedule associated with the Amendment.

**Part C** – APPENDIX 1 does form part of this Amendment. The Appendix is the tracked changes version of the Official Plan that incorporates the Amendment to the Official Plan.

## **Part A – Preamble**

### **Purpose**

The purpose of this Amendment is to revise policies in the Municipality of Temagami Official Plan to provide clarification for the development permissions related to home occupations and home industries, following direction from Council.

### **Location**

Amendment No. 4 is a textual Amendment and generally applies to all lands within the Municipality, therefore there is no schedule provided with the Amendment.

### **Basis**

The Provincial Policy Statement and the current Official Plan permit home occupations and home industries. In adopting this Official Plan Amendment, Council relies on the following basis:

- The Provincial Policy Statement speaks to permissions for home occupations and home industries on rural lands, and encourages development within settlement areas.
- The Municipality of Temagami's Official Plan includes a definition for a home occupation and a home industry, and also policies for the various Neighbourhoods that state how these uses may be carried out.
- A desire by the Municipality to provide for clearer regulations for home occupations and home industries resulted in a proposed Amendment to the implementing Zoning By-law. Based on the Amendment proposed to the implementing Zoning By-law, Amendments to the Official Plan are required to also clarify where home occupations and home industries shall be permitted.
- The need to amend the Official Plan arose following direction to amend the Zoning By-law to provide clarification as to the interpretation of the examples of uses which have been referenced in the Zoning By-law.
- In addition to updated definitions for a home occupation and home industry, home occupations and home industries are to be permitted within a dwelling and/or within an accessory building.
- Policies have also been included in the Official Plan to evaluate proposed home industries on shoreline lots (a Zoning By-law Amendment is required to permit a home industry on the shoreline).

## **Part B – The Amendment**

### **1.0 Introductory Statement**

Part B – The Amendment, consisting of the following text constitutes Amendment No. 4 to the Official Plan for the Municipality of Temagami.

### **2.0 Details of the Amendment**

The Official Plan of the Municipality of Temagami is amended in accordance with the track-changed document attached as Appendix 1.

### **3.0 Implementation and Interpretation**

The provisions of the Official Plan regarding the implementation of that Plan shall also apply to this Amendment. In all other respects the provisions of the Municipality of Temagami Official Plan shall apply.

Upon approval of this Amendment, Council shall consider an implementing Zoning By-law.

The provisions of the Official Plan, as amended from time to time, shall apply in regard to the Amendment.



**Part C – The Appendices**

Appendix 1: Track-changed Version of Official Plan Document

THE CORPORATION OF THE  
MUNICIPALITY OF TEMAGAMI  
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TEMAGAMI, ONTARIO P0H 2H0  
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# OFFICIAL PLAN

## TEXT

As adopted by the Council of  
the Corporation of the  
Municipality of Temagami  
by By-law 11-1031  
on October 13, 2011

As modified and approved by the  
Ministry of Municipal Affairs  
and Housing

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In carrying out its mandate, the Ministry of Natural Resources is encouraged to have regard for the policies of this Plan. The Ministry of Natural Resources should have particular regard for: the size, location, density and means of access to new patented land for commercial tourist and private residential development; the Municipality's objectives with respect to the establishment of new roads and access points; the amount of development permitted; and the rate of change.

Notwithstanding these statements, the Municipality recognises that the Temagami Land Use Plan for the Temagami Comprehensive Planning Area, MNR (1997) is the governing land use planning document except in the geographic township of Sisk. The Municipality will only consider an amendment to this Plan for areas currently designated as Crown land, if the Ministry of Natural Resources first approves an amendment to the Temagami Land Use Plan (if required), North Bay District Land Use Guidelines and the Ontario Lands for Life Land Use Strategy or any relevant resource management plan.

Crown land within the Urban Neighbourhood is managed subject to the policies in the Temagami Land Use Plan. The Temagami Land Use Plan 'zones' within the Urban Neighbourhood include Development Area, Integrated Management Area, and Special Management Area. In some instances, this Plan reflects the land use 'zones' in the Temagami Land Use Plan in that lands are designated Future Development, Integrated Management Area, or Special Management Area. The sole purpose of the Temagami Land Use Plan designations in this Plan is to recognize the authority of the Temagami Land Use Plan as the governing Plan affecting these lands, most, if not all of which are Crown Lands.

#### **4.3.2 Permitted Uses**

Permitted uses within the Urban Neighbourhood include a broad range of residential, commercial, industrial, institutional and community uses to meet the needs of existing and future residents and visitors.

#### **4.3.3 Rural and Remote Residential**

The Municipality is actively involved in acquiring Crown land for cottage lot development. This plan establishes policies to guide the creation of new lots from Crown land subject to MNR's land disposition process. The Municipality's policy is to allow continued, meaningful negotiations with the MNR on the issue of Crown land disposition on lake trout lakes.

Should the disposition of Crown land on lake trout lakes be permitted by the Ministry of Natural Resources, a Lot Creation and Development Plan Study shall be carried out for those designated lake trout lakes where new lots will be created, prior to development taking place. The results of such a study shall be incorporated into this Plan, by amendment.

Some Rural Residential and Remote Residential development exists within the Urban Neighbourhood. These properties may not be serviced with municipal water or sewers and may be located on Municipal roads. New lots of a similar type, may be created by consent or plan of subdivision or by patent from Crown land within the Urban Neighbourhood, only within the Integrated Management Area land use designation.

Certain accessory uses and structures are permitted on Rural Residential and Remote Residential ~~dwelling lots in addition to~~ and include: a boathouse, ~~and~~ include sleep cabins, a home occupation, a home industry, a bed and breakfast, and a detached garage, in accordance with the provisions of the Zoning By-law.

In addition, on a Rural Residential lot located on a maintained municipal road, ~~accessory uses include:~~ a bed and breakfast establishment in the dwelling unit only, without sleep cabin(s), ~~and with or without a~~ home occupation and home industry is permitted.

#### **4.3.3.1 Rural Residential**

New Rural Residential lots shall be located on a municipal road, open and maintained on a year round basis. The lots may have municipal or private water supply and sewage disposal systems, depending on their location or may be serviced with communal servicing systems. The creation of new lots by consents or letters patent from Crown land are permitted throughout the Neighbourhood. Plans of subdivision or condominium are permitted. All rural residential lots shall conform to the following policies:

- the intended use of the lot or lots conform to the intent and policies of the Plan;
- prior consultation is required with the Ministry of Transportation before granting draft approval for any plan of subdivision or condominium on recreational lakes that propose access from Highway # 11;
- the lot or lots are not within 500m of a known sanitary landfill site;
- the applicant, when required, shall provide a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features, otherwise the Municipality will not approve the consent;
- the soil, drainage, and slope conditions on the lot or lots are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and sewage disposal system, in accordance with the requirements of Section 2.9;
- where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent being granted;

#### 4.3.4 Sleep Cabins

Sleep cabins are permitted on Rural and Remote Residential lots within the Urban Neighbourhood where a residential dwelling exists and in conformity with the following policies and provisions of the Zoning By-law.

One sleep cabin may be constructed prior to the construction of the main dwelling on the lot. The sleep cabin may have either bathroom or kitchen facilities. The sleep cabin may have both bathroom and kitchen facilities, subject to conforming to the policies of Section 4.3.5.

The size and number of sleep cabins on a lot affects the intensity of use on the property. In order to reduce visual impact, sleep cabins should be located no closer to the lake than the main residential dwelling or the minimum front yard setback specified in the Zoning By-law whichever is the lesser. Cabins to provide additional sleeping accommodation are not permitted in the Urban Neighbourhood except in association with remote residential and rural residential development. Sleep cabins are permitted in accordance with Section 4.3.5.

#### 4.3.5 Number of Sleep Cabins Permitted on a Lot

The maximum number of sleep cabins permitted on a remote residential or rural residential lot in the Urban Neighbourhood is set out in the Zoning By-law.

The total number of sleep cabins shall not detract from the main residential use of the property and shall not exceed two sleep cabins per lot.

For the purpose of this section, a boathouse with sleeping accommodations, as set out in Section 4.3.8, is deemed to be a sleep cabin.

One sleep cabin may have bathroom and kitchen facilities subject to an approved connection to an independent, on-site sewage disposal system. The fully serviced sleep cabin shall be located on the lot so that the sleep cabin and the associated sewage disposal system could be severed from the remainder of the lot so that the severed and retained lots conform to the provisions and standards of the Zoning By-law.

#### 4.3.6 Home Occupations

Home occupations shall only be carried out in part of a residential dwelling, and/or part of or all of a building accessory to a dwelling, an enclosed accessory building, and shall be incidental to the residential use. The home occupation shall not change the residential character of ~~the dwelling~~ or the lot. -

~~One employee who does not reside on the property may be employed in the home occupation except on a remote residential or rural residential lot where a maximum of two non-residents of the property may be employed.~~ The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning By-law or in the case of a water access lot, adequate docking facilities. Sale of goods or the

provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor may it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

~~Home occupations shall be permitted in accordance with the Zoning By-law. The specific home occupations permitted within the Urban Neighbourhood shall be set out in the Zoning By-law and may differ between remote residential and rural residential lots and other types of lots. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By-law, are permitted.~~

#### **4.3.7 Home Industry**

Home industries ~~such as electrical, carpentry and plumbing shops~~ may be permitted in all or part of a building accessory to a dwelling, an accessory building to a single detached dwelling unit, and/or in part of a single detached dwelling unit. ~~In addition, a contractor's yard is permitted as a home industry~~ on a Rural Residential or Remote Residential lot in the Urban Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the ~~accessory building~~ for the use proposed, the potential impact of the home industry on adjacent residential areas, the size of the operation, the visual impact from the shore, and the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or to otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood, the adequacy of on-site parking and other matters as may be set out in the Zoning By-law. ~~However, home industries shall not be carried out in a wet or dry boathouse and~~ There shall be no outside storage associated with the home industry, unless the storage area is limited in size to support the on-site use, and is completely screened and not visible from off site. ~~there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.~~

A Home Industry, ~~including a contractor's yard~~, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

#### **4.3.8 Shoreline Structures**

Boathouses, both water based and land based, pumphouses, saunas and storage units have the potential for significant visual impact. In order to minimise impacts when locating a new boathouse, consideration should first be given to screening the boathouse from adjacent dwellings and passing boat traffic and to protect the sight lines of adjacent properties. This may be achieved by orienting the boathouse beyond the immediate view of adjacent dwellings, away from known boating routes or behind rock outcrops and/or trees. The specific siting of boathouses and the size of boathouses shall be in accordance with the

home industries and low intensity recreational uses such as campsites and provincial parks and conservation areas are also permitted.

Land within the Special Management Area may be redesignated to permit Tourist Commercial development. Commercial timber harvesting, mining and aggregate extractions are permitted, but they shall be carefully managed in order to ensure compatibility with other permitted uses and values.

New Tourist Commercial facilities such as lodges shall develop in accordance with the policies of Section 4.4.5, require an amendment to this Plan, an amendment to the Zoning By-law and shall be subject to site plan approval.

New residential development on existing patented land in the Special Management Area land use designation is permitted within the Urban Neighbourhood. New residential development on new patented land shall be in accordance with the policies of Section 4.3.3 and other relevant policies of this Plan and shall be subject to a rezoning.

Access to lakes within the Special Management Area shall be controlled in order to provide a variety of front country and back country recreational opportunities. Public access may be by road, air, motorboat, canoe or trail (snowmobile, cross-country ski, hiking, mountain bike, and horse).

The Zoning By-law shall include the zones necessary to accommodate the existing and anticipated uses.

It is the policy of the Ministry of Natural Resources to consider granting land use permits and patents in the Special Management Area for the uses permitted by this Plan. The Municipality of Temagami supports this approach provided that the long-term goals and objectives of the Municipality are maintained and the policies of this Plan are satisfied.

In order to guide the Municipality's discussions with the Ministry of Natural Resources when considering applications for land use permits and patents, and to guide the provisions of the Zoning By-law, consideration should be given to the policies of Sections 3.0, 9.7 and other relevant sections of this Plan.

#### **Add New Section - 4.4.12 Contractors' Yards**

Contractors' yards may be permitted on a Rural Residential and Remote Residential lot in the Urban Neighbourhood as an accessory use, subject to an amendment to the Zoning By-law and site plan approval in accordance with the following policies.

The contractors' yard shall be used for the outside storage of tools, equipment and in-transit building materials, except noxious or hazardous goods or materials and shall be screened by a solid vegetative buffer from the viewing public.

The contractors' yard shall:

- In the case of a lot fronting on a public road, be located in the rear yard;
- In the case of a lot fronting on both a public road and Lake Temagami, be located in the yard abutting the road;
- In the case of a water access lot, the lot shall be located no closer than 10m from the contractors' yard may be located in any yard, but shall be screened from view from the shoreline. ~~normal shoreline;~~
- In the case of a water access lot, buffering shall be provided in the form of a vegetative buffer of no less than 10 metres in width from the normal shoreline; and
- at all times be clearly incidental to the principal ~~primary~~ residential use of the property



Contractors' yards are permitted in accordance with Section 5.3.18 and subject to a Zoning By-law amendment and site plan control.

### **5.3.3 Rural Residential and Remote Residential**

Remote Residential development exists within the Lake Temagami Neighbourhood and a small amount of new development is anticipated on islands in the Special Management Area land use designation. The development impact by existing and new lots should be mitigated to the extent possible in order to conserve wilderness and semi-wilderness values. Plans of subdivision are not permitted in this Neighbourhood. New lots shall be created by consent and letters patent from Crown land within the Lake Temagami Neighbourhood and shall be subject to the following policies.

Certain accessory uses and structures are permitted on Remote Residential ~~dwelling~~ lots and include: in addition to a boathouse, ~~and includes~~ sleep cabins, a home occupation, a home industry, a bed and breakfast establishment and a garage, in accordance with the provisions of the Zoning By-law.

#### **5.3.3.1 Rural Residential**

Rural Residential lots are located on a municipal road, open and maintained on a year round basis. No Rural Residential lots exist within the Lake Temagami Neighbourhood and none shall be permitted in the future.

#### **5.3.3.2 Remote Residential**

New lots will be created in accordance with the policies of this Plan. The lots shall have approved private water supply and sewage disposal systems, in accordance with the requirements of Section 2.9. The creation of new Remote Residential lots, by consent on private lands and by letters patent from Crown land are permitted provided they conform to the following policies:

##### **Lot Creation Through Consents on Private Land**

- the intended use of the lot conforms to the intent and policies of the Plan and the provisions of the Zoning By-law;
- the Municipality shall not assume any responsibility for the provision of municipal services such as fire fighting, ambulance, water supply, sewage treatment and garbage collection to remote residential properties;
- in creating the lot, conformity with this Plan's policies is required respecting any natural heritage features and areas identified in this Plan;
- the applicant, when required, shall provide a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline

- This policy does not apply to land use permits, leases of record and licences of occupation for existing improved and established residential and commercial properties on islands being converted to patents or any consent required for lot additions or minor variances to bring existing lots into compliance with the Zoning By-law.

### 5.3.8 Home Occupations

Home occupations shall only be carried out in part of a residential dwelling, and/or part of or all of a ~~n-enclosed accessory building accessory to a dwelling,~~ and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling or the character of the dwelling or the lot.

~~Two employees who do not reside in the dwelling may be employed in the home occupation.~~ The sale of goods or the provision of a service shall only be permitted if adequate docking facilities can be provided and an unacceptable level of increased boat traffic does not result, and these activities do not, in, nor does it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood.

Home occupations shall be permitted in accordance with the Zoning By-law, however~~The specific home occupations permitted within the Lake Temagami Neighbourhood shall be set out in the Zoning By law. However,~~ as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. ~~Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople, as set out in the Zoning By law, are permitted.~~

### 5.3.9 Home Industry

~~Home industries such as electrical, carpentry, plumbing and contractors, except a contractor's yard (Section 5.3.18), as set out in the Zoning By law~~ may be permitted in all or part of a building accessory to a dwelling, ~~n accessory building to a single detached dwelling unit,~~ and/or and in part of a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Lake Temagami Neighbourhood. \_

Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the ~~accessory~~ building for the use proposed, the potential impact of the home industry on adjacent residential areas, the size of the operation, the visual impact from the shore, and the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or to otherwise interferes with the enjoyment of the residential amenities ~~of the Neighbourhood,~~ the environment and other matters as may be set out in the Zoning By-law. ~~However, home industries shall not be carried out in a wet or dry boathouse and there~~ There shall be no outside storage associated with the home industry.

~~unless the storage area is limited in size to support the on-site use, and is completely screened and not visible from off site. —Up to two persons, plus the owner may be employed in a home industry.~~

A Home Industry shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

### **5.3.10 Shoreline Structures**

The size and location of shoreline structures, including docks, decks, gazebos, boatports and boathouses, both water based and land based, pumphouses, saunas, utility structures and storage units have the potential for significant visual impact and environmental impact. Wherever possible, utility structures shall be located back from the shore a distance greater than the minimum setback for the main dwelling on the lot. In order to minimise impacts when locating a new boathouse, consideration should first be given to screening the boathouse from adjacent dwellings and passing boat traffic and to protect the sight lines of adjacent properties. This may be achieved by orienting the boathouse beyond the immediate view of adjacent dwellings, away from known boating routes or behind rock outcrops and/or trees. The specific siting of boathouses and the size of boathouses shall be in accordance with the standards established in the Zoning By-law. There shall be a maximum distance from the shoreline that a boathouse can extend into the water. In addition to boat storage, portions of boathouses may be used for general storage, maintenance and repair (non-commercial). Individuals proposing boathouses shall consult with the Ministry of Natural Resources and/or the Department of Fisheries and Oceans and obtain any required authorisation or tenure prior to the Municipality issuing a building permit for the boathouse.

While the exterior appearance of boathouses, including the paint scheme is beyond the legislative authority of the Municipality to control, owners are strongly encouraged to design boathouses as small as is practical and to apply earth tone exterior finishes, that are in keeping with the natural setting of the lake and the surrounding area.

### **5.3.11 Prohibited Uses**

Mobile homes, mobile home parks, multiple unit attached residential structures, development on the mainland unless specifically permitted by this Plan and mineral aggregate extraction in the Skyline Reserve are not permitted in the Lake Temagami Neighbourhood.

There shall be no new development on islands or the mainland in the following areas of Lake Temagami: Kokoko Bay, Pickerel Bay, Partridge Neck, and Couch Bay in order to preserve their pristine nature. There shall be no new development on Cross Lake and, no new public roads, or new permanent structures or hunt camps built on the mainland within 2 km of Cross Lake.

There shall be no new public roads within 2 km of Lake Temagami. There shall be no new

Notwithstanding the policies of Section 5.4.2 of this Plan and the above, uses permitted on patented land on islands in Lake Temagami within the Skyline Reserve, include cottages and tourist commercial uses subject to the relevant sections of this Plan.

In addition to the above, uses permitted on the mainland within the Skyline Reserve shall be limited to:

- Forest renewal and maintenance
- Hunting, trapping, and angling
- Mineral exploration, subject to the Ontario Mining Regulations
- Water based camping;
- Snowmobile, hiking, and ski trails
- Non-extractive resource use, (i.e. trapping, sugar bush, harvesting pine cones)

Uses permitted on specific parcels of land on the mainland within the Skyline Reserve shall be limited to the legal uses legally existing on those specific parcels on the date of adoption of this Plan by Council. Any new structures or modifications to the existing structures, except those deemed to be minor by the Municipality, shall be subject to site plan approval.

Prior to any development along the shoreline of Lake Temagami from Boatline Bay, through the Manitou and Mine landings and Strathcona Landing, extra scrutiny shall be taken.

The matters to be considered include:

- The physical constraints and capability of the land to accommodate the proposed use;
- Compatibility with and separation from other land uses;
- Infrastructure requirements;
- The provision of waste disposal facilities;
- Tourist and lake resident transfer needs;
- The growth of home industries on the islands;
- Tourism related service requirements;
- Health and safety issues regarding the handling of any potentially contaminating materials and wastes, including fuel and sewage; and
- The need for infrastructure to support the social and economic needs of the Lake Temagami Neighbourhood.

### **5.3.18 Contractors' Yards**

Contractors' yards may be permitted on a ~~Rural Residential or Remote Residential~~ residential lot in the Lake Temagami Neighbourhood as an accessory use, subject to an amendment to the Zoning By-law and site plan approval in accordance with the following policies.

The contractors' yard shall be used for the outside storage of tools, equipment and in-transit building materials, except noxious or hazardous goods or materials and shall be screened by ~~a fence made of natural materials or~~ a solid vegetative buffer from the viewing public.

The contractors' yard shall:

- In the case of a lot fronting on a public road, be located in the rear yard;
- In the case of a lot fronting on both a public road and Lake Temagami, be located in the yard abutting the road;
- In the case of a water access lot, the contractors' yard may be located in any yard, but shall be screened from view from the shoreline.~~lot shall be located no closer than 10m from the normal shoreline; and and,~~
- ~~In the case of a water access lot, buffering shall be provided in the form of a vegetative buffer of no less than 10 metres in width from the normal shoreline.~~
- at all times be clearly incidental to the primary residential use of the property

### **5.3.19 Transit of Industrial/Building Supplies at Lake Access Points**

Limited industrial activities may be permitted at approved public lake access points only to facilitate the transit of industrial goods, building supplies and/or equipment between the mainland and lots or sites only accessible by water.

The limited industrial activities are not intended to be a permanent use at any access points. Rather these activities are only for the purpose of a staging or transfer area where goods, supplies or equipment are unloaded and temporarily stored for short periods of time, pending transit by watercraft to the intended final delivery destination. Construction, assembly, manufacturing, fabricating, processing or other similar industrial production activities generally associated with industrial land uses shall not be allowed at any access point. A contractor's yard is not permitted at any access point.

Where lots or sites are accessible by an existing road, industrial goods and/or equipment shall be transported to those lots or sites by road. Goods, supplies or equipment that can be transported by an existing road access to their delivery destination will not be allowed as limited industrial activities at access points.

## **5.4 LAND USE DESIGNATIONS**

### **5.4.1 Integrated Management Area**

There is no land designated Integrated Management Area within the Lake Temagami Neighbourhood.

### **5.4.2 Special Management Area**

The Special Management Area land use designation applies to most of the Crown land areas

the area of concern and may include: aesthetic viewscape management areas, road-crossing standards, seasonal resource extraction prescriptions, mining prescriptions, and forest management Area of Concern prescriptions (AOC), such as moose calving sites, fisheries, natural heritage sites.

The Municipality will encourage, and work with, the MNR to ensure that biodiversity is maintained, sensitive species, and population levels of rare, threatened and endangered species are sustained, if not increased through the implementation of the policies of this Plan.

### 6.3.2 Permitted Uses

Permitted uses in the Marten River Neighbourhood focus on recreational, residential and Tourist Commercial uses and include the following.

Residential uses permitted within the Marten River Neighbourhood are limited to:

- Permanent or seasonal single detached dwelling units;
- Residential condominiums or timeshare facilities converted from an existing tourist commercial facility;
- Sleep cabins (in conformity with the policies of this Plan and the provisions of the Zoning By-law); and
- Accessory uses such as boathouses, docks and storage sheds.

Commercial uses permitted within the Marten River Neighbourhood include Tourist Commercial uses, in conformity with the policies of this Plan.

### 6.3.3 Rural Residential and Remote Residential

Some Rural Residential and Remote Residential development exists within the Marten River Neighbourhood and more is anticipated in the Special Management Area and the Integrated Management Area. Properties will not be serviced with municipal water or sewers but Rural Residential lots must be located on Municipal roads while Remote Residential lots will be water access. The development impact by existing and new lots should be mitigated to the extent possible in order to conserve wilderness and semi-wilderness values. New lots of a similar type, created by consent or plan of subdivision or condominium or by letters patent from Crown land within the Marten River Neighbourhood are subject to the following policies.

Certain accessory uses are permitted on Rural Residential and Remote Residential ~~dwelling~~ lots ~~in addition to and include:~~ a boathouse, ~~and include~~ sleep cabins, a home occupation, a home industry, a bed and breakfast establishment and a detached garage, in accordance with the provisions of the Zoning By-law.

In addition, on a Rural Residential lot located on a maintained municipal road accessory uses include: a bed and breakfast establishment in the dwelling unit only, sleep cabin(s), home occupation and home industry.

~~In addition, on a Rural Residential lot located on a maintained municipal road, a bed and breakfast establishment without sleep cabin(s), and with or without a home occupation or home industry is permitted.~~

### **6.3.3.1 Rural Residential**

New Rural Residential lots shall be located on a Municipal road, open and maintained on a year round basis. The lots may have private water supply and sewage disposal systems or may be serviced with communal servicing systems, in accordance with the requirements of Section 2.9. The creation of new lots by consents or letters patent from Crown land is permitted throughout the Neighbourhood. Plan of subdivision or condominium on recreation lakes immediately adjacent to Highway #11 are permitted. All lots shall conform to the following policies.

- The intended use of the lot or lots conform to the intent and policies of the Plan;
- Prior consultation is required with the Ministry of Transportation before granting draft approval for any plan of subdivision or condominium on recreation lakes that propose access from Highway #11;
- The lot or lots are not within 500m of a known sanitary landfill site;
- The applicant, when required, has provided a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to adequately mitigate the anticipated impacts of the development on the features otherwise, the Municipality will not approve the consent;
- The soil, drainage, and slope conditions on the lot or lots are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and sewage disposal system, as set out in Section 2.9;
- Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent being granted;
- The fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the lot or lots are not negatively impacted by the development;
- Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;
- The lot shall be subject to site plan control which shall include:



converted to patents or any consents required for lot additions or minor variances to bring lots into compliance with the Zoning Bylaw.

### 6.3.8 Home Occupations

Home occupations shall only be carried out in part of a residential dwelling, and/or part of or all of a building accessory to a dwelling, an enclosed accessory building, and shall be incidental to the residential use. The home occupation shall not change the residential character of ~~the dwelling or the lot.~~

~~Two employees who do not reside in the dwelling may be employed in the home occupation.~~

The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning By-law. Sale of goods or the provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor shall it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

~~Home occupations shall be permitted in accordance with the Zoning By-law. The specific home occupations permitted within the Marten River Neighbourhood shall be set out in the Zoning By law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By law, are permitted.~~

### 6.3.9 Home Industry

Home industries ~~such as electrical, carpentry, plumbing, a contractor's yard and machine shops~~ may be permitted in all or part of a building accessory to a dwelling, a accessory building to a single detached dwelling unit, and/or in part of a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Marten River Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the ~~accessory~~ building for the use proposed, the potential impact of the home industry on adjacent residential areas, the size of the operation, the visual impact from the shore and the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or to otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. ~~However, home industries shall not be carried out in a wet or dry boathouse and~~ There shall be no outside storage associated with the home industry, unless the storage area is limited in size to support the on-site use, and is completely screened and not visible from off site. except for a contractor's yard, as set out in the Zoning By law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, ~~including a contractor's yard,~~ shall at all times be clearly incidental to the



primary residential use of the property and shall be subject to Site Plan Control.

### 6.3.16 Bed and Breakfast Establishments

A bed and breakfast establishment, licensed by the Municipality, is permitted within a single detached dwelling on a lot serviced by a maintained municipal road provided the physical character of the dwelling is not substantially altered. The single detached dwelling must clearly be the principal use of the land, the owner must live in the dwelling and the bed and breakfast must clearly be an accessory use to the dwelling. Bed and Breakfast accommodation shall not be provided in a sleep cabin or boathouse. The local health unit shall be consulted when a new bed and breakfast establishment is proposed and, if require, approval of this agency shall be first obtained before a bed and breakfast establishment begins operating. The implementing Zoning By-law shall define a bed and breakfast use and the appropriate zone provisions.

### 6.3.17 Aesthetic Viewscape Management Area

The Municipality recognises that the Marten River Neighbourhood has high recreational values. It is the policy of the Municipality to develop, in conjunction with the Ministry of Natural Resources, prescriptions to establish and protect Aesthetic Viewscape Management Areas around the recreational lakes, canoe routes/boating lakes and railway lines, highways, municipally maintained roads, and designated tourism roads, and to define the AVMA physical limits on these lakes. Although it is recognised that the Nipissing Forest Management Plan does not contain AVMA prescriptions, it is the goal of this Plan that AVMA prescriptions apply to both Nipissing and Temagami Forest Management Plans.

### 6.3.18 Contractors' Yards

Contractors' yards may be permitted on a Rural Residential or Remote Residential residential lot in the Marten River Neighbourhood, as an accessory use, as a Home Industry, subject to an amendment to the Zoning By-law and site plan approval, in accordance with the following policies.

The contractors' yard shall be used for the outside storage of tools, equipment and in-transit building materials, except noxious or hazardous goods or materials and shall be screened by a fence made of natural materials or a solid vegetative buffer from the viewing public.

The contractors' yard shall:

- In the case of a lot fronting on a public road, be located in the rear yard;
- In the case of a lot fronting on both a public road and a lake be located in the yard abutting the road;
- In the case of a water access lot, the ~~contractor's yard shall be located no closer than 10 m from the normal shoreline~~ contractors' yard may be located in any yard, but shall be ~~buffered~~ screened from view from the shoreline: and,
- at all times be clearly incidental to the primary residential use of the property.

In addition, an array of guidelines has been designed to maintain critical habitat for a number of species. These guidelines guide resource management prescriptions throughout the area of concern and may include: aesthetic viewscape management areas, road-crossing standards, seasonal resource extraction prescriptions, mining prescriptions, and Forest Management Area of Concern prescriptions (AOC), such as moose calving sites, fisheries, natural heritage sites.

The Municipality will encourage, and work with, the MNR to ensure that biodiversity is maintained, sensitive species, and population levels of rare, threatened and endangered species are sustained, if not increased through the implementation of the policies of this Plan.

### **7.3.2 Permitted Uses**

Permitted uses in the Matabitchuan Neighbourhood focus on recreational residential and Tourist Commercial uses and include the following.

Residential uses are limited to:

- permanent or seasonal single detached dwelling units
- residential condominiums or timeshare facilities converted from an existing tourist commercial facility;
- sleep cabins (in conformity with the policies of this Plan and the provisions of the Zoning By-law)

Commercial uses permitted within the Matabitchuan Neighbourhood include Tourist Commercial uses, in conformity with the policies of this Plan.

Mineral aggregate uses are permitted within the Matabitchuan Neighbourhood, in conformity with the policies of this Plan.

### **7.3.3 Rural Residential and Remote Residential**

Some Rural Residential and Remote Residential development exists within the Matabitchuan Neighbourhood and more is anticipated in the Special Management Area and the Integrated Management Area. Properties will not be serviced with municipal water or sewers but Rural Residential lots must be located on Municipal roads while Remote Residential lots will be water access. The development impact by existing and new lots should be mitigated to the extent possible in order to conserve wilderness and semi- wilderness values. New lots of a similar type, created by consent or plan of subdivision or condominium or by letters patent from Crown land on recreation lakes immediately adjacent to Highway #11 within the Matabitchuan Neighbourhood shall be subject to the following policies.

Certain accessory uses and structures are permitted on Rural Residential and Remote Residential ~~dwelling~~ lots and include: in addition to a boathouse, ~~and includes~~ sleep cabins, a home occupation, a home industry, a bed and breakfast establishment and a garage, in accordance with the provisions of the Zoning By- law.

In addition, on a Rural Residential lot located on a maintained municipal road accessory uses include: a bed and breakfast establishment in the dwelling unit only, sleep cabin(s), home occupation and home industry.

~~In addition, on a Rural Residential lot located on a maintained municipal road, a bed and breakfast establishment without sleep cabin(s), and with or without a home occupation or home industry is permitted.~~

### **7.3.3.1 Rural Residential**

New Rural Residential lots shall be located on a Municipal road, open and maintained on a year round basis. The lots may have private water supply and sewage disposal systems or may be serviced with communal servicing systems, in accordance with the requirements of Section 2.9. The creation of new lots by consent or letters patent from Crown land is permitted throughout the Neighbourhood. Plan of subdivision or condominium on recreation lakes immediately adjacent to Highway #11 are permitted. All lots shall conform to the following policies.

- The intended use of the lot or lots conform to the intent and policies of the Plan;
- Prior consultation is required with the Ministry of Transportation before granting draft approval for any plan of subdivision or condominium on recreation lakes that propose access from Highway #11;
- The lot or lots are not within 500m of a known sanitary landfill site;
- the applicant, when required, has provided a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features otherwise, the Municipality will not approve the consent: and
- The soil, drainage, and slope conditions on the lot or lots are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and sewage disposal system, in accordance with the requirements of Section 2.9;
- Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted;
- The fisheries habitat, cultural heritage features, steep or unstable soils,

accordance with MNR's planning process however; the Municipality encourages the MNR to consider the policies of this Plan during its process.

### 7.3.7.1 Number of Lots Permitted from Patented or Crown Land

- Five (5) lots from patented or Crown land per year, cumulative from calendar year to calendar year.
- This policy does not apply to land use permits, leases of record and licences of occupation for existing improved and established properties being converted to patents or any consents required for lot additions or minor variances to bring lots into compliance with the Zoning Bylaw.

### 7.3.8 Home Occupations

Home occupations shall only be carried out in part of a residential dwelling, and/or part of or all of a building accessory to a dwelling~~enclosed accessory building~~, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling or the lot.

~~Two employees who do not reside in the dwelling may be employed in the home occupation.~~

The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning By-law. Sale of goods or the provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor does it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood.

~~Home occupations shall be permitted in accordance with the Zoning By-law. The specific home occupations permitted in the Matabitchuan Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of trades people and couriers, as set out in the Zoning By law, are permitted.~~

### 7.3.9 Home Industry

Home industries ~~such as electrical, carpentry, plumbing, a contractor's yard and machine shops~~ may be permitted in all or part of a building accessory to a dwelling, n-accessory building to a single detached dwelling unit, and/or in part of a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Matabitchuan Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the ~~accessory~~ building for the use proposed, the potential impact of the home industry on adjacent residential areas, the size of the operation, the visual impact from the shore and the potential for the home industry to become a nuisance because of noise,

fumes, dust, odour, traffic or to otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. ~~However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By law. Up to two persons, plus the owner may be employed in a home industry.~~

A Home Industry, ~~including a contractor's yard,~~ shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

### **7.3.10 Shoreline Structures**

Boathouses, both water based and land based, pumphouses, saunas utility structures and storage units have the potential for significant visual impact. Wherever possible, utility structures shall be located back from the shore a distance greater than the minimum setback for the main dwelling on the lot. In order to minimise impacts when locating a new boathouse, consideration should first be given to screening the boathouse from adjacent dwellings and passing boat traffic and to protect the sight lines of adjacent properties. This may be achieved by orienting the boathouse beyond the immediate view of adjacent dwellings, away from known boating routes or behind rock outcrops and/or trees. The specific siting of boathouses and the size of boathouses shall be in accordance with the standards established in the Zoning By-law. There shall be a maximum distance from the shoreline that a boathouse can extend into the water.

In addition to boat storage, portions of boathouses may be used for general storage, maintenance and repair (non-commercial) and sleeping quarters in the upper level. A boathouse with sleeping accommodations shall be deemed to be a sleep cabin for the purpose of Section 7.3.5. Boathouses may be provided with electricity and bathroom facilities but shall not be equipped with cooking facilities. Boathouses are not intended to function as a self-contained dwelling unit. Individuals proposing boathouses shall consult with the Ministry of Natural Resources and/or the Department of Fisheries and Oceans and obtain any required authorisation or tenure prior to the Municipality issuing a building permit for the boathouse.

While the exterior appearance of boathouses, including the paint scheme is beyond the legislative authority of the Municipality to control, owners are strongly encouraged to design boathouses as small as is practical and to apply earth tone exterior finishes, that are in keeping with the natural setting of the lake and the surrounding area

### **7.3.11 Prohibited Uses**

Mobile homes, mobile home parks and multi unit attached residential structures are not permitted in the Matabitchuan Neighbourhood.

The Municipality recognises that the Matabitchuan Neighbourhood has high recreational values. It is the policy of the Municipality to develop, in conjunction with the Ministry of Natural Resources, prescriptions to establish and protect Aesthetic Viewscape Management Areas around the recreational lakes, canoe routes/boating lakes and railway lines, highways, municipally maintained roads, and designated tourism roads, and to define the AVMA physical limits on these lakes.

### **7.3.18 Contractors' Yards**

Contractors' yards may be permitted on a Rural Residential or Remote Residential lot in the Matabitchuan Neighbourhood, ~~as an accessory use, as a Home Industry,~~ subject to an amendment to the Zoning By-law and site plan approval, in accordance with the following policies.

The contractors' yard shall be used for the outside storage of tools, equipment and in-transit building materials, except noxious or hazardous goods or materials and shall be screened by ~~a fence made of natural materials~~ or a solid vegetative buffer from the viewing public.

The contractors' yard shall:

- In the case of a lot fronting on a public road, be located in the rear yard;
- In the case of a lot fronting on both a public road and a lake be located in the yard abutting the road;
- ~~In the case of a water access lot, the contractors' yard may be located in any yard, but shall be screened from view from the shoreline; and, contractor's yard shall be located no closer than 10 m from the normal shoreline;~~
- ~~In the case of a water access lot, buffering shall be provided in the form of a vegetative buffer of no less than 10 metres in width from the normal and~~
- ~~Shall~~ at all times be clearly incidental to the primary residential use of the property.

### **7.3.19 Transit of Industrial/Building Supplies at Lake Access Points**

Limited industrial activities may be permitted at approved public lake access points only to facilitate the transit of industrial goods, building materials and/or equipment between the mainland and lots or sites only accessible by water.

The limited industrial activities are not intended to be a permanent use at any access points. Rather these activities are only for the purpose of a staging or transfer area where goods, supplies or equipment are unloaded and temporarily stored for short periods of time, pending transit by watercraft to the intended final delivery destination. Construction, assembly, manufacturing, fabricating, processing or other similar industrial production activities generally associated with industrial land uses shall not be allowed at any access point. A contractor's yard is not permitted at any access point.

which are Crown Lands. The MNR and the Temagami Land Use Plan guide the development of future resource management plans. In order to maintain biodiversity, a number of protected areas have been established to conserve representative vegetation and landform types, to provide areas for low-intensity use and to maintain, enhance and protect those areas.

In addition, an array of guidelines have been designed to maintain critical habitat for a number of species. These guidelines guide resource management prescriptions throughout the area of concern and may include: aesthetic viewscape management areas, road-crossing standards, seasonal resource extraction prescriptions, mining prescriptions, and forest management Area of Concern prescriptions (AOC), such as moose calving sites, fisheries and natural heritage sites.

The Municipality will encourage, and work with the MNR to ensure that biodiversity is maintained, sensitive species, and population levels of rare, threatened and endangered species are sustained, if not increased through the implementation of the policies of this Plan.

### 8.3.2 Permitted Uses

Permitted uses in the Backcountry Neighbourhood focus on remote residential and tourist commercial uses and include the following.

Residential uses are limited to:

- A remote seasonal single detached dwelling unit, (in accordance with the policies of this Plan and the provisions of the Zoning By-law);
- Residential condominiums or timeshare facilities converted from an existing tourist commercial facility;
- Sleep cabins (in conformity with the policies of this Plan and the provisions of the Zoning By-law); and
- accessory uses such as boathouses, docks and storage sheds.

Commercial uses permitted within the Backcountry Neighbourhood are limited to remote tourist commercial uses, in conformity with the policies of this Plan.

### 8.3.3 Rural Residential and Remote Residential

Some Rural Residential and Remote Residential development exists within the Backcountry Neighbourhood and more is anticipated in the Special Management Area and the Integrated Management Area. Properties will not be serviced with municipal water or sewers but Rural Residential lots must be located on Municipal roads while Remote Residential lots will be water access. The development impact by existing and new lots should be mitigated to the extent possible in order to conserve wilderness and semi-wilderness values.

Certain accessory uses are permitted on Rural Residential and Remote Residential dwelling lots and include: in addition to a boathouse, and includes sleep cabins, a home



occupation, a home industry, a bed and breakfast establishment and a garage, in accordance with the provisions of the Zoning By-law.

In addition, on a Rural Residential lot located on a maintained municipal road accessory uses include: a bed and breakfast establishment in the dwelling unit only, sleep cabin(s), home occupation and home industry.

~~In addition, on a Rural Residential lot located on a maintained municipal road, a bed and breakfast establishment without sleep cabin(s), and with or without a home occupation or home industry is permitted.~~

### **8.3.3.1 Rural Residential**

New Rural Residential lots shall be located on a Municipal road, open and maintained on a year round basis. The lots may have private water supply and sewage disposal systems or may be serviced with communal servicing systems, in accordance with the requirements of Section 2.9. The creation of new lots by consents or letters patent from Crown land are permitted throughout the Neighbourhood. Plans of subdivision or condominium on recreation lakes immediately adjacent to Highway #11 are permitted. All lots shall conform to the following policies:

- The intended use of the lot or lots conform to the intent and policies of the Plan;
- Prior consultation is required with the Ministry of Transportation before granting draft approval for any plan of subdivision or condominium on recreation lakes that propose access from Highway #11;
- The lot or lots are not within 500m of a known sanitary landfill site;
- The applicant, when required, has provided a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features otherwise, the Municipality will not approve the consent,
- The soil, drainage, and slope conditions on the lot or lots are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and sewage disposal system, in accordance with the requirements of Section 2.9;
- Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted;
- The fisheries habitat, cultural heritage features, steep or unstable soils, environmentally

The Municipality of Temagami has authority to grant consent to sever patented land within the Municipality. Applications to create new parcels on Crown land shall proceed in accordance with MNR's planning process; however the Municipality encourages the MNR to consider the policies of this Plan during its process.

#### 8.3.7.1 Lots Permitted from Patented

- Five (5) lots from patented or Crown land per year, cumulative from calendar to calendar year.
- This policy does not apply to land use permits, leases of record and licences of occupation for improved and established properties being converted to patents or any consents required for lot additions or minor variances to bring lots into compliance with the Zoning Bylaw.

#### 8.3.8 Home Occupations

Home occupations shall only be carried out in part of a residential dwelling, and/or part of or all of a building accessory to a dwelling~~n enclosed accessory building~~, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling or the lot.

~~Two employees who do not reside in the dwelling may be employed in the home occupation.~~ Sale of goods or the provision of a service shall not result in an unacceptable level of increased boat traffic nor will it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

~~Home occupations shall be permitted in accordance with the Zoning By-law, however, The specific home occupations permitted in the Backcountry Neighbourhood shall be set out in the Zoning By law. However,~~ as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. ~~Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By law, are permitted.~~

#### 8.3.9 Home Industry

Home industries ~~such as electrical, carpentry, plumbing, a contractor's yard and machine shops~~ may be permitted in all or part of; a building accessory to a dwelling, -an accessory building to a single detached dwelling unit, and/or in part of a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Backcountry Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the ~~accessory~~ building for the use proposed, the potential impact of the home industry on adjacent residential areas, the size of the operation, the visual impact

from the shore, and the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise to interfere with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. ~~However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By law. Up to two persons, plus the owner may be employed in a home industry.~~

A Home Industry, ~~including a contractor's yard,~~ shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

### **8.3.10 Shoreline Structures**

Boathouses, both water based and land based, pump houses, saunas, utility structures and storage units have the potential for significant visual impact. Wherever possible, utility structures shall be located back from the shore a distance greater than the minimum setback for the main dwelling on the lot. In order to minimise impacts when locating a new boathouse, consideration should first be given to screening the boathouse from adjacent dwellings and passing boat traffic and to protect the sight lines of adjacent properties. This may be achieved by orienting the boathouse beyond the immediate view of adjacent dwellings, away from known boating routes or behind rock outcrops and/or trees. The specific siting of boathouses and the size of boathouses shall be in accordance with the standards established in the Zoning By-law. There shall be a maximum distance from the shoreline that a boathouse can extend into the water. In addition to boat storage, portions of boathouses may be used for general storage, maintenance and repair (non-commercial) and sleeping quarters in the upper level. Boathouses may be provided with electricity and bathroom facilities but shall not be equipped with cooking facilities. A boathouse with sleeping accommodations shall be deemed to be a sleep cabin for the purpose of Section

8.3.5. Boathouses are not intended to function as a self-contained dwelling unit. Individuals proposing boathouses shall consult with the Ministry of Natural Resources and/or the Department of Fisheries and Oceans and obtain any required authorisation or tenure prior to the Municipality issuing a building permit for the boathouse.

While the exterior appearance of boathouses, including the paint scheme is beyond the legislative authority of the Municipality to control, owners are strongly encouraged to design boathouses as small as is practical and to apply earth tone exterior finishes, that are in keeping with the natural setting of the lake and the surrounding area

### **8.3.11 Prohibited Uses**

Mobile Homes, mobile home parks, and multi unit attached residential structures are not permitted in the Backcountry Neighbourhood.

The Municipality recognises that the Backcountry Neighbourhood has high recreational values. It is the policy of the Municipality to develop, in conjunction with the Ministry of Natural Resources, prescriptions to establish and protect Aesthetic Viewscape Management Areas around the recreational lakes, canoe routes/boating lakes and railway lines, highways, municipally maintained roads, and designated tourism roads, and to define the AVMA physical limits on these lakes.

### 8.3.17 Contractors' Yards

Contractors' yards may be permitted on a Rural Residential and Remote Residential residential lot in the Backcountry Neighbourhood; ~~as an accessory use, as a Home Industry,~~ subject to an amendment to the Zoning By-law and site plan approval, in accordance with the following policies.

The contractors' yard shall be used for the outside storage of tools, equipment and in-transit building materials, except noxious or hazardous goods or materials and shall be screened by ~~a fence made of natural materials~~ or a solid vegetative buffer from the viewing public.

The contractors' yard shall:

- In the case of a lot fronting on a public road, be located in the rear yard;
- In the case of a lot fronting on both a public road and a lake be located in the yard abutting the road;
- In the case of a water access lot, the contractors' yard may be located in any yard, but shall be screened from view from the shoreline; and,
- ~~— In the case of a water access lot, the contractor's yard shall be located no closer than 10 m from the normal shoreline;~~
- ~~• In the case of a water access lot, buffering shall be provided in the form of a vegetative buffer of no less than 10 metres in width from the normal shoreline; and~~
- ~~Shall~~ at all times be clearly incidental to the primary residential use of the property.

### 8.3.18 Transit of Industrial/Building Supplies at Lake Access Points

Limited industrial activities may be permitted at approved public lake access points only to facilitate the transit of industrial goods, building materials and/or equipment between the mainland and lots or sites only accessible by water.

The limited industrial activities are not intended to be a permanent use at any access points. Rather these activities are only for the purpose of a staging or transfer area where goods, supplies or equipment are unloaded and temporarily stored for short periods of time, pending transit by watercraft to the intended final delivery destination. Construction, assembly, manufacturing, fabricating, processing or other similar industrial production activities

## GLOSSARY OF TERMS

*ATV* – All-Terrain Vehicle

*AVMA – Aesthetic Viewscape Management Area* – is an area of concern identified in the Forest Management Plan 1999-2019 where the value or feature to be protected is the aesthetic viewscape area around canoe routes/boating lakes, recreation lakes and certain roads in the Municipality. See Section 1.8 of the Plan.

*Apartments-in-House* – These are second self-contained units in detached or semi-detached houses in a residential zone serviced by a publicly owned or operated sewage system and which satisfy special provisions of the Ontario Building Code and the Fire Code.

*Bed and Breakfast* – A home occupation within a single detached dwelling wherein not more than two rooms are rented and meals are served to overnight guests for commercial purposes.

*Boat House* – A building or structure used for the storage of private boats and equipment accessory to their use, or as an accessory building to a residential use, no part of which is to be used for commercial purposes.

*Community Improvement* – Those activities, both public and private, which plan, rehabilitate, redesign and redevelop the existing physical environment within a community improvement project area, as further defined by and within the context of the Planning Act.

*Condominium Corporation, Freehold* – A corporation in which all the units and their appurtenant common interests are held in fee simple by the owner.

*Condominium Corporation, Leasehold* – A corporation in which all the units and their appurtenant common interests are subject to leasehold interests held by the owners.

*Consent* – the authorized separation of a piece of land to form no more than (3) new adjoining properties. No formal plan of subdivision is required.

*Contractors Yard* – A portion of a rural or remote residential property used for the storage of tools and equipment and the temporary storage of surplus or in transit

building materials. Standards are described in the Zoning By-law.

**Cottage** – A building or structure designed and built as an independent and separate housekeeping establishment with separate culinary and sanitary facilities, provided for the exclusive use of one family for temporary occupancy during vacation periods and not for year-round or permanent human habitation.

**Crown Land Tenure** – Tenure that is issued to a proponent that consists of Land Use Permits, Licenses of Occupation, Crown Leases and Letters of Authority that provides temporary tenure to Crown land.

**Cultural/Heritage Resources** – Cultural heritage resources include, but are not restricted to, archaeological sites, aboriginal and non-aboriginal cemeteries and burials with historic significance, buildings and structural remains of historical and architectural value, and human-made rural village or urban districts or landscapes.”

**Development** – The creation of a new lot, a change in land use or the construction of buildings and structures, requiring the approval under the Planning Act or the Public Lands Act; but does not include activities that create or maintain infrastructure authorized under an environmental assessment process; or works subject to the Drainage Act.

**Dwelling Unit** – A building or part of a building that may be used as a permanent residence excluding a mobile home, but including a factory-built home that is fully serviced with sleeping accommodations, cooking facilities and plumbing fixtures.

**Environmentally Sensitive Areas (ESA's)** – ESA's can be defined as areas having: fragile or unstable soils, regeneration problems caused by geoclimatic or biotic factors; exceptional high recreational values; critical importance to wildlife; and/or high water values and sensitivity to harvesting.

**Garden Suite** – An additional temporary dwelling unit intended for the sole occupancy of one or two adult persons and serviced from the services of the primary/main residential dwelling on the same property. The floor area of the garden suite shall not exceed 30 percent of the existing living area of the primary residence or 1,200 square feet in a floor area on a lot zoned residential, whichever is lesser. The units are portable so that when they are no longer required they may be removed and relocated to a new site.

~~**Home Industry** – An occupation conducted in whole or in part in a building accessory to a single detached dwelling, and such home industry is clearly~~

secondary to the main residential use of the property, does not change the residential character of the neighbourhood, and as further defined in the Zoning By-law.

~~**Home Occupation** – Any gainful occupation which is conducted within the dwelling unit by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in the Zoning By-law.~~

**Institutional Use** – The use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, community centres, public hospitals, cemeteries and government buildings.

**Land Severance** – see “Consent”.

**Locational Criteria** – This is the criteria used to set the location and spatial distribution of new lots created from Crown land.

**Lot Density** – This is a lot development standard that sets the maximum number of structures and/or bedrooms permitted on a lot based on its area. Most density provisions will be found in the zoning by-law.

**Lot Intensity** – This is the percentage of the total area of Crown lease and patented land in a neighbourhood that is located in a specified area.

**Mobile Home** – A dwelling that is designed to be transportable, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel or tent trailer.

**Modular Home** – A dwelling that is composed of components substantially manufactured at an off-site location, and transported to a site for installation on a permanent foundation.

**Old Growth Forest** – Old growth forests are those which are well past the age of maximum growth, frequently showing great horizontal and vertical density of structure and plant species composition, and possessing one or more features not seen in much younger forests such as snags, downed woody material, or arboreal lichens.

**Patented Land** – Privately owned land that is registered under the Registry Act or