

**THE OFFICIAL PLAN
OF THE
TOWNSHIP OF MCKELLAR**

APPROVED OCTOBER 11, 1994

APPROVED JUNE 7, 1995 BY ONTARIO MUNICIPAL BOARD

including changes agreed upon August 23, 1996 at the OMB hearing

including:

- Official Plan Amendment No. 1 – M-B Investments**
- Official Plan Amendment No. 2 – Manitouwabing Lake Community Association Lake Policies**
- Official Plan Amendment No. 3 – Wise House**
- Official Plan Amendment No. 4 – Little Consent**
- Official Plan Amendment No. 5 – Land Division Policies**
- Official Plan Amendment No. 6 – Camp Manitou**
- Official Plan Amendment No. 7 – Waterfront Development and Redevelopment Policies**

(Updated September 23, 2011)

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**THE OFFICIAL PLAN
OF THE
TOWNSHIP OF MCKELLAR**

1.0 TITLE AND COMPONENTS OF THE PLAN

This Plan, when approved by the Minister of Municipal Affairs and Housing, will be known as the:

"Official Plan of THE TOWNSHIP OF MCKELLAR"

The Plan applies to all of the lands within the Township of McKellar.

2.0 PURPOSE OF THE PLAN

The purpose of this Official Plan is to set forth the general policies concerned with the shaping and guiding of the physical growth of the Township of McKellar in harmony with its social and economic needs.

The objective of this Official Plan will be to maintain and enhance the physical, social and economic well being of the present and future inhabitants of McKellar Township.

This Plan will act as a guide for the actions and decisions of the Council and the residents of the Township of McKellar by providing a framework within which more detailed steps of the planning process may be carried out.

3.0 MCKELLAR TOWNSHIP- OFFICIAL PLAN GOAL

The general goal of the Official Plan for the Township of McKellar is to maintain and improve upon the quality of life for all residents in the community.

4.0 OBJECTIVES - MCKELLAR OFFICIAL PLAN

The objectives necessary to fulfil the Official Plan goal include:

1. Maintaining, protecting and improving the natural environment within the Municipality and region;
2. Providing a level of services that is consistent with the basic needs and financial resources of the local government and maintains fiscal responsibility.

3. Allowing for additional growth in the municipality which is sustainable, responsible, appropriate and which does not have unacceptable environmental impacts. Such growth in the rural and waterfront areas should emphasize resource-based recreational activities and limit residential development.
4. Encouraging the orderly development of commercial and light industrial uses away from the lake neighbourhoods while permitting existing Commercial and Tourist Commercial properties to continue with their existing and permitted as-of-right uses, as referenced in By-law 95-12, as amended, along the shorelines of the Township's waterfront communities
5. Ensuring the compatibility of land uses;
6. Requiring new development to be responsible for all costs directly associated with that development so that the municipality does not assume any costs beyond normal maintenance and service;
7. Encouraging the principles of energy and resource conservation, recycling and maintaining the supply of renewable resources;
8. Providing an efficient transportation system that allows for the safe, convenient movement of traffic in the municipality;
9. Ensuring an adequate supply of land for new residential development and supporting those housing programs that preserve the housing stocks and introduce affordable housing;
10. Maintaining, expanding and supporting recreational facilities programs and open space areas throughout the Township; and
11. Encouraging community improvements in the built-up areas of the Municipality in both private and public sectors for the rehabilitation, maintenance and preservation of these important neighbourhoods.
12. Ensure that new structural development will occur in a manner that will minimize the potential for loss of life, property damage, social disruption and the need for emergency evacuation under flood conditions.
13. Ensure that new development considers the importance of indigenous sand and gravel to the Municipality.
14. To identify potentially contaminated sites to avoid unanticipated impact, costs and delays in land use planning.
15. To maintain surface and groundwater resources in sufficient quality and quantity to meet existing and future uses on a sustainable basis.
16. To ensure that water supply and sewage disposal systems are planned and utilized in accordance with long-term planning and growth management objectives.

5.0 BASIS OF THE PLAN

- 5.1 The Township of McKellar is a rural, residential and recreational municipality in the District of Parry Sound. McKellar is approximately 20 km east of the Town of Parry Sound, along Highway No. 124.

The Township of McKellar has a year round population of just over 700 persons. Approximately 75% of the 1,200 dwellings in the municipality are seasonal residents.

While the permanent population of McKellar has been relatively stable, the number of households increases approximately 40 - 50 units per year.

With the exception of the tennis resort on Lake Manitouwabing, the primary economic base for the Township of McKellar is derived from the second home industry. Most employment is located at the Town of Parry Sound.

- 5.2 Since the local economy of the Township of McKellar primarily results from the natural environment of the Municipality, including its recreational lake resources, the Township has a strong desire to preserve the quality of this natural environment through appropriate and necessary development controls.

Growth in the Township of McKellar is expected to continue at the present rate with marginal increases in the year round population base and a 5% per annum increase in new cottage development.

- 5.3 There is significant pressure for increased recreational development along the waterfront areas of McKellar Township. This pressure occurs in the form of new lot creation, alterations and/or modifications of residential and tourist commercial properties.

Guidelines for ongoing development applications are necessary to protect the natural environment and maintain a consistent and quality standard for new development in the Municipality.

5.4 While the Council of the Township of McKellar has expressed concern over the protection of the natural environment, there is believed to be some residual capacity for additional development on many of the lakes in the municipality.

- 5.5 In 1990, a planning study was undertaken as part of the background work for the preparation of the Official Plan for the Township of McKellar. This study included a land use survey, data collection and review of development proposals, review of existing planning regulations, compilation of population data, lake data, assessment and air photo analysis.

- 5.6 All relevant government agencies have participated in the preparation of the Official Plan for the Township of McKellar. In particular, the Ministries of the Environment, Natural Resources and Transportation have filed briefs and reviewed draft policy for the preparation of this Official Plan.
- 5.7 The planning study in connection with the preparation of this Official Plan for the Township of McKellar has relied heavily on public participation in several ways. Two public meetings were held, ratepayers organizations were afforded an opportunity to make submissions and a general survey of the Township residents on the proposed Official Plan was undertaken.

6.0 GROWTH POLICY

- 6.1 The population of the Township of McKellar is made up of a split between year-round and seasonal residents. Approximately seventy percent of the population of the Township of McKellar is seasonal in nature where the property owner's principal residence is located outside of the Township of McKellar. This proportionate split in the population is not expected to change in the near future.
- 6.2 Over the last decade, the population of the Township of McKellar has grown moderately with a recent increase reflecting the positive economy and appreciating land values of the late 1980's. Having regard to population growth trends the level or rate of growth in McKellar Township has not been so great as to place serious concerns on the servicing capability of the local government.
- 6.3 This characteristic of McKellar Township growth is not expected to change in the future.
- 6.4 Controlling the amount or rate of growth in the municipality is secondary to the Council of the Township of McKellar. Rather, new development should be evaluated on the basis of any impacts on the natural and physical environments. These considerations will include maximizing the use of existing services, minimizing the impact on the environment and requiring the compatibility of new development with existing development.

7.0 LAND DIVISION

- 7.1 Land division may proceed by either registered plan of subdivision or consent in accordance with those policies of the Planning Act and all other policies of this Plan.
- 7.2 Consents to sever land will be permitted where it can be demonstrated that a plan of subdivision is not necessary for the proper development of the municipality; and
- (a) where a limited number of lots in accordance with Section 7.3 and 7.4 of this Plan are being proposed;
 - (b) where the pattern of development has been established;
 - (c) where the severance conforms to the policies of the Official Plan;

- (d) where there is no extension to an opened and assumed municipal road;
- (e) where the land fronts on an existing public, year round road or in accordance with Section 12.0;
- (f) consents may be granted for boundary adjustments, correction of title, leases, easements, rights-of-way and other purposes that do not create separate lots. Such consents shall be evaluated on their own merit. Consents of this nature shall be in addition to consents pursuant to Section 7.3 and 7.4 of this Plan;
- (g) consents may be permitted for mortgage purposes. Such consents shall be evaluated as if a new lot were to be created.

7.3 In the Waterfront designation no more than three (3) new lots plus the retained may be created by consent.

7.4 In the Inland Development designation no more than two (2) new lots plus the retained may be created subject to the policies of this Plan including but not limited to section 16.1.3.

7.5 Land Division on Shoreline with Type 1 Fish Habitat

All new lots including retained lots within the Waterfront Designation must have a minimum of 15 metres of their respective shorelines free of Type 1 Fish Habitat or the proponent retains a qualified biologist to demonstrate that there is no Harmful Alteration, Damage or Destruction of Fish Habitat to the satisfaction of the Department of Fisheries and Oceans and the municipality.

8.0 PARKLAND POLICIES

8.1 As a condition of development or redevelopment of land in accordance with the Planning Act, parkland will be dedicated to the Municipality or alternatively cash-in-lieu of that parkland will be paid by the developer or subdivider. Revenues received in this manner shall be applied to the Municipality's recreational expenditures.

8.2 It will be the Municipality's first priority to acquire land as a condition of development in a plan of subdivision in contrast to acquiring cash-in-lieu of parkland dedication. Council will consider cash-in-lieu when the size of any dedicated parcel would be too small to reasonably provide for a legitimate contribution to the parkland needs of the Municipality (i.e. less than 0.2 hectares), or where there is determined to be adequate parkland in the vicinity of a proposed development or subdivision or where it may be demonstrated to the Council of the Municipality that there is no possible public interest being served either now or in the future by conveying the 5% parkland dedication as required by the Planning Act.

- 8.3 The Council of the Municipality may also avail itself of the parkland dedication provisions of the Planning Act in the consideration of any consent application. In most consent applications, it will be the policy of the Municipality to acquire cash-in-lieu of land dedication in an amount that is equivalent to such dedication. For convenience, the Municipality may, by by-law, establish a parkland dedication fee schedule that will be assigned as a condition of any consent approval.

9.0 GENERAL DEVELOPMENT STANDARDS

- 9.1 All new development must satisfy the requirements of the Province for sewage and water supply. Applications for multi-lot development (more than 5) will be accompanied by an evaluation of servicing alternatives (ie communal or individual), including justification for the proposed form of servicing.
- 9.2 Any development proposing a communal servicing system must satisfy the requirements of the Ministry of the Environment and Energy.
- 9.3 Developments may require phasing or staging in the manner that recognizes the logical extension of municipal services.
- 9.4 The Council of the Township of McKellar may require professional services in connection with the review of any application to develop lands and these services will be retained by the Municipality at the expense of the developer to review such issues as are deemed necessary for a proper decision or recommendation in regard to any application.
- 9.5 Development adjacent to municipal roadways must have adequate site lines to avoid traffic hazards.
- 9.6 The proposed use of all land in the municipality must be compatible with adjacent land uses. Residential areas, and other uses of similar sensitivity such as hospitals and nursing homes, shall be protected from undesirable air quality and excessive noise/vibration through good land use planning and site plan control as per Section 15 of this Plan.

Developers may be required to carry out noise and/or vibration assessments and determine control measures which are satisfactory to the Ministry of the Environment and Energy and the municipality and which meet the Ministry's recommended sound and vibration limits.

- 9.7 All development proposals must have sites which are suitable for the location and construction of sewage disposal systems, water supplies as well as appropriate building locations and internal access arrangements.
- 9.8 Generally, only one dwelling unit will be allowed on each separate parcel of land together with accessory uses with the exceptions set out in other policies of this Plan. A guest cabin or sleeping cabin is a permitted accessory use. A dwelling unit may include a converted dwelling unit as defined elsewhere in this Plan.

- 9.9 The Municipality has developed construction standards for public services in connection with any development. Standards have been developed for road construction, street lighting, signage, drainage and utility requirements and a development charge rate for recreational and social services within the municipality. These servicing requirements and details should be obtained prior to proceeding with any development in the Township of McKellar. The developer will be responsible for all costs associated with any development.
- 9.10 The Council of the Township of McKellar will endeavour to develop a long term waste management program that meets the needs of the community and complies with provincial and federal guidelines.

Any proposal for development or the expansion of a current use within 500 metres of either an active and inactive waste disposal site will require an Environmental Impact Assessment to demonstrate that the water supply of the proposed development will not be negatively impacted and that there are no other problems such as leachate, methane gas, rodents or vermin.

Development shall not be permitted on or within 30 metres of the waste disposal site located in Part of Lot 20, Concession 8.

- 9.11 Where multi-lot or multi-unit residential development is proposed for more than five lots/units on individual wells and individual subsurface sewage treatment systems an Environmental Impact Assessment will be prepared by the applicant and submitted to the Ministry of the Environment and Energy for approval, where required. The report shall demonstrate potable groundwater quality, adequate groundwater yield, negligible groundwater quality interference, soil suitability and sufficient available area for effluent treatment.
- 9.12 Where a private septic system is proposed which will handle more than 4,500 litres per day, such as for a highway commercial operation, tourist commercial operation, etc, a Hydrogeological Impact Report will be required. This report must demonstrate soil suitability, sufficient area for effluent treatment and site suitability. This report will require the review and approval of the Ministry of the Environment and Energy.
- 9.13 Where development on private or communal sewage systems is proposed on waterbodies, approval of the development will be subject to a Lake Development Capacity Calculation. The Ministry of the Environment and Energy will assess the effects of the proposal on the waterbody, and development will be limited to that level which results in no net change to the trophic category of the lake.
- 9.14 New industrial developments are subject to the requirements of the Ministry of the Environment and Energy for water, sewage and air emission. Industries requiring large amounts of water in its processes for cooling, washing, production or manufacturing may not be permitted.

- 9.15 Where a change in land use is proposed and the present use has the potential to have caused environmental contamination (e.g. industrial to residential re-designations), the site shall be decommissioned and/or cleaned up to the satisfaction of the Ministry of the Environment and Energy. The decommission/clean up shall be undertaken in accordance with the Ministry's Guidelines for the Decommissioning and Cleanup of Site in Ontario (February 1989).
- 9.16 Stormwater management/control is intended to prevent the loss of life, minimize community disruption and property damage due to erosion and flooding, and to maintain and enhance surface and groundwater resources sufficient for aquatic life, recreation and other uses.

Applicants for development may be required to develop stormwater control/management systems which address water quality control to the satisfaction of the Ministry of the Environment and Energy and the Ministry of Natural Resources.

- 9.17 The development of electric power facilities shall occur in an orderly manner to facilitate the efficient and reliable provision of adequate electric power. Electric power facilities are permitted in all designations without amendment to this Plan, provided that the planning of such facilities has regard to the other policies of this Plan. Furthermore, Ontario Hydro shall consult with the municipality on the location of any new electric power facilities.

