

CORPORATION OF THE TOWNSHIP OF McKELLAR

BY-LAW NO. 2009-

Being a By-law to amend By-law No. 95-12, as amended, to implement Official Plan Amendment No. 7, the Township of McKellar Shoreline Development Plan.

WHEREAS the Council of the Corporation of the Township of McKellar has enacted By-law No. 95-12 to regulate land use in the whole of the Township of McKellar;

AND WHEREAS Section 34 of the Planning Act authorizes municipalities to amend zoning by-laws;

AND WHEREAS the Council of the Township of McKellar has enacted an interim control by-law to allow for the undertaking of a study in respect of fractional ownership or similar-type resorts and the land use policies in the Municipality relating to such uses;

AND WHEREAS the Council of the Township of McKellar has undertaken a comprehensive review of its recreational waterbodies;

AND WHEREAS the review has resulted in Official Plan Amendment No. 7;

AND WHEREAS Official Plan Amendment No. 7 provides for a number of changes to the land use regulations for the Township of McKellar;

NOW THEREFORE, the Council of the Corporation of the Township of McKellar,

ENACTS AS A BY-LAW OF THE CORPORATION AS FOLLOWS:

- 1.0 Schedule 'A' of Zoning By-law No. 95-12, as amended, is hereby further amended by rezoning the lands along the shoreline of the lakes in McKellar Township. The new zones are attached to this By-law as Schedules 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21.
- 2.0 Section 2, "Definitions," of Zoning By-law No. 95-12, as amended, is hereby further amended as follows:
 - 2.1 Renumber 2.36 to 2.37 and renumber all subsequent subsections in sequence.
 - 2.2 Add a new subsection 2.36 which states: "**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.**"

- 2.3 Subsection 2.40, "Cottage, Rental," is amended by adding the words, "**tourist establishment that has a,**" after the words, "means a," and before the word "building."
- 2.4 Subsection 2.44, "Dock," is renumbered to 2.45, and all subsequent subsection numbers are renumbered in sequence.
- 2.5 Add a new subsection, 2.44 which states: "**Development and/or Redevelopment, New: means any development and/or redevelopment in any and all identified zones that goes beyond those existing zoning "permitted as-of-right" uses zoned in this By-law, as amended.**"
- 2.6 Subsections 2.66, "Front Line of Main Building," and 2.67, "Funeral Home," are renumbered 2.68 and 2.69, respectively, and all subsequent subsection numbers are renumbered in sequence.
- 2.7 Add a new subsection 2.66 which states: "**Fractional Development Project: means a project consisting of any dwelling unit, hotel, lot or parcel in which a purchaser receives a Fractional Development Project interest.**"
- 2.8 Add a new subsection 2.67 which states: "**Fractional Development Project Interest: means a contractual right of occupancy in a Fractional Development Project, whether by membership, agreement, share, tenancy in common, sale, deed, licence, right-to-use agreement or otherwise, where such right is divided into two or more undivided interests, whether or not such interest is coupled with an estate in real property, where a purchaser, in exchange for consideration, receives a right to use a portion of a Fractional Development Project for a period of time less than six months during any given year.**"
- 2.9 Subsection 2.80, "Home Occupation," is amended by replacing "entirely within a single detached dwelling by only the residents of the single detached dwelling," with "**in whole or in part in a dwelling or in an accessory building to a single detached dwelling**".
- 2.10 Subsection 2.82, "Hotel," is amended by deleting the word, "commercial," and replacing it with the word, "**tourist.**"
- 2.11 Subsection 2.111, "Motel," is amended by deleting the word, "commercial," and replacing it with the word, "**tourist.**"
- 2.12 Subsection 2.160, "Tourist Establishment," is amended by adding at the end, after the word "provided": "**, and includes lodges, rental cottages, trailer parks, a camping establishment, a hotel, a motel, and other similar uses, as defined in this By-law, as amended, for the Township of McKellar, but does not include fractional development project use, condominium use, and other similar uses, as defined in this By-law, as amended, for the Township of McKellar.**"
- 2.13 Subsection 2.164, "Trailer Park," is amended by adding the words, "**a tourist establishment that has,**" after the word, "means," and before the words, "an area."

- 2.14 Subsections 2.166, “Vehicle,” 2.167, “Warehouse,” 2.168, “Waste Disposal Site,” and 2.169, “Water Supply,” are renumbered 2.170, 2.171, 2.172, and 2.173, respectively, and all subsequent subsection numbers are renumbered in sequence.
- 2.15 Add a new subsection 2.166 which states: **“Use: means the purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged or for which either a site or structure is or may be occupied and maintained.”**
- 2.16 Add a new subsection 2.167 which states: **“Use, New: means 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 this By-law, as amended.**
- 2.17 Add a new subsection 2.168 which states: **“Use, Permitted as-of-right: means a use which is listed as a “permitted use” in any given zone in this By-law. Such use shall be allowed to be established within that zone, subject solely to the specific requirements of this By-law, as amended.”**
- 2.18 Add a new subsection 2.169 which states: **“Use, Prohibited: means any use not specifically listed/permitted or permitted by special use permit in this By-law, as amended, is prohibited.”**
- 3.0 Section 3, “General Provisions,” of Zoning By-law No. 95-12, as amended, is hereby further amended as follows:
- 3.1 In subsection 3.02, “Zone Boundaries,” delete the last sentence of the second paragraph, “Only the original Map Schedules should be consulted for the official zone boundaries for any lands affected by this By-law”; and add a new third paragraph (c): “For all Waterfront designations only, where there are changes in the Zones, Zoning Designations, or Zoned Areas, the Ontario Base Maps are superseded by the new Zoning Schedules 1 through 21 inclusive.”; and letter the first two paragraphs (a) and (b) respectively.
- 3.2 Subsection 3.03, “Accessory Uses,” (b) is amended by deleting the last sentence:
- “Such accessory buildings or structures shall not occupy more than 3 percent of the lot area.”
- 3.3 Section 3.06, “Boathouses,” is amended by adding the following subparagraphs, after (e):
- “f) in the case of a lot zoned for residential use in a waterfront zone, a boathouse is permitted only if the lot has a minimum frontage of 90 metres;**
- g) in the case of a lot zoned for residential use, the height of boathouse may not exceed 5.0 metres measured from the high water mark.**

