



THE CORPORATION OF THE  
**TOWN OF COBALT**

# OFFICIAL PLAN

SECOND DRAFT, JUNE 2022



Yvonne McKague Housser, Deserted Mine Shaft, 1932

# Cobalt Official Plan

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# 1. Introduction

## 1.1 Purpose

1.1.1 This Plan is intended to provide guidance to Council, municipal staff and the public when making decisions about future land use and economic development in the Town of Cobalt.

1.1.2 This Plan establishes general land use designations that are intended to establish a pattern of development in the municipality for the next 20 years, to the year 2041. This Official Plan replaces the Official Plan adopted by Council in 2009 and all amendments to that Plan

1.1.3 This Plan establishes policies that will be considered throughout the development approval process, economic development and when considering public works and other municipal services.

1.1.4 This Plan has been prepared under the provisions of the Planning Act R.S.O. 1990, c. P. 13, and is consistent with the Provincial Policy Statement issued by the Province of Ontario and the Northern Ontario Growth Plan.

## 1.2 Vision

**To recognize the past and embrace the future.**

## 1.3 Objectives

1.3.1 To encourage the growth of the Community to become a more complete community and constantly improve the quality of life for its residents.

1.3.2 To provide sufficient designated land to accommodate future residential, employment and open space lands to meet the needs of the Town for at least 20 years while recognizing the development constraints in the Town that have resulted from past mining activities.

1.3.3 To avoid land use conflicts and provide for the development of the community in a manner that will result in a healthy, more sustainable, and complete community from environmental, cultural and economic perspectives.

1.3.4 To ensure that the Town is well prepared for future economic development by establishing clear policies and a development process that will provide certainty with respect to future land use in the Town.

1.3.5 To implement the matters of Provincial Interest as set out in Section 3 of the *Planning Act R.S.O. 1990, c. P. 13*, in a manner that is consistent with the Provincial Policy Statement while reflecting the unique characteristics of the Town of Cobalt.

## **1.4 Interpretation**

1.4.1 This Plan consists of the policies set out in this document and the following schedules:

- Schedule A - Land Use
- Schedule B - Transportation and Utilities
- Schedule C - Development Constraints

1.4.2 It is intended that the boundaries of the Land Use categories shown on Schedule 'A' of this Plan, shall be considered as general only, and are not intended to define the exact limits of such areas except in the case of roads, railways, and other physical barriers that provide definitive boundaries. Minor adjustments may be made to these boundaries for the purpose of any Zoning By-law without necessitating an amendment to this Plan.

1.4.3 The boundaries of the Development Constraints shown on Schedule C are based on the best information and mapping available at the time the Plan was prepared. Revisions to these boundaries can be considered as the result of more detailed analysis of the Constraints. Those revisions shall not require an amendment to this Plan.

1.4.4 Definitions of the words used in this document shall be those definitions used in the implementing Zoning By-law. In the absence of a definition in the By-law, the definitions contained in the Provincial Policy Statement of the Province of Ontario shall be used.

1.4.5 This Plan contains descriptive paragraphs to assist the reader to understand the context of the policies, identified in blue italicized font. These paragraphs do not form part of the Plan.

## 2. Land Use Strategy

*The Town of Cobalt itself sprang into existence on the bare rock in the middle of the mining area it grew entirely without planning and wherever a flat outcropping big enough to support a building could be found there was the site of a miner's home. Cobalt with its erratically curving streets and its generally haphazard construction still bears the marks of its pioneer heyday. Aesthetically Cobalt may not be the community planners ideal - but never should that be whispered to its loyal residents who claim with complete justification that there has never been and never will be another Cobalt and there never will be"*  
(Carson Brown, *The History of Cobalt*)

The Town's population has remained at about 1200 persons for the last 20 years and little development has occurred in that time. The significant development constraints resulting from the historic mining activity have left much of the undeveloped land unsuitable for development. Lands that have not been developed in the Town's 120 year history include wetlands, steep slopes or left in a natural state to preserve the Town's water supply. For these reasons, the principal strategy for future development in the Town will be redevelopment and renewal, including infilling and intensification of the existing serviced areas shown on Schedule B to this Plan. This will be accomplished in accordance with the following policies.