10.0 COMMERCIAL OR INDUSTRIAL DEVELOPMENT

- 10.1 The Council of the Township of McKellar supports the development of new businesses in the municipality to improve employment opportunities and provide increased commercial assessment.
- 10.2 It is difficult to predict where the location for future light industrial or commercial operations might be. Therefore, no areas designated as commercial or light industrial sites have been identified on the Land Use Plan, Schedule 'A' attached hereto. Expansions and/or alterations to existing general commercial, tourist commercial, and light industrial uses to realize permitted as-of-right uses as referenced in By-law 95-12, as amended, for the Township of McKellar, may be considered in any of the applicable land use designations. New general commercial, tourist commercial, and light industrial uses may be considered in any of the land use designations, with the exception of the Waterfront designation, of this Plan subject to the following:
- (a) the submission of favourable reports from any relevant agency;
 - (b) the area may be identified as a site plan control area and designated by by-law under Section 41 of the Planning Act so that details of the proposal may be presented and approved;
 - (c) an amendment to the Municipality's Zoning By-law is approved;

- (d) the submission of a report by the applicant on the appropriateness of the proposal in respect to the site dealing with issues of land use, environment, access, design, and any other matters that may assist Council in its assessment and decision on a specific proposal.
- (e) Commercial and light industrial uses will not be permitted in provincially significant wetlands, flood plain areas or any other area subject to flooding.

11.0 ROADS POLICY

- 11.1 All roads to be dedicated to and assumed by the Municipality must meet the current standards as set out by the Municipality and the Ministry of Transportation.
- 11.2 Road allowances must be a minimum of 20 metres in width except in special circumstances where it may be determined that the functional requirements may be accommodated by a lesser width.
- 11.3 Roads adjacent to and serving any proposed development must be capable of handling the additional traffic created by the development. Development should not be permitted on land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited site lines on curves or grades.
- 11.4 It is the general intent of this Plan to maintain the function of the public access roads throughout the municipality.
- 11.5 On the main public roadways through the municipality, it will be the preference of the Township of McKellar to support new development that provides for internal roadways thereby minimizing direct access onto existing township roads.
- 11.6 All new or existing roads must be brought up to the municipality's minimum construction standard before they are assumed by the Municipality. Existing seasonally maintained roads must also be brought up to municipal standards for year-round roads before they are designated for year-round road service.
- 11.7 The Municipality recognizes the importance of Highway No. 124 as a major east-west link in the District of Parry Sound. The Municipality supports the development and land division policy of the Ministry of Transportation respecting Highway No. 124 through the Township of McKellar. All new development adjacent to Highway No. 124 must receive prior approval from the Ministry of Transportation.

12.0 ACCESS POLICIES

- 12.1 All new development must front upon a year-round, publicly maintained road subject to the exceptions listed below.

- 12.2 A limited number of lots used for seasonal residential dwellings within the Waterfront designation may be serviced by an existing private road, registered right-of-way, minor extension to private road, or an unassumed public road which accesses a maintained public road, as identified on Schedule 'A'. A minor extension to a private road is defined as 180 metres or less from the last lot on the road. Private roads and right-of-ways will not be extended to properties which are located beyond the existing extent of the private road or right-of-way, except to provide water access for island lots and inaccessible shoreline where no alternative access is available.
- 12.3 New water access, lakefront lots, are generally not permitted within the Municipality. It is recognized that there are some existing water access properties within the township and these are to be considered as permitted uses. However, no new lots may be created that require water access facilities. Exceptions may be made to this policy where large islands may be divided or mainland that may not be reasonably accessed by road provided that the land owner has demonstrated to the satisfaction of Council that a mainland docking and parking facility has been deeded and zoned exclusively for the island lot properties.
- 12.4 Certain resource uses including hunting or fishing camps in the rural areas may obtain access from a private or public roadway, or road allowance.
- 12.5 Where waterfront properties front both on a recreational waterbody and a public road, private right-of-way or unopened road allowance, the minimum frontage requirements set out in this plan will apply to the waterfront and the minimum frontage to be required on the road, right-of-way or unopened road allowance will be required to be sufficient to:
- allow reasonable access directly onto the private property off the road, right-of-way or road allowance;
 - not conflict with the access arrangements of adjoining property owners;
 - allow for the consideration of road maintenance where applicable and particularly winter road maintenance at the terminus of cul-de-sacs; and,
 - have a minimum road, right-of-way or allowance frontage of 20 metres.

13.0 HOUSING POLICIES

- 13.1 The primary type of residential use in the Municipality is the single detached dwelling unit or seasonal residential dwelling unit. It is the policy of the Township of McKellar to maintain the single dwelling unit or seasonal residential single detached dwelling unit as the primary permitted housing form in the Municipality. A single detached dwelling unit will include converted dwelling units or apartments within single detached dwelling units.

- 13.2 Notwithstanding Section 13.1 above, more intensive forms of residential development including medium density housing up to four units may be considered in the McKellar, Broadbent and Hurdville areas where it may be demonstrated that adequate services are available for such a development and subject to a rezoning to consider any land use implications.
- 13.3 The Township of McKellar supports the continued use of home rehabilitation and subsidized housing programs sponsored by the Provincial or Federal Government where applicable in the municipality.
- 13.4 An acceptable standard of housing design will be established in the municipality through zoning, property maintenance and occupancy standards, and where necessary, through site plan control.
- 13.5 The Township of McKellar supports subsidized housing programs within the municipality and will take active steps to pursue sponsoring these programs where eligible under current Provincial and Federal Government criteria.
- 13.6 The Council of the Township of McKellar recognizes and will implement the Provincial policy statement respecting Land Use Planning for Housing in a number of ways. These will include:
 - (a) supporting housing intensification programs through permitting conversions of single dwelling units to allow for accessory apartments;
 - (b) encouraging infilling using existing road and other services where available;
 - (c) designating areas of new residential development at reasonable standards, thereby, achieving the criteria for new housing supply as identified in the policy statement;
 - (d) establishing minimum and reasonable standards for new lot creation within any implementing comprehensive zoning by-law;
 - (e) committing the administration and council of the Municipality to expedite the processing of all applications for residential development within the municipality;
 - (f) allowing for a full range in the type of residential development that will be permitted within the municipality.
- 13.7 The Municipality will strive to achieve the affordable housing goals of the Province in any year-round development that is proposed in the township where applicable.

- 13.8 The Municipality supports the use of modular and mobile homes where they are located on individual lots with individual private water and sewage services or in mobile home parks that are specifically zoned for mobile home park purposes.
- 13.9 The Municipality will support the establishment of senior citizen housing to recognize the inevitable demand for this housing type in the near future.
- 13.10 There are a large number of travel trailers throughout the Township on individual lots or used in combination with existing residential dwelling units. No new travel trailers except those permitted in lawful trailer parks will be permitted in the Township in accordance with the municipality's zoning by-law. Further, it will be the objective of the Township to require the removal or replacement of existing travel trailers with conventional dwellings or cottages.
- 13.11 There are a large number of dwellings in the Municipality that are occupied on a seasonal basis by persons whose principal residence is located outside the Township of McKellar. While the Township may not make any distinction between occupants of any area or dwelling, the Municipality will only provide year round maintenance to those properties that front directly onto a year-round publicly maintained roads.

14.0 HERITAGE POLICIES

- 14.1 The Council of the Township of McKellar will encourage the maintenance and preservation of buildings, sites and structure of historical or architectural interest. Council may designate these buildings or areas as Heritage Conservation Areas pursuant to the Ontario Heritage Act in order that their alteration or demolition is postponed until such time as Council is satisfied that the heritage of the township is protected by an alternative or altered development proposal.

15.0 AMENITY POLICIES

- 15.1 The separation of incompatible land uses is a preventative means of achieving the environmental objective of this Plan.

There is an influence area around certain facilities or land uses which produce emissions of nuisance nature, where exposure of residences and other sensitive uses should be minimized. Necessary environmental control measures, such as buffers between emission sources and sensitive land uses should be applied to supplement practical emission controls, but not to take the place of such controls.

Buffering may include the following:

- (a) an appropriate tree screen;
- (b) fencing; or,
- (c) sufficient distance.

- 15.2 All uses including residential, commercial, industrial or institutional uses may be designated as site plan control areas. The Municipality may require such uses to file required site plans and may include agreements as provided for under Section 41 of the Planning Act.
- 15.3 The Municipality recognizes the importance of certain natural vegetation for the provision of wintering habitat for deer populations in McKellar Township. Removal of this natural vegetation can seriously jeopardize the habitat available for the protection and propagation of white tailed deer. To this end, the Municipality may designate deer wintering areas identified on Schedule 'A' under site plan control. This policy will be implemented on an as needed basis as determined by the Municipality in consultation with the Ministry of Natural Resources.

16.0 LAND USE POLICIES

The provisions of this part of the Plan will apply to those areas designated on Schedule 'A' - Land Use Plan.

16.1 Inland Development Area

- 16.1.1 This designation will apply to most of the inland areas of the municipality that do not front on one of the lakes in the Township and include the settlement areas of McKellar, Broadbent and Hurdville. Land uses permitted in this Inland Development Area designation will include forestry, agricultural uses, residential uses, institutional uses and any use in connection with government utilities or departments.

Existing Settlement Areas

Schedule 'A' identifies McKellar, Broadbent and Hurdville as Settlement Areas. It is recognized that these settlement areas only have limited development potential and due to the small size, Schedule 'A' does not specify any boundaries or identify the extent and size of each settlement area. It is the intent of the Plan, given the historically low growth in these areas, to allow flexibility in the determination of the types, location and extent of development in the existing settlement areas.

- 16.1.2 Commercial and industrial uses including pits and quarries will be permitted in the Inland Development Area policy designation subject to the specific policies relating to these uses in the general provisions of this Plan.
- 16.1.3 Land division for new development in the Inland Development Area policy designation will proceed by consent. In addition to the consent policies of this Plan, severance activity for new residential dwellings in the Inland Development Area policy designation will be subject to the following policies:
- (a) the standard for lots sizes should be established in the implementing zoning by-law and such standards shall provide minimum lot frontages that do not contribute to scattered development that results in the inefficient delivery of municipal services.

- (b) there is demonstrated evidence that the number of lots being created in the Inland Development Area policy is in response to a need and not creating an unsatisfactory strain on municipal roads and other services where applicable.
- (c) lots fronting on Highway 124 will have a minimum frontage as required by the Ministry of Transportation.

16.1.4 Lots in Registered Plan Nos. 9, 74 and 242 (McKellar Village) provide for urban sized lots with a minimum frontage of 20 metres and a minimum depth of 40 metres. The Municipality will require a minimum lot size within the existing registered plans in the Village of McKellar of 0.16 hectares so that original lots within the registered plans in the Village are doubled up to form one lot for development purposes, wherever possible. This may be accomplished through the implementing zoning by-law and through deeming by-laws to remove certain lots from registered plan status in the original plan.

16.2 Waterfront

16.2.1 Lands that physically and functionally front on recreational waterbodies in the municipality have been designated in the waterfront policy designation. This policy category will include single residential dwellings; seasonal residential dwellings; existing tourist commercial uses and uses identified as permitted as-of-right uses in By-law 95-12, as amended; existing special provisions permitted as-of-right uses that permit uses of a tourist commercial nature as identified in By-law 95-12, as amended; and existing general commercial uses and uses identified as permitted as-of-right uses in By-law 95-12, as amended. The Waterfront designation will generally not apply to lands beyond 150 metres of the shoreline but may vary up or down to reflect the variable depth of lands and conditions in individual circumstances. It is the intention of this Plan that lands beyond the functional limits of the waterfront may be considered as Inland Development.

16.3 Environmentally Sensitive Policy Areas

16.3.1 Land designated as Environmentally Sensitive on Schedule 'A' are lands that consist of wetlands, identifiable flood plain areas, areas with poor drainage, areas designated for resource conservation and lands in waters that have been identified as important wildlife habitat. Permitted uses in these areas will include agriculture, aquaculture, forestry, wildlife management areas, parks and other outdoor recreational uses where limited structural development is to occur.

Structural development including docks, would generally be inappropriate within the wetlands identified on Schedule 'A'. However, any lands designated Environmentally Sensitive due to a flooding hazard, may be eligible for dock or boathouse construction subject to approval of the relevant government agency.

16.3.2 The boundaries of the areas designated as Environmentally Sensitive on Schedule 'A' are intended to represent the actual extent of any environmental constraint and have been primarily determined through the use of aerial photographs and some field inspections. The boundary of these designations should be considered as guidelines and used in connection with the preparation of any implementing zoning by-law. However, an amendment to this Plan to modify the boundary of the Environmentally Sensitive area may not be required. An amendment to the zoning by-law may be required. Additional non-development areas will be identified in the implementing zoning by-law on further review.

16.3.3 Notwithstanding the above policies relating to the prohibition of docks in areas identified as Environmentally Sensitive on Schedule 'A', it may be inappropriate to zone developed shoreline into large areas restricting dock construction where such structures already exist. New dock construction in these areas will be required to obtain all the necessary approvals from the relevant government agency.

16.4 Inn Commercial - Expansion Area

16.4.1 The lands identified on Schedule 'A' as Inn Commercial – Expansion Area include tourist establishment facilities and a children's summer camp. Accessory uses shall include open space and recreational uses; a health spa; tuck shop; clinic; restaurant; riding stable; staff quarters; maintenance and storage facilities; and complementary services in connection with the tourist establishment and camp complex. Expansions of the above permitted uses shall be in accordance with Section 16.4.3 and all other applicable policies of this Plan.

16.4.2 The development standards and criteria for expansions or enlargements in this designation shall be established in the implementing zoning by-law and shall include the following:

- a) maximum gross floor areas;
- b) minimum and maximum lot requirements, including minimum frontage, minimum area and maximum coverage requirements;
- c) minimum yard requirements, including minimum front yard, minimum interior side yard, minimum exterior side yard and minimum rear yard requirements;
- d) maximum height limits; and,
- e) parking and loading requirements

16.4.3 Development located in the Inn Commercial - Expansion Areas identified on Schedule 'A' shall be subject to site plan control under Section 41 of the Planning Act.

17.0 WATERFRONT POLICIES

17.01 Basis For Waterfront Policies

- 17.01.1 The original Official Plan for the Township of McKellar had a basic approach to shoreline development. New lots could be created at a standard of 60 metres of frontage with 0.4 hectares of lot area with some variations depending upon wildlife habitat or the sensitivity of smaller lakes.
- 17.01.2 The former policy had attempted to achieve some lake density controls based upon surface areas of many of the lakes as a ratio for shoreline development.
- 17.01.3 Lake density control measures did not properly recognize implications from sources other than shoreline residential development including tourist commercial uses and day users.
- 17.01.4 The historical planning controls allowed for the development of new tourist commercial operations without the benefit of a clear understanding of the impact of these developments on the carrying capacities of these waterbodies.
- 17.01.5 There is a new approach when considering new development and/or redevelopment within the Waterfront areas of the Township. Much of the appeal of the Waterfront lands is directly related to the quality of the environment and natural heritage features. This shift in policy will place an "environment first" philosophy on new development and/or redevelopment within the Waterfront in order to preserve this resource.
- 17.01.6 Updated land use, lake and environmental data have allowed the municipality to better understand the relationship between existing development, residual capacities and future new development and/or redevelopment needs of the Township recreational waterbodies.
- 17.01.7 A questionnaire was circulated to all property owners in 2009 to solicit views on shoreline new development and/or redevelopment in McKellar Township. There was an extremely high response rate to the questionnaire giving the Council of the Township of McKellar strong direction on policy matters for the lakes.
- 17.01.8 Any pressures for additional shoreline new development and/or redevelopment will require a more comprehensive planning approach in contrast to those undertaken in the past.
- 17.01.9 A fundamental planning approach for lake planning in McKellar Township will be to preserve the traditional character of each of the lakes. This will place significant challenges on the municipality to resist new forms of new development and/or redevelopment, and to resist more and higher intensities that would ultimately alter the character of McKellar Township Lakes.

