



BACKGROUND

The Township of McKellar has had a comprehensive zoning by-law since July 17, 1995 (By-law No. 95-12).

This zoning by-law implemented the first time official plan for the Township of McKellar that was approved by the Ontario Municipal Board on June 7, 1995 after a pro-longed hearing. The zoning by-law applied to the whole of the Township of McKellar except where a number of "freestanding" by-laws existed in the vicinity of the former Inn at Manitou.

The Freestanding By-laws, No. 95-15 and No. 96-6 together with a number of site specific provisions in the By-law over the past 30 years have been consolidated and incorporated into the parent by-law wherever possible. There have been approximately 60 site-specific zoning by-laws amendments over the life of the by-law.

OFFICIAL PLAN HISTORY

The Township of McKellar has had 8 official plan amendments over the past 30 years and for the most part these dealt with property-specific matters with the exception of Official Plan Amendment Nos. 7 and 8. For each of these amendments, there were appeals involved causing hearings before the Ontario Municipal Board.

The Council of the Township of McKellar held numerous public meetings over the years to determine the need for undertaking official plan updates as required by the Planning Act. These statutory public meetings were held every five years and it was determined that there was no compelling need to undertake an update.

OFFICIAL PLAN AMENDMENT NO. 7

In 2007, the Township of McKellar undertook a comprehensive lakefront development plan for all of its recreational waterbodies. The revised policies were appealed to the Ontario Municipal Board and the amendment was approved in 2011.

O.P.A. No. 7 reinforced low density residential development for the various waterbodies throughout the Township as well as prohibited new waterfront commercial development. New natural heritage policies were added and lake-specific policies were included for each of McKellar's 20 lakes.

The Township's zoning by-law was updated to reflect the revised policies found in O.P.A. No. 7. By-law No. 2009-23 was adopted on December 7, 2009.

OFFICIAL PLAN AMENDMENT NO. 8

In general, McKellar has two basic land use components. One is the waterfront and the other is the rural component or the non-waterfront areas.

The waterfront parts of the Township were considered up-to-date in terms of policy by virtue of O.P.A. No. 7. However, the rural areas were outstanding in terms of a policy review.

The Township of McKellar undertook an update of its rural policies in official plan amendment no. 8. This amendment process started in 2013 and was approved by the Ontario Municipal Board in February 2, 2018.

The Ministry of Municipal Affairs took an active role in the review, comment and approval of O.P.A. No. 8. New provincial policy statements emerged in 2014 and the province was anxious to incorporate any new policies in to this document. The exercise was frustrated by the attempts by the province to address waterfront policy questions in a rural policy amendment.

O.P.A. No. 8 established detailed rural policy for all of the Township of McKellar. In general, the policies were supportive of new development in the rural community. In short, the revised rural policy approach did not depart from the existing rural policy regime.

UPDATED ZONING BY-LAW

A new zoning by-law was prepared to accomplish a number of tasks. These included:

- implement new O.P.A. 8 policies where necessary;
- consolidate previous zoning amendments;
- refine by-law provisions where necessary;
- add new regulations;'
- update maps; and
- prepare a new by-law for adoption.

A number of working meetings were held with staff and council over the spring and summer of 2018. The public were welcome to attend all council meetings on the updated zoning by-law.

STATUTORY PUBLIC MEETING(S)

The Council of the Township of McKellar has held a number of public meetings on the proposed new by-law. Initially, very little interest was shown by ratepayers on the changes being proposed. The early meetings saw only one or two participants at the working meetings held on the by-law.

MEETINGS

September 13, 2018	Special Meeting of Council
October 15, 2018	Open House Meeting on Zoning By-law
October 27, 2018	Open House
November 5, 2018	Public Meeting

At the public meeting held on November 5, 2018, Council deferred consideration of the by-law to allow further submissions up until January 21, 2019.

ZONING BY-LAW CONCERNS

There have been a number of written and verbal submissions made as part of a more recent barrage of activity triggered through social media. These submissions have been welcomed and a response to these are set out below. These items will be charted and a formal response will be made to each of the persons who have made submissions.

1. **Official Plan Conformity**

There has been a number of concerns expressed that the zoning by-law does not conform to the official plan. Where there has been a specific reference to such a concern these have been discussed below.

2. **Limited Services**

A zoning tool that has been used in a number of area municipalities is to clarify those properties that are not served by year round public roads. This is an important distinction for land use planning purposes since it clearly identifies where such municipal services are available.

It is not a policy driven provision but rather a helpful tool that catalogues a key element in the nature of rural services.

Council has directed that this provision be removed from the by-law.

3. **Camp of Fine Arts / Former Inn Lands**

The original zoning of the Camp of Fine Arts and the Inn at Manitou were based upon a single ownership of these lands that eventually separated between the children's camp use and the resort use. Ultimately the resort lost its viability and is now separated from the children's camp. It was sold to a new owner.

The original zoning had a site specific approach as a consequence of neighbouring submissions and ultimate settlement discussions. However, these site-specific issues have long since been removed and a more generic zoning would seem to be appropriate. In general terms, as a zoning by-law matures, it would appear to be logical to apply an appropriate zoning category in contrast to a site-specific zoning application.

The position of the Township is that there are no particular expansions of the available uses but rather uses that are similar in nature and, therefore, appropriate.