### 2.1 Community Building

2.1.1 The Town will encourage all activities that support quality of life and human health, including:

- a) Developing in a compact urban form;
- b) Fostering vibrant public interaction and giving residents and workers a sense of place that they are proud of;
- c) Reducing reliance on the automobile and promoting active transportation;
- d) Making efficient use of existing infrastructure and services;
- e) Encouraging a mix of housing types and a range of affordability;
- f) Encouraging a range of employment opportunities;
- g) Requiring new development to reduce greenhouse gas emissions and address climate change.

2.1.2 The Town will implement a land use regulatory process that will expedite development while ensuring land use compatibility, public health and safety and environmental protection take precedence over economic development.

## **2.2 Residential Neighbourhoods**

2.2.1 Permitted uses in Residential Neighbourhoods include all forms of residential uses including single dwellings, semi-detached and duplex dwellings, townhomes and apartments. Mobile homes will be limited to specific neighbourhoods in the Town through the implementing Zoning By-law.

2.2.2 Within Residential Neighbourhoods supportive uses such as schools, daycare centres, places of worship, group homes, parks, and local commercial uses and bed and breakfast establishments will also be permitted. The implementing Zoning By-law will establish limits to the scale of these uses to preserve the over-all character of the neighbourhood.

2.2.3 There are a number of distinct residential neighbourhoods in Cobalt. In order to implement this Plan it is necessary for some of those neighbourhoods to evolve over time. Densities and building heights need to increase, to provide that density and in some cases smaller yards may be required. These changes must occur in a manner that is compatible with the existing neighbourhood.

2.2.4 Up to two additional dwelling units may be permitted on a lot that is also the site of a single detached, semi-detached or townhouse dwelling, provided it:

- i. Meets the relevant requirements of the Township, and the Ontario Building Code and Fire Code;
- ii. Can be adequately serviced with water and sewage treatment;
- iii. Has a floor area that is less than the floor area of the principal dwelling;
- iv. Is supported by adequate parking facilities; and,
- v. Is not located in a dwelling that is in a flood plain, or in an area of the site that is a hazardous site and/or hazardous lands

2.2.5 The concept compatible development is intended to ensure that all new development within the Town is appropriately integrated into the existing built form and landscape and enhances the image, livability and character of the entire Town.

Compatibility is defined as:

*" development that may not necessarily be the same as, or even similar to the existing buildings in the vicinity, but, nonetheless, enhances an established community and coexists with existing development without causing any undue, adverse impact on surrounding properties."*

## **2.3 Commercial Areas**

2.3.1 Commercial Areas are intended to provide the widest range of goods and services possible to residents, employees and travelers in the Town of Cobalt. Permitted uses include all retail uses, food services, service uses, cultural and entertainment uses, medical and professional offices, tourist operations and supporting uses.

2.3.2 Residential uses are permitted within the Commercial Areas provided they are located above or behind commercial storefronts and do not become the primary use of the main floor of a commercial building. However, Council may consider a multi-unit apartment building as a free-standing use in the Commercial areas where the building is designed to be compatible with the area, can provide sufficient parking and will not detract from the primary commercial function of the area.

2.3.3 Institutional uses such as government offices, schools, community organizations, museums, and places of worship shall also be permitted in Commercial Areas. Supportive uses such as parking areas, parklands, recreational uses and historic buildings and structures shall also be permitted.

2.3.4 Redevelopment in the Commercial Areas shall be designed to reflect the character of the historical buildings in the surrounding areas.