- 17.01.10 There are existing tourist commercial establishments located on a number of the recreational waterbodies. These businesses are important activities in the community and are supported by the Municipality. These tourist commercial establishment uses provide goods and services to visitors to the Township and short-term accommodation. However, while these establishments are part of the traditional lakefront community and are an integral part of a lake's character, any significant changes in intensity or land use that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended could alter or adversely impact a lake's character. It is the intention of this Plan to provide that care will be taken to ensure that existing tourist commercial establishments with their permitted as-of-right uses as referenced in By-law 95-12, as amended, may continue to be viable and thrive.
- 17.01.11 The policy rationale for much of the lake planning for McKellar Township will be premised on an approach that preserves the character of each lake. This principle would best represent the data, the consultation process, and the long term interests of the goals and objectives of lake planning for McKellar Township.
- 17.01.12 The Plan will have a strong component relating to the preservation of natural heritage features and be more responsive to matters of provincial interest.

17.02 General

- 17.02.1 The lands adjacent to the recreational waterbodies in the Township are designated as "Waterfront" on the Land Use Plan. This designation applies to all of the recreational lakes within the municipality including the Manitouwabing and Middle Rivers.
- 17.02.2 The depth of the lands that are designated "Waterfront" will vary depending upon the depth of the conveyable lands adjacent to the shoreline. The Waterfront designation will generally apply to all lands adjacent to the water's edge up to a limit of 150 metres from the shoreline but may vary up or down to reflect the variable depth of lands and conditions in individual circumstances. It is the intention of this Plan that lands situated beyond the functional limits of the waterfront may be considered as Inland Development.
- 17.02.3 The "Waterfront" designation will be interpreted to extend to any flooded lands and Crown lake bed.

17.03 Principles

- 17.03.1 The Waterfront areas within the Township of McKellar represent the focus of development for the past fifty years and continue to be the area of the municipality having the primary development interest.

- 17.03.2 The use of the Waterfront is predominantly seasonal residences, year round homes with some commercial and tourist commercial uses and pasture land interspersed with the shoreline residential uses.
- 17.03.3 The general form of development consists of single tier, low density residential uses in detached dwellings, each on an individual lot, in a heavily mixed forest setting.
- 17.03.4 The Waterfront is an important resource to the Township of McKellar. Care must be taken to ensure the protection of this resource when considering new development and/or redevelopment proposals.
- 17.03.5 An important principle in the Waterfront area is the preservation of the character of the shoreline (i.e. single tier, low density, residential uses in detached dwellings, each on an individual lot with appropriate lot frontages, in a heavily mixed forest setting) of the recreational lakes and rivers. It is the intention of this Plan that this will be the guiding principle for any new development and/or redevelopment proposals in the lake communities.

17.1 GOAL

- 17.1.1 The goal for the Waterfront designation is to provide for viable new development and/or redevelopment that will preserve the natural and physical environments of the recreational waterbodies. The appeal of the waterfront communities is one of the most significant attributes of the Township of McKellar to residents and visitors alike.

17.2 OBJECTIVES

- 17.2.1 The objectives necessary to fulfill the Waterfront goal include the following:
 - 17.2.1.1 Maintaining, protecting and improving the natural environments in and adjacent to the recreational waterbodies.
 - 17.2.1.2 Maintaining the current character of the shoreline of the Waterfront designation as a predominantly single tier, low density, single detached residential dwelling community on individual lots.
 - 17.2.1.3 Preserving and improving where possible, the water quality of each of the recreational waterbodies.
 - 17.2.1.4 Recognizing the residual carrying capacities on each of the recreational waterbodies from a water quality and boating perspective.
 - 17.2.1.5 Ensuring that new development and/or redevelopment is compatible with the physical and social environments.
 - 17.2.1.6 Providing clarity to land owners, the municipality and members of the public respecting new development and/or redevelopment limits for all properties along the Waterfront area.

- 17.2.1.7 Allowing for additional new growth along the Waterfront which is determined to be appropriate and sustainable in accordance with the policies of this Plan.
- 17.2.1.8 Ensuring that new development and/or redevelopment is consistent with Provincial Policies and applicable legislation of senior governments.
- 17.2.1.9 Ensuring that new development and/or redevelopment recognizes a balance between maintaining natural shoreline features and built form.
- 17.2.1.10 Preserving a natural vegetative area adjacent to the Waterfront to maintain continuity in the habitat features intrinsic to this area.
- 17.2.1.11 Investigating policies, programs and procedures that may protect and improve upon the terrestrial and water quality environments of the Waterfront.

17.3 PERMITTED USES

- 17.3.1 The permitted uses in the Waterfront designation include:
 - (a) a single detached residential dwelling as per lot of record, as permitted in By-law 95-12, as amended;
 - (b) existing general commercial and identified permitted as-of-right uses, existing tourist commercial and identified permitted as-of-right uses, and existing special provision as-of-right uses as permitted in By-law 95-12, as amended;
 - (c) home occupations, as defined and permitted in By-law 95-12, as amended;
 - (d) agricultural and farming uses, as defined in By-law 95-12, as amended; (excluding intensified farming operations)
 - (e) public uses, as permitted in By-law 95-12, as amended;
 - (f) institutional uses, as defined and permitted in By-law 95-12, as amended;
 - (g) existing industrial uses and identified permitted as-of-right uses, as permitted in By-law 95-12, as amended.

17.4 CHARACTER PRESERVATION IN THE WATERFRONT DESIGNATION

- 17.4.1 The Waterfront character of McKellar Township has been established over the past 50 years since the popularity of second homes and summer vacations began after the Second World War. Shoreline residential development replaced a predominantly rural agricultural community.
- 17.4.2 The shoreline communities started with modest frame cottages a single tier in depth along the lakes with comparatively smaller lots having lot frontages between 20 and 30 metres. In all cases, the cottages were oriented toward the lakes in contrast to historical rural and agricultural uses that had a focus away from the lakes and commonly developed adjacent to the rural roadways.

- 17.4.3 At the same time or even before the post war cottage boom, small tourist operations in the form of rental cabins or camp grounds also were being established throughout the recreational lakes. These tourist camps were often interspersed throughout the single family cottage lots and were also established on the shoreline with a similar focus towards the lakes.
- 17.4.4 The appeal for additional lakefront development continued throughout the 1960's, 1970's, 1980's and 1990's. The basic premise remained unchanged for more recent shoreline development although the scale of newer cottage communities tended to include larger lots together with larger residences and modern conveniences. Part of this evolution was mandated through the establishment of lakefront planning while part was in response to a change in the type of cottage environment being marketed and consumed. Cottagers were interested in larger properties with increased privacy and more open space features. However, these changes in scale did not alter the basic form of development of shoreline development and this character is preserved today.
- 17.4.5 It is the intention of this Plan to preserve this waterfront character. This character will continue as a mix of natural shoreline conditions with a single tier of individual dwellings on individual lots with individual private services focussed towards the lake. No multiple dwelling unit developments and/or multiple dwelling development and/or redevelopment uses will be permitted in the Waterfront areas.

17.5 GENERAL STANDARDS FOR RESIDENTIAL DEVELOPMENT IN THE WATERFRONT DESIGNATION

- 17.5.1 New lots in the Waterfront designation will be subject to a minimum lot frontage and a minimum lot area that responds to the particular needs for the various lakes and parts of lakes throughout the municipality. The previous standards for new lakefront properties ranged between 60 metres of frontage to 150 metres of frontage. Lake Manitouwabing generally provided for 60 metre lot frontages on the west side of the Lake and a minimum 90 metre lot frontage on the east side of the Lake in response to the presence of deer wintering habitat.
- 17.5.2 These standards should be maintained or increased. In some instances new development and/or redevelopment proposing a new form, or scale, should be further restricted in response to development and/or redevelopment constraints or in areas where there are significant lake capacity considerations. The new minimum lot frontage standards will be set out in the implementing zoning by-law.
- 17.5.3 The minimum requirement for the size of new lots should be increased to recognize the need for larger areas when individual private services are proposed for new development and/or redevelopment and where there are important habitat features like deer wintering areas or on island properties. The new minimum lot frontage standards will be set out in the implementing Zoning By-law.

- 17.5.4 The implementing zoning by-law will include provisions relating to building location, size and setbacks that adequately respond to the objectives for Waterfront lands.
- 17.5.5 Exceptions to the general standards set out in the implementing zoning by-law may be made by a site-specific zoning by-law amendment or a minor variance application to recognize existing development, make title corrections or to respond to sound planning principles based upon individual circumstances.

17.6 ACCESS TO LAKES

- 17.6.1 There are limited opportunities for the public to access the various recreational waterbodies. Many of the smaller lakes do not have any public access points and are essentially "land locked". It will be the continued policy of this Plan to preserve existing access points to recreational waterbodies wherever possible so long as there are no adverse environmental or social impacts.

17.7 TOURIST COMMERCIAL AND COMMERCIAL DEVELOPMENT AND REDEVELOPMENT IN THE WATERFRONT DESIGNATION

It is the intention of this Plan that the following policies apply to properties that are zoned in one of the general commercial and/or tourist commercial zones or in a site-specific, special provision, zone that permits tourist commercial uses:

- 17.7.1 There are a number of existing tourist commercial uses on the recreational waterbodies throughout the Township. These existing tourist commercial uses cater primarily to the recreational and service needs of the community and visitors.
- 17.7.2 It is the intention of this Plan that those properties along the waterfront that are zoned in By-law 95-12, as amended, general commercial, tourist commercial or in a special provision that permits tourist commercial uses may continue their existing and permitted as-of-right uses, as outlined in By-law 95-12, as amended, and will be recognized in the zoning by-law so that any use permitted as-of-right in the zoning by-law will be allowed to expand to the listed permitted as-of-right uses and permitted as-of-right densities as outlined in By-law 95-12, as amended, without the requirement of studies referenced in this Plan.
- 17.7.3 It is the intention of this Plan that no new tourist commercial multiple dwelling unit developments and/or multiple dwelling development uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended; will be permitted in the Waterfront designation, except through an approved Official Plan Amendment and zoning by-law amendment.

- 17.7.4 Most of the shoreline in McKellar Township has been developed with low density, single detached residential dwellings on individual lots with historical tourist commercial establishments intermixed with these residential uses. Further, there are few areas of continuous vacant, accessible and undeveloped shoreline in McKellar Township that are suitable for the establishment of new multiple dwelling unit developments and/or multiple dwelling development uses.
- 17.7.5 It is the intention of this Plan that existing tourist commercial establishment uses, as defined and permitted as-of-right in By-law 95-12, as amended, along the waterfront, may expand only to the limits of the lands that are currently zoned as-of-right for the tourist commercial establishment use in By-law 95-12, as amended. No additional lands not having a commercial zone may be zoned beyond the existing limits in Zoning By-law No. 95-12, as amended, as of the date of the passing of this by-law. An exception may be made for those additional lands that do not provide for an increase in allowable density including tennis courts, baseball fields, tracks or other recreational facilities.
- 17.7.6 The implementing zoning by-law will prescribe limits on the density and size of tourist commercial establishment uses, including guest accommodation units associated therewith, in order to preserve the character of the existing tourist commercial establishment uses in the various lake communities.
- 17.7.7 It is the intention of this Plan that, in the event that new developments and/or redevelopments of existing tourist commercial establishment uses; other than a multiple dwelling unit development and/or multiple dwelling development use which are not permitted; that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, and proposed by way of an amendment to the zoning by-law, may be subject to increased density controls including servicing responsibility agreements and, as a minimum, the undertaking of a site evaluation report as set out in Section 17.19.2 of this Plan.
- 17.7.8 It is the intent and policy of this Plan that a multiple dwelling unit development and/or multiple dwelling development uses, shall not be permitted within the Waterfront designation.
- 17.7.9 In the event that a multiple dwelling unit development and/or multiple dwelling development use, is proposed by way of an amendment to the Official Plan and zoning by-law, the minimum lot frontage per dwelling unit shall be in accord with the adjoining residential zoning standard (exclusive of lands that are environmentally sensitive or significant habitat) and the minimum lot area per dwelling unit shall be 1 hectare. It is the intention of this Plan that no second tier or back-lot development, associated with the proposed new development and/or redevelopment, will be permitted.

- 17.7.10 In the event that a multiple dwelling unit development and/or multiple dwelling development use is proposed by way of an amendment to the Official Plan and zoning by-law, it is the intention of this Plan that the densities permitted shall be based on the built form of the development. Developments in the form of individual cottages shall meet the frontage and density requirements for residential uses. Developments in the form of tourist commercial developments with communal facilities and commercial services shall be based on the policies for tourist commercial developments.
- 17.7.11 In the event that a multiple dwelling unit development and/or multiple dwelling development use is proposed by way of an amendment to the Official Plan and zoning by-law, and registered by way of condominium description, it is the intention of this Plan that private communal sewer and water servicing may be permitted where:
- (a) the sewage and water works have been built or upgraded to a standard satisfactory to the approval agency/authority and the Municipality;
 - (b) an authorized and enforceable agreement is registered against the title of each unit within the condominium description, which:
 - (i) requires the establishment and administration of a reserve fund to ensure that adequate revenue is available to repair, maintain, replace and upgrade the works as required.
 - (ii) outlines and requires implementation of financial controls to the satisfaction of the Province and Township to ensure the provision of (i) preceding.
 - (iii) requires operation of the private works by a qualified operator certified under a provincial certification program.
 - (c) the development is in accordance with all other policies of this Plan and constitutes a multiple dwelling unit development and/or multiple dwelling tourist commercial development use.
- 17.7.12 It is the intention of this Plan that existing tourist commercial establishment uses that are proposing to be altered or modified for residential uses must comply with the underlying residential policies.
- 17.7.13 Where a multiple dwelling unit development and/or multiple dwelling development use, may be proposed, it is the intention of this Plan that the introduction of such forms of development will require an amendment to the Official Plan and zoning by-law and shall be subject to the submission of all relevant studies as set out in 17.18 and 17.19.
- 17.7.14 Council may refuse to accept an application as complete in the absence of requested studies in support of an Official Plan amendment, a zoning by-law amendment, a subdivision application, or a condominium application.

- 17.7.15 The policies of this plan shall apply to all new multiple residential development.

17.8 WATER QUALITY PROTECTION

- 17.8.1 Preserving the water quality of McKellar Township's recreational waterbodies is a high priority for the Township. When considering new development and/or redevelopment of all waterfront residential lands; and new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, and proposed by way of an amendment to the zoning by-law; the impacts on water quality will be a prime consideration.
- 17.8.2 The Municipality has undertaken a comprehensive review of the existing water quality of its recreational waterbodies. These analyses demonstrate that most waterbodies are warm waters with a substantial number of wetlands in the watersheds contributing to darker coloured waters. This Plan will provide specific approaches for each waterbody towards meeting the Waterfront objectives.
- 17.8.3 Before approving any new development and/or redevelopment proposal adjacent to a lake/river within the Waterfront designation, Council must be assured that the proposed new development and/or redevelopment will not exceed the capacity of the lake/river to accommodate new development. This Plan recognizes the following factors as limiting lake capacity:

17.8.3.1 Lake Trophic State

- 17.8.3.1.1 The Township of McKellar will encourage and support continued and enhanced monitoring of lake trophic state through the Ministry of the Environment's Lake Partner Program by lake associations. The Township will use the results in reviewing the policies of this Plan and, where appropriate, individual new development and/or redevelopment applications.