- h) **in the case of a lot zoned for commercial use, the height of a boathouse may not exceed 6.0 metres measured from the high water mark."**

3.4 Section 3.07, "Building Repair and Reconstruction," is hereby amended by adding the following subparagraph, after (ii):

- "iii) if the building is removed by the owner through the issuance of a demolition permit, the replacement of any building with an increased footprint or total floor area must comply with the yard requirements of this By-law."**

3.5 Section 3.10, "Decks," is amended by replacing the title with "**Decks and Docks**", re-lettering the first two paragraphs as a) and b) and adding the following new paragraphs, after b):

- "c) In a residential zone, a single dock is a permitted accessory structure subject to the following additional regulations:**

- i) **The maximum length of a dock should not exceed 15 metres or 25% of the width of the channel whichever is more restrictive;**
- ii) **The cumulative width of a dock, including fingers, cannot exceed 10 metres;**
- iii) **The maximum area of a dock including ramps shall not exceed 60 square metres (decking area of dock only); and**
- iv) **Permission is obtained from any government organization having approval authority.**

- d) In a tourist commercial zone, a dock is a permitted structure subject to:**

- i) **obtaining authority from the Crown for a waterlot if applicable;**
- ii) **the maximum length of a dock not exceeding 20 metres or 25% of the width of the channel whichever is more restrictive;**
- iii) **a maximum area of any waterlot devoted to docks and slips not to exceed 10 percent of the adjacent lot area, not occupy more than 50 percent of the lot frontage up to a limit of 4000 square metres (includes lake surface area between dock slips);**
- iv) **an increased side yard to 6 metres where the commercial lands abut a residential zone; and**
- v) **permission being obtained from any relevant government agency."**

- 3.6 Section 3.21, “Lots Having Less Area, Frontage or Depth Than Required,” (g) is amended by deleting the last paragraph in its entirety and replacing it with the following paragraph:

"Lots less than 1800 square metres existing on the date of the passage of this By-law, may be eligible for a building permit subject to compliance with the yard and coverage requirements in Schedule 'B'."

- 4.0 Section 7, “Waterfront Residential (WF1, WF2, WF3, WF4, WF5) Zones,” and in particular Subsection 7.01, “Uses Permitted,” of Zoning By-law No. 95-12, as amended, is hereby further amended by adding the words, “**per lot of record**,” after the words, “a single detached dwelling,” in “a) Residential Uses.”
- 5.0 Section 14.01, “Environmental Protection (EP) Zone,” of Zoning By-law No. 95-12, as amended, is hereby further amended by deleting the second “bullet” from subparagraph a) and replacing it with:
- “a dock, boathouse, pumphouse or sauna provided authorization is received from any relevant government agency”.**
- 6.0 Section 15, “Flood Plain (FP) Zone,” and in particular, Subsection 15.01, of Zoning By-law No. 95-12, as amended, is hereby further amended by deleting “Ministry of Natural Resources” in b), “Open Space Uses,” the first bullet, and replacing it with **“appropriate government agency”**.
- 7.0 Section 16, “Special Provisions,” and in particular Subsection 16.04, of Zoning By-law No. 95-12, as amended, is hereby further amended by deleting “Ministry of Natural Resources” and replacing it with **“appropriate government agency”**.
- 8.0 Schedule “B”, “Zone Requirements Table” of Zoning By-law No. 95-12, as amended, is hereby further amended as follows:

- (a) deleting the Minimum Lot Requirements for the WF1 to WF4 Zones inclusive and replacing the numbers 0.4, 0.6, 0.8 and 1.0 with the numbers **“0.8, 1.0, 1.0 and 1.5”** respectively;
- (b) deleting the Minimum Front Yard of 7.5 for each of the WF1 through the WF5 Zones and the General Commercial and Tourist Commercial Zones and replacing it with the number **“10”**;
- (c) deleting footnote 2 and renumbering footnotes 3-10 to 2-9 under NOTES: and apply footnote changes in the table accordingly;
- (d) adding a tenth footnote to the Minimum Front Yard of the WF1 through WF5 Zones that provides: **“10. The required front yard must be preserved as a natural vegetative buffer except where there are structures or pathways.”**; and

- (e) deleting the Minimum Lot Requirements for the Tourist Commercial (b) Commercial uses: Frontage (in metres) "**20/unit**" and Area (in hectares) "**0.2/unit**," and adding an eleventh footnote to this section that provides: "**11. See Section 3.43 in this By-law.**"

All of which is identified on a revised copy of Schedule 'B' which is attached to Zoning By-law No. 95-12, as amended, as Schedule 22.

9.0 This By-law shall take effect and come into force in accordance with the requirements of the Planning Act, R.S.O. 1990.

READ a **FIRST** and **SECOND** time this 7th day of December, 2009.

Reeve

Clerk

READ a **THIRD** time and **PASSED** in **OPEN COUNCIL** this 7th day of December, 2009.

Reeve

Clerk