

CORPORATION OF THE TOWNSHIP OF MCKELLAR

May 27, 2026 – 1:00 p.m.

AGENDA

Topic: Special Open Meeting of Council

Time: May 27, 2026 1:00 P.M.

Location: Council Chambers, 701 Highway 124 McKellar, ON P0G 1C0

Join Zoom Meeting

<https://us06web.zoom.us/j/84648345058>

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26-223

2026-29

1st Resolution

1st By-law

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DECLARATIONS OF PECUNIARY AND/OR PERSONAL INTEREST AND GENERAL NATURE THEREOF**
- 4. ADOPTION OF AGENDA**
- 5. CLOSED SESSION**
- 6. CALL TO ORDER**
- 7. O CANADA**
- 8. RESPECT AND ACKNOWLEDGMENT DECLARATION**

In the spirit of reconciliation and co-operation, we wish to acknowledge that the land on which we gather is the traditional territory of the Anishinaabe and Mississauga people. Its boundaries fall within the Robinson-Huron Treaty of 1850 and the Williams Treaty of 1923. We are grateful to live here and we thank all the generations of people who have taken care of this land for thousands of years. To honour the suffering of Indigenous people and the love and wisdom they have carried for thousands of years, we pledge to work in community and harmony with each other and the environment we inhabit and work towards Truth and Reconciliation.
- 9. ROLL CALL**
- 10. DECLARATIONS OF PECUNIARY AND/OR PERSONAL INTEREST AND GENERAL NATURE THEREOF**
- 11. PUBLIC MEETING**
- 12. DELEGATIONS AND PRESENTATIONS**

Council Meeting Agenda

May 27, 2026

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- 13. COMMITTEE OF THE WHOLE**
 - 13.1 Official Plan (OPA No. 9) and Zoning By-law Review Working Session with John Jackson, Planner
- 14. MOTION TO REVIEW A PREVIOUS MOTION**
- 15. ADOPTION OF MINUTES OF PREVIOUS MEETING(S)**
- 16. PLANNING MATTERS**
- 17. COMMITTEE/BOARD MINUTES WITH RECOMMENDATIONS FOR APPROVAL**
- 18. STAFF REPORTS WITH RECOMMENDATIONS FOR APPROVAL**
- 19. MAYOR'S REPORT**
- 20. CORRESPONDENCE FOR CONSIDERATION**
- 21. MOTION AND NOTICE OF MOTION**
- 22. BY-LAWS**
- 23. UNFINISHED BUSINESS**
- 24. NEW BUSINESS**
- 25. PUBLIC NOTICES, ANNOUNCEMENTS, INQUIRIES AND REPORTS BY COUNCIL MEMBERS**
- 26. CONSENT AGENDA – CORRESPONDENCE**
- 27. QUESTION/COMMENT PERIOD (RELATED TO ITEMS ON AGENDA)**
- 28. CONFIRMING BY-LAW**
 - 28.1 By-law 2026-29 - Confirming the Proceedings of Council
- 29. ADJOURNMENT**

Instructions for Joining the Council Meeting

1. Please try to sign in between 12:50 p.m. to 1:00 p.m. if possible; you are still welcome to sign in after 1:00 p.m. if necessary.
2. Please wait to be let in the 'meeting room'; this won't take long.
3. Please have your mic and video on mute unless you are speaking; this ensures there are no distractions or background noise to disrupt the meeting.
4. When you sign in, please sign in with your full name (first and last), not a company name.
5. A question-and-answer opportunity will be available at the end of the meeting, as per normal protocol, or during the Public Meeting.
6. If you have permission to speak please identify yourself (first and last name).
7. Please respect meeting protocol and do not interrupt the meeting. The Municipality reserves the right to remove attendees who are disruptive or disrespect meeting protocol.

CORPORATION OF THE TOWNSHIP OF McKELLAR
BY-LAW NO. 2026-

**Being a By-Law to adopt
Amendment No. 9 to the Official Plan
For the Township of McKellar**

Pursuant to Sections 17 and 21 of the Planning Act R.S.O. 1990, the Council of the Corporation for the Township of McKellar Enacts as Follows:

1. Amendment No. 9 to the Official Plan for the Township of McKellar, consisting of explanatory text is hereby adopted.
2. The attached consolidated copy of the Official Plan incorporating the above Official Plan Amendment No. 9 is hereby deemed to be the Official Plan of the Township of McKellar.
3. The Clerk is hereby authorized and directed to make application to the Ministry of Municipal Affairs and Housing for the Approval of Official Plan Amendment No. 9.
4. This By-Law shall come into force and take effect as of the date of final passing thereof.

READ a FIRST and SECOND time this ____ day of _____, 2026.

Mayor

Clerk

READ a THIRD time and **PASSED** in **OPEN COUNCIL** this ____ day of _____ 2026.

Mayor

Clerk

**TOWNSHIP OF McKELLAR
OFFICIAL PLAN AMENDMENT No. 9**

PART 1 – TITLE OF THE AMENDMENT

This official plan amendment will be referred to as “The 2026 Amendment to McKellar’s Official Plan”.

PART 2 – PURPOSE OF THE AMENDMENT

This amendment will delete a number of text references to a former zoning By-Law in the document. It also brings the policy up to date respecting the 2024 Provincial Planning Statements.

PART 3 BASIS OF THE AMENDMENT

A concern has been identified that an updated zoning By-Law for the whole of the Township of McKellar will be in conflict with the official plan if the references to the earlier zoning By-Law remain in the text of the existing official plan.

There are a number of changes to the text of the Official Plan that include deletions and additions to allow the plan to be more current.

SPECIFIC AMENDMENT

1. **Section 2.6** Change date of *April 30, 2014* to *October 24, 2024*.
2. **Section 2.7** Delete heading “*Under Section 4.7 of the Provincial Policy Statement*”. Replace “Policy” with “Planning”.
3. **Add new 2.8** “*2.8 There are no first nation land claims in the Township of McKellar. The closest first nation is 50 kilometers from the Municipality. There has never been any interest expressed by first nations on land use matters in McKellar. McKellar will engage with indigenous communities where appropriate.*”
4. **Add new 2.9** “*The Township will work to recognize those efforts to reduce greenhouse gases to respond to climate change as prescribed in 2.9 and 5.2.4 of the P.P.S.*”
5. **Section 4.1** Change population from *1100* to *1400*. Add (2021) to the end.
6. **Section 4.2** Change number of households from *40-50* units per year to *20-30*.
7. **Section 4.3** Change seasonal dwellings from *1000* to *1170* and year round dwellings from *500* to *850*.
8. **Section 4.11** Change *Environment and Climate Change* to *Environment Conservation and Parks*. Add *and Municipal Affairs and Housing* to the end.

9. **Section 4.12** Change date of April 30, 2014 to October 24, 2024.
10. **Section 4.13** Add *“The Council of the Township of McKellar added a small number of policy changes under Official Plan Amendment No. 9 that was originally adopted on May 21, 2021. This amendment made a number of technical changes and included policies to reflect the 2020 Provincial Policy Statements.”*
11. **Section 4.14** Add *“Official Plan Amendment No. 9 was adopted but it was never approved but was rescinded by the Municipality because of a number of circumstances. Consequently, the Township of McKellar official plan was not recognized as being current with the 2020 P.P.S. The present Council of the Township of McKellar now wishes to reconsider the proposed amendment to bring its official plan in accord with the current Provincial Planning Statement.”*
12. **Section 5.1.3** Replace *“The zoning By-Law will include strict regulations governing accessory uses, buildings and structures to ensure that there is compliance with the accessory policy requirements of this Plan”* with *“The zoning By-Law provides detailed regulations for accessory uses, building structures.”*
13. **Section 5.2.1** Add *“The existing licensed pit operations are identified on the Land Use Schedule.”*
14. **Section 5.5.5** Replace *“The permitted uses for Crown lands will include forestry, recreation, fish and wildlife management, mineral aggregate extraction, mineral exploration and development, other conservation uses and associated buildings and structures as required”* with *“The permitted uses for Crown land are set out in the Crown land Management Strategy and depending upon the type of Crown land, there may be specific restrictions on Crown land uses.*

Should any Crown land cease to be Crown by way of alienation or disposition by the Province, then the policies of this Plan will be binding on said lands.”
15. **Section 5.5.9** (c) Change the **work word** “consultant” with “professional”.
16. **Section 5.6.1** Replace *“Any proposed energy facilities must have regard for the sensitivities of these facilities in terms of visual impacts and environmental impacts”* with *“The Township of McKellar supports the establishment of new energy facilities where the lands have been specifically zoned for said facilities. It is recognized that provincial priorities may remove the regulation of green energy facilities from municipalities.”*
17. Delete **Section 5.6.2** *“Any new proposed energy facilities must consult with the Township regarding the location of such facilities”*
18. Delete **Section 5.6.3** *“This policy recognizes that the province exempted energy projects from the provisions of Section 34 and 41 of the Planning Act and that the*

authority to approve any energy projects is the Ministry of the Environment and Climate Change Conservation and Parks”.

19. Delete **Section 5.6.4** “Any new energy facilities shall be located and designed in a manner that does not detract from the amenities of adjoining properties.”
20. **Section 5.7.1** Change wording from “The Township may consider a garden suite in the Rural designation by rezoning pursuant to Section 39.1 of the Planning Act and subject to complying with all other relevant laws and regulations. A garden suite is not permitted in the Waterfront area. A garden suite is a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.”
to “The Township may consider a garden suite in accordance with the provisions of section 39.1 of the Planning Act.”
21. Delete **Section 5.7.2** “As a condition of rezoning a property for a garden suite, Council may require an agreement between the owner and the Municipality to provide for:
 - a) Temporary use of the garden suite;
 - b) Installation and removal of the suite;
 - c) Period of occupancy;
 - d) Name of occupant(s);
 - e) Securities;
 - f) Recognition of the garden suite as an accessory use; and
 - g) Confirmation that the septic system for the property can accommodate the additional effluent.”
22. Delete **Section 5.8**. Replace with Highways
23. Add **Section 5.8.1** Provincial Highways
24. **Section 5.8.2.2** Delete the word “seasonal”. Change “A minor extension to a private road is defined as 180 metres or less from the last lot on the road” to “~~A minor extension to a private road is based upon the likely expectation that the private road may be expected to be maintained by the Municipality.~~” “A minor extension will be evaluated on the basis of whether there may be pressure placed on the Municipality to assume a private road for maintenance purposes” [to be consistent with OP wording]
25. **Section 5.8.5.1** Add “Users of Crown land for commercial purposes who cause any damage to municipal roads will be required to return the roads to their original condition at the expense of the Crown land users”
26. **Section 5.9.1** Replace “Rural designation” with “Municipality.”
27. **Section 5.9.2** Replace “Rural designation” with “Municipality.”
28. **Section 5.9.3** Replace “Rural designation” with “Municipality.”