Wherever a water quality study is referenced in this Plan, it shall refer to a water quality investigation as demonstrated through a trophic state analysis.

- 17.8.3.1.2 In general, lakes and rivers in the Township are shallow, warm water systems with agricultural uses and wetlands dominating much of their watersheds. Many are part of interconnected lake/river waterways, and have higher annual flushing rates than typical Precambrian Shield coldwater lake trout lakes. They are characterized by species of fish such as northern pike, large and small mouth bass, yellow pickerel, and an abundant supply of pan fish. As a consequence, they are moderately productive (i.e., mesotrophic) in terms of nutrient content (i.e., lake trophic state), and are highly coloured owing to inputs of decomposing aquatic vegetation. Such systems are typically resilient to small changes in land use, meaning their trophic state condition

would not be appreciably altered with new lot creation, particularly if undertaken using the mitigation measures described in this Plan.

17.8.3.1.3 However, if Council determines that an application for lot creation for more than three new residential lots, excluding the retained; and/or new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, including those requiring an amendment to the Official Plan or Zoning By-law has the potential to alter water quality through an increase in phosphorus (i.e., the key nutrient governing the growth of algae and weeds in lakes and rivers) loading, such that water quality for aesthetic and recreational purposes could be unduly impaired, it may require that the applicant submit a water quality study as described in Section 17.19.4.

17.8.3.1.4 Based on the results of a trophic state capacity study, Council may decide to establish by resolution, without an amendment to this Plan, a trophic state water quality objective for a lake or river, expressed as the ice-free average phosphorus concentration, based on at least ten samples collected during this period, and require that no further new development and/or redevelopment; and/or new development and/or redevelopment of existing tourist commercial establishment uses; beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, including those requiring an amendment to the Official Plan or Zoning By-law; be permitted on that lake or river that would cause phosphorus concentrations to increase beyond that objective.

17.8.3.1.5 The Township of McKellar will apply a number of principles through new development and/or redevelopment guidelines and regulations that represent best management practises for limiting or avoiding the migration of phosphorous into adjoining waterbodies. These practises may include, but will not necessarily be limited to:

17.8.3.1.5.1 increased setbacks for septic systems from the shoreline;

17.8.3.1.5.2 use of septic system designs that bind phosphorous so that there is limited migration of the nutrient in to the waterbody;

17.8.3.1.5.3 preserving natural vegetative areas immediately adjacent to the shoreline;

17.8.3.1.5.4 investigating programs or supporting other government agencies in programs to ensure the adequacy of existing septic systems.

17.8.3.2 Surface Capacity for Recreational Boating

17.8.3.2.1 It is recognized that there may be carrying capacities at specific times and locations for the amount of recreational boating activity that may occur on the various waterbodies in the Township. The limits of the capacity of boating activity on each lake varies. However, it is recognized that beyond a certain limit, the amount of recreational boating on a given lake, at a specific time and location, may reduce its attractiveness for shoreland residents and visitors and may potentially jeopardize public safety.

17.8.3.2.2 Levels of boating activity, at specific times and locations, have been observed for Lake Manitouwabing and McKellar Lake.

17.8.3.2.3 If Council determines that an application for lot creation for more than 3 new residential lots, excluding the retained; and/or new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, and proposed by way of an amendment to the zoning by-law; could unduly add to existing boating stresses, conflicts, hazards, or public safety, it may require that the applicant submit a boating capacity study as described in Section 17.19.3.

17.8.3.3 Shoreland Development Capacity

17.8.3.3.1 Council will consider an application for development for more than 3 new residential lots, excluding the retained; and/or new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, including those requiring an amendment to the Official Plan or Zoning By-law; within the Waterfront designation subject to, as a minimum, the applicant submitting a site evaluation report as described in Section 17.19.2. "Need" based on growth projections and current land supply will also be a consideration.

17.8.3.3.2 For an application for lot creation for more than 3 new residential lots, excluding the retained; and/or new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, including those requiring an amendment to the Official Plan or Zoning By-law; the Township of McKellar will apply a number of principles through new development and/or redevelopment requirements that represent best management practices for limiting or avoiding the migration of phosphorus into adjoining waterbodies. These practices will include the following:

- 17.8.3.3.2.1 Within the Waterfront designation, all principal buildings will be set back at least 15 metres from the high water mark of lakes and rivers. In areas where the Waterfront is forested, an agreement restricting activities in the 15 metre natural shoreline buffer or set back may be registered on title through any development or servicing agreement to be executed between the Township and the applicant. The agreement would require that the shoreline be disturbed as little as possible, consistent with access (i.e., a 2.0 metre to 3.0 metre wide pathway to the lake), safety (i.e., the removal of dead trees or trees of poor health), and limited limbing to provide views of the lake. This setback shall be increased to 30 metres where Type 1 fish habitat is present, unless a study demonstrates that an alternative setback is appropriate to protect the habitat.
- 17.8.3.3.2.2 Where more than 3 new residential lots excluding the retained; and/ or new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, and proposed by way of an amendment to the zoning by-law; are proposed in Waterfront areas that are not forested (i.e., agricultural or otherwise cleared lands), applicants may be required to allow for the natural regeneration to the upland part of the shoreline to a depth described in 17.8.3.3.2.1 with provisions for providing access to areas having water-based recreation such as boating, fishing, swimming and bathing.
- 17.8.3.3.2.3 In addition to the Ontario Building Code regulations, soils that have proven ability to retain phosphorus may be imported for constructing partially or fully raised drain fields for new development that generates less than 10,000 litres per day of sewage. Typically, "B" Horizon Precambrian Shield soils that are orangy/brown in colour have capabilities to retain sewage-related phosphorus through absorption (i.e., a non-permanent electrostatic process), and mineralization with iron and aluminum (i.e., a permanent binding process).
- 17.8.3.3.2.4 For new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, including those requiring an amendment to the Official Plan or Zoning By-law; that produce more than 10,000 litres per day of sewage, phosphorus removal may be required to be incorporated into the design of the sewage treatment facility.

17.9 NATURAL HERITAGE FEATURES

17.9.1 Definition

Significant natural heritage features as contemplated by the 2005 Provincial Policy Statement consist of the following:

- 17.9.1.1 Habitat of Endangered and Threatened Species, confirmed by the Ministry of Natural Resources, the Species at Risk in Ontario list, or other sources.
- 17.9.1.2 Ministry of Natural Resources Type 1 fish habitat mapped as part of the background work to the policies. The significant fish habitat areas are identified as Environmental Protection (EP) in the implementing zoning by-law.
- 17.9.1.3 Provincially Significant Wetlands, evaluated by the Ministry of Natural Resources, may be added as a schedule to this Plan. When this plan was adopted there were no identified provincially significant wetlands in the Township.
- 17.9.1.4 Significant Wildlife Habitat – e.g. Deer Yard which constitutes deer wintering areas and core deer yards, as identified by the Ministry of Natural Resources, are shown on Schedule “A” to this Plan.
- 17.9.1.5 Significant Areas of Natural and Scientific Interest, identified by the Ministry of Natural Resources. When this Plan was adopted, there were no such areas identified in the Township.
- 17.9.1.6 All development shall be consistent with the Natural Heritage provisions of the Provincial Policy Statement.

17.9.2 Where Development Shall Not Be Permitted

- 17.9.2.1 Development shall not be permitted in the significant Habitat of Endangered and Threatened Species or provincially significant wetlands.

17.9.3 Where Development May Be Permitted

- 17.9.3.1 Council will consider an application for development for 3 or more new residential lots, excluding the retained; and/or new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended; and proposed by way of an amendment to the zoning by-law; within the following areas only if the applicant submits, as a minimum, a site evaluation report as described in Section 17.19.2 demonstrating that there will be no negative impacts on the natural features or their ecological functions:

- Ministry of Natural Resources Type 1 fish habitat.
- Significant Wildlife Habitat – e.g. Deer Yard, nesting sites.
- Adjacent lands contiguous to natural heritage features, as prescribed in Section 17.9.4.

17.9.3.2 Type 1 fish habitat areas may be placed in a non-development zone in the implementing zoning by-law. Any dock and boathouse development will be consistent with the federal Department of Fisheries and Oceans Operational Statement for Constructing Boathouses and Docks.

17.9.3.2.1 New development of less than three new residential lots, excluding the retained, may be permitted in or adjacent to Type I fish habitat without a site evaluation report if the Type 1 habitat is zoned in a non-development zone, a 30 metre setback is maintained from the fish habitat, and any new lot proposed is fronted by sufficient Type 2 habitat to enable docking and recreational activities to take place outside of Type 1 habitat.

17.9.3.3 Where development is proposed adjacent to known habitats of endangered or threatened species, the planning board and council will require an assessment be undertaken by a qualified consultant to demonstrate that there will be no adverse impacts.

Significant habitat of endangered or threatened species may be present in McKellar Township but not yet identified. Where the creation of three or more lots, excluding the retained, or other major developments are proposed, proponents will be required to undertake a level of site evaluation that will determine if there is potential for significant habitat of endangered and threatened species to be present on their property, as per the MNR's Natural Heritage Reference Manual.

17.9.3.4 Development of less than three new residential lots, excluding the retained, may be permitted in or adjacent to significant deer habitat without a site evaluation report addressing deer wintering habitat if the proposed severed and retained lots have a minimum of 90 metre frontage and 90 metre depth, and any coniferous shelter and browse habitat along the shoreline is protected.

Alternate lot sizes may be appropriate if an evaluation prepared by a qualified specialist has indicated that deer wintering habitat does not exist.

17.9.3.5 Development proposed in or adjacent to other known significant wildlife habitat must be accompanied by a site evaluation report demonstrating that there will be no negative impacts to the natural heritage feature or its function.

Where the creation of three or more lots, excluding the retained, or other major developments are proposed, a preliminary evaluation to determine if there are significant natural heritage features in the area shall be required as per the MNR's Natural Heritage Reference Manual and Significant Wildlife Habitat Technical Guide. Where significant natural heritage features are identified in a preliminary evaluation, development and site alteration will only be permitted where a natural heritage evaluation, prepared by a professional qualified in the values being assessed, demonstrates that the development can occur.

17.9.4 Adjacent Lands

17.9.4.1 Adjacent lands contiguous to significant natural heritage features are lands within the following distances from the feature:

17.9.4.1.1 Habitat of Endangered and Threatened Species – 150 metres;

17.9.4.1.2 Ministry of Natural Resources Type 1 fish habitat – 30 metres; and

17.9.4.1.3 Significant Wildlife Habitat – 150 metres.

17.10 FLOODED LANDS

17.10.1 There are a number of areas in front of waterfront lands that are flooded as a result of the damming of the outlets of these lakes. While the Township takes the general position that these flooded lands be treated as Crown lake bed, it recognizes the private ownership implications of these lands and will administer any use or structural development or redevelopment over these lands accordingly.

17.11 BACK-LOTS

17.11.1 The Waterfront designation contemplates only a single tier of residential development and/or existing general commercial establishment uses and their identified permitted as-of-right uses, existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended. It is the intention of this Plan that no back-lot or second tiers of development, associated with any residential and/or commercial developments and/or new developments and/or redevelopments proposed by way of an amendment to the zoning by-law; will be permitted within the Waterfront designation. Most lands not directly adjacent to a waterbody will be considered outside the Waterfront and will be included in the Inland Development designation.

For the purpose of this section, back-lots will be considered those lots that have a functional relationship to the waterfront through some form of public or private access. This policy excludes lands within the village of McKellar.

17.12 SHORELINE STRUCTURES

- 17.12.1 It is recognized that there are a number of structures that locate on or along the shoreline adjacent to waterfront lands. While these structures by their very nature must be situated on or adjacent to the water, their placement must incorporate the principles that apply to preserve portions of the waterfront for maintaining natural landscapes. These structures include primarily docks and boathouses.
- 17.12.2 Regulations governing shoreline structures will be included in the implementing zoning by-law. These regulations will be designed to achieve the objectives of the Waterfront designation and in particular:
 - 17.12.2.1 Protect against adverse environmental impacts;
 - 17.12.2.2 Ensure that privacy between properties is maximized; and
 - 17.12.2.3 Ensure that excessive shoreline structural development and redevelopment is avoided.
- 17.12.3 Boathouses will be restricted to a single storey with no human habitation.
- 17.12.4 Structures that traditionally locate near the water may be permitted subject to complying with the strict provisions of the implementing zoning by-law. These include gazebos, saunas, open air decks and marine supply sheds.

17.13 PUBLIC LANDS

- 17.13.1 It is the intention of this Plan that the Township may use any public waterfront lands for a public purpose so long as the purpose is in accord with the general development and redevelopment policies of the Waterfront designation and the objectives of this Plan. No specific approvals except those related to relevant government agencies are required to permit appropriate public uses in the Waterfront designation.

17.14 HOME OCCUPATIONS

- 17.14.1 Home occupations may be permitted in the Waterfront designation subject to the following:
 - 17.14.1.1 the primary residential character of the property is maintained;
 - 17.14.1.2 the strict requirements of the implementing zoning by-law are met;
 - 17.14.1.3 the compatibility with adjoining residential uses is ensured;
 - 17.14.1.4 the location is entirely within a residence or an accessory building; and
 - 17.14.1.5 the compliance with any applicable municipal, provincial or federal legislation is ensured.

17.15 PLANS TO INCORPORATE ACCESSIBILITY PROVISIONS

- 17.15.1 Where applicable, any plans, decisions or approvals respecting plans or programs within the waterfront designation shall include improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society.

17.16 CROWN LANDS

- 17.16.1 Any Crown lands, the jurisdiction of which resides with the Province of Ontario, along the recreational waterbodies and within the Waterfront designation are understood to be non-development lands in accordance with the Provincial Crown Land Use Strategy. The municipality supports a policy that these lands remain in their natural state.

17.17 SITE PLAN CONTROL

- 17.17.1 All Waterfront designated lands in McKellar Township may be considered site plan control areas pursuant to Section 41 of the Planning Act.
- 17.17.2 Any lands that are designated as site plan control areas by by-law may also be required to include elevation drawings to be able to indicate the relationship of proposed buildings to surrounding lands and waters.
- 17.17.3 The Township of McKellar may, as a part of site plan control, require approval of exterior design features to ensure that any proposed new development and/or redevelopment is consistent with local character, scale, appearance and natural features.

17.18 COMPLETE APPLICATION

- 17.18.1 The Council of the Township of McKellar will determine a complete zoning by-law amendment application or a complete official plan amendment application as enabled under the Planning Act and may include:
- 17.18.1.1 a planning report to establish a need for the proposed use;
 - 17.18.1.2 a report on the physical suitability of the lands for the proposed development or redevelopment;
 - 17.18.1.3 a traffic impact assessment where relevant;
 - 17.18.1.4 a servicing options study where relevant;
 - 17.18.1.5 a site evaluation report;
 - 17.18.1.6 and any other relevant studies deemed appropriate by the Township.

