

SECTION 3 - DEVELOPMENT CONSTRAINTS

3.1 GENERAL

- 3.1.1 Certain land use development constraints have been identified on Schedules "A" through "F" and should be read in conjunction with the policies of this Plan. In certain circumstances, new development is to be protected from impacts of an identified development constraint, while in other circumstances the sensitive nature of an identified development constraint is to be protected from potential adverse impacts from new development.

3.2 SENSITIVE AREAS

- 3.2.1 Sensitive areas are natural areas that may be impacted by development and have been identified for natural and ecological functions and include such areas as wetlands, wildlife and fish habitat areas, sites with rare and endangered plant, animal or fish species and areas of natural and scientific interest and value for protection for study and education. Sensitive areas are placed in the Environmental Protection designation and new sensitive areas, when identified, will also be placed in the Environmental Protection designation, by an amendment to this Plan. In addition, sensitive areas will be placed in a separate zone category in the Zoning By-law.
- 3.2.2 Significant portions of the habitat of endangered and threatened species will be identified through consultation with the province. Development and site alteration will not be permitted within these areas.
- 3.2.3 With the exception of significant portions of habitat areas of endangered and threatened species, development may be permitted in sensitive areas or adjacent to sensitive areas subject to an amendment to the Official Plan and Zoning By-law and provided it is demonstrated that there will be no negative impact on the natural or ecological function of the natural feature in accordance with the criteria set out in Policy 4.6.5. Possible mitigative measures that may be required to protect against negative impact are subject to the approval of the Municipality. Development that results in harmful alteration, disruptions or destruction of fish habitats shall not be permitted, unless approval has been obtained from the Department of Fisheries and Oceans. Areas adjacent to sensitive areas shall include lands within 120 metres of wetlands, and land within 30 metres of watercourses and water bodies. For the habitat of endangered and threatened species, adjacent lands shall be defined in consultation with the Province, and shall generally include lands within 50 metres of significant portions of the habitat of endangered and threatened species; however, greater or lesser distances for adjacent land widths may be defined based on site and species-specific considerations.
- 3.2.4 New utilities/facilities and infrastructure should be located outside of or beyond the limits of sensitive areas.

3.3 USE LIMITATION AREAS

- 3.3.1 Use limitation areas are those areas that have some form of restriction or hazard to development due to physical characteristics of the area, such as steep slopes, erosion susceptibility, floodways of creeks, streams and rivers, unstable soils or any other such physical condition that would pose a risk of loss of life, property damage or social disruption.

- 3.3.2 Use limitation areas will be placed in a separate zone category in the Zoning By-law and any development within an area identified as Use Limitation will require an amendment to the Zoning By-law except for agriculture, conservation, forestry management, mineral exploration, wildlife management, passive recreational uses, public utilities and infrastructure which are permitted in Use Limitation areas.
- 3.3.4 Any development which involves the channelization, diversion, damming, walling and dredging of a natural watercourse, or the installation of a culvert, causeway or dock in a natural watercourse, or any work below the high water mark, is subject to the approval of the Minister of Natural Resources /Lakehead Region Conservation Authority. Approval of the federal Department of Fisheries and Oceans may also be required and the Lakehead Region Conservation Authority as its agent, should be consulted prior to approval being given.
- 3.3.5 Development, other than agriculture, conservation, forestry management, mineral exploration, public utilities, wildlife management, passive recreational uses and infrastructure, shall not be permitted in a Use Limitation area unless it can be demonstrated that the potential hazard for which the area has been identified will not result in public health, safety or potential property damage, that no new hazards are created or existing hazards aggravated, and no adverse environmental impacts will result from the development to the satisfaction of the Province/Lakehead Region Conservation Authority and the Municipality.
- 3.3.6 The erection and/or construction buildings or structures, or additions thereto, or the placement or removal of fill material within or adjacent to any inland watercourse shall only be permitted provided appropriate site mitigation against any natural hazard has occurred and there is no danger to public safety, public health or property damage to the satisfaction of the Province/Lakehead Region Conservation Authority and the Municipality of Neebing.
- 3.3.7 Existing uses shall be recognized despite the natural hazardous characteristics of the land. Expansions to such uses will, however, be discouraged unless they are in conformity with the following:
- (a) reconstruction and/or minor alterations to existing buildings or structures are approved by the Province/Lakehead Region Conservation Authority; and
 - (b) additions or extensions which are not likely to incur significant flood damage or will not result in impediments to flow or floodwater storage, which are approved by the Province/Lakehead Region Conservation Authority.