## **2.4 Employment Areas**

2.4.1 Maintaining and improving existing Employment Areas is critical to maintaining and improving the complete community of Cobalt. Employment uses include manufacturing, processing, research and development, professional offices, logistics and transportation uses.

2.4.2 Expansions or changes to employment uses and new employment uses shall be subject the Provincial Land Use Compatibility Guidelines.



2.4.3 The Town will strive to attract new employment uses that can leverage the availability of lands and buildings and high speed internet services that enable people and corporations to operate remotely. Shared office spaces will be encouraged in Employment and Commercial Areas.

2.4.4 In order to protect the quality of life in the Town, employment uses that utilize outdoor storage of raw materials, generate large volumes of traffic or generate air, noise or effluent emissions shall not locate within 500 m of existing Residential Neighbourhoods and adjacent to Highway 11B.

2.4.5 Employment uses and buildings shall recognize the Town's ability to provide emergency services.

## **2.5 Open Space and Parks**

2.5.1 Trail System

## **2.6 Rural Areas**

*Mining claims have been staked out on most of the lands designated Rural in the Official Plan and all of those lands have been identified as having high mineral resource potential.*

2.6.1 Permitted uses in the Rural designation shall be limited to mining activity and recreational or resource uses that do not impede the future use of the lands for mineral extraction.

2.6.2 Land uses that would preclude or hinder the establishment of new operations or access to areas of mineral potential shall only be permitted where a study is undertaken to justify that mining would not be feasible, that the proposed development or land use serves a greater long-term public interest and that issues of public health, public safety and environmental impact are addressed. Such uses will require an amendment to the implementing Zoning By-law

2.6.3 Where new mineral extractive uses are proposed, the proponent shall be required to satisfy all levels of government that the appropriate steps will be undertaken to protect the environment, ensure minimal disruption to the

community and be able to operate in a manner that protects the health and safety of all future residents of Cobalt.

## **2.7 Hazard Areas**

### 2.7.1 Mine Hazards

*Mine hazards are any feature of a mine defined in the Mining Act or any related disturbance of the ground that has not been rehabilitated. These mine hazards may pose a threat of injury or loss to the structures on the land and by people who use the land if they are not appropriately rehabilitated or mitigated in accordance with the Mining Act. It is recognized that the severity of the hazard varies, depending on past mining activity ranging from minor exploratory sampling to large mining operations (i.e. shafts, raises, open pits). As such, the risk of reuse of the property may range from negligible or to so severe that the property cannot be rehabilitated.*

2.7.2 Virtually all of the Town is within 1000 metres of an Abandoned Mine Hazard Site, as the result, before approving any development that requires approval under the Planning Act, the Town will consult with MNDMF regarding the nature of the hazard and any remediation measures that may be required under the Mining Act. Development will be permitted only if:

- a) rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.
- b) The Ministry is satisfied that no hazard exists.

2.7.1.1 The Town will consult with the Province to determine when a technical study related to a mine hazard is required prior to approving any development under the *Planning Act*, and the requirements and scope for undertaking the study and the required qualifications of any professional required to undertake a study. Any required technical report will be at the cost of the proponent of development and may be subject to a peer review.

2.7.1.2 The recommendations of any technical study or report required for a mine hazard may be in addition to other requirements that may need to be addressed before development can proceed.

2.7.1.3 Uses permitted on properties will be restricted to existing land uses until the Ministry confirms that no hazard will impact future development.

## 2.7.2 Contaminated Lands

The historic mining activity that occurred in Cobalt was not subject to regulations or controls that prevented the deposition of contaminants on lands or waters. As the result there are significant areas in the Town that are contaminated with mine tailings, slurry and other contaminants. These areas are shown as an overlay on Schedule B to this Plan.

2.7.2.1 Prior to granting a planning approval to allow development on any property which may have been contaminated by previous uses, Council shall require the proponent to submit a Record of Site Condition, prepared by a qualified consultant in accordance with Ministry of Environment Conservation and Parks (MECP) guidelines and acknowledged by the Ministry. If site restoration is required, this shall be done as a condition of development approval in accordance with a site remediation plan consistent with Ministry guidelines.