17.19 STUDIES OR DEMONSTRATIONS REQUIRED

17.19.1 General Policy

- 17.19.1.1 This Plan requires that in some cases, applicants undertake studies as conditions of a new development and/or redevelopment application that goes beyond those existing general commercial establishment uses and their identified permitted as-of-right uses, existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, and is proposed by way of an amendment to the zoning by-law. These are described in the remainder of this section.
- 17.19.1.2 Where this Plan requires that an applicant undertake a study or otherwise demonstrate that a policy of this Plan can be met to Council's satisfaction as part of a complete application, prior to a decision, or as a condition of a new development and/or redevelopment application or decision, the study or demonstration will be conducted at the applicant's cost. Council may, to assist in its deliberations:
- 17.19.1.2.1 Where appropriate, ask the relevant provincial or federal agency to review and comment on the study or demonstration, and/or
- 17.19.1.2.2 require a professional peer review of the study or demonstration at the applicant's cost.
- 17.19.1.3 Council may also impose conditions of new development and/or redevelopment that goes beyond those existing general commercial establishment uses and their identified permitted as-of-right uses, existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, approval to ensure that the impact mitigation recommendations of any study or demonstration are implemented.
- 17.19.1.4 This plan recognizes the Growth Plan for Northern Ontario, 2011. The purpose of the Growth Plan are shared by the Township of McKellar. This includes making decisions about growth such that they sustain a robust economy, build strong communities and promote healthy environments. These purposes also include promoting a rational and balanced approach to decisions about growth and builds on community priorities, strengths and opportunities and makes efficient use of infrastructure. Further, these purposes include enabling planning for growth in a manner that reflects a broad geographical perspective and integrated across natural and municipal boundaries.

This official plan also recognizes that, subject to the exceptions noted in the Places to Grow Act, the Growth Plan prevails if there is a conflict between the Growth Plan and a provincial policy statement issued under section 3 of the Planning Act.

17.19.2 Site Evaluation Report

17.19.2.1 A site evaluation report will demonstrate to Council's satisfaction that the subject lands are suitable for a proposed development for the creation of new residential lots; and/or new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended; and proposed by way of an amendment to the zoning by-law; and that development will not be unduly constrained by site limitations. The report will provide information on and evaluate the following, although more information may be required:

- 17.19.2.1.1 slopes;
- 17.19.2.1.2 soil depth, type and moisture;
- 17.19.2.1.3 shoreline and upland vegetation;
- 17.19.2.1.4 overland or stormwater drainage;
- 17.19.2.1.5 fish and wildlife habitat, including habitat of species at risk as per the 2007 *Endangered Species Act* through a natural heritage evaluation as per Official Plan section 17.19.5;
- 17.19.2.1.6 natural heritage protection;
- 17.19.2.1.7 access;
- 17.19.2.1.8 water supply and sewage disposal;
- 17.19.2.1.9 the location of existing and proposed buildings, structures and sewage treatment systems;
- 17.19.2.1.10 whether lot frontages and areas, and building, structure, tile field, setbacks from water, should be greater than the minimums that would otherwise apply, if the new development and/or redevelopment is a new residential development and/or redevelopment in an area of use limitation, or if the information provided suggests other significant site limitations;
- 17.19.2.1.11 in general, whether the environmental policies can be met, and what mitigation measures may be required to do so.

17.19.3 Boating Capacity Study

17.19.3.1 A boating capacity study, if requested, will demonstrate to Council's satisfaction that the boating activity generated by a proposed development for more than 3 new residential lots, excluding the retained; and/or new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, and proposed by way of an amendment to the zoning by-law; will not unduly add to existing aquatic recreational stresses, conflicts, hazards, public safety, and that any impacts can be mitigated so that the lake's recreational attractiveness will be maintained or enhanced.

17.19.4 Trophic State Capacity Study

17.19.4.1 A water quality study, if requested, will demonstrate to Council's satisfaction that the phosphorus inputs generated by a proposed development creating more than 3 new residential lots, excluding the retained; and/or new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, including those requiring an amendment to the Official Plan and/or Zoning By-law; will not unduly impair water quality for aesthetic and recreational purposes, taking into account the Ministry of the Environment's *Water Management Policies, Guidelines, and Provincial Water Quality Objectives*, and that best efforts will be made to minimize inputs.

17.19.4.2 The study will be conducted in accordance with methodologies accepted by the Ministry of the Environment and using as a guide appropriate technical manuals produced by the Ministry.

17.19.5 Natural Heritage Evaluation

17.19.5.1 A natural heritage evaluation, if requested, will demonstrate to Council's satisfaction that a proposed residential development; and/or new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, and proposed by way of an amendment to the zoning by-law; will have no negative impacts on the significant natural heritage feature or on the ecological functions for which the feature has been identified.

17.19.5.2 The evaluation that is included as part of a site evaluation report (see 17.19.2) will be conducted using as a guide the *Natural Heritage reference Manual* and supporting technical manuals, and the Significant Wildlife Habitat Technical Guide produced by the Ministry of Natural Resources.

17.19.5.3 The study area for the natural heritage portion of the evaluation will be the entire significant natural heritage feature and its adjacent lands. The evaluation will consider how to maintain, and where possible improve, the diversity of natural features in the study area and the connections between them.

17.20 LAKE STEWARDSHIP

17.20.1 Council encourages lake associations and individual shoreline residents within the Township to undertake stewardship initiatives, focusing on the following matters:

17.20.1.1 Participation in the Ministry of the Environment's Lake Partners' Program, the benefits of which are best realized when data are collected consistently and without interruption over the long-term, that is ten to fifteen years.

17.20.1.2 Recognition and application of the federal Department of Fisheries and Oceans Operational Statements to reduce disturbance to aquatic habitat, and particularly those guidelines relating to construction of docks and boathouses.

17.20.1.3 Distribution of information on speed limits and other boating restrictions to ensure public safety, and minimize property damage and shoreline erosion from wakes, especially in narrow sections of Lake Manitouwabing and McKellar Lake.

17.20.1.4 Preparation of a homeowners' manual on landscaping of shoreline riparian areas using principles of site naturalization. Such an approach would not only enhance the biodiversity of the lakes' shorelines, but it would minimize overland runoff and erosion, limit maintenance work, and provide shelter to local wildlife species.

17.20.1.5 Continued maintenance of sewage treatment systems by regular pump-outs and inspections.

17.20.1.6 Reflection on the future of Township lakes and related shoreline properties. While recognizing that this Amendment is a first step in defining or characterizing lakes and rivers within the Township, further initiatives can be undertaken via preparation of individual lake management plans. The Township may provide planning information and advice in support of such plans, where feasible.

17.20.2 Council acknowledges programs and initiatives of local cottagers' associations to post boating speed limits on Lake Manitouwabing and McKellar Lake. The costs of these programs will be the responsibility of the association in consultation with Council.

18.0 SPECIFIC LAKE POLICIES

The following policies are to be read in conjunction with all other applicable policies in this Plan.

Clarification of relevant terms/parameters are important in considering the lake specific policies, for example: lake trophic state; milligram; phosphorus; nitrogen; Secchi depth. These are defined in Section 24 Definitions.

Lakes with total phosphorus measured above 0.02 milligrams per litre (20 micrograms per litre) are deemed to be at capacity for development in accordance with the Provincial Water Quality Objective. For the lakes identified in the following sections that are at or exceed this phosphorus level, development should be discouraged. Should development be proposed on such lakes, the Ministry of the Environment should be consulted for technical advice.

18.1 ACTON LAKE

18.1.1 Acton Lake is a very small relatively shallow (9 metres maximum depth) lake, south of Lake Manitouwabing and north of Hurdville Road. It has a watershed area of 84 hectares.

18.1.2 Water sampling in June of 2009 confirmed that the lake is mesotrophic based on phosphorus (0.013 milligrams per litre) and Secchi disc (3.1 metres) measurements. It has a nitrogen to phosphorus ratio of 34.1, meaning that phosphorus is the critical nutrient that limits algal and vascular aquatic plant growth. Dissolved oxygen below 5.0 metres of depth is very low or zero, meaning the lake's deeper waters will not support aquatic life in mid-summer through to the fall. Relatively high concentrations of phosphorus (0.032 milligrams per litre) at the mud-water interface suggest that re-cycling from sediments may be occurring, with potential detrimental impacts on surface water quality and lake aesthetics. Nearshore fish habitat is abundant.

18.1.3 Moderate development opportunities are available around Acton Lake. Lot creation will be supported at lot frontage standards in accordance with the Zoning By-law requirements, and implementation of on-site mitigation measures to reduce phosphorus loadings and maintain nearshore fish habitat.

18.2 ARMSTRONG LAKE

18.2.1 Armstrong Lake is a small, relatively shallow (maximum depth is 13.4 metres; mean depth 6.1 metres) lake. It is located within the Village of McKellar, and is naturally spring fed, with an outlet to the east.

18.2.2 The lake currently has municipal lands along its southern shoreline complete with a public beach, public park and community centre for local residents. Given the frequent public use of the lake, it is important to preserve its water quality and the environmental integrity of its shoreline.

- 18.2.3 A lake study in June of 2009 confirmed the lake is eutrophic based on phosphorus (0.027 milligrams per litre) and Secchi disc (2.4 metres) measurements. It has a nitrogen to phosphorus ratio of 12.7, indicating that phosphorus is the critical nutrient limiting algal and vascular aquatic plant growth. Dissolved oxygen below about 5.0 metres of depth is low to near-zero, meaning the lake's deeper waters will not support aquatic life in mid-summer through to the fall. A Ministry of Natural Resources fish habitat evaluation in 1969 concluded that, ". . . Reclamation planned but oxygen levels suggest this approach fruitless." Also, relatively high concentrations of phosphorus (0.034 milligrams per litre) at the mud-water interface suggest that recycling from sediments may be occurring, with potential detrimental impacts on surface water quality and lake aesthetics. Abundant fish habitat occurs along the low-lying northern shoreline and the lake's eastern outlet.
- 18.2.4 New development in the form of lot creation will be expected to occur at frontage standards in accordance with the Zoning By-law requirements, and on-site mitigation measures to reduce phosphorus loadings and maintain existing nearshore fish habitat.
- 18.2.5 Expansion of the existing tourist establishment on Armstrong Lake will be limited to levels specified in the Zoning By-law.

18.3 BLACKWATER LAKE

- 18.3.1 Blackwater Lake is a medium-sized, relatively shallow (9 metre maximum depth) lake located along the southern boundary of McKellar Township; it is predominantly within the Township of Seguin to the south. A small bay extends into McKellar Township flowing from north to south into the Seguin River system.
- 18.3.2 Water sampling in June of 2009 confirmed the lake is eutrophic based on phosphorus (0.023 milligrams per litre) and Secchi disc (2.5 metres) measurements. It has a nitrogen to phosphorus ratio of 15.1, meaning that phosphorus is the critical nutrient that limits algal and vascular aquatic plant growth in Blackwater Lake. Dissolved oxygen below about 5.0 metres of depth is very low or zero, meaning the lake's deeper waters will not support aquatic life in mid-summer through to the fall. Also, high concentrations of phosphorus (0.032 milligrams per litre) at the mud-water interface suggest that re-cycling from sediments may be occurring, with potential detrimental impacts on surface water quality and lake aesthetics. Nearshore fish habitat is abundant, particularly from nutrient-rich waters that drain a wetland/pond feature to the north.
- 18.3.3 Development consists of seasonal and year-round uses with a limited amount of future development or re-development potential.
- 18.3.4 Any new lot creation will be subject to lot frontage standards in accordance with Zoning By-law requirements, and on-site mitigation measures to reduce phosphorus loadings.

18.4 DUTCHER LAKE

18.4.1 Dutcher Lake is a small headwater lake entirely surrounded by Crown land.

The lake lies within a designated Conservation Reserve to be protected as a conservation area by the province. The Township supports the protection measures of this Reserve.

18.5 FRESQUE LAKE

18.5.1 Fresque Lake is a small, shallow (2 metres maximum depth) waterbody located west of Highway 124 along the western boundary of the Township of McKellar.

18.5.2 The lake is surrounded by a limited number of seasonal dwellings and vacant lands; it is virtually covered with aquatic plant growth owing to its shallow character in combination with nutrient-rich water derived from an extensive wetland, and other factors including sunlight that extends to the lake's bottom.

18.5.3 Water sampling in June of 2009 confirmed good oxygen concentrations surface to bottom, very high phosphorus concentrations (0.054 milligrams per litre), and a low Secchi disc measurement of 0.8 metres. Based on these characteristics, Fresque Lake is heavily enriched and has a eutrophic status. Its nitrogen to phosphorus ratio is 15.6, meaning that phosphorus is the critical nutrient that limits algal and vascular aquatic plant growth.

18.5.4 Council may support some shoreline development subject to the lot frontage standards in accordance with Zoning By-law requirements, and on-site mitigation measures to reduce phosphorus loadings.

18.6 GREY OWL LAKE

18.6.1 Grey Owl Lake is a medium-sized, relatively shallow (6 metre) lake located a short distance off Highway 124 between Lorimer and McKellar lakes.

18.6.2 There is a combination of lots that were developed historically with small frontages and areas of larger tracts of land with some additional development potential.

18.6.3 On the basis of water quality data collected in June of 2009, Grey Owl Lake is eutrophic, with elevated concentrations of phosphorus surface to bottom (0.021 milligrams per litre in surface and 0.024 milligrams per litre at bottom), and relatively low light transparency (Secchi disc measurement of 2.9 metres). The lake's nitrogen to phosphorus ratio is 16.4, meaning that phosphorus is the critical nutrient that limits algal and vascular aquatic plant growth. Dissolved oxygen concentrations below about 4.0 metres of depth are low to zero. Nearshore fish habitat is especially abundant in the lake's southwestern arm, owing to inputs of water high in nutrients from inflowing wetlands.

18.6.4 New lot creation may be permitted at lot frontages in accordance with the Zoning By-law requirements, and implementation of on-site mitigation measures to reduce phosphorus loadings and maintain nearshore fish habitat.

18.7 HYDES LAKE

18.7.1 Hydes Lake is a very small, relatively shallow (7.0 metres maximum depth) lake located east of Centre Road. It is surrounded by vacant land, except along its western shoreline where there is a seasonal dwelling.

18.7.2 Water quality sampling in June of 2009 indicated the lake is mesotrophic based on phosphorus (0.005 milligrams per litre) and Secchi disc (2.9 metres) measurements. It has a nitrogen to phosphorus ratio of 48.8, meaning that phosphorus is the critical nutrient that limits algal and vascular aquatic plant growth. While quite high concentrations of dissolved oxygen (12.9 milligrams per litre) were detected at three metres of depth, levels below 4.0 metres were very low to non-existent, meaning the lake's deeper waters will not support aquatic life in mid-summer through to the fall. Also, quite high concentrations of phosphorus (0.042 milligrams per litre) at the mid-water interface suggest that recycling from sediments may be occurring, with potential detrimental impacts surface water quality and lake aesthetics. The entire shoreline of the lake is dominated by fish habitat.