29. **Section 5.10.3** Replace "In the Waterfront designation" with "Generally"
30. **Section 5.10.4** Delete "*In the Rural Designation no more than two (2) new lots plus the retained may be created by consent subject to complying with all other policies of this Plan*" and replace with a general statement to respond to an MNR comment "*Land division applications shall be required to be consistent with any relevant Provincial Policy Statements.*"
31. **Section 5.11.2** Change from "*Ministry of the Environment and Climate Change*" to "*Ministry of the Environment Conservation and Parks.*"
32. **Section 5.11.4** Change from "*Ministry of the Environment and Climate Change*" to "*Ministry of the Environment Conservation and Parks.*"
33. **Section 5.11.7** Change from "*Ministry of the Environment and Climate Change*" to "*Ministry of the Environment Conservation and Parks.*"
34. **Section 5.11.8** Change from "*Ministry of the Environment and Climate Change*" to "*Ministry of the Environment Conservation and Parks.*"
35. **Section 5.12.1** Add to the end of sentence "in accordance with the requirements set out by the Ministry of Agriculture, Food and Rural Affairs"
36. **Section 5.13** Change title from "*Ministry of the Environment and Climate Change*" to "*Provincial Guidelines*".
37. **Section 5.13.1** Replace "*Ministry of the Environment and Climate Change*" to "*Province*"
38. **Section 5.13.3** Replace "*Ministry of the Environment and Climate Change*" to "*Province*"
39. **Section 5.15.1** delete "*to the Municipality's recreational expenditures*" and replace with "*in accordance with [the](#) provisions of the Planning Act.*"
40. **Section 5.18** Replace with the correct language:

From:

"Standards for Servicing

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."

To:

"Service Fees and Charges

The Municipality has established standards for many services including roads, street lighting, drainage, utilities and signage that may be applied to new development within McKellar in terms of development charges or fees. ~~Any~~ Any applicable fees and charges must be obtained prior to any development taking place in the Municipality."

41. **Section 6.1.1** Delete reference to Crown lands
42. **Section 6.3.4** Replace "sensitive areas" with "significant wetlands as defined in the P.P.S."
43. **Section 6.5.2 (b)** change "appropriate" to "required".
44. **Section 6.6.3 (b)** change "appropriate" to "required".
45. Add to Section 6.6.3 **(f)** *Where the industrial use is proposed to be accessed from a local road, a study of potential impacts on the road; including traffic impacts, what upgrades may be required to the road, costs associated with upgrading and long-term maintenance of the road, and implications for the Township's asset management plan."*
46. **Section 6.7.1** Replace "The type of housing for the Rural designation will continue to be low density single detached dwellings" with "The dominant form of housing in the Township of McKellar is single detached dwellings at low densities with independent private services on each property."
47. **Section 6.7.2** Replace "Any dwelling in the Rural designation may include an accessory apartment in the form of a basement apartment or a converted dwelling provided that the septic system has been designed to accommodate the total number of bedrooms and so long as the character of the single detached dwelling is maintained" with "In accordance with the provisions of the Planning Act and the most current Provincial Policy Statements, the Township of McKellar endorses and supports the housing initiatives for additional and more affordable housing subject to recognizing the limitations of servicing on wells and septics. The implementing zoning By-Law will provide for additional units within existing dwellings ~~and accessory or~~ and secondary units in accessory structures as provided for in the legislation subject to complying with Building Code requirements."
48. **Section 6.7.3** Remove "Notwithstanding Section 6.7.2 above, more intensive forms of residential development including medium density housing up to four units may be considered in the McKellar, Broadbent, Hurdville and other 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".
49. **Section 6.7.4** Remove "Generally only one dwelling is permitted on each parcel of land. Exceptions may be made for large parcels subject to meeting the requirements of the zoning By-Law".

50. **Section 6.7.5** Remove *“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*

51. Renumber **Sections 6.7.6** to **6.7.10**

52. **Section 6.7.7** add the following at the end of the section:

“and is not considered a short term rental as defined in the comprehensive zoning by-law.”

53. **Section 6.10.1** Change *“Ministry of the Environment and Climate Change”* to *“Ministry of the Environment Conservation and Parks.”*

54. **Section 6.11.1** Remove the word *“and”* from the last sentence and add *“significant fish habitat”* to end of sentence.

55. **Section 6.11.2** Replace the word *“in”* from the first sentence with *“throughout”*. Add to the end of the paragraph *“The Natural Heritage Policies set out in the P.P.S. shall be recognized within the Rural policy areas so that any development approvals are consistent with the Provincial Policy Statements.”*

56. **Section 6.11.5** Replace the word *“assessment”* from the second sentence with *“evaluation.”*

57. **Section 6.12.3** Replace *“Ministry of the Environment and Climate Change”* with the word *“Provincial.”*

58. **Section 6.12.6** Replace *“Ministry of the Environment and Climate Change”* with the word *“Provincial.”*

59. **Section 6.12.8** Replace “*Ministry of the Environment and Climate Change*” with the word “*Provincial.*”
60. **Section 6.13.1** Replace “*Ministry of the Environment and Climate Change*” with the word “*Provincial.*”
61. **Section 6.13.2** Replace “*Ministry of the Environment and Climate Change*” with the word “*Provincial.*”
62. **Section 6.13.4** Replace “*Ministry of the Environment and Climate Change*” with the word “*Provincial.*”
63. **Section 6.15.2** Replace “*Ministry of the Environment and Climate Change*” with the word “*Provincial.*”
64. **Section 7.01.10** Delete “*zoned in By-Law 95-12, as amended could alter or adversely impact a lakes character*” with “*could alter or adversely impact a lake’s character*”. Delete reference to By-Law 95-12 in last sentence.
65. **Section 7.01.13** Delete references to By-Law 95-12. Add the word “and” before permitted as-of-right.
66. **Section 7.06.1** Delete references to By-Law 95-12 and add paragraph (h):
- (h) a short term rental of a single detached dwelling subject to complying with the Township’s comprehensive zoning By-Law as well as any other applicable legislation.*
67. **Section 7.10.2** Delete references to By-Law 95-12
68. **Section 7.10.3** Delete references to By-Law 95-12
69. **Section 7.10.5** Delete references to By-Law 95-12
70. **Section 7.10.7** Delete references to By-Law 95-12
71. **Section 7.11.1** Delete references to By-Law 95-12
72. **Section 7.11.2** Replace “*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*” with “*More recently, it has been discovered that recreational lakes using newer standards and newer technologies for wastewater treatment systems do not have the adverse impacts on water quality as originally anticipated*”

73. **Section 7.11.3** Replace “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” with “The Township will continue to preserve water quality as far as possible by applying best management practices for shoreline development including protecting habitats for fish, wildlife and endangered species, managing stormwater and including minimal disruption to the natural shoreline features.”
74. **Section 7.11.3.1** Replace “Lake Trophic Status” with “General Lake Policies”.
75. Delete **Section 7.11.3.1.1** “The Township of McKellar will encourage and support continued and enhanced monitoring of lake trophic state through the Ministry of the Environment and Climate Change’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.*”
76. Move **Section 7.11.3.1.2** to **Section 7.11.3.1.1**
77. Delete **Section 7.11.3.1.3** “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 7.22.4.” - former trophic status policies
78. Delete **Section 7.11.3.1.4** “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.” - former trophic status policies

79. Renumber **Sections 7.11.3.1.5** to **Sections 7.11.3.2.4**

80. Delete **Section 7.11.3.2.3** *"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 7.22.3."*

81. Delete **Section 7.11.3.3** *"Shoreland Development Capacity"*

82. Delete **Section 7.11.3.3.1** *"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 7.22.2. "Need" based on growth projections and current land supply will also be a consideration."*

83. Delete **Section 7.11.3.3.2** *"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:"*

84. Delete **Section 7.11.3.3.2.1** Simply reflect P.P.S.

"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.”

85. Delete **Section 7.11.3.3.2.2** Simply reflect P.P.S.

“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 17.11.3.3.2.1 with provisions for providing access to areas having water-based recreation such as boating, fishing, swimming and bathing.”

86. Delete **Section 7.11.3.3.2.3** Simply reflect P.P.S.

“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).”

87. Delete **Section 7.11.3.3.2.4** Simply reflect P.P.S.

“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.”

88. Add **Section 7.11.4** *“While the historic use of the lake shore capacity model including the Lakeshore Capacity Assessment Handbook are no longer entirely applicable, they can be useful tools in the general application of water quality protection measures for the Township. Therefore, the lake specific data relating to phosphorous levels will be maintained and updated to focus on the preservation of current nutrient levels and preventing any further loading of phosphorous from waterfront development.”*

89. **Section 7.12.1** Replace *“Habitat of Endangered and Threatened Species, confirmed by the Ministry of Natural Resources and Forestry, the Species at Risk in Ontario list, or*

other sources” with “The Waterfront designation has a variety of natural heritage features and is subject to the Natural Heritage Policies included in the Provincial Policy Statement. All development shall be required to be consistent with the Natural Heritage policies of the P.P.S.” Delete the rest of 7.12....

90. **Section 7.14.1** Delete reference to 95-12

91. **Section 7.15** add “s” to end of “Structures”

92. **Section 7.21.1.1** Delete reference to 95-12

93. **Section 7.21.1.2.3** Delete reference to 95-12

94. **Section 7.21.2.1** Delete reference to 95-12

95. **Section 7.21.2.1.5** Delete “*including habitat of species at risk as per the 2007 Endangered Species Act*”

96. **Section 7.21.3** Delete “*Boating Capacity Study*” and replace with “*Evaluation of Hazardous Forest Types for ~~Wilderness~~ Wildland Fires*”.

97. **Section 7.21.3.1** Delete “*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*”.

Replace with “Where development is proposed on lands identified in mapping by the Ministry of Natural Resources and Forestry as containing a hazardous forest type for wildland fire, Council will require an evaluation of the subject lands to confirm the boundaries of the hazardous forest type, determine the risks associated with development within the hazardous forest type, recommend whether risks may be reasonably mitigated, and if so, recommend measures for mitigating risk in accordance with Provincially-recognized wildland fire assessment and mitigation standards.”

98. **Section 7.21.4** Delete “*Trophic State Capacity Study*”.

99. **Section 7.21.4.1** Delete (reference to 95-12) “*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 and Climate Change's Water Management Policies, Guidelines, and Provincial Water Quality Objectives, and that best efforts will be made to minimize inputs."

100. **Section 7.21.4.2** Deletes (reference to 95-12) *"The study will be conducted in accordance with methodologies accepted by the Ministry of the Environment and Climate Change and using as a guide appropriate technical manuals produced by the Ministry."*
101. **Section 7.21.5** Delete – (duplication of Natural Heritage Policy) *"Natural Heritage Evaluation"*
102. **Section 7.21.5.1** Delete – (duplication of Natural Heritage Policy) *"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."*
103. **Section 7.21.5.2** Delete – (duplication of Natural Heritage Policy) *"The evaluation that is included as part of a site evaluation report (see 7.21.2) 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 and Forestry."*
104. **Section 7.21.5.3** Delete – (duplication of Natural Heritage Policy) *"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."*
105. Change **Section 7.21.6** to **7.21.3** (renumbering).
106. **Section 7.22.1.1** Change *"Ministry of the Environment and Climate Change"* to *"Provincial"*.
107. **Section 8.0** Delete second and third paragraphs.

“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 and Climate Change should be consulted for technical advice.”

108. **Section 12.1** Add the word “*ancillary*” after “*incidental*,”

109. **Section 12.8.1** Replace section “35” with section “36”.

110. **Section 12.10** Add Technical Amendments agreed upon by MMAH in O.P.A. No. 9

“12.10 Minor Technical Amendments

Council by resolution may forego public notification and public meeting(s) in connection with Official Plan, Community Improvement Plan and Zoning By-law Amendments if such amendments relate to matters which will not affect the policies and intent of the Official Plan or Community Improvement Plan, or the provisions of the Zoning By-law in any material way, and will be restricted to the following matters:

- a) altering the numbering and location of text, schedules and maps;*
- b) altering punctuation or language to obtain a uniform mode of expression;*
- c) correcting clerical, grammatical, dimensional, boundary, mathematical or typographical errors;*
- d) inserting historical footnotes or similar annotations to indicate the original and approval of each provision;*
- e) consolidating amendments;*
- f) transferring Official Plan, Community Improvement Plan and Zoning By-law designations to new base maps such as new geographical information system maps or other maps which might be prepared in conjunction with a specific study; and*
- g) adding technical information such as plans of subdivision, buildings, contours and elevations to base maps or schedules.”*

111. **Section 14.3** delete “By-Law 95-12, as amended”.