## 2.7.3 Flooding

2.7.3.1 The floodplain is designated primarily Environmental Protection on Schedule A. However, there may be existing buildings and structures within the flood prone areas.

2.7.3.2 New habitable buildings shall not be permitted in the floodplain. Structures designed to be located in water, such as docks and necessary infrastructure, may be permitted in the floodplain provided they are designed to withstand the impacts of flooding and freezing.

2.7.3.3 Reconstruction of buildings located in the floodplain shall only be permitted when the building is flood-proofed to the satisfaction of the Chief Building Official.

## 2.7.4 Wildfire Hazards

2.7.4.1 Wildfire Hazard areas are shown on Schedule B. Most of this area will see very little development in accordance with the other policies in this Plan.

2.7.4.2 Where development is permitted in lands with hazardous forest types for wildland fire the risk shall be mitigated in accordance with wildland fire

assessment and mitigation standards, as identified by the Ministry of Natural Resources and Forestry. Proponents may be required to undertake a site assessment to determine the presence of hazardous forest types for wildland fire, as may be indicated by generalized wildland fire hazard information.

#### 2.7.5 Rail Noise and Vibration

2.7.5.1 Where residential or other sensitive land uses are proposed within 100 metres of the railway line right-of-way, appropriate technical studies will be required to assess and recommend mitigations of noise and vibration associated with the railway operation. Studies will be completed by a consultant sufficiently qualified to do so, will assess negative noise effects and identify appropriate mitigation measures to the satisfaction of the Ministry of Environment Conservation and Parks and the Town before the development is approved by Council.

## 2.8 Natural Areas

*There are no Provincially significant Natural Features identified In the Town of Cobalt. Natural Heritage Features and Areas. Locally significant features include woodlands, watercourses, Sasaginaga Lake, Cobalt Lake, and wetlands. These features may co-exist with contaminated lands, hazard lands and Parks and Open Space.*

2.8.1 The Natural Areas of the Town provide for the re-generation of the natural environment. They purify surface water, provide habitat for birds and wildlife and provide areas for people to enjoy recreation, peace and reflection. Maintenance and improvement of these areas shall be promoted by the Town.

2.8.2 The Natural Area bordering Sasaginaga Lake assists in ensuring that the water quality of the lake, which is the water supply for the Town and residents of Coleman Township shall be preserved and protected for that purpose alone. Human activity in this area shall be limited to passive recreation.

2.8.3 The use of Natural Areas for scientific research and education shall be encouraged provided that those activities can occur in a manner that does not impede the natural regeneration of those areas and does not interfere with the peaceful enjoyment of adjacent lands.

## 3. Quality of Life and Community

*In the future, as in the past, people will live work and play in Cobalt because the Town provides opportunities for living in a complete community. The policies in this part of the Plan describe how these features will be maintained and improved over the life of this Plan.*

### 3.1 Housing

3.1.1 The Town will utilize all tools available to them to maintain and improve the housing stock in Cobalt. These tools include participating in programs offered at all levels of government and working with the Temiskaming District Social Services Board to create additional affordable and seniors housing units in the community.

3.1.2 In order to maintain and improve the existing housing stock, Council may pass by-laws to establish property standards, regulate and license rooming houses and boarding houses and regulate short-term rentals of residential properties.

3.1.3 The Zoning By-law shall establish regulations to permit accessory dwelling units within single detached, semi-detached, duplex and townhouses and to permit secondary dwellings in accessory buildings where adequate parking, servicing and amenity areas are available.

3.1.4 The Zoning By-law shall incorporate standards that will enable and encourage the intensification of the existing Residential areas by reducing yard and setback requirements, enabling lanes and right of ways for access and permitting higher density housing to be built in Residential areas without an amendment to the By-law.