18.7.3 A limited amount of development or re-development may be supported by Council. Lot creation will be permitted at lot frontage standards, in accordance with Zoning By-law requirements, and implementation of on-site mitigation measures to reduce phosphorus loadings.

18.8 LAKE MANITOUWABING

18.8.1 Lake Manitouwabing is the largest and deepest (31.5 metres maximum depth) of the 19 recreational waterbodies in the Township of McKellar. The entire lake, with the exception of two small bays, is located within the Township.

18.8.2 Because of its size, Lake Manitouwabing is the focus of most of the existing development within the Township. Approximately 600 existing cottages and 140 year-round homes are located on the lake's shoreline. This represents about half the population of the Township of McKellar.

18.8.3 The lake has a number of existing commercial businesses including tourist establishments, a children's camp, small marinas, and a golf course.

18.8.4 A significant portion of Lake Manitouwabing is developed, with few remaining shoreline areas that may be available for future development.

18.8.5 Lake Manitouwabing is an important natural resource with an abundance of natural heritage features including fish habitat and deer wintering areas along its shoreline. The protection of these habitats will be a high priority and care will be required when assessing any new development or re-development on the lake.

18.8.6 Lake Manitouwabing has multi-basins, resulting in over 100 kilometres of shoreline. On the basis of studies carried out in June and August, 2009, the basins range from five metres to 31.5 metres maximum depth. The mean depth of the lake is relatively low, that is, 5.5 metres. On balance, it is mesotrophic, based on concentrations of total phosphorus (0.003 milligrams per litre to 0.013 milligrams per litre) and Secchi disc (1.9 metres to 3.9 metres) transparencies. The lake has a nitrogen to phosphorus ratio of 70.9 (average of 12 surface water samples), meaning that phosphorus is the critical nutrient that limits algal and vascular aquatic plant growth in the lake. All shallow-water basins exhibit dissolved oxygen depletions in their deeper strata; such lower depths have limited potential for supporting aquatic life in mid-summer through to the fall. Also, some of the basins are characterized by relatively high (up to 0.045 milligrams per litre) concentrations of phosphorus at their mud-water interfaces, suggesting that recycling from sediments may be occurring, with potential detrimental impacts on surface water quality and lake aesthetics.

18.8.7 Manitouwabing Lake has an abundant supply of fish habitat in its near-shore waters. The Ministry of Natural Resources has identified a walleye spawning area between McKellar and Manitouwabing lakes.

18.8.8 Council in consideration of historical development on the lake, the contributions of the children's camp, and the high level of existing boating activity, at specific times and locations, originating from both inside and outside the municipality, may require controls on boating use originating from new, large developments and re-developments that go beyond existing, permitted as-of-right uses.

18.8.9 There are approximately 220 existing vacant lots on the lake, with the potential to create additional lots in accordance with the Zoning By-law requirements, and implementation of on-site mitigation measures to reduce phosphorus loadings.

18.9 LITTLE RUEBOTTOM LAKE

18.9.1 Little Ruebottom Lake is a small lake located northeast of the Manitouwabing River along Broadbent Road. It flows into the river, then on to Lake Manitouwabing.

18.9.2 The lake which is very shallow (2.0 metres maximum depth) is surrounded predominantly by vacant land, with a seasonal and year-round dwelling.

18.9.3 Water sampling in June of 2009 confirmed high levels of dissolved oxygen surface to bottom. However, the lake is eutrophic based on its high concentration of phosphorus (0.043 milligrams per litre) and low Secchi disc visibility (1.0 metres). Its nitrogen to phosphorus ratio is 17.3, confirming that phosphorus is the critical nutrient that limits algal and aquatic plant growth. There is a substantial amount of macrophyte growth along the shoreline, constituting fish habitat.

18.9.4 Council may support some shoreline development subject to the lot frontage standards set out in the Zoning By-law, and implementation of on-site mitigation measures to reduce phosphorus loadings.

18.10 MANITOUWABING RIVER

- 18.10.1 The Manitowabing River extends approximately 10.4 kilometres between a wetland between Little Ruebottom Lake and Oliver Lake to Lake Manitowabing. It occasionally becomes greater than seven metres in depth. It flows into Lake Manitowabing and drains a number of wetlands in the process.
- 18.10.2 Historically, Manitowabing River development took the form of 30 metre and 60 metre lot frontages near the community of Broadbent. The adjacent lands predominantly consist of vacant, seasonal and year-round uses, with occasional farm pastures, and commercial lands interspersed amongst shoreline development and various environmental features.
- 18.10.3 The river ranges in trophic state from oligotrophic to eutrophic depending on sampling location. Dissolved oxygen concentrations are more uniform, however. Approximately two to three metres from the river bottom conditions become anoxic, which is unusual in a dynamic system. Nearshore fish habitat is very abundant along the entirety of the river; the plants ultimately provide abundant decomposition of material that in turn causes anoxic conditions in the lower depths of the river.
- 18.10.4 Any future development should aim to preserve fish habitat and alleviate phosphorus inputs through the implementation of appropriate mitigation techniques.

18.11 MANSON LAKE

- 18.11.1 Manson Lake is located along the northern boundary of the Township of McKellar, and is primarily within the Municipality of Whitestone. Though the lake is relatively large in surface area, only one quarter is within the Township's boundary. The waterfront lands to the south are predominantly vacant, with a large area of pastureland.
- 18.11.2 Manson Lake is contained within a large watershed (1,492 hectares), and is relatively deep (3.7 metre mean depth; 16 metre maximum depth); its water flows from north to south.
- 18.11.3 Existing development on that part of the lake within McKellar Township is limited to one farm along its south western shoreline.

- 18.11.4 According to water quality data collected in June of 2009, Manson Lake is eutrophic, with elevated concentrations of phosphorus surface to bottom (0.027 milligrams per litre in surface and 0.022 milligrams per litre at bottom), and a Secchi disc measurement of 2.9 metres. Nutrient enrichment is limited by phosphorus because the nitrogen to phosphorus ratio is <10 (15.1). Dissolved oxygen concentrations gradually decline throughout the water column until 14 metres of depth where anoxic conditions prevail to the lake bottom (16 m). Manson Lake contains limited nearshore fish habitat in relation to the other study lakes. The majority of fish habitat is located along the southwestern shoreline adjacent to the agricultural lands because gradual riparian and in-water slopes result in a large littoral zone, that when combined with an accumulation of organic substrates due to the hydrology of the lake, provide ideal conditions for the growth of aquatic vegetation.
- 18.11.5 The limited shoreline that falls within the Township of McKellar should be developed according to lot frontage standards in accordance with the Zoning By-Law and the implementation of on-site mitigation measures to limit phosphorus inputs.

18.12 MARY JANE LAKE

- 18.12.1 Mary Jane Lake is south of Brownley Road and east of Robinson Lake. Its watershed area is 1,356 hectares. The lake is relatively shallow (mean depth of 2.2 metres, maximum depth of 4.5 metres) considering its size. Water flows out of a narrow embayment located in the southwestern portion of the lake.
- 18.12.2 Mary Jane Lake is oligotrophic due to a relatively low surface water phosphorus concentration (0.008 milligrams per litre). Algal and vascular plant growth continues to be limited by phosphorus inputs because of a relatively high nitrogen to phosphorus ratio of 26.9. The water column is well oxygenated except for a one metre interval adjacent to the lake bottom. Water clarity is limited as highlighted by a Secchi disc measurement of 2.4 metres. Nearshore fish habitat features are found within a number of embayments in the lake.
- 18.12.3 The majority of the shoreline has been developed; there are three or four properties having development potential along the lake's northern shoreline where the lake narrows. Any further development should meet the lot frontage standards set out in the Zoning By-Law. On-site measures to reduce phosphorus loadings need to be implemented to preserve the oligotrophic state of the lake and existing shoreline fish habitat should be preserved.

18.13 McEWEN LAKE

- 18.13.1 McEwen Lake is relatively small with an average depth of 3.3 metres and a maximum depth of 5.8 metres. It is located along the eastern side of Highway 124 just north of McKellar. Water flows in from a wetland located east of the lake and out via a southwestern bay.

- 18.13.2 According to water chemistry results collected in June of 2009, McEwen Lake is mesotrophic (phosphorus concentration of 0.011 milligrams per litre). A phosphorus concentration of 0.022 milligrams per litre in the bottom waters represents a potential source of phosphorus in addition to run-off and atmospheric inputs. A Secchi disc reading of 3.4 metres indicates relatively high water transparency. Dissolved oxygen drops off one metre from the lake bottom, indicating that the water column is relatively well-oxygenated. Due to an extensive littoral zone and subsequent sunlight penetration throughout the water column, fish habitat in the form of macrophytes is abundant along the northern and western shorelines. A walleye spawning shoal is located at the lake's inflow along the eastern shoreline where additional fish habitat features are also located.
- 18.13.3 A few residences and a farm take up the entirety of McEwen Lake's shoreline. Any additional residences would result from the severance of current land holdings and would follow lot frontage standards in the Zoning By-Law. As long as on-site mitigation measures are implemented for the reduction of phosphorus, and existing fish habitat maintained, especially the functionality of the walleye spawning grounds, further development could have little impact on McEwen Lake.

18.14 McKELLAR LAKE

- 18.14.1 McKellar Lake is adjacent to the Village of McKellar. Historically, development took place at small lot standards of 30 metres to 45 metres. There are a large number of cottages and year round homes on the lake. Also, there are two existing business, near the Village and adjacent to Highway 124.
- 18.14.2 The lake is relatively large, with a mean depth of 4.5 metres. It has a maximum depth of 9.0 metres. It receives inflow from Grey Owl Lake to the north before outputting water through a culvert at the lake's southern end into Lake Manitouwabing.
- 18.14.3 McKellar Lake was sampled for a variety of water chemistry parameters in June of 2009; additional dissolved oxygen profiling was completed in August of 2009. The lake is eutrophic because of elevated phosphorus concentrations in surface (0.024 milligrams per litre) and bottom (0.041 milligrams per litre) waters. Dissolved oxygen is sharply stratified by depth. In both June and August, dissolved oxygen declined sharply at five metres and was close to zero from six metres of depth to the lake bottom. These anoxic conditions limit deep water habitat for fish species in McKellar Lake, especially in the late summer and fall. A Secchi disc depth of 3.2 metres indicates moderate water transparency.
- 18.14.4 Walleye spawning shoals have been identified in McKellar Lake by the Ministry of Natural Resources at the inflow of Grey Owl Lake and the outlet in Lake Manitouwabing. Spawning beds for northern pike are located at the northern end of the lake where fish habitat is abundant. Nearshore fish habitat features are also found in a number of embayments around McKellar Lake.

- 18.14.5 Due to high surface water phosphorus concentrations and low dissolved oxygen in bottom waters, any development on McKellar Lake should be in accordance with the Zoning By-Law lot frontage standards and include phosphorus mitigation measures. Fish habitat features should also be maintained, especially the spawning beds located in the northern section of the lake.

18.15 MIDDLE RIVER

- 18.15.1 Middle River is very shallow (maximum depth of 2.0 metres).
- 18.15.2 There is heavy residential development (seasonal cottages and year-round dwellings) along the river's eastern shoreline, having historical frontages of 30 metres. In contrast, the western shoreline is characterized by low development, being predominantly vacant large lots.
- 18.15.3 Middle River is approximately 2.5 kilometres long where it stretches between Lake Manitouwabing and the Middle River bridge. Water drains into the Middle River from an extensive wetland to the north and flows into Lake Manitouwabing.
- 18.15.4 The Middle River is eutrophic (phosphorus – 0.034 milligrams per litre) as a result of nutrient rich water inputs from the adjacent wetlands. Dissolved oxygen decreases throughout the limited water column, and the Secchi disc depth is low (1.9 metres). Pike spawning beds are located along the northern shoreline of the river and other nearshore habitat features are abundant because of limited water depths and organic substrates.
- 18.15.5 Given the high density of existing development on the eastern shoreline of Middle River, no future lot creation will be supported along this eastern stretch of shoreline.
- 18.15.6 Lot frontages as found in the Zoning By-Law, phosphorus mitigation techniques, and the preservation of fish habitat, may allow for limited infill development on the western shoreline of Middle River and ensure that the water quality of downstream lakes, such as Lake Manitouwabing, is not negatively impacted.

18.16 MOFFAT LAKE

- 18.16.1 Moffat Lake is narrow, stretching 2.5 kilometres in length. The lake's alignment is north to south, located east of Balsam Road. The lakeshore is characterized by low to moderate development, predominantly lots having large frontages.
- 18.16.2 There is intense development along Squaw Lake Road, consisting of historical 30 metre frontages. The remainder of the shoreline consists either of vacant lots or large seasonal vacant lots.

- 18.16.3 Moffat Lake is relatively shallow (mean depth of 2.7 metres); its maximum depth is 6.0 metres. Water enters the lake at its northern end from Squaw Falls and drains into a series of wetlands adjacent to the southern shoreline.
- 18.16.4 Two sites were sampled in June of 2009, in Moffat Lake, Station A in the south and Station B in the north. The lake is enriched with phosphorus (Station A – 0.050 milligrams per litre, Station B – 0.030 milligrams per litre) and is eutrophic. Dissolved oxygen declines sharply at three metres in depth and Secchi disc depths ranged from 2.0 metres to 2.9 metres. Walleye spawning grounds prevail where the Squaw Rapids enter Moffat Lake. Nearshore fish habitat features are abundant, especially within the two embayments along the western shoreline.
- 18.16.5 The northern half of the lake is heavily developed, while shoreline development is limited on its southern half by low-lying topography. A summer camp is located along the southeastern shoreline. Moffat Lake is highly enriched with phosphorus and contains low dissolved oxygen values below three metres in depth. Any further development should follow lot frontage standards in the Zoning By-Law, including phosphorus mitigation measures and minimal impacts to fish habitat.

18.17 OLIVER LAKE

- 18.17.1 Oliver Lake is surrounded by Crown Lands to the north, south and west, and vacant lands to the east.
- 18.17.2 Oliver Lake is moderately sized and is relatively undisturbed. It has a mean depth of 6.6 metres and a maximum depth of 16 metres. It receives flows from the north and drains into a series of wetlands to the south.
- 18.17.3 The lake is oligotrophic (phosphorus – 0.003 milligrams per litre) and has relatively high water clarity (Secchi disc depth – 4.3 metres), based on sampling undertaken in June of 2009. Dissolved oxygen declines incrementally at six metres; but, its supply is never completely diminished between six metres and bottom. Nearshore fish habitat features are scattered around the lake's shoreline, with the greatest accumulations found around its northern inflow and southern outflow.
- 18.17.4 Oliver Lakes contains one seasonal dwelling; as a result, the lake is near-pristine. The character of the shoreline and state of water quality must be maintained if future development occurs. The lot frontages defined in the Zoning By-Law, combined with phosphorus mitigation measures and the protection of fish habitat, would ensure that its intrinsic qualities will be maintained.