112. **Section 14.4** Delete references to 95-12

113. **Section 14.6** Delete references to 95-12

114. **Section 14.7** Delete section – all references to 95-12 ~~or trophic status~~

“14.7 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.”

115. **Section 14.8**, Delete section

116. **Section 14.9** Delete section - all references to 95-12 ~~or trophic status~~

117. Delete **Sections 14.10** to **Section 14.10.12** all references to ~~95-12 or~~ trophic status

“14.10 Lake Specific Policies Terms/Parameters

14.10.1 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.

14.10.2 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.

14.10.3 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.

14.10.4 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.

14.10.5 *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.*

14.10.6 *Milligram is one thousandth of a gram, and one millionth of a kilogram.*

14.10.7 *Nitrogen is a chemical element that occurs naturally in elemental form in air as nitrogen gas (N₂). Other inorganic forms of nitrogen are ammonia (NH₃), nitrite (NO₂-), and nitrate (NO₃-).*

14.10.8 *Phosphorus is a chemical element. In freshwater systems such as lakes, rivers and streams, it often limits algal and plant growth.*

14.10.9 *Phytoplankton are plant plankton (see Plankton).*

14.10.10 *Plankton refers to a community of microorganisms, consisting of plants (phytoplankton) and animals (zooplankton), inhabiting open-water regions of lakes and rivers.*

14.10.11 *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.*

14.10.12 *Zooplankton refers to animal plankton (see Plankton)."*

118. **Section 15.1 (h)** delete reference to 95-12, replace with *"the zoning By-Law"*

119. **Section 15.1 (i), (i)** delete reference to 95-12, replace with *"the zoning By-Law"*.

120. The Land Use Schedules is amended by replacing the schedule with the new Schedule 'A' attached hereto.

121. Appendix 1, Natural Heritage mapping is deleted and replaced with a new Appendix '1' attached hereto.

122. The Land Use schedules have identified provincial highways.

**OFFICIAL PLAN
OF THE
TOWNSHIP OF MCKELLAR**

Consolidated December 21, 2015

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

1.0 TITLE AND COMPONENTS OF THE PLAN

1.1 This Plan, when approved by the province, will be known as the:

"Official Plan of THE TOWNSHIP OF MCKELLAR"

1.2 The Official Plan will apply to all of the lands within the Township of McKellar.

1.2.1 The components of the Official Plan include the text, Schedules and Appendix attached to the Plan.

1.3 Any appendices that may be attached to the Plan are not part of the Official Plan, but are intended to provide additional background material.

2.0 PURPOSE OF THE PLAN

2.1 This updated Official Plan updates the existing Official Plan of the Township of McKellar.

2.2 The Official Plan sets forth the general policies concerned with shaping and guiding the physical growth of the Township of McKellar.

2.3 It is intended that this Official Plan will serve as a guide to municipal decision makers in preparing zoning by-laws, all other by-laws, public works, and when reviewing any development applications.

2.4 The Official Plan is designed to promote sustainable economic development in a healthy natural environment.

2.5 The Official Plan has been drafted in accordance with section 2 of the Planning Act to have regard to matters of provincial interest.

2.6 This Official Plan has been written within the framework of the October 24, 2024 Provincial Planning Statement (PPS). The PPS has been issued under the authority of section 3 of the Planning Act. This Official Plan sets out policy that is consistent with the PPS.

2.7

The official plan is the most important vehicle for implementation of this Provincial Planning Statement. Comprehensive, integrated, and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Planning Statement. The policies of this Provincial Planning Statement continue to apply after adoption and approval of an official plan.

2.8 There are no first nation land claims in the Township of McKellar. The closest first nation is 50 kilometers from the Municipality. There has never been any interest expressed by first nations on land use matters in McKellar. McKellar will engage with indigenous communities where appropriate.

2.9 The Township will work to recognize those efforts to reduce greenhouse gases to respond to climate change as prescribed in 2.9 and 5.2.4 of the P.P.S.”

3.0 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 BASIS

4.1 The Township of McKellar is a rural, residential and recreational municipality in the District of Parry Sound. The Township of 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 1400 persons. (2021)

4.2 The year round population for the Township of McKellar has remained relatively stable.

The number of households increases approximately – 20-30 units per year.

4.3 There are approximately 1170 seasonal dwellings and 850 year round dwellings in the Township of McKellar. The total number of these dwellings has increased moderately over the past 20 years while the relative proportions has remained the same.

4.4 The primary economic base for the Township of McKellar is derived from the second home community. The local economy in the Township of McKellar is related to the attraction of the natural environment including its recreational lake resources. Similar to other municipalities in Parry Sound District the largest

portion of the Township of McKellar's assessment comes from its seasonal properties.

- 4.5 The Township of McKellar is keen to diversify local economies by attracting new businesses and employment opportunities.
- 4.6 An important feature of the Township of McKellar is its rural character that includes a combination of the dominance of the natural environment and the impression of an agricultural economy along the major roadways. In fact, only a small component of the Township of McKellar's population is involved in agriculture.
- 4.7 There is moderate pressure for additional growth and development in both the Rural designation and along the waterfront of the numerous recreational lakes in the municipality. Guidelines for ongoing development applications are necessary to protect the natural environment and maintain a consistent and quality standard for new development in the Township of McKellar.
- 4.8 The Township of McKellar has had an Official Plan in place since 1992 and has undertaken a number of specific and general policy amendments over the past 20 years.
- 4.9 The policies relating to the Township's waterfront were part of a comprehensive review in 2009 that ultimately came into effect in 2011 under Official Plan Amendment No. 7.
- 4.10 In 2013 and 2014, the Council of the Township of McKellar held public meetings to consider the need for revisions to the Official Plan. It was determined that updates were required for the nonwaterfront areas of the municipality.
- 4.11 As a part of the most recent review of the Official Plan, all relevant government agencies have participated by providing submissions to the municipality. These included submissions from the Ministries of Northern Development and Mines, Natural Resources and Forestry, Transportation, Environment Conservation and Parks and Tourism, Culture and Sport and Municipal Affairs and Housing.
- 4.12 The province has adopted a new provincial policy effective October 24, 2024. The policies in the most recent revisions to the Township of McKellar Official Plan have been prepared to be consistent with the new Provincial Policy Statement.
- 4.13 The Council of the Township of McKellar added a small number of policy changes under Official Plan Amendment No. 9 that was originally adopted on May 21, 2021. This amendment made a number of technical changes and included policies to reflect the 2020 Provincial Policy Statements.
- 4.14 Official Plan Amendment No. 9 was adopted but it was never approved but was rescinded by the Municipality because of a number of circumstances. Consequently, the Township of McKellar official plan was not recognized as being current with the 2020 P.P.S. The present Council of the Township of McKellar now wishes to reconsider the proposed amendment to bring its official

plan in accord with the current Provincial Planning Statement

5.0 GENERAL DEVELOPMENT POLICIES

The following policies apply to all land use designations in the Township of McKellar.

5.1 Accessory Uses

- 5.1.1 Wherever a use is permitted in any designation, it is intended that any uses, buildings, or structures normally incidental, accessory and subordinate to the principal use will also be permitted.
- 5.1.2 To qualify as an accessory use, building or structure, it does not necessarily mean that the building or structure be smaller, but rather that it is clear that the accessory building or structure remains ancillary to the principal permitted use.
- 5.1.3 The zoning By-Law provides detailed regulations for accessory uses, building structures.

5.2 Aggregates

- 5.2.1 The Township of McKellar is designated under The Aggregate Resources Act. Only those existing aggregate resource operations that are currently licensed under the Aggregate Resources Act will be recognized in the Township's zoning by-law. The existing licensed pit operations are identified on the Land Use Schedule.
- 5.2.2 Any new pits or quarries proposed in the Township of McKellar will be required to comply with the licensing criteria set out in the regulations under The Aggregate Resources Act. Because of the costs associated with establishing a new pit or quarry, there are likely to be few applications given the limited quantity and quality of aggregate resources in the Township of McKellar. Notwithstanding, the Council of The Township of McKellar supports the establishment of new pits or quarries subject to complying with The Aggregate Resources Act, the Provincial Policy Statements and the Township's Zoning By-law.
- 5.2.3 All pits and quarries will be required to be zoned in the appropriate zoning category in the Township's Zoning By-law.
- 5.2.4 The creation of a new pit or quarry will not require an official plan amendment.
- 5.2.5 All legally existing pits and quarries and any known significant aggregate deposits will be protected from new or expanded incompatible land uses.
- 5.2.6 Any new lot proposed within 300 metres of the boundary of a pit licensed under the Aggregate Resources Act, will require a study to assess the compatibility of the lot with the existing pit operation.
- 5.2.7 Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an

official plan amendment, rezoning or development permit under The Planning Act in all areas except those areas of existing residential development or areas with environmental sensitivity which have been determined to be incompatible with extraction and its associated activities. The establishment of any wayside pit or quarry must comply with the requirements set out in the Aggregate Resources Act.

5.3 Agriculture

5.3.1 There is limited agricultural activity in the Township of McKellar.

5.3.2 Agricultural uses are permitted uses throughout the Rural and Waterfront areas.

5.3.3 The conservation and management of existing pockets of productive agricultural land will be encouraged.

5.3.4 Some agricultural uses are located within or extend into the Waterfront designation. While such uses may continue, it is believed that these uses will ultimately change over to a waterfront or non-farm use.

5.3.5 Where the agricultural use is located in the Waterfront designation, it is recommended that there be a buffer of natural vegetation provided between the farm use and the water body.

5.3.6 New intensive farming uses including animal operations will be discouraged adjacent to existing residential uses.

5.3.7 All farm and non-farm uses will comply with the provincial Minimum Distance Separation requirements.

5.4 Communication Towers

5.4.1 The Township of McKellar recognizes the importance of communication towers in support of wireless communication services.

5.4.2 Communication towers fall under federal jurisdiction and Industry Canada is responsible for regulating telecommunications. Under the Radio Communications Act, Industry Canada acts as the approval authority for establishing radio communication towers including antenna systems, masts, towers and any supporting buildings or structures.

5.4.3 Industry Canada has a protocol to ensure that local planning authorities and municipalities are consulted as part of any review of the placement of any new towers. The Township of McKellar will participate in the pre-consultation process to ensure land use compatibility, protect sensitive visual areas or vistas and to review any potential impacts. As part of this consultation process, Council will require the submission of a site plan and circulation of the antenna proposal to adjacent land owners.

5.5 Crown Land

- 5.5.1 Approximately one third of the land base in the Township of McKellar is Crown land. It will be the policy of this Plan that the Township of McKellar supports the current policies for management of the Crown lands including the Conservation Reserves in the Township of McKellar.
- 5.5.2 The Crown lands within the Township of McKellar are shown on the attached Schedules.
- 5.5.3 The Municipality supports the policy of the Ministry of Natural Resources and Forestry not to alienate further Crown land for private recreational use.
- 5.5.4 It is recognized that the policies of the Official Plan are not binding on the Crown and its administration of its programs on Crown land. However, it is further understood that the Ministry of Natural Resources and Forestry will have regard for municipal policy statements contained in the Township's Official Plan as part of its program administration.
- 5.5.5 The permitted uses for Crown land are set out in the Crown land Management Strategy and depending upon the type of Crown land, there may be specific restrictions on Crown land uses.