The owners have been consulted in this process.

4. **Redesignation of Cardinal Court / Sparrow Lane**

The consolidation of previous by-laws that no longer are required given the regulations of a parent zoning by-law would appear to be a reasonable and logical progression in the evolution of municipal zoning by-laws. Unless there is a need or a specific benefit to preserve a previous set of site specific restrictions, it is much more efficient from an administrative perspective to apply the general standards of the parent by-law.

The general position take on the consolidation of previous by-laws, unless it can be shown that such previous restrictions are necessary, these provisions are to be incorporated in the general by-law.

5. **Minerva Park Zoning**

The zoning achieved for Minerva Park is closely related to the Tourist Commercial (C2) Zone, so that it simply seems to be a logical advancement to give these lands the more generic C2 zoning. If one considers the permitted uses in contrast to the C2 Zone uses, there is little distinction. Here are the comparisons:

<u>Minerva Park Special Provisions</u>	<u>Tourist Commercial (C2) Uses</u>
- retail	- convenience store
- restaurant	- restaurant
- lounge	- lounge
- marina	- hotel/motel
- camping area	- trailer park
- rental cottages	- rental cottages
- lodge	- camping establishment
- parking area	- parking area

It is believed that the list of uses is, for the most part, similar.

For By-law administrative purposes, it is more reasonable to apply a generic zone category wherever possible.

For practical purposes, The Minerva Park property is an integral part of the Municipality's economic development program and more zoning flexibility is believed to be preferable for these lands

6. There has been a concern expressed regarding the expansion of uses in the Waterfront Residential Zones. This is somewhat vague given that no uses have been added to the WF Zones. Perhaps there are specific properties that will be addressed below.
7. Bed and breakfasts (B&B's) while provided for in the Rural designation are not prohibited in The Waterfront areas. (See last paragraph of section 5.9.2 of the Official Plan).

Fundamentally, a B & B is simply a home business and is ancillary to the primary residential use of the property.

In the case of Waterfront Zones, the Township set out separate regulations for B & B's. These changes do not depart significantly from historical application of the provisions of such home businesses.

The general trend towards B & B's has been minimal in McKellar and not deemed to be a particular issue for the Township.

8. The original zoning by-law was adopted over 33 years ago and many of the site-specific zoning amendments are no longer relevant. Many of the Special Provision Zonings are able to be replaced by a general zoning category.
9. The former "Little lands" comprising of the island has been carried forward as an applicable exception to be clear that a limit of four lots are the limit of the density of this property, the exception will be amended to clarify this restriction.
10. Council and staff reviewed provisions relating to accessory building height and decided to increase this from 5 to 6 metres. There is no justification except that the standard has been determined to be more appropriate and reasonable.
11. The provision of allowing a second dwelling on a waterfront lot where the lot is eligible for a land division is not believed to conflict with the general policy intent of the official plan or the Planning Act. The Township has entertained these types of applications in the past where the property owner qualified for this kind of provision.
12. The extents of the mapping schedules have not changed from the existing zoning by-law. The proposed amended zoning by-law schedules were created by modifying the existing zoning schedules. If there are "incorrectly zoned" properties, perhaps they have been carried over from the current by-law or perhaps they have been changed intentionally and appear to be incorrect when compared to the current zoning.

As in the current by-law, blocks of “like zoned” lots adjacent to one another are surrounded by a heavy outline. A block of “like zoned” properties may only have one zone symbol labelling the entire block. This is done to reduce the clutter of labels that would make the mapping illegible if each lot had its own zone symbol. Colours are also used to alleviate any confusion should a zone label be absent. Any property with a Special Exception zoning will have its own heavy outline and label.

The zoning schedules have been generated using GIS software. A zone has been assigned to each assessed parcel in the Township of McKellar. Therefore, there are no “non-zoned” properties.

The zoning schedules are available in higher quality PDF files which allow the user to zoom in on a specific property. In the future, should the municipality choose to do so, the zoning information could be available on the West Parry Sound Geographic Network, where a property owner could search his or she address and obtain the current zoning for their property.

A number of residents submitted concerns over the use of the "Limited Service" provision that has proposed to be eliminated. Many technical corrections have been recognized as a part of the process and these will be incorporate in to the final by-law draft.

Mr. Ted Davidson provided a copy of the draft by-law with marginal notes. The comments to these notes are set out in the attached table.

PROCESS

Next Steps

The revised by-law is attached with all of the changes from the submissions that council had generally concurred with. Where technical corrections were needed, these have been incorporated.

This proposed final draft can be posted to the website and a notice provided that the matter will return to council for its consideration on February 19, 2019.

A link to a copy of the proposed draft has or should be emailed to those persons that texted, emailed or made verbal submissions. The Ministry of Municipal Affairs has requested a copy of the by-law.

Adoption

Once council is satisfied with the by-law it may adopt it and send out notice of adoption as required

The formality of sending out notices and awaiting the 20 day appeal period is somewhat peculiar given that the only basis for any appeal is limited to ensuring that the newly adopted zoning by-law is consistent with the P.P.S. Essentially, there is very little opportunity to appeal a Township zoning by-law under the new provincial rules.

Yours truly,



John Jackson
JJ:dh