18.18 ROBINSON LAKE

- 18.18.1 Robinson Lake is connected to Lake Manitouwabing via the Middle River. It has a maximum depth of approximately 15 metres. Water flows from the east through Robinson Lake into the Middle River and subsequently southwards into Lake Manitouwabing.

- 18.18.2 The northern and southern shorelines of the lake vary in density, consisting of both seasonal and year-round dwellings. Its shoreline has been completely developed; there can be no further lot creation. However, there are a limited number of vacant lots on the lake.
- 18.18.3 Because Robinson Lake is heavily developed, there is no capability to support any new commercial uses or new public accesses.
- 18.18.4 According to water quality sampling in June of 2009, Robinson Lake contains very low phosphorus concentrations (0.003 milligrams per litre). Dissolved oxygen is found throughout the water column, although it diminishes with depth, while water clarity is relatively low (Secchi disc depth – 2.0 metres). Nearshore fish habitat is sparse, limited to an eastern bay and two southern bays.
- 18.18.5 Any development of vacant lots or re-development should incorporate phosphorus mitigation measures and avoid fish habitat features. As well, infill of vacant lots will be subject to site plan control.

18.19 RYAN LAKE

- 18.19.1 Ryan Lake is a small, spring fed lake that is located off Balsam Road. It flows into Stewart Lake and is surrounded predominantly by commercial and vacant lands. Currently, the lake is isolated, with no public access.
- 18.19.2 The lake's maximum depth is 6.0 metres; its mean depth is 2.5 metres. It receives inflow from a stream in the north and empties through a creek into Stewart Lake.
- 18.19.3 Ryan Lake contains surface phosphorus concentrations of 0.019 milligrams per litre, resulting in a mesotrophic classification. However, a phosphorus concentration of 0.039 milligrams per litre in bottom waters, combined with anoxic or oxygen-poor conditions from four to six metres, likely provides an additional source of phosphorus into Ryan Lake. The Ministry of Natural Resources determined that walleye spawn around the inflowing creek mouth along the northern shoreline. Nearshore fish habitat is also abundant around this area in addition to localized features located around the western outflow and along the southern shoreline.
- 18.19.4 Phosphorus mitigation measures should be implemented to avoid any increases in phosphorus concentrations and subsequent depletions in dissolved oxygen values.
- 18.19.5 The tourist commercial business on Ryan Lake may be permitted limited expansion, subject to restrictions set out in the Zoning By-law.
- 18.19.6 Commercial expansion will be subject to site plan control.

18.20 SHANTY LAKE

- 18.20.1 Shanty Lake is located in an isolated area within the C87 Conservation Reserve in the southeast portion of McKellar Township. The lake is completely surrounded by Crown Lands. The Township supports the preservation of the adjoining lands of this lake as Crown land.
- 18.20.2 The Township supports the Provincial Land Use Strategy respecting the Crown Lands adjacent to Shanty Lake.

18.21 STEWART LAKE

- 18.21.1 Stewart Lake has a maximum depth of 3.0 metres, and a mean depth of 2.5 metres. Water enters its northern basin from Ryan Lake and flows into a wetland adjacent to the western shoreline that ultimately empties into McEwen Lake.
- 18.21.2 The eastern shoreline of the lake is predominantly developed into seasonal and year-round dwellings. Its western half consists of vacant land.
- 18.21.3 There is an existing tourist commercial establishment on the eastern shore of the lake.
- 18.21.4 Stewart Lake is classified as eutrophic with a phosphorus concentration of 0.023 milligrams per litre. The lake is spring fed, and as a result dissolved oxygen is found in high concentrations throughout the water column, while its Secchi disc depth is 3.0 metres. The high dissolved oxygen concentrations and water clarity combine to provide ideal conditions for aquatic vegetation growth throughout much of the lake. Abundant fish habitat features have resulted from the conditions stated above. Macrophytes are well-developed throughout much of the lake's northern basin and within the southeastern and southwestern basins within the main waterbody.
- 18.21.5 Any new development on Stewart Lake should maintain fish habitat, implement phosphorus mitigation measures and follow lot frontage standards defined in the Zoning By-Law.

19.0 COMMUNITY IMPROVEMENT POLICIES

19.1 Goal

It is the goal of the Township of McKellar to maintain and improve the physical living environment in the Municipality.

19.2 Objective

The objectives of the Township of McKellar are to:

- (a) upgrade the present municipal services, utilities and facilities throughout the municipality;
- (b) encourage the upgrading of existing private properties;
- (c) undertake a program of physical improvements which are fiscally responsible;
- (d) expand upon the number of services and facilities available in the municipality;
- (e) encourage the expansion of commercial enterprises in the Municipality to improve the availability of local services and to improve the local economy; and
- (f) upgrade the public and private services provided at the waterfront to increase the appearance and level of services offered to both Township visitors and residents.

19.3 Improvement Criteria

To achieve the community improvement objectives of this Plan, improvements will be identified based on one or more of the following criteria:

- (a) the deficiencies or inadequacies of recreational services and facilities;
- (b) street conditions;
- (c) the inadequacy of local electric power facilities;
- (d) absence of street lighting;
- (e) land use conflicts;
- (f) improved waterfront facilities;
- (g) the physical condition and age of buildings and structures;
- (h) need for increased fire protection services; and
- (i) proposed commercial developments.

19.4 Phasing

The Council of the Township of McKellar has identified needed or desired improvements to the present services and facilities in the Township. A system of phased improvements will be identified to recognize priorities and fiscal constraints in the municipality.

19.5 Community Improvement Area

The whole of the Township of McKellar will henceforth be known as the Township of McKellar Community Improvement Area.

19.6 Implementation

In order to implement the McKellar Community Improvement policies, the following activities and programs may be employed (but not limited to):

- (a) the use of Section 28(2) of the Planning Act;
- (b) the enforcement of Section 20 - Property Standards Policies, through a property standards by-law;
- (c) supporting the Township residents in rehabilitation programs;
- (d) participating in provincial and federal redevelopment programs;
- (e) petitioning the relevant provincial agencies to apply for special assistance for new recreational facilities;
- (f) encouraging and supporting new development, particularly commercial development;
- (g) participating in any local improvements which support the community improvement objectives;
- (h) co-operation with local service clubs and organizations to undertake local improvements;
- (i) the sales of redundant municipal land including shore road allowance, which funds may be applied to community improvements subject to the requirements of the Municipal Act; and
- (j) applying surplus municipal reserve funds towards an eligible community improvement project.

20.0 PROPERTY STANDARDS POLICIES

20.1 Council may enact by-laws prescribing the minimum standards of maintenance and occupancy of all types of property and their enforcement. To protect the amenities of the natural environment and existing and future development, a Property Standards By-law will contain requirements with respect to:

- (a) garbage disposal;
- (b) pest prevention;
- (c) structural maintenance of buildings;
- (d) building safety;
- (e) cleanliness of buildings;
- (f) plumbing, heating and electricity (where applicable);
- (g) keeping lands and particularly waterfront properties free from rubbish, debris, abandoned vehicles, trailers, boats or materials;
- (h) maintaining yards, lands, parking and storage areas;

- (i) maintaining fences, accessory buildings and signs; and
 - (j) occupancy standards.
- 20.2 The Township may appoint a Property Standards Officer, who will be responsible for administering and enforcing the Property Standards By-law. Information concerning substandard housing conditions, overuse of existing buildings, neglected yards and other problems will also be collected by inspectors and other personnel in the Municipality.
- 20.3 The Township may appoint a Property Standards Committee as provided for in the Planning Act for the purpose of hearing appeals against an order of the Property Standards Officer. It is intended that a close liaison will be maintained between the Property Standards Committee, the Property Standards Officer and Council to ensure effective administration of the By-law.
- 20.4 Without sacrificing in any way the long term objective of the Property Standards policy, it is the policy of this Plan that the Property Standards By-law may be administered at all times to assist the citizens of the Township who have low or fixed incomes. Orders issued by the Property Standards Officer under the By-law will clearly be in the public interest.
- 20.5 As an integral part of this Property Standards policy, Council will support continued participation in any available home rehabilitation programmes to afford its residents the greatest opportunity possible to comply with property standards.

21.0 NATURAL RESOURCE POLICIES

21.1 A large portion of the land base of the Township of McKellar is Crown land administered by the Ministry of Natural Resources. The following policies have been developed to assist the Ministry of Natural Resources in the implementation of their management of these lands including resource issues that affect private property interests throughout the municipality. These policies should be regarded along with other policies set out in this Plan.

21.2 General

- 21.2.1 The Township of McKellar recognizes that the policies contained in this Official Plan are not binding on the Crown, but that the use of Crown land will be determined by the Province with regard for the established planning policies of the Municipality. However, lands that are released by the Crown or leased by the Crown to private interests will be subject to the full force and effect of the policies contained herein.
- 21.2.2 The Township of McKellar supports the policies of the Ministry of Natural Resources for managing and protecting the Crown-owned lands and waters within the municipality.

21.2.3 The Municipality will comply with all notice requirements to the Crown for changes to the Official Plan or implementing Zoning By-laws in accordance with the Planning Act.

21.2.4 Crown lands will be zoned in the comprehensive zoning by-law to recognize traditional activities that are compatible with the Ministry's long-term resource management objectives.

21.3 Flood Plain Management

21.3.1 It is the policy of this Plan that new structural development will not be permitted in flood susceptible areas. This policy is in accordance with the Flood Plain Planning Policy Statement which has been approved under the Planning Act.

21.3.2 For the purposes of this Plan, flood plains are defined as those lands which are susceptible to flooding during the regulatory flood. In the Township of McKellar, the regulatory flood is the higher of:

- (a) that area that would be flooded with an average frequency of once in 100 years, or for which there is a 1% chance of occurrence in any given year; and
- (b) that area that would be flooded under a storm centred event modelled on a particularly intense storm that occurred in Timmins and which could occur within this area.

21.3.3 Flood Plains may be designated on Schedule 'A' or included in the Environmentally Sensitive land use category.

21.3.4 Permitted uses within the Flood Plain will be restricted to small non-habitable structures associated with relevant waterfront uses including docks, boathouses, saunas or water pump facilities or other uses compatible with flood plain management areas. Structures or works that are necessary for flood or erosion control will also be permitted. Council will discourage filling and major landscape alterations in flood plain areas.

21.3.5 There is currently no engineering flood plain mapping available for the Township of McKellar. Marginal refinements to flood plain boundaries may be made without an amendment to the Official Plan and the adjoining land use policy will apply provided that the refinements are in keeping with the intent of the Flood Plain Protection policies subject to Council and Ministry of Natural Resource approval and that a zoning by-law amendment is obtained.

21.3.6 If engineered flood plain mapping should become available, the Council of the Township of McKellar will amend the Official Plan to incorporate such mapping.

- 21.3.7 There may be circumstances where new development may be considered within or near designated flood plains, or other areas potentially subject to flooding. An applicant for new development within an identified flood plain will be required to obtain detailed engineering information to determine the level and extent of the regulatory flood on all inter-related areas of flood plain, and the potential, if any, for development to safely occur without significant impacts on other properties.
- 21.3.8 The expansion of existing non-conforming uses will be generally prohibited within identified flood plains.
- 21.3.9 New lots will only be permitted where there is safe access under regulatory flood conditions.
- 21.3.10 Implementing zoning by-laws will zone flood plain lands in a zoning category that restricts development to those uses that are permitted within an identified flood plain.

21.4 Fishery Management

- 21.4.1 Council recognizes the importance and value of the fisheries in the municipality and supports the protection of fisheries and their habitat. New development will generally only be permitted where it can be carried out without significant impact on fisheries and fish habitat. High quality fisheries provide benefit to the community such as:
- (a) recreation benefits from fishing;
 - (b) economic benefit in terms of income generated through fishing and tourism; and
 - (c) environmental and aesthetic benefits that occur from the presence of high quality fisheries habitat.
- 21.4.2 Development will be restricted within important fish habitats in order to protect fish habitat features.
- 21.4.3 In considering any development adjacent to or within areas zoned to protect fish habitat features, Council in consultation with the Ministry of Natural Resources will consider a zoning by-law amendment to allow for development in these areas based upon the following matters:
- (a) the potential impact of the proposal on the fishery or fish habitat;
 - (b) methods by which any potential negative impacts can be minimized or prevented; and
 - (c) the need to provide or maintain public access to fishing areas.

21.4.4 Prior to making a final decision on amendments to the implementing zoning by-law to allow for development proposals, Council may require additional studies, special engineering works or design controls to ensure that the resulting development does not adversely affect the ability of the natural habitat to sustain healthy fish populations. Where it can not be demonstrated that the anticipated negative environmental effects can be sufficiently minimized or prevented, Council shall not agree to new development which may result in the loss or destruction of fish habitat. This policy will apply to public projects such as municipal roads or drainage works carried out pursuant to the Drainage Act.

21.4.5 Pursuant to the provisions of the Public Lands Act, no dredging, filling or other shoreline activities may be carried out without prior written approval from the Ministry of Natural Resources. A municipal building permit shall be obtained for shoreline structures and improvements such as docks and boathouses, if required.

21.5 Mineral Aggregate Resources

21.5.1 Sand and gravel is recognized as an important resource throughout the municipality. Major deposits of sand and gravel will be protected wherever possible against the encroachment of residential development. The Municipality will identify and zone all existing pits and quarries for their protection in the implementing zoning by-law.

21.5.2 Since it is difficult to identify all locations that may include deposits of mineral aggregates, Council will not be able to identify all these resources on the Land Use Plan - Schedule 'A'. The larger existing pits and known sand deposits have been identified on Schedule 'A'. When considering applications for redesignation, rezoning, plans of subdivisions or consents, regard will be had for the need to protect land for the future extraction of mineral aggregate resources with the assistance of the Ministry of Natural Resources.

21.5.3 The creation of new pits and quarries in the municipality will not require an amendment to this Plan. However, an amendment to the zoning by-law implementing this Plan will be required.

21.5.4 In accordance with the Provincial Policy Statement on mineral aggregate resources, the Township of McKellar will consider non-aggregate land uses or developments in areas of a mineral aggregate resources which are protected by the above policies, where it may be shown that:

- (a) extraction would not be feasible; or
- (b) the proposed land use or development serves a greater long term interest of the general public than does aggregate extraction; or
- (c) the proposed land use or development would not significantly preclude or hinder future extraction.

21.5.5 Wayside pits and quarries are temporary operations which are established on short term notice to fulfil an immediate road construction need and as a result operations are opened by or on behalf of a public road authority, such as the Municipality or the Ministry of Transportation. Wayside pits are a permitted use in the Rural policy area and no zoning amendment will be required to establish a wayside pit.

21.5.6 Council will encourage the rehabilitation of pits and quarries upon the exhaustion of the mineral aggregate resource in a manner that is compatible with the surrounding area and/or the site may be readily available for an additional use.

21.6 Wildlife

21.6.1 Council recognizes the importance and value of wildlife within the municipality and supports the general principle that new development should have regard for the protection of significant wildlife habitat, particularly deer wintering habitat. High quality habitat provides the benefits to the community such as:

- (a) recreation benefits from hunting and wildlife viewing;
- (b) economic benefits in terms of income generated through hunting, trapping and tourism; and
- (c) environmental and aesthetic benefits that occur from the presence of high quality wildlife habitat.