Should any Crown land cease to be Crown by way of alienation or disposition by the Province, then the policies of this Plan will be binding on said lands.

- 5.5.6 Any proposed land use policy changes adjacent to or those that may impact upon Crown land will be circulated to the Ministry of Natural Resources and Forestry for review and comment.
- 5.5.7 Crown lands in the Township will be placed in a non-development zone in the Township's Comprehensive Zoning By-law to preserve the natural state of Crown lands.
- 5.5.8 Notwithstanding the above policies, the Township may support the sale of Crown land to an adjoining residential property owner by way of a lot addition if the lot addition is:
 - a) to convey a Crown reserve along the shoreline between the Crown lake bed and the patented property, except where the reserve is required for public access, travel, environmental protection or portage purposes. Land owners adjoining a Crown reserve that is proposed to be added to a lot should be notified of the proposed lot addition;
 - b) to correct the encroachment of a building, structure, service or improvement that existed prior to the adoption of this Plan so that the purpose of the Crown lot addition is to regularize the ownership of the lot with the improvements located thereon; or

- c) to provide the necessary lot area required for the installation of a private subsurface sewage treatment system for existing development or vacant lots of record.

5.5.9 The Township will support the acquisition of Crown land for commercial or industrial operations subject to the following conditions:

- a) The applicant must be able to demonstrate and justify the need for the lands proposed to be acquired.
- b) The lands that are proposed to be acquired from the Crown shall be rezoned to the appropriate Commercial or Industrial zone, and the use shall be limited to the original purpose set out in the application.
- c) A report prepared by a qualified environmental professional is submitted to the Township setting out:
 - i) the application,
 - ii) the physical circumstances,
 - iii) projected environmental and human impacts on adjoining lands, and
 - iv) how the disposition of Crown land and the proposed development complies with the spirit and intent of the Official Plan land use policies.
- (d) It can be demonstrated to the satisfaction of Council and the Ministry of Natural Resources and Forestry that there is a need for the size of land being acquired and that the disposition of the Crown land for commercial use will not negatively impact the remaining adjoining Crown land.

5.6 Energy Facilities

5.6.1 The Township of McKellar supports the establishment of new energy facilities where the lands have been specifically zoned for said facilities. It is recognized that provincial priorities may remove the regulation of green energy facilities from municipalities.

Conservation and Parks

5.7 Garden Suites

5.7.1 The Township may consider a garden suite in accordance with the provisions of section 39.1 of the Planning Act.

- a)

5.8 Highways

5.8.1 Provincial Highways

- 5.8.1.1 Highway No. 124 traverses the northwest corner of the municipality with approximately 7.6 kilometres of roadway in the Township of McKellar. In order to preserve the function and efficiency of this highway outside the McKellar Village, new direct access on the highway will be limited. The Ministry of Transportation must approve all new entrances or changes to existing entrances on Highway No. 124.
- 5.8.1.2 All proposed development located adjacent to and in the vicinity of a provincial highway within MTO's permit control area under the Public Transportation and Highway Improvement Act will be subject to MTO review and approval prior to the issuance of entrance, building and land use permits. These permits must be obtained prior to any construction being undertaken within MTO's permit control area. Early consultation with the MTO is encouraged to ensure the integration of municipal planning initiative with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway or intersection within MTO's permit control area will be subject to MTO's policies, standards and requirements.
- 5.8.1.3 Development adjacent to a provincial highway may be required to undertake various operational and safety studies, including but not necessarily limited to: traffic impact studies; drainage and stormwater management studies; exterior illumination studies; environmental studies; and, noise studies. The Ministry of Transportation does not pay for development-driven studies, or any highway improvements deemed necessary by the MTO through the review of those studies. These studies shall be in accord with MTO guidelines and with applicable M.O.E.C.C. Noise Guidelines.
- 5.8.1.4 MTO's policy is to allow only one entrance to a provincial highway for each lot of record. MTO will not allow a second entrance for a property owner whose land lies beyond the permit control area and wants access to a provincial highway via another property owner's entrance.

5.8.2 Municipal Roads

- 5.8.2.1 All new development must front upon a year-round, publicly maintained road subject to the exceptions listed below.
- 5.2.2 A limited number of lots used for 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 "AA minor extension will be evaluated on the basis of whether there may be pressure placed on the Municipality to assume a private road for maintenance purposes. . Private roads and rights-of-way 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.

- 5..2.3 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.
- 5..2.4A further exception to this municipal road frontage requirement is for certain resource uses including hunt camps or commercial activities that are not dependent upon direct access to a publicly maintained road system. However, in these instances, a legal right-of-way to access the parcel must be demonstrated. This exception will include the ability to allow for the conveyance of the original one hundred acre lots in the Township Plan subject to any access and applicable land use restrictions.
- 5..2.5 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.
- 5.8.2.6 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.
- 5.8.2.7 Road allowances must be a minimum of 20 metres in width except in special circumstances where it may be determined by a professional engineer that the functional requirements may be accommodated by a lesser width.
- 5.8.2.8 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.
- 5.8.2.9 It is the general intent of this Plan to maintain the function of the public access roads throughout the municipality.

- 5.8.2.10 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. This policy is not intended to prohibit any new lot creation on existing public roads.
- 5.8.2.11 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.
- 5.8.2.12 Wherever applications for development are proposed adjacent to municipal roadways and the municipality does not own title to the roadway, it will be the policy of this Plan to require that the applicant convey that portion of the roadway consisting of 10 metres from the centre line of the travelled road as it abuts the proposed development lands should a survey reveal an encroachment.
- 5.8.2.13 In some circumstances, it may be preferred to share driveway access between adjoining property owners to minimize the number of entrances on existing public roads.
- 5.8.2.14 The standards for the frontage requirements for lots may be reduced to accommodate cul-de-sacs for any new subdivision development in the Rural designation.

5.8.3 Condominium Roads

- 5.8.3.1 The Municipality may consider private road arrangements under the Condominium Act if such proposals are appropriate.

5.8.4 Municipal Road Allowance

- 5.8.4.1 Improvements to unopened and/or unmaintained municipal road allowances shall not be permitted unless the following occurs:
- 5.8.4.1.1 the Municipality declares the road allowance surplus and the municipal road allowance is stopped up and sold in accordance with the provisions of the Municipal Act; or
- 5.8.4.1.2 the road is brought up to a municipal standard and assumed by the Municipality for maintenance purposes; or
- 5.8.4.1.3 the proponents of the road allowance improvements enter into a legal agreement with the Municipality that includes provisions for indemnification of liability, signage and liability insurance; and
- 5.8.4.1.4 it has been demonstrated that the proposed improvement will have no negative impacts on natural heritage features or on their ecological function.

5.8.4.2 The above policy applies to any crossing of an unopened road allowance.

5.8.4.3 This policy does not apply to existing circumstances. It would only apply to a party proposing to use or cross a municipal road allowance. Those currently using an existing road allowance will not have those access rights removed.

5.8.5 Roads Over Crown Lands

5.8.5.1 Subject to the policies of 5.8.4 the Municipality has no objection to the establishment of roads over Crown land so long as the proponent receives the necessary permission from the Ministry of Natural Resources and Forestry and so long as it is understood that the Municipality has no responsibility for the maintenance of the road. Users of Crown land for commercial purposes who cause any damage to municipal roads will be required to return the roads to their original condition at the expense of the Crown land users.

5.8.6 Recreational Trails

5.8.6.1 The Municipality supports the continued program of recreational trails so long as there are no adverse environmental or social impacts and recognizes them as important components of the areas recreational attractions, economy and transportation system.

5.8.6.2 The Municipality supports the establishment of trans provincial trails so long as these trails are appropriately designed, are at the expense of the proponents, and do not adversely impact on any adjacent land owners.

5.8.6.3 Where proposed recreational trails are intended to traverse provincial highways, the proposed crossing will require the prior approval of the Ministry of Transportation.

5.9 Home Business

5.9.1 There are generally three types of home businesses and the Township of McKellar supports all of these businesses in the ~~Rural designation~~ Municipality subject to the policies contained in this Plan. These businesses include: bed and breakfasts, home occupations and home industries. These businesses must be accessory, ancillary and incidental to the principal residential use on the property.

5.9.2 Bed and breakfasts are a permitted use in the Municipality subject to the following criteria:

a) the use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;

b) the use is clearly secondary to the primary use of the dwelling as a residence;

- c) the bed and breakfast establishment must be the principal residence of the owner and operator;
- d) the character of the dwelling as a private residence is preserved;
- e) adequate parking facilities are available on the lot for the proposed use;
- f) the use will not cause a traffic hazard;
- g) the existing private sewage system is acceptable to adequately service the principal residence dwelling unit and the proposed bed and breakfast establishment.

The implementing Zoning By-law shall further detail the conditions under which a bed and breakfast establishment may be permitted, including maximum size and separation distances.

5.9.3 A home occupation is a gainful occupation conducted in whole or in part in a dwelling or in an accessory building to a single detached dwelling and is permitted in the Municipality subject to the following:

- a) the business must satisfy all statutory requirements for emissions and waste management;
- b) the business will clearly be secondary and incidental to the residential use;
- c) there will be sufficient lot area to accommodate a residence, the associated business and any parking;
- d) only a limited portion of the dwelling not to exceed 45% will be used for the business;
- e) the residential character and appearance of the property and the neighbourhood will be maintained;
- f) the external residential appearance of the dwelling will be maintained and any signs are restricted in size subject to the Municipality's sign by-law;
- g) the business will be compatible with adjacent residences and the neighbourhood particularly in regard to noise and unsightly conditions;
- h) the business will have no negative or adverse environmental impacts;
- i) the business will not be a high traffic generator;
- j) the business traffic will not impact negatively upon a provincial highway;
- k) the business will be a low water user and sewage effluent producer;
- l) there will be no outdoor storage or display; and

m) there shall be limited retail or minimal manufacturing uses permitted;

5.9.4 Home industries are small scale industrial type uses on larger parcels that are conducted on properties in the Rural designation. The following policies apply to home industries:

a) the home industry may be located in an accessory building;

b) the floor area of the home industry is limited in the zoning by-law;

c) the home industry is set back from the road or property lines in accordance with the zoning by-law;

d) the home industry operator must reside on the property;

e) all machinery and equipment except vehicles are located in the building(s) and there is no outside manufacturing;

f) any outside storage of goods or materials are screened from the roadway and adjoining properties.

g) the business must satisfy all statutory requirements for emissions and waste management;

h) the business will clearly be secondary and incidental to the residential use;

i) there will be sufficient lot area to accommodate a residence, the associated business and any parking;

j) the residential character and appearance of the property and the neighbourhood will be maintained;

k) the external residential appearance of the dwelling will be maintained and any signs are restricted in size subject to the Municipality's sign by-law;

l) the business will be compatible with adjacent residences and the neighbourhood particularly in regard to noise and unsightly conditions;

m) the business will have no negative or adverse environmental impacts; and

n) the business will be a low water user and sewage effluent producer.

5.9.5 Any home business proposed on Highway No. 124 will be subject to M.T.O. review and approval prior to the issue of entrance, building and land use permits.

5.10 Land Division

5.10.1 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.

5.10.1.1 Where a plan of subdivision is proposed adjacent to Highway No. 124, the layout of the subdivision should be designed such that the lots back onto the highway and front on a local internal road.