3.1.5 The Town will update its Community Improvement Plan to enable the Town to provide financial incentives to property owners that will encourage the revitalization of the existing housing stock and the development of new housing.

3.1.6 Schedule A identifies a number of Priority Intensification Sites. These areas are presently developed and are ideally suited for redevelopment. The Town will expedite approvals for redevelopment of these sites for residential uses that will provide a greater range of attainable housing units. On larger sites, such as the

former Cobalt Public School site, a range of housing within the site itself will be supported. Lands within the Priority Intensification Sites may be pre-zoned in order to expedite approvals but shall be subject to Site Plan Control.

## **3.2 Recreation**

3.2.1 The recreational opportunities available to the residents of the Town are primarily the parks and open space system that currently exists. The Town will continue to upgrade the parkland system to provide greater opportunities for children and families, an aging population and persons with disabilities.

3.2.2 In order to provide residents with a full range of recreational opportunities, the Town will partner with the neighbouring municipalities to pool and share facilities wherever possible.

## **3.3 Cultural Heritage**

*The Town has historically leveraged its historic and cultural assets to attract tourism. The Town was designated as part of the Cobalt Mining District National Historic Site of Canada in 2001 and there are 25 sites that are designated as Historic Sites under the Ontario Heritage Act.*

3.3.1 Cultural heritage contributes to the Municipality's identity, economic prosperity, quality of life, and overall sense of place. Therefore, Council will encourage the conservation of cultural heritage resources, which includes their identification, protection, management, and use. Cultural heritage resources include archaeological resources, built heritage resources and cultural heritage landscapes.

3.3.2 Where possible, new development in areas of known or potential cultural heritage value or interest shall be encouraged to develop in a manner consistent with the overall character of these areas.

3.3.3 In order to enable growth through infill, intensification and redevelopment, it may be necessary to consider redevelopment of designated Historic Sites or Areas. Where opportunities to implement the Town's need for housing and employment growth are constrained by designated Historic sites or areas the following steps shall be completed in consultation with the Ministry of Heritage Sport Tourism Culture Industries:

- a. Infill in areas or properties of cultural heritage value or interest is sensitive to the existing scale, massing, and pattern of those areas shall be consistent with existing landscape and streetscape qualities and shall not result in the loss of any significant cultural heritage resources;
- b. The adaptive re-use of protected heritage properties shall be encouraged by supporting the alteration of properties of cultural heritage value or interest to fit new uses or circumstances while retaining the heritage attributes of the property, and;
- c. The Town shall ensure it has all relevant technical cultural heritage studies necessary to determine the feasibility of adaptive reuse versus demolition when considering demolition applications of designated heritage properties.

### **3.4 Urban Design**

3.4.1 Development within the Commercial Areas and in proximity to designated Historic sites shall incorporate design elements that reflect the scale and architectural design that reflect the history and culture of the community. Buildings in the commercial areas shall utilize brick façades, decorative cornices and limit windows to not more than 60 per cent of the building façade. These buildings should not exceed four stories in height.

3.4.2 Residential buildings shall reflect the historic character of the residential buildings constructed in the early to mid 1900's. Building materials shall include brick wood and natural stone. Large areas of glass, steel and concrete shall be avoided where the buildings are visually connected to the Downtown Area.

3.4.3 Development sites in excess of single lots shall utilize Low Impact Design feature to reduce the impacts of storm water run-off, heat island effects and significant loss of vegetative cover. Facilities for cycling and accessible pedestrian access shall also be required.

3.4.4 All new development shall provide for future climate change impacts. Design elements shall include naturalized stormwater management features, provisions for snow storage, recognition of flood hazards that may exist.