21.6.2 Winter deer habitat are identified on Schedule 'A' to this Official Plan. Development within the identified Wildlife habitat areas will be subject to review by the Municipality in consultation with the Ministry of Natural Resources to determine appropriate site specific development controls. For example, it may be necessary to recommend larger lot sizes (e.g. minimum of 1 hectare) within the deer habitat areas and larger frontages (e.g. minimum of 90 metres) for shoreline residential development within these habitat areas.

21.7 Timber Management

The Township of McKellar recognizes the importance of forestry activities within its jurisdiction. The Municipality will encourage the continuation of timber management activities on Crown and privately owned lands in accordance with sound timber management practices.

22.0 IMPLEMENTATION

22.1 Accessory Uses

Wherever a use is permitted in the land use policy in this Plan, it is intended that any uses, buildings or structures normally incidental, accessory and subordinate to the principal permitted use will also be permitted within that policy provision unless such a use would contravene any policy of this plan.

22.2 Boundaries

The boundaries illustrated on Schedule 'A' - Land Use Plan are to be considered as approximate only. Amendments to the policy categories will not be required for minor interpretations of boundary locations shown on Schedule 'A'.

22.3 Numerical Interpretation

Wherever numerical figures have been used in this policy document to refer to physical standards including lot areas or dimensions of lots, so long as the spirit and intent of the policy is maintained minor adjustments to these figures up or down may be considered.

22.4 Deeming By-laws

There are several older registered plans of subdivision located within the Township of McKellar. Some of these registered plans contain lots that do not or can not meet minimal standards for construction purposes. The Municipality may exercise its authority to deem such subdivisions or parts thereof not to be considered as registered plans under the Planning Act.

22.5 Site Plan Control

All development may be subject to the provisions of Section 41 - The Site Plan Control Requirements under the Planning Act. Commercial, industrial and institutional uses may be designated as site plan control areas by by-law of the Municipality in accordance with the requirements of Section 41 of the Planning Act. The whole of the Township of McKellar is a proposed site plan control area.

22.6 References to Legislation

Where any Act or portion of an Act is referred to in this Plan, such reference shall be interpreted to refer to any subsequent renumbering of sections in the Act and/or changes in the date of the Act.

Retroactivity

The approval of this Plan represents the first Official Plan for the Township of McKellar, therefore it is recognized that prior to the approval of this Plan that planning approvals may have been granted that do not strictly conform to the Plan. In this regard, the application of this Official Plan is not retroactive. Accordingly, the policies contained in the Official Plan apply to those planning and development applications which have not received a Planning Act approval prior to Ministers approval of the Official Plan.

22.7 Special Exceptions For Existing Uses

Where there are existing building and structures or uses on a lot proposed to be divided, the Municipality may make an exception to the minimum standards for the retained or severed parcel subject to the passage of an amending zoning by-law or a minor variance being obtained.

22.8 Holding Provisions

22.8.1 Section 35 of the Planning Act, 1983 provides for the use of the holding symbol "H" in conjunction with any land use zone found within the implementing zoning by-law.

22.8.2 The purpose of the holding zone is to prevent or limit the use of land until such time as Council is satisfied that further development may take place. The objectives and use of this symbol are set out herein.

22.8.3 Generally, the holding symbol may be applied to lands to be developed where the ultimate use of the land has been clearly established but:

- (a) development or redevelopment is to be phased; or
- (b) development or redevelopment requires the provision of water, sewer or other services, for which the necessary approvals have been obtained and/or capacity has been committed; or
- (c) the implementation of policies requires special design features.

22.8.4 Generally, the holding symbol should be applied to undeveloped or unserviced land, land being proposed for development, lands having special constraints not related to use and lands adjacent to railways, highways or major township roads.

22.8.5 In accordance with Section 35 of the Planning Act, the Zoning By-law implementing this Plan will identify lands subject to holding provisions by the inclusion of a "H" suffix to the zone symbol.

22.8.6 The zoning by-law provisions relating to the use of the "H" suffix will specify what uses are permitted while the holding provision applies.

22.8.7 The holding symbol may be removed by by-law to allow development to proceed in accordance with the relevant zoning category as long as the following condition or conditions are met:

- (a) extensions for services are approved by the appropriate authority;
- (b) site plans are approved in the case of commercial and industrial development;
- (c) approvals are received from the Ministries of Natural Resources and Environment where applicable; and

(d) the objectives of the Official Plan including development criteria are met.

23.0 FIVE YEAR CAPITAL FORECAST

Council in consultation with the department of the Clerk Treasurer together with any outside assistance will establish a five year capital forecast that does not contravene the policies contained in this Official Plan. This five year capital forecast program may be included as a Schedule to this Official Plan.

24.0 DEFINITIONS

24.1 Tourist Commercial: means those uses associated with the touring or vacationing public along the shoreline of recreational waterbodies including accommodation, restaurants, marinas, lodges, fishing camps, snowmobile sales and service, tent and trailer parks and those retail or service businesses catering to the needs of the lakefront community.

Tourist commercial uses include all of those uses specifically defined and permitted in the implementing zoning by-law for the Tourist Commercial Zone. In addition, this Plan may use the terms “tourist commercial” or “tourist commercial establishment” interchangeably.

24.2 Development

Development means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under The Planning Act.

24.3 Existing

When used in reference to a land use includes all uses that are identified as permitted within the provisions of the implementing zoning by-law, By-law 95-12, as amended.

24.4 Tourist Establishment

Tourist Establishment includes buildings, structures or uses operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, and includes lodges, rental cottages, trailer parks, a camping establishment, a hotel, a motel, and other similar uses, as defined in Zoning By-law No. 95-12, as amended, for the Township of McKellar. Tourist Commercial Establishments may include multiple dwelling unit developments and multiple dwelling development uses.

24.5 Condominium

Condominium shall mean a lot on which each individual unit is held in separate interest and all floor space, facilities, outdoor areas and other such areas used in common by all tenants are the interest of, administered and maintained by a corporation created to the provisions of the Condominium Act.

24.6 Use, New

Use, New shall mean any use that goes beyond those existing general commercial establishment uses and their identified permitted as-of-right uses, existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended.

24.7 Use, Permitted as-of-right:

Use, Permitted as-of-right shall mean a use which is listed as a “permitted use” in any given zone in Zoning By-law 95-12, as amended. Such use shall be allowed to be established within that zone, subject solely to the specific requirements of Zoning By-law 95-12, as amended.

24.8 Use, Prohibited

Use, Prohibited shall mean any use not specifically listed/permitted or permitted by special use permit in Zoning By-law 95-12, as amended, is prohibited.

24.9 Development and/or Redevelopment, New

Development and/or Redevelopment, New shall mean any development and/or redevelopment in any and all identified zones that goes beyond those existing zoning “permitted as-of-right” uses zoned in By-law 95-12, as amended.

24.10 Lake Specific Policies Terms/Parameters

24.10.1 *Trophic State.* Three types of lakes are recognized: oligotrophic; esotrophic; and eutrophic. The trophic state of a lake refers to its characterization in terms of nutrient enrichment on a scale ranging from oligotrophy to eutrophy.

24.10.2 *Oligotrophic* lakes are poorly supplied with plant nutrients such as phosphorus and nitrogen, and support little plant growth. Such lakes have surface water concentrations of phosphorus that are less than 0.010 milligrams per litre during the ice-free season of the year. As a result, biological productivity is generally low, the waters are clear, and the deepest layers are well supplied with dissolved oxygen throughout the year. Regarding water clarity, Secchi disc transparencies are greater than 5.0 metres. Oligotrophic lakes tend to

- be deep, with average depths greater than 15 metres and maximum depths greater than 25 metres.
- 24.10.3 *Mesotrophic* lakes are intermediate in characteristics between oligotrophic lakes and eutrophic lakes. They are moderately well-supplied with plant nutrients and support moderate plant growth. Typically, concentrations of phosphorus during the ice-free months range between 0.010 milligrams per litre and 0.020 milligrams per litre, and Secchi disc transparencies range between 3.0 metres and 5.0 metres.
- 24.10.4 *Eutrophic* lakes are richly supplied with plant nutrients and support heavy plant growth, both algae and aquatic macrophytes. As a result, biological productivity is generally high, rooted aquatic plants are abundant, and the waters are turbid because of dense growths of phytoplankton. In general, concentrations of phosphorus exceed 0.020 milligrams per litre, and Secchi disc transparencies are less than 3.0 metres. Deepest waters exhibit reduced concentrations of dissolved oxygen during periods of limited circulation. Eutrophic lakes tend to be shallow with average depths less than 5.0 metres, and maximum depths less than about 15 metres.
- 24.10.5 *Algae* are primitive photosynthetic plants that occur as microscopic forms suspended in water (phytoplankton), and as unicellular and filamentous forms attached to rocks and other substrates. About 15,000 species of freshwater algae are known.
- 24.10.6 *Milligram* is one thousandth of a gram, and one millionth of a kilogram.
- 24.10.7 *Nitrogen* is a chemical element that occurs naturally in elemental form in air as nitrogen gas (N_2). Other inorganic forms of nitrogen are ammonia (NH_3), nitrite (NO_2^-), and nitrate (NO_3^-).
- 24.10.8 *Phosphorus* is a chemical element. In freshwater systems such as lakes, rivers and streams, it often limits algal and plant growth.
- 24.10.9 *Phytoplankton* are plant plankton (see Plankton).
- 24.10.10 *Plankton* refers to a community of microorganisms, consisting of plants (phytoplankton) and animals (zooplankton), inhabiting open-water regions of lakes and rivers.

24.10.11 *Secchi disc depth* is the depth at which a Secchi disc (a small white disc, 20 centimetres in diameter) disappears from view when lowered into water. A measure of water transparency.

24.10.12 *Zooplankton* refers to animal plankton (see Plankton).

25.0 SPECIAL POLICY PROVISIONS

25.1 Lands comprising Part of Plan 42R-5877 (Little application)

Notwithstanding the restriction respecting the maximum number of lots that may be created by consent pursuant to Section 7.3 of the Official Plan of the Township of McKellar, Council may pass a site specific implementing zoning by-law to permit, on the lands outlined on Schedule "B" and "C", attached to and forming part of this amendment:

- (1) The creation of no more than four (4) water access only lots on the lands outlined as Area 'A' and more particularly described as Part 4 of Plan 42R-5877,
- (2) The creation of a private road access and landing area within the lands outlined as Area 'B' and more particularly described as Part of Part 1 of Plan 42R-5877, to be set aside for the exclusive use of the water access only lots permitted within Area 'A', and
- (3) The creation of a private parking area within the lands outlined as Area 'B' capable of parking a minimum of (eight) 8 vehicles and 4 trailers to be set aside for the exclusive use of the owners of the water access lots permitted within Area 'A', and more particularly described as Part of Part 1 Plan 42R-5877,

provided:

- (a) Lot 1, as outlined on Schedule "B", comprising a Part of Part 4, Plan 42R-5877, shall have a minimum lot area of 2.0 hectares.
- (b) Lot 2, as outlined on Schedule "B", comprising a Part of Part 4, Plan 42R-5877, shall have a minimum lot area of 4.0 hectares.
- (c) Lot 3, as outlined on Schedule "B", comprising a Part of Part 4, Plan 42R-5877, shall have a minimum lot area of 2.4 hectares.
- (d) Lot 4, as outlined on Schedule "B", comprising a Part of Part 4, Plan 42R-5877, shall have a minimum lot area of 2.5 hectares.
- (e) The flooded lands, being Part of Part 2 and Parts 3 and 5 of Plan 42R-5877, shown in cross-hatching on Schedule 'B' attached hereto shall be:

- (i) conveyed to a public authority, willing to accept title to same, within 90 days of the approval of this Amendment in accordance with Council Resolution 01-210, dated October 15, 2001 or, failing which
 - (ii) conveyed to the abutting owners of Lots 1 through 4, respectively.
- (f) A private road having a maximum width of 8 metres is provided within Area 'B' permitting access to a private boat landing area and private docking facility also to be located within Area 'B';
- (g) The private boat landing area and private docking facility permitted within Area 'B' shall be for the exclusive use of the Lots created within Area 'A' and shall be in a location and of a size to be more specifically defined in the implementing zoning by-law and in no case shall the private docking facility exceed 2 docks and 12 square metres each;
- (h) A parking area not to exceed 600 square metres in area shall be set aside (within Area 'B') for the provision of parking in accordance with Section 3.28 (b) (iii) of By-law 95-12 as amended;
- (i) The implementing zoning by-law shall also require:
- (i) That the use of Lots 1 to 4 inclusive shall be restricted to one single detached dwelling per lot, together with accessory buildings and structures, as defined in and permitted by By-law 95-12,
 - (ii) That, in order to protect deer habitat, the minimum setback requirement from the high-water mark for all main buildings and structures be 30 metres, excluding docks, for Lots 1, 2 and 3. The minimum setback for Lot 4 is 30 metres, excluding docks, on the southeast and south shores and a minimum of 10 metres on the north western shore.
 - (iii) That, in order to protect deer habitat, tree clearing within 30 metres of the shoreline will be limited to areas required for pathways and docks and have a maximum width of 4 metres.
 - (iv) That, in accordance with the recommendations set out in the Natural Heritage Reference Manual of the Ontario Ministry of Natural Resources, June 1999, no buildings or structures, including docks, shall be permitted within critical fish habitat areas (formerly Type 1) as identified on the most recent mapping provided by the Ministry of Natural Resources or the Department of Fisheries and Oceans,

- (v) That, in accordance with the recommendations set out in the Natural Heritage Reference Manual of the Ontario Ministry of Natural Resources, June 1999, the minimum setback for all buildings and structures, including docks, from areas identified as critical fish habitat areas (formerly Type 1) as outlined on the most recent mapping provided by the Ministry of Natural Resources or the Department of Fisheries and Oceans will be 30 metres,
- (vi) That the areas within which no docks are permitted shall be specified in the implementing zoning by-law and be in accordance with Schedule "C". The total docking facility for each lot will not exceed 37 square metres.

25.2 Affected Lands

The lands that are the subject to this special policy include Part of Lot 25, Concession 8 fronting the Middle River and Lake Manitouwabing. These lands are identified on the Land Use Plan – Schedule 'A'.

Permitted Uses

The lands subject to Official Plan Amendment No. 6 shall be permitted to develop into a maximum of four seasonal residential dwellings and each lot shall be a minimum of 1.0 ha in size and have frontage of 120 metres. These lands will be used for single detached dwellings and permitted accessory buildings and structures.

Extension of Unassumed Road

Notwithstanding the policy limits in Section 12.2 of the Official Plan regarding new access to newly created lots, the subject lands may be accessed by the unassumed road allowance and associated rights of way south of Fox Farm Road.

Road Agreement

The extension of the unassumed road allowance and associated rights of way south of Fox Farm Road to access to the subject lands will require that the land owners and users of the road enter into an agreement with the Township with a notice registered on title to:

- (a) identify the affected lands;
- (b) indemnify the Township for any and all responsibility for any maintenance of and the sue of this road; and
- (c) indemnify the Township for any use of the road and alleged failure to provide emergency services.