5.10.2 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 5.10.3 and 5.10.4 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 the exceptions set out in 5.8.2;
- (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.
- (g) consents may be permitted for mortgage purposes. Such consents shall be evaluated as if a new lot were to be created.

5.10.3 Generally no more than three (3) new lots plus the retained may be created by consent subject to complying with all other policies of this Plan.

5.10.4 Land division applications shall be required to be consistent with any relevant Provincial Policy Statements. **5.11 Land Use Compatibility**

5.11.1 Changes in land use must be managed with the utmost care. It is a goal of this Plan that no change in land use should be approved in the Rural or Waterfront areas that would lead to land use conflicts as a result of incompatible land uses locating near one another (or as a result of new land uses locating in proximity to other features which might create compatibility issues). Therefore all applications for a change in land use shall be assessed with respect to the compatibility of the proposed new use and the impacts or likely impacts of the change in land use on existing or proposed features and uses within the area. The Approval Authority will ensure, through the application of the following land use compatibility policies of this Plan, and through the application of provincial and federal policies and guidelines regarding land use compatibility, that incompatible land uses are minimized within the Municipality.

- 5.11.2 The Approval Authority shall request, in accordance with this Plan, appropriate studies to address identified and potential issues related to land use compatibility prior to consideration and approval of any planning applications submitted to the Approval Authority. These studies shall be in accord with applicable Ministry of the Environment Conservation and Parks Guidelines.
- 5.11.3 Incompatible land uses are to be protected from one another. While buffers between incompatible land uses may be used to prevent or minimize adverse effects, distance is often the only effective buffer, and therefore adequate separation distance, based on a major facility's influence area, is the preferred method of mitigating adverse effects. The separation distance should be sufficient to permit the functioning of the incompatible land uses without adverse effects occurring. Separation of incompatible land uses should not result in the sterilization of intervening land usage.
- 5.11.4 In absence of establishing actual areas of influence for industrial land uses, separation distances between industrial and sensitive land uses should be in accord with applicable Ministry of Environment Conservation and Parks Guidelines.
- 5.11.5 There are properties in the Township of McKellar that may have been contaminated from an historic use of the land. Any proposed development or redevelopment on any land suspected to be contaminated will be the subject of a study by a qualified professional, in accordance with any applicable senior government guidelines, that will investigate and provide a remedial plan as required.
- 5.11.6 Where the need for any remediation work is confirmed, the proposed restoration work on a brownfield will be completed or implemented prior to any development taking place.
- 5.11.7 Where development is proposed within proximity to waste stabilization ponds, the influence area of the stabilization pond may need to be determined, depending on how close the proposed development is to the plant or pond, and depending on the size of plant or pond. The extent of the influence areas and any associated technical studies will be based on Ministry of the Environment Conservation and Parks Guidelines.
- 5.11.8 Where new development is proposed within 500 metres of the boundary of any waste disposal site, a feasibility study in keeping with the Ministry of the Environment Conservation and Parks's D-Series Guidelines will need to be prepared by a qualified professional.

5.12 Minimum Distance Separation

- 5.12.1 The implementing zoning by-law will apply minimum distance separation formulae to prevent land use conflicts between agricultural uses and adjacent residential uses in accordance with the requirements set out by the Ministry of Agriculture, Food and Rural Affairs.

5.12.2 For expanding agricultural operations or for proposed residential developments near existing farming uses, there must be conformity to the minimum distance separation formulae prior to any approval.

5.12.3 Prior to any development on or adjacent to agricultural uses, the Township will require the applicant to provide the minimum distance separation calculations.

5.13 Provincial Guidelines

5.13.1 This Plan recognizes that the Province establishes a number of guidelines to supplement the Province's air, noise and odour approvals under the Environmental Protection and Ontario Water Resources Act. The Municipality will continue to recognize these guidelines when reviewing land use compatibility for any of its planning approvals.

5.13.2 All proposed development in the Township of McKellar shall meet provincial standards for air, ground, light, noise and water pollution control.

5.13.3 Any change of use from commercial or industrial to residential or institutional trigger the need for the filing of a Record of Site Condition (RSC) in accordance with the Environmental Protection Act. These assessments will involve the hiring of a qualified person to undertake a Phase 1 and Phase 2 environmental assessment on brownfield sites. Any contaminated site will require the filing and acknowledgement of the RSC by the Province. Before the rezoning of any brownfield lands for redevelopment, the RSC should be completed.

5.14 Outdoor Woodstoves

5.14.1 External outdoor woodstoves are recognized as a permitted accessory use subject to complying with all applicable EPA standards and in accordance with the Code of Practices for wood burning appliances.

5.14.2 Outdoor woodstoves are considered accessory structures for the purposes of the zoning by-law.

5.15 Parkland

5.15.1 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 in accordance with the provisions of the Planning Act.

5.15.2 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.

5.15.3 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.

5.16 Shipping Containers

5.16.1 Shipping containers are generally rectangular in shape and primarily made of metal. These containers are popular for accessory buildings because of the cost and ease of installation. Shipping containers tend to have a negative impact on vistas and may conflict with the character of the rural and waterfront communities. These containers may be used as accessory structures in the Rural designation subject to complying with the accessory building provisions in the zoning by-law.

5.17 Costs for Development

New development will be responsible for all costs directly associated with that development so that the municipality does not assume any costs beyond normal maintenance and servicing.

5.18 Service Fees and Charges

The Municipality has established standards for many services including roads, street lighting, drainage, utilities and signage that may be applied to new development within McKellar in terms of development charges or fees. Any applicable fees and charges must be obtained prior to any development taking place in the Municipality."

~~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.~~

6.0 RURAL DEVELOPMENT

6.1 Rural Designation

The following policies apply to all lands within the Rural designation.

6.1.1 The lands that are designated Rural on Schedule "A" – Land Use Plan primarily include all of the non-waterfront lands in the municipality. The lands include a mix of uses: agriculture, rural non-farm uses; the communities of McKellar, Broadbent and Hurdville; other pockets of built up areas; pits and quarries; wetlands; existing commercial and industrial uses and institutional and open space uses.

6.1.2 The permitted uses in the Rural designation shall include:

- forestry;
- agricultural;
- resource uses;
- low density residential;
- institutional;
- commercial;
- industrial;
- pits and quarries licensed by the province;
- home industries;
- home occupations; and,
- bed and breakfasts.

6.1.3 The zoning by-law implementing the Rural policy area may provide differing standards for the Rural designation based upon the type of uses more suited to different areas because of density, intensity and character.

6.2 Rural Character

6.2.1 The rural character is an important element of the Township of McKellar landscape. It is an area of mixed elements including forests, agricultural lands, random low density residential development and the Village of McKellar. The Rural designation also includes the communities of Broadbent and Hurdville. The dominant feature in the Rural designation is the natural environment.

6.2.2 The Rural designation is a large area in the Township of McKellar and there are differing or distinguishing characteristics within the Rural designation. The rural policy will recognize these more subtle differences in character and protect or enhance these differences as far as possible.

6.2.3 Because of these varying characteristics in the Rural designation, there will be a variety of policy approaches required for the area. Development that conflicts with the existing rural character will be discouraged.

6.3 Rural Objectives

There are a diverse number of objectives and principles that are applied to respond to the varying character features of the Township of McKellar. These will include the following:

- 6.3.1 A general level of support for new development in the Rural designation.
- 6.3.2 Respect for the environment.
- 6.3.3 Appropriate development in terms of the existing rural character.
- 6.3.4 Protection of any significant wetlands as defined in the P.P.S..
- 6.3.5 Inclusion of a balance of protecting rural character while supporting rural development.
- 6.3.6 Protection of aggregate resource areas from incompatible uses.
- 6.3.7 Protection of existing agricultural uses.
- 6.3.8 Protection of forests and wildlife habitat.
- 6.3.9 Protection of any natural features including wetlands, floodplains of other natural heritage features.
- 6.3.10 Recognition of the importance of the Rural designation to the local economy of the Township of McKellar.
- 6.3.11 Support of additional commercial and light industrial businesses that are appropriate in the Rural designation.
- 6.3.12 Accommodation of the demand for additional residential development.
- 6.3.13 Recognition and protection of the function of major roads in the Rural designation.
- 6.3.14 Recognition and enhancement of recreational opportunities in the Rural designation.
- 6.3.15 Recognition and support of the communities of McKellar, Hurdville and Broadbent in the Rural designation.
- 6.3.16 Recognition and enhancement of a trail system through the Township of McKellar.
- 6.3.17 Encouragement of the protection of rural landscapes wherever possible.
- 6.3.18 Assurance of compatibility between uses in the Rural designation.
- 6.3.19 Appreciation of the relationship between the Rural designation and the Waterfront areas.

- 6.3.20 Recognition and protection of important areas of archaeological significance.
- 6.3.21 Preservation of the low density residential uses in the Rural designation.
- 6.3.22 Encouragement of large lot sizes in the Rural designation.

6.4 Rural Growth Policy

- 6.4.1 Approximately one half of the properties in the Township of McKellar are non-waterfront. Historically, the growth of the Rural designation of the Township of McKellar has occurred more slowly than experienced in the waterfront areas of the Township. This trend is expected to continue for the next few years, but as development opportunities on recreational water bodies begin to diminish, the amount of new growth will begin to slow down on the Township of McKellar's lakes. Although moderate, it is expected that growth in the Rural designation will continue at the present rate.
- 6.4.2 Based upon a review of the development activity in the Rural designation for the past 20 years (new lot creation and housing starts), there is little pressure for new rural development that would trigger the need for any new major policy direction in the Township of McKellar for the Rural designation.
- 6.4.3 Controlling the amount of growth in the Township of McKellar will be secondary to managing the impact of that growth. It will be important to ensure that growth in the Rural designation is consistent with the objectives and character protection measures set out in this Plan.

6.5 Rural Commercial

- 6.5.1 The Council of the Township of McKellar encourages new commercial opportunities in the Rural designation at a scale and in locations that are appropriate. Commercial uses are permitted in the Rural designation subject to complying with all other applicable policies of this plan.
- 6.5.2 It is difficult to predict where the location for future commercial proposals may be in the Rural designation. Therefore, there are no designated locations on the Land Use Plan. New commercial uses or expansions to existing commercial properties may require the following:
 - (a) a planning report or submission by the applicant or his agent on the proposed commercial use;
 - (b) the submission of a site plan where required;
 - (c) the submission of any comments from any relevant agencies;
 - (d) the approval of a zoning by-law amendment;
 - (e) where necessary, an assessment from a qualified consultant on the effect of any commercial development proposal on the natural environment.

6.5.3 The scale and nature of any proposed commercial use must be a low water consumer recognizing the absence of any municipal services. A servicing option report or functional service analysis may be required as part of any rezoning to any commercial use.

6.6 Rural Industrial

6.6.1 The Council of the Township of McKellar supports the establishment and development of new light industrial uses in the Rural designation. Industrial uses are permitted in the Rural designation subject to complying with all other applicable policies of this plan.

6.6.2 It is not possible to predict where new light industrial uses may locate within the Township of McKellar. Therefore, no areas have been designated industrial use on the Land Use Plan.

6.6.3 New light industrial uses proposed in the Rural designation will be assessed on a case by case basis and may be subject to the following:

- (a) a planning report or submission by the applicant or his agent on the proposed industrial use to demonstrate how the proposed industrial use conforms to the official plan;
- (b) the submission of site plan where required;
- (c) the submission of any comments from relevant agencies;
- (d) the approval of a zoning by-law amendment;
- (e) Where necessary, an assessment from a qualified consultant on the effect of any industrial development proposal on the natural environment.
- (f) Where the industrial use is proposed to be accessed from a local road, a study of potential impacts on the road; including traffic impacts, what upgrades may be required to the road, costs associated with upgrading and long-term maintenance of the road, and implications for the Township's asset management plan.