### **3.5 Economic Development**

*Historically the Town has focused much of its economic development efforts on tourism related to the history of mining in the Town and surrounding area. Mining in*

*the area continues to be an economic driver however there is no mining activity currently being undertaken in the Town.*

3.5.1 Economic Development in Cobalt will be directed to creating a destination for the traveling public as well as a complete community that provides goods, services and economic activities to the Town and the surrounding area.

3.5.2 Cobalt will establish itself as a community recognized as a hub for art and culture. The use of Commercial, Employment and Industrial lands and buildings for art and culture related enterprises will be permitted and encouraged.

3.5.3 Home occupations and home-based business will be encouraged as incubators for larger businesses. The Zoning By-law will provide reasonable limits to the scale of business that may operate from a dwelling or accessory building within the Neighbourhood designation.

3.5.4 Commercial uses that serve the immediate needs of the community will be encouraged to develop and expand. Provisions will be made in the Zoning By-law to permit short-term commercial uses without an amendment to the By-law where the proposed use serves the needs of the community and is in proximity to other commercial uses.

3.5.5 The Town will encourage the expansion of high-speed internet services throughout the community.

### **3.6 Resiliency**

3.6.1 Decisions related to land use, public works and municipal operations and regulations, will be considered through a resiliency lens. The following criteria will be used to assess resiliency.

- i) Reduction of greenhouse gas emissions;
- ii) Improvement of air quality;
- iii) Promotion of compact community where housing, employment, and amenities and services and within walking distances of each other;
- iv) Support and enhance local agriculture, art, culture and diversity;
- v) Use of green infrastructure for all public works;



- vi) Identification and mitigation of existing hazards which may be compounded or aggravated by climate change, including flood prone areas and wildfire hazards;
- vii) Promotion of design to:
  1. Maximize energy efficiency and conservation including consideration of the mitigating effects of vegetation; and
  2. Maximize opportunities for the use of renewable and alternative energy sources and systems;

## **4. Transportation and Municipal Services**

### **4.1 Provincial Highways**

4.1.1 The Ministry of Transportation (MTO) has jurisdiction over portions of Highway 11B through the Town as a Category 4B highway. This roadway is shown on Schedule C. As such permit from the Ministry is required for changes in land use and entrances within 45 m of the road and 180 metres of any intersection with the highway. MTO also controls signs within 400 m of the highway.

4.1.2 The Town shall seek MTO approval for any development within the Ministry's control areas and lands adjacent to these area.

### **4.2 Collector Roads**

4.2.1 A single collector road is shown on Schedule C. The purpose of the Collector Road is to enable efficient movement of traffic through the Town. As such, the Town will limit new entrances onto Collector Roads and will encourage the reduction in entrances where more than one entrance exists on a lot.

### **4.3 Municipal Streets**

4.3.1 It is unlikely that new municipal streets will be developed in the lifetime of this Plan. Where new streets are developed they should have a 20 metre right of way and provide for full stormwater, sanitary and water services, sidewalks, streetlights and shall be constructed as a cost of the benefitting property owners.

4.3.2 Where streets are improved by the Town, provisions for cycle lanes and mobility challenged access shall be provided.

#### **4.4 Unmaintained Road Allowances**

4.4.1 Where the Town is satisfied that road allowances are not required to meet municipal purposes, including non-vehicular access, the Town may declare the road to be surplus and sell it. Wherever possible, surplus road allowances shall be used to provide attainable housing.

4.4.2 The Town shall utilize funds generated through the sale of municipal road allowance shall be directed to improving existing roads, cycle lanes and trails to improve opportunities for non-vehicular travel and recreation.

#### **4.5 Water Supply**

*Municipal water is drawn from nearby Sasaginaga Lake primarily located in Coleman Township. The Municipality also provides water to portions of Coleman Township This is a municipal source water and is subject to the provisions of the Source Water Protection Act. There is sufficient reserve capacity in the system to service additional development. Protection of the water supply is legislated in the Cobalt Water Supply Act RSO 1917.*

4.5.1 In order to maintain water quality there are restrictions on any further development in proximity to the lake that could potentially contaminate the water supply. The restrictions shall be reflected in the Zoning By-law.

4.5.2 All uses of land within the lands subject to the Cobalt Water Supply Act shall be connected to full municipal services.

4.5.3 The Town will work with the Township of Coleman to ensure that the restrictions on land uses that could threaten the quality of the water supply are consistent and coordinated between the municipalities.

#### **4.6 Waste Water**

*The municipal sewage treatment system is a bio-engineered wetland that treats raw sewage effluent by exfiltrating the sewage through a constructed wetland before the*

*effluent is discharged into the natural environment. There is sufficient reserve capacity in the system to service additional development.*

4.6.1 In order to ensure that the waste water system remains functioning in a sustainable manner, the Town will monitor the effectiveness of the system and shall educate those using the system regarding it's sensitivity to contaminants.

## **4.7 Storm Water**

4.7.1 The Town will endeavor to improve storm water management facilities to provide for improved treatment prior to storm water entering the natural environment.

4.7.2 New development or major re-development shall incorporate on-site storm water management to the greatest extent possible. Low impact design providing for natural infiltration, maintenance of vegetation and naturalized surface drainage shall be utilized wherever possible. Uses that generate sediment or contaminants will be required to provide on-site treatment to ensure that the quantity and quality of storm water maintains pre-development water quality.

## **4.8 Protection - Fire and Police**

4.8.1 The Town will provide Fire and Policing services through agreements with the OPP and neighbouring municipalities and the volunteer Fire Department in Cobalt.

4.8.2 Provision of emergency services shall be consistent with the Community Building policies of this Plan. Prevention and education will play a key role in reducing the need for emergency services.

## **5. Planning Process and Tools**

### **5.1. Amendments to the Official Plan**

5.1.1 Changes to the Schedules or text of this Plan will require an Official Plan Amendment undertaking in accordance with the provisions of the Planning Act. Amendments shall only be considered where social, economic or environmental circumstances or conditions that existed at the time this Plan was prepared have changed.

5.1.2 Any amendment to this Plan shall be consistent with the Vision, Objectives and policies in Sections 3 and 4 of this Plan and are supported by technical reports required to confirm conformity with those parts of the Plan.

### **5.2. Zoning By-law and Amendments**

5.2.1 This Plan directs a number of significant changes to the Zoning By-law. These changes shall be implemented by amending the Zoning By-law following the approval of the Plan by Council.

5.2.2 The Zoning By-law will provide some flexibility to permit temporary uses and structures that may be required to enable special events, short-term uses and other uses that are permitted by this Plan.

5.2.3 Following approval of a new Zoning By-law, amendments to the By-law shall only be considered where the amendment is in compliance with this Plan

5.2.3 The Town may utilize Holding By-laws, Interim Control By-laws or Temporary Use By-laws as permitted under the Planning Act in order to achieve the objectives and implement the policies of this Plan.

### **5.3. Site Plan Control**

5.3.1 All of the Town of Cobalt shall be designated as a Site Plan Control Area by a by-law passed by Council under Section 41 of the Planning Act.

5.3.2 Site Plan Control may be applied to Commercial, Industrial or Residential uses exceeding 4 units. The Implementing By-law will provide exemptions to Site

Plan for small scale developments and may delegate the authority for Site Plan approval to a Committee and/or staff for developments that do not require Council's review.

#### **5.4. Land Division, Part-Lot Control and Deeming**

5.4.1 All lot creation, changes to property boundaries and granting of rights-of-way shall conform to this Plan.

5.4.2 Given the limited amount of lot creation anticipated by this Plan, the Town will generally use the Consent process under Section 53 of the Planning Act for the creation of new lots, boundary adjustments and rights-of-way. Council shall be the approval authority. Where more than 5 lots are created and municipal services are extended to service development, land division shall occur through the subdivision process under Section 51 of the Planning Act.

5.4.3 Until such time as Council appoints a Committee to make decisions on land division applications, Council shall be the Approval Authority under the provisions of the Section 53 of the Planning Act.

#### **5.5. Minor Variances**

5.5.1 It is recognized that there may be a need to consider minor variances or zoning by-law amendments to permit the expansion and/or the redevelopment of existing structures, or to recognize situations of non-compliance with the implementing zoning by-law. In considering minor variances or amendments to the Zoning Bylaw, in addition to the requirements of the Planning Act, Council shall consider the following matters:

- i. Cumulative impact on such matters as the environmental, visual/aesthetics, and community character;
- ii. The current development of the lot and neighbouring lots;
- iii. Setback from natural and physical hazards;
- iv. Buffering from neighbouring properties;
- v. Physical limitations on possible building locations; and
- vi. Compliance with the Objectives of this Plan.

## **5.6. Development Applications**

5.6.1 Prior to the submission of an application for an Official Plan Amendment and Zoning By-law amendment, applicants are required to meet with the Township and relevant agencies to determine what studies, plans and items are required to support an application in accordance with this Section of the Plan.

5.6.2 The details of the pre-consultation process are set out in a by-law passed by the Town pursuant to the Planning Act.

5.6.3 The intent of the pre-consultation process shall be to determine the scale and scope of any required study, plan or item with this scale and scope being dependent on the size of the proposal, site-specific circumstances and/or physical attributes, and its relationship to adjacent land uses and/or physical attributes and the type(s) of planning approval(s) required. The required studies will relate to the Development Constraints identified on Schedule C of this Plan. In addition, the pre-consultation process shall establish a public and agency consultation process, including consultation with First Nations.

## **5.7. Property Standards**

5.7.1 The Town may provide financial incentives to improve properties in a manner that would implement the design guidelines outlined in this Plan through a Community Improvement Plan.

## **5.8. Parkland Dedication**

5.8.1 The Planning Act enables the Town to require dedication of up to 5 per cent of the land or cash in lieu of the land dedication as part of the land development process. Given the large amount of parkland and open space owned by the Town, there is limited need to acquire additional lands. Cash received in lieu of land will be used to improve existing parks and recreation facilities

5.8.2 The Town may establish a set amount for cash in lieu of parkland and will review this amount on an annual basis.

## **5.9. Non-Conforming Uses**

5.9.1 As a general rule, existing uses that do not conform to the designations and policies of this Plan should gradually be phased out so that the affected land use may change to a use that is in conformity with the Official Plan and the intent of the implementing Zoning By-law.

5.9.2 Existing legal non-conforming uses are permitted to expand and be reconstructed provided that the uses are not incompatible due to noise, odour or other emissions, traffic or natural features.

## **5.10. Land Division, Part-Lot Control and Deeming**

5.10.1 All lot creation, changes to property boundaries and granting of rights-of-way shall conform to this Plan.

5.10.2 Given the limited amount of lot creation anticipated by this Plan, the Town will generally use the Consent process under Section 53 of the Planning Act for the creation of new lots, boundary adjustments and rights-of-way. Council shall be the approval authority.

5.10.3 Council may pass a deeming By-law to merge lots in the original Town plan in order to provide more appropriate development sites and protect against inappropriate development.

## **5.11. Community Improvement**

5.11.1 The entire Town is identified as a Community Improvement Area. Community Improvement Plans will identify the specific projects that need to be carried out in a particular area to improve the quality of life and the built environment in an area. Community Improvement Areas may be established by Council and designated by by-law, in accordance with the provisions of the *Planning Act*.

5.11.2 Community Improvement Plans will encourage investment and improvement in the maintenance and rehabilitation of existing commercial, industrial, institutional and residential buildings and structures.

5.11.3 The Town will coordinate public works with Community Improvement Plans and Programs in order to provide a comprehensive approach to public and private lands