6.6.4 The scale and nature of any proposed industrial use must be a low water consumer recognizing the absence of any municipal services. A servicing option report or functional service analysis may be required as part of any rezoning to any industrial use.

6.7 Rural Housing

6.7.1 The dominant form of housing in the Township of McKellar is single detached dwellings at low densities with independent private services on each property.

6.7.2 In accordance with the provisions of the Planning Act and the most current Provincial Policy Statements, the Township of McKellar endorses and supports the housing initiatives for additional and more affordable housing subject to recognizing the limitations of servicing on wells and septic. The implementing zoning By-Law will provide for additional units within existing dwellings and secondary units in accessory structures as provided for in the legislation subject to complying with Building Code requirements.

6.7.3 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 and subject to complying with the requirements of the zoning by-law.

6.7.4 The Municipality will support the establishment of senior citizen housing to recognize the inevitable demand for this housing type in the near future subject to complying with all servicing requirements.

6.7.5 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.

6.7.6 Group homes for up to six residents are permitted in the Rural designation so long as they are licensed by the province.

6.7.7 The Township of McKellar does not distinguish between dwellings that are owner-occupied in contrast to those that are rented in the Rural area so long as the rental use maintains the single detached dwelling character of the property and is not considered a short term rental as defined in the comprehensive zoning by-law.

6.8 Rural Heritage Protection

6.8.1 The Township of McKellar will support the identification and conservation of significant archaeological resources, built heritage resources and cultural heritage landscapes.

6.8.2 Where there are known significant cultural heritage resources or areas containing significant archaeological resources, Council will support the preparation of an impact assessment at the expense of the applicant.

6.8.3 For the purposes of this Plan, cultural heritage resources include buildings, structures, archaeological and historic sights, cemeteries, landscapes and

landmarks, either individually or in groups, and are considered by the municipality or other agencies as being historically or prehistorically significant. The identification, recognition, protection, enhancement and proper management of significant heritage resources is encouraged by the Council of the Township of McKellar.

- 6.8.4 Council may, through its powers under the Ontario Heritage Act: i) designate properties to be of cultural heritage value or interest (including properties containing buildings and structures) under Part IV; ii) define the municipality or any area or areas within the municipality as an area to be examined for designation as a heritage conservation district (under Part V); and iii) designate the municipality or any area or areas within the municipality as a heritage conservation district (under Part V).
- 6.8.5 The Township recognizes that there may be significant archaeological potential areas in the Township of McKellar. To date, a number of areas have been identified by the province or other agency, and there are screening criteria developed by the province to assist in the determination of archaeological potential areas. Such criteria include features such as proximity to water such as current or ancient shorelines; rolling topography; unusual landforms; and any locally known significant heritage areas such as portage routes or other places of past human settlement. Should an area of cultural or archaeological potential or significance become known, the Township will have regard for provincial policy applying to the conservation of these resources.
- 6.8.6 The Township will require an archaeological impact assessment prepared by an archaeologist licensed under the Heritage Act as a condition of development approval where development is proposed in or adjacent to areas exhibiting archaeological potential. Archaeological potential is determined through the application of provincial screening criteria.
- 6.8.7 The Township will require an archaeological impact assessment prepared by an archaeologist licensed under the Heritage Act as a condition of development approval where development is proposed in the following areas within the Municipality:
 - a) in areas where there are known archaeological resources;
 - b) the areas in close proximity to an identified archaeological site;
- 6.8.8 Section 48 of the Ontario Heritage Act shall be complied with, where any alterations to known archaeological sites shall be performed only by licensed archaeologists. All assessments shall be undertaken and implemented to the satisfaction of the Province of Ontario.
- 6.8.9 Any significant archaeological resource or site identified may be preserved in situ, to ensure that the integrity of the resource is maintained, or it may be systematically removed and documented through excavation only by licensed archaeologists.

- 6.8.10 The integrity of archaeological resources can be maintained by adopting archaeological zoning by-laws under Section 34 of the Planning Act or other similar provisions, to prohibit any land use activity or the erection of buildings or structures on land which is a site of a significant archaeological resource.
- 6.8.11 The Township shall have regard for the conservation of all known cultural heritage resources during the undertaking of municipal public works or environmental assessment projects. When necessary, satisfactory measures and/or heritage impact assessments will be required to mitigate any adverse impact to significant resources as outlined by the heritage conservation policies contained within this Plan.
- 6.8.12 Council shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Tourism, Culture and Sport, when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Heritage Act and the Cemeteries Act (Revised) shall apply.
- 6.8.13 Council shall ensure that it has accurate and adequate architectural, structural and economic information to determine the feasibility of rehabilitation and reuse versus demolition when considering demolition applications of designated heritage properties.
- 6.8.14 Council shall ensure that all cultural heritage resources to be demolished or significantly altered are documented for archival purposes with a history, photographic record and measured drawings prior to demolition or alteration and that such documentation shall be the responsibility of the applicant in consultation with the Municipal Heritage Committee (or the Ministry of Tourism, Culture and Sport).
- 6.8.15 Council may, by by-law, delegate to municipal staff or a municipal official, the power to approve alterations to designated heritage properties.

6.9 Rural Kennels

- 6.9.1 The Township of McKellar recognizes the need for dog kennels in the municipality. Dog kennels can have significant impacts on the quiet enjoyment of nearby residents. Therefore, dog kennels will be permitted only on larger parcels of land where there is significant distance between the kennel and any adjoining residents. Kennels will be permitted only in the Rural designation.
- 6.9.2 The Township will establish specific zoning provisions in the Rural designation to regulate kennels. This limitation will not apply to include dogs used as part of a working farm, dogs belonging to visitors or the aggregate of dogs belonging to guests of a commercial resort.
- 6.9.3 Any property owner or tenant who possesses more than three dogs at any given time, whether by ownership or loan, will be considered a kennel operator and be subject to the policies of this Plan.

6.9.4 The Council of the Township of McKellar will adopt a kennel by-law to regulate the operation of any commercial kennels in the municipality.

6.10 Rural Mining

6.10.1 Presently there are no mining activities in the Township of McKellar. However, there are areas with potential mineral resources including industrial metallic minerals. Mining activities are permitted uses in the Rural designation subject to complying with Ministry of the Environment Conservation and Parks Land Use Guidelines, the implementing zoning by-law and all other policies of this Plan.

6.10.2 Development may be restricted within 1000 metres of an abandoned mine site. Prior to development proceeding within the 1000 metre buffer, an evaluation to determine the sensitivity of the mine site constraint may be undertaken to the satisfaction of the Ministry of Northern Development and Mines.

6.10.3 Where development is proposed on lands which are within 1000 metres of lands affected by mine hazards or former mineral resource operations, the development will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under way or have been completed. The approval authority will require documentation from a development proponent to this effect. Alternatively, confirmation will be required from a qualified professional that the lands proposed for development are not affected by the mine hazards.

6.10.4 Development may not be permitted adjacent to a mine hazard where mitigation or rehabilitation is not possible.

6.11 Rural Natural Heritage

6.11.1 This Plan recognizes that there are natural heritage features and areas within the Rural designation. These heritage features primarily relate to significant habitat of endangered and threatened species, significant wildlife, significant wetlands and significant fish habitat.

6.11.2 The Township of McKellar recognizes that there are a number of known as well as unknown natural heritage features throughout the municipality. It is also understood that there is legislation, regulations, provincial policies, guidelines and manuals prescribing measures to recognize, protect and preserve these natural heritage features. This Plan recognizes the responsibility of the municipality together with its associated approval authorities to make decisions that reflect these legislative and policy requirements. The Natural Heritage Policies set out in the P.P.S. shall be recognized within the Rural policy areas so that any development approvals are consistent with the Provincial Policy Statements.

6.11.3 The province has provided information on known natural heritage features and this data has been compiled and added as Appendix "1" to the Official Plan.

6.11.4 The planning board and the Township will use this data as well as additional information that may come forward as part of any application to determine the need for a natural heritage study.

6.11.5 No development or site alteration is permitted within Provincially Significant Wetlands or significant coastal wetlands. If development is proposed adjacent to any significant natural heritage features, a site evaluation is required to determine if those features are present and to determine if further study is required to prevent negative impacts on the feature or its ecological functions.

6.11.6 Adjacent lands are those lands that are within:

a) 120 metres of: identified significant habitat of endangered and threatened species; provincially significant wetlands; and Areas of Natural and scientific Interest (life science); and

b) 50 metres of Areas of Natural and Scientific Interest (earth science)

6.11.7 In the case of plans of subdivisions, ecological assessments will be required to determine what, if any, natural heritage feature may be present and what measures, if any, are required to ensure no negative impacts on the significant natural heritage features or their ecological functions.

6.11.8 If there are significant gaps in the data respecting natural heritage features, the proponent(s) shall be required to undertake an ecological assessment at the proponents expense to determine what, if any, natural heritage features are present. Where natural heritage features are found, development or site alteration shall not be permitted within or adjacent to the natural heritage features unless it can be demonstrated that there will be no negative impacts on the natural features or on their ecological function.

6.12 Rural Sewage

6.12.1 Presently, all development in the Municipality is on individual private septic systems. This will likely continue to be the means of treating sewage in the Township of McKellar.

6.12.2 The Municipality and the land division authority must be satisfied that any land proposed for development must be suitable for the installation of private septic systems.

6.12.3 The standards for new lots and the design of any septic systems must meet current provincial requirements in accordance with relevant published guidelines or statutory provisions (Provincial – D Series guidelines) and the Ontario Building Code.

6.12.4 Individual on-site sewage systems may be used for any new development provided that the site conditions are suitable for the long term provision of such services with no negative impacts.

- 6.12.5 The Municipality may consider a communal sewage service where a servicing option study has been prepared by a qualified consultant that concludes that a communal system is appropriate.
- 6.12.6 Any communal sewage system must comply with the Provincial D-5 Series Guidelines and the responsibility for any maintenance or liability of the system must be arranged to the satisfaction of the municipality.
- 6.12.7 The land division authority will require confirmation that a licensed sewage hauler has available capacity for the haulage and disposal of any septic waste as a condition of development.
- 6.12.8 A septic system impact study will be required for commercial, industrial, institutional or other uses in the Rural area that produce in excess of 10,000 litres per day. Development proposals that produce waste in excess of 10,000 litres per day will require an Environmental Compliance Approval issued under Section 53 of the Water Resources Act. The Provincial D-5-4 Guidelines recommend that proposals for more than five lots where the lot sizes are to be less than 1.0 hectares, include the need to prepare a hydrogeological study.
- 6.12.9 In accordance with Planning Act Regulation 544/06, any plan of subdivision that would permit five or more lots on privately owned and operated individual septic systems and/or would permit fewer than five lots on privately owned and operated individual septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed will require a servicing options and hydrogeological report.

6.13 Rural Standards

- 6.13.1 Lots in the Township of McKellar are serviced by individual wells and septic systems. To avoid any cross contamination between private well water supplies and adjoining septic system, the Provincial Land Use Guidelines recommend that Rural lots be developed at an overall density greater than one hectare per lot with no individual lot smaller than 0.8 hectares.
- 6.13.2 The implementing zoning by-law will set out the standards for lots in the Rural designation in accordance with the Provincial Guidelines.
- 6.13.3 Any lots proposed at a lesser density may require the submission of a hydrogeological report supporting a reduced density.
- 6.13.4 Notwithstanding the Provincial Guidelines respecting densities for lots on private services, the planning authority may consider smaller lot standards where an infilling lot would be deemed to be appropriate subject to a rezoning and septic approval.
- 6.13.5 The implementing zoning by-law may preserve larger lot sizes for some Rural designation to recognize the specialty needs in some Rural designation of the Township.

6.14 Rural Stormwater

6.14.1 A preliminary storm water management or drainage report shall be included with the subdivision application or a statement from the applicant explaining how drainage will be managed on the lands.

A storm water management plan shall include:

- (i) how the drainage complies with a storm water management policy; or
- (ii) an analysis of the watershed drainage including the identification of floodplains; an analysis and an evaluation of the management of storm water and its impact on the proposed development including recommendations to the Municipality.

6.14.2 A stormwater management plan or report must be reviewed and approved by the MTO for those developments located adjacent to or in the vicinity of a provincial highway where drainage could impact the highway downstream.

6.15 Rural Water Supply

6.15.1 Domestic water supplies for properties in the municipality come from surface waters or individual wells. All property owners are responsible for individual water treatment in accordance with applicable regulation.

6.15.2 In order to prevent any cross contamination of groundwater supplies, the zoning by-law will prescribe lot sizes and standards that comply with provincial guidelines. (See Provincial D-5-4 Guidelines.)

6.15.3 Any subdivision development proposed on individual groundwater supplies is required to undertake groundwater assessments to confirm the long term availability of groundwater.

6.15.4 In accordance with Ontario Regulation 544/06, any plan of subdivision that would permit more than five lots on privately owned and operated individual wells will require a servicing options and a hydrogeological report.

6.15.5 Any development proposed on the basis of communal supplies must comply with the standards of the province and any maintenance, responsibilities and liabilities must be to the satisfaction of the municipality.

6.16 Rural Accessibility

6.16.1 Where applicable, any plans, decisions or approvals respecting plans or programs within the Rural 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.

6.17 Service Policies In All Designations

6.17.1 Sections 6.12, 6.13, 6.14 and 6.15 will apply to the waterfront designation where appropriate.

7.0 WATERFRONT

7.01 Basis For Waterfront Policies

7.01.1 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.

7.01.2 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.

7.01.3 Lake density control measures did not properly recognize implications from sources other than shoreline residential development including tourist commercial uses and day users.

7.01.4 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.

7.01.5 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.

7.01.6 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.

7.01.7 A questionnaire was circulated to all property owners in 2009 to solicit views on shoreline new development and/or redevelopment in the Township of McKellar. 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.

7.01.8 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.

7.01.9 A fundamental planning approach for lake planning in the Township of McKellar 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 the Township of McKellar Lakes.

7.01.10 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 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, may continue to be viable and thrive.

7.01.11 The policy rationale for much of the lake planning for the Township of McKellar 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 the Township of McKellar.

7.01.12 The Plan will have a strong component relating to the preservation of natural heritage features and be more responsive to matters of provincial interest.

7.01.13 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; existing special provisions and permitted as-of-right uses that permit uses of a tourist commercial nature and existing general commercial uses. 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 Rural.

7.02 General

7.02.1 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.

7.02.2 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 Rural.

7.02.3 The "Waterfront" designation will be interpreted to extend to any flooded lands and Crown lake bed.

7.03 Principles

- 7.03.1 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.
- 7.03.2 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.
- 7.03.3 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.
- 7.03.4 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.
- 7.03.5 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.

7.04 Goal

- 7.04.1 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.

7.05 Objectives

- 7.05.1 The objectives necessary to fulfill the Waterfront goal include the following:
- 7.05.1.1 Maintaining, protecting and improving the natural environments in and adjacent to the recreational waterbodies.
- 7.05.1.2 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.
- 7.05.1.3 Preserving and improving where possible, the water quality of each of the recreational waterbodies.
- 7.05.1.4 Recognizing the residual carrying capacities on each of the recreational waterbodies from a water quality and boating perspective.
- 7.05.1.5 Ensuring that new development and/or redevelopment is compatible with the physical and social environments.

- 7.05.1.6 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.
- 7.05.1.7 Allowing for additional new growth along the Waterfront which is determined to be appropriate and sustainable in accordance with the policies of this Plan.
- 7.05.1.8 Ensuring that new development and/or redevelopment is consistent with Provincial Policies and applicable legislation of senior governments.
- 7.05.1.9 Ensuring that new development and/or redevelopment recognizes a balance between maintaining natural shoreline features and built form.
- 7.05.1.10 Preserving a natural vegetative area adjacent to the Waterfront to maintain continuity in the habitat features intrinsic to this area.
- 7.05.1.11 Investigating policies, programs and procedures that may protect and improve upon the terrestrial and water quality environments of the Waterfront.

7.06 Permitted Uses

7.06.1 The permitted uses in the Waterfront designation include:

- (a) a single detached residential dwelling;
- (b) existing general commercial and, existing tourist commercial;
- (c) home occupations;
- (d) agricultural and farming uses,; (excluding intensified farming operations)
- (e) public uses;
- (f) institutional uses,;
- (g) existing industrial uses; and.
- (h) a short term rental of a single detached dwelling subject to complying with the Township's comprehensive zoning by-law as well as any other applicable legislation.

7.07 Character Preservation

7.07.1 The Waterfront character of the Township of McKellar 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.

7.07.2 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.

7.07.3 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.

7.07.4 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.

7.07.5 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 focused towards the lake. No multiple dwelling unit developments and/or multiple dwelling development and/or redevelopment uses will be permitted in the Waterfront areas.

7.08 General Standards

7.08.1 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.

7.08.2 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.

7.08.3 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.

7.08.4 The implementing zoning by-law will include provisions relating to building location, size and setbacks that adequately respond to the objectives for Waterfront lands.

7.08.5 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.

7.09 Access to Lakes

7.09.1 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.

7.10 Tourist Commercial

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:

7.10.1 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.

7.10.2 It is the intention of this Plan that those properties along the waterfront that are zoned general commercial, tourist commercial or in a special provision that permits tourist commercial uses may continue, and will be recognized in the zoning by-law.

7.10.3 It is the intention of this Plan that no new tourist commercial multiple dwelling unit developments and/or multiple dwelling development uses will be permitted in the Waterfront designation, except through an approved Official Plan Amendment and zoning by-law amendment.

7.10.4 Most of the shoreline in the Township of McKellar 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 the Township of McKellar that are suitable for the establishment of new multiple dwelling unit developments and/or multiple dwelling development uses.

7.10.5 It is the intention of this Plan that existing tourist commercial establishment uses, , may expand only to the limits of the lands that are currently zoned for the tourist commercial establishment use. No additional lands not having a commercial zone may be zoned beyond the existing limits. 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.

- 7.10.6 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.
- 7.10.7 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 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 7.22.2 of this Plan.
- 7.10.8 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.
- 7.10.9 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.
- 7.10.10 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.
- 7.10.11 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.

7.10.12 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.

7.10.13 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 7.20 and 7.21.

7.10.14 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.

7.10.15 The policies of this Plan shall apply to all new multiple residential development.

7.11 Water Quality

7.11.1 Preserving the water quality of the Township of McKellar's recreational waterbodies is a high priority for the Township. When considering new development and/or redevelopment of all waterfront residential lands; the impacts on water quality will be a prime consideration.

7.11.2 More recently, it has been discovered that recreational lakes using newer standards and newer technologies for wastewater treatment systems do not have the adverse impacts on water quality as originally anticipated

7.11.3 The Township will continue to preserve water quality as far as possible by applying best management practices for shoreline development including protecting habitats for fish, wildlife and endangered species, managing stormwater and including minimal disruption to the natural shoreline features.

7.11.3.1 General Lake Policies

7.11.3.1.1 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.

7.11.3.1.2 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:

7.11.3.1.2.1 increased setbacks for septic systems from the shoreline;

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

7.11.3.1.2.3 preserving natural vegetative areas immediately adjacent to the shoreline;

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

7.11.3.2 Surface Capacity for Recreational Boating

7.11.3.2.1 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.

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

7.11.4 While the historic use of the lake shore capacity model including the Lakeshore Capacity Assessment Handbook are no longer entirely applicable, they can be useful tools in the general application of water quality protection measures for the Township. Therefore, the lake specific data relating to phosphorous levels will be maintained and updated to focus on the preservation of current nutrient levels and preventing any further loading of phosphorous from waterfront development.

7.12 Natural Heritage

7.12.1 Definition

The Waterfront designation has a variety of natural heritage features and is subject to the Natural Heritage Policies included in the Provincial Policy Statement. All development shall be required to be consistent with the Natural Heritage policies of the P.P.S.

7.13 Flooded Lands

7.13.1 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.

7.14 Back Lots

7.14.1 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. 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 Rural 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.

7.15 Shoreline Structures

7.15.1 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.

7.15.2 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:

7.15.2.1 Protect against adverse environmental impacts;

7.15.2.2 Ensure that privacy between properties is maximized; and

7.15.2.3 Ensure that excessive shoreline structural development and redevelopment is avoided.

7.15.3 Boathouses will be restricted to a single storey with no human habitation.

7.15.4 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.

7.16 Public Lands

7.16.1 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.

7.17 Accessibility

7.17.1 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.

7.18 Waterfront Crown Lands

7.18.1 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.

7.19 Site Plan Control

7.19.1 All Waterfront designated lands in the Township of McKellar may be considered site plan control areas pursuant to Section 41 of the Planning Act.

7.19.2 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.

7.19.3 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.

7.20 Complete Application

7.20.1 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:

7.20.1.1 a planning report to establish a need for the proposed use;

7.20.1.2 a report on the physical suitability of the lands for the proposed development or redevelopment;

7.20.1.3 a traffic impact assessment where relevant;

7.20.1.4 a servicing options study where relevant;

7.20.1.5 a site evaluation report;

7.20.1.6 and any other relevant studies deemed appropriate by the Township.

7.21 Studies

7.21.1 General Policy

7.21.1.1 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, , and is proposed by way of an amendment to the zoning by-law. These are described in the remainder of this section.

7.21.1.2 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:

- 7.21.1.2.1 Where appropriate, ask the relevant provincial or federal agency to review and comment on the study or demonstration, and/or
- 7.21.1.2.2 require a professional peer review of the study or demonstration at the applicant's cost.
- 7.21.1.2.3 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, , approval to ensure that the impact mitigation recommendations of any study or demonstration are implemented.
- 7.21.1.2.4 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.

7.21.2 Site Evaluation Report

- 7.21.2.1 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,; 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:

- 7.21.2.1.1 slopes;

- 7.21.2.1.2 soil depth, type and moisture;
- 7.21.2.1.3 shoreline and upland vegetation;
- 7.21.2.1.4 overland or stormwater drainage;
- 7.21.2.1.5 fish and wildlife habitat, through a natural heritage evaluation as per Official Plan section 7.21.5;
- 7.21.2.1.6 natural heritage protection;
- 7.21.2.1.7 access;
- 7.21.2.1.8 water supply and sewage disposal;
- 7.21.2.1.9 the location of existing and proposed buildings, structures and sewage treatment systems;
- 7.21.2.1.10 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;
- 7.21.2.1.11 in general, whether the environmental policies can be met, and what mitigation measures may be required to do so.

7.21.3 Evaluation of Hazardous Forest Types for Wildland Fires

- 7.21.3.1 Where development is proposed on lands identified in mapping by the Ministry of Natural Resources and Forestry as containing a hazardous forest type for wildland fire, Council will require an evaluation of the subject lands to confirm the boundaries of the hazardous forest type, determine the risks associated with development within the hazardous forest type, recommend whether risks may be reasonably mitigated, and if so, recommend measures for mitigating risk in accordance with Provincially-recognized wildland fire assessment and mitigation standards.

7.22 Lake Stewardship

- 7.22.1 Council encourages lake associations and individual shoreline residents within the Township to undertake stewardship initiatives, focusing on the following matters:
 - 7.22.1.1 Participation in the Provincial 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.

- 7.22.1.2 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.
- 7.22.1.3 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.
- 7.22.1.4 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.
- 7.22.1.5 Continued maintenance of sewage treatment systems by regular pump-outs and inspections.
- 7.22.1.6 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.
- 7.22.2 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.

8.0 SPECIFIC LAKE POLICIES

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

8.1 Acton Lake

- 8.1.1 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.
- 8.1.2 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.

- 8.1.3 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.

8.2 Armstrong Lake

- 8.2.1 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.

- 8.2.2 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.

- 8.2.3 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 and Forestry 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.

- 8.2.4 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.

- 8.2.5 Expansion of the existing tourist establishment on Armstrong Lake will be limited to levels specified in the Zoning By-law.

8.3 Blackwater Lake

- 8.3.1 Blackwater Lake is a medium-sized, relatively shallow (9 metre maximum depth) lake located along the southern boundary of the Township of McKellar; it is

predominantly within the Township of Seguin to the south. A small bay extends into the Township of McKellar flowing from north to south into the Seguin River system.

- 8.3.2 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.
- 8.3.3 Development consists of seasonal and year-round uses with a limited amount of future development or re-development potential.
- 8.3.4 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.

8.4 Dutcher Lake

- 8.4.1 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.

8.5 Fresque Lake

- 8.5.1 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.
- 8.5.2 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.
- 8.5.3 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.

8.5.4 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.

8.6 Grey Owl Lake

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

8.6.2 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.

8.6.3 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.

8.6.4 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.

8.7 Hydes Lake

8.7.1 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.

8.7.2 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.

8.7.3 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.

8.8 Lake Manitouwabing

- 8.8.1 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.
- 8.8.2 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.
- 8.8.3 The lake has a number of existing commercial businesses including tourist establishments, a children's camp, small marinas, and a golf course.
- 8.8.4 A significant portion of Lake Manitouwabing is developed, with few remaining shoreline areas that may be available for future development.
- 8.8.5 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.
- 8.8.6 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.
- 8.8.7 Manitouwabing Lake has an abundant supply of fish habitat in its near-shore waters. The Ministry of Natural Resources and Forestry has identified a walleye spawning area between McKellar and Manitouwabing lakes.
- 8.8.8 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.

8.8.9 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.

8.9 Little Ruebottom Lake

8.9.1 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.

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

8.9.3 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.

8.9.4 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.

8.10 Manitouwabing River

8.10.1 The Manitouwabing River extends approximately 10.4 kilometres between a wetland between Little Ruebottom Lake and Oliver Lake to Lake Manitouwabing. It occasionally becomes greater than seven metres in depth. It flows into Lake Manitouwabing and drains a number of wetlands in the process.

8.10.2 Historically, Manitouwabing 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.

8.10.3 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.

8.10.4 Any future development should aim to preserve fish habitat and alleviate phosphorus inputs through the implementation of appropriate mitigation techniques.

8.11 Manson Lake

- 8.11.1 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.
- 8.11.2 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.
- 8.11.3 Existing development on that part of the lake within the Township of McKellar is limited to one farm along its south western shoreline.
- 8.11.4 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.
- 8.11.5 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.

8.12 Mary Jane Lake

- 8.12.1 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.
- 8.12.2 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.

8.12.3 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.

8.13 McEwen Lake

8.13.1 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 the Township of McKellar. Water flows in from a wetland located east of the lake and out via a southwestern bay.

8.13.2 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.

8.13.3 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.

8.14 McKellar Lake

8.14.1 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.

8.14.2 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.

8.14.3 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.

8.14.4 Walleye spawning shoals have been identified in McKellar Lake by the Ministry of Natural Resources and Forestry 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.

8.14.5 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.

8.15 Middle River

8.15.1 Middle River is very shallow (maximum depth of 2.0 metres).

8.15.2 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.

8.15.3 Middle River is approximately 2.5 kilometres long where it stretches between Lake Manitouwabing and the Veterans' Memorial Bridge. Water drains into the Middle River from an extensive wetland to the north and flows into Lake Manitouwabing.

8.15.4 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.

8.15.5 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.

8.15.6 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.

8.16 Moffat Lake

8.16.1 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.

8.16.2 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.

8.16.3 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.

8.16.4 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.

8.16.5 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.

8.17 Oliver Lake

8.17.1 Oliver Lake is surrounded by Crown Lands to the north, south and west, and vacant lands to the east.

8.17.2 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.

8.17.3 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.

8.17.4 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.

8.18 Robinson Lake

8.18.1 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.

8.18.2 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.

8.18.3 Because Robinson Lake is heavily developed, there is no capability to support any new commercial uses or new public accesses.

8.18.4 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.

8.18.5 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.

8.19 Ryan Lake

8.19.1 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.

8.19.2 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.

8.19.3 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 and Forestry 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.

8.19.4 Phosphorus mitigation measures should be implemented to avoid any increases in phosphorus concentrations and subsequent depletions in dissolved oxygen values.

8.19.5 The tourist commercial business on Ryan Lake may be permitted limited expansion, subject to restrictions set out in the Zoning By-law.

8.19.6 Commercial expansion will be subject to site plan control.

8.20 Shanty Lake

8.20.1 Shanty Lake is located in an isolated area within the C87 Conservation Reserve in the southeast portion of the Township of McKellar. The lake is completely surrounded by Crown Lands. The Township supports the preservation of the adjoining lands of this lake as Crown land.

8.20.2 The Township supports the Provincial Land Use Strategy respecting the Crown Lands adjacent to Shanty Lake.

8.21 Stewart Lake

8.21.1 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.

8.21.2 The eastern shoreline of the lake is predominantly developed into seasonal and year-round dwellings. Its western half consists of vacant land.

8.21.3 There is an existing tourist commercial establishment on the eastern shore of the lake.

8.21.4 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.

8.21.5 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.

9.0 ENVIRONMENTALLY SENSITIVE LANDS

9.1 Environmentally Sensitive Lands

9.1.1 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.

9.1.2 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.

9.1.3 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.

9.2 Flood Plain Management

9.2.1 It is the policy of this Plan that new structural development will not be permitted in flood susceptible areas.

9.2.2 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.

9.2.3 Flood Plains may be designated on Schedule "A" or included in the

Environmentally Sensitive land use category.

- 9.2.4 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. Filling and major landscape alterations are not permitted within flood plain areas.
- 9.2.5 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 and Forestry approval and that a zoning by-law amendment is obtained.
- 9.2.6 If engineered flood plain mapping should become available, the Council of the Township of McKellar will amend the Official Plan to incorporate such mapping.
- 9.2.7 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 impacts on other properties.
- 9.2.8 The expansion of existing non-conforming uses will be prohibited within identified flood plains.
- 9.2.9 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.

10.0 COMMUNITY IMPROVEMENT POLICIES

10.1 Goal

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

10.2 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.

10.3 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.

10.4 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.

10.5 Community Improvement Area

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

10.6 Implementation

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

- (a) using Section 28 of the Planning Act;
- (b) enforcing 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-operating with local service clubs and organizations to undertake local improvements;
- (i) selling 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.

10.7 Council shall ensure that community improvement plans and programs encourage the preservation, rehabilitation, renewal and reuse of heritage resources.

11.0 PROPERTY STANDARDS POLICIES

11.1 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.

11.2 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.

- 11.3 The Township may appoint a Property Standards Committee as provided for in the Building Code 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.
- 11.4 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.
- 11.5 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.
- 11.6 Property Maintenance and Occupancy Standards By-law provisions will be utilized wherever possible for the protection of cultural heritage resources. Council shall ensure that the application of this by-law is not detrimental to the conservation of cultural heritage resources. Council may also amend this by-law to prescribe minimum standards for the maintenance of heritage attributes for properties designated under the Ontario Heritage Act.

12.0 IMPLEMENTATION

12.1 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, ancillary, 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.

12.2 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".

12.3 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.

12.4 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.

12.5 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.

12.6 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.

12.7 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.

12.8 Holding Provisions

12.8.1 Section 36 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.

12.8.2 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.

12.8.3 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.

12.8.4 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.

12.8.5 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.

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

12.8.7 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.

12.9 Outside Services

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.

12.10 Minor Technical Amendments

Council by resolution may forego public notification and public meeting(s) in connection with Official Plan, Community Improvement Plan and Zoning By-law Amendments if such amendments relate to matters which will not affect the policies and intent of the Official Plan or Community Improvement Plan, or the provisions of the Zoning By-law in any material way, and will be restricted to the following matters:

- a) altering the numbering and location of text, schedules and maps;
- b) altering punctuation or language to obtain a uniform mode of expression;
- c) correcting clerical, grammatical, dimensional, boundary, mathematical or typographical errors;
- d) inserting historical footnotes or similar annotations to indicate the original and approval of each provision;
- e) consolidating amendments;
- f) transferring Official Plan, Community Improvement Plan and Zoning By-law designations to new base maps such as new geographical information system maps or other maps which might be prepared in conjunction with a specific study; and

- g) adding technical information such as plans of subdivision, buildings, contours and elevations to base maps or schedules.

13.0 FIVE YEAR CAPITAL FORECAST

Council in consultation with the department of the Clerk Administrator and 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.

14.0 DEFINITIONS

- 14.1 **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.

- 14.2 **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.

- 14.3 **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, including as-of-right uses.

- 14.4 **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, for the Township of McKellar. Tourist Commercial Establishments may include multiple dwelling unit developments and multiple dwelling development uses.

- 14.5 **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, common element condominiums, phased condominiums and vacant land condominiums.

14.6 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..

15.0 SPECIAL POLICY PROVISIONS

15.1 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 5.10.3 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 the zoning by-Law;
- (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 the zoning by-law,
 - (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 and Forestry, 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 and Forestry 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 and Forestry, 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 and Forestry 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.

15.2 **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 5.8.2.2 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 use of this road; and
- (c) indemnify the Township for any use of the road and alleged failure to provide emergency services.

Revisions Suggested to Implement the Planning Act, Provincial Planning Statement, 2024 and Provincial Plans					
Item	OP Policy or Schedule	Comments/Concerns	Related Provincial Ministries	Policy Basis/ Rationale	Proposed Revision (as applicable)
1	General	Replace 2020 PPS with 2024 PPS and update all ministry names	MMAH	PPS 2024	INCLUDED
2	General	The PPS requires municipalities to make sufficient land available to accommodate an appropriate range and mix of land uses to meet projected needs. The draft OP should be updated to include population and employment growth forecasts for an identified planning horizon, in accordance with provincial methodology.	MMAH	PPS 2.1- various policies	McKellar has an appropriate policy for housing – no change required
3	General	Please ensure that the OP includes policies related to engagement with Indigenous communities.	MCM	PPS 4.6.5 and 6.1.2	ADD to 2.0: "2.8 There are no first nation land claims in the Township of McKellar. The closest first nation is 50 kilometers from the Municipality. There has never been any interest expressed by first nations on land use matters in McKellar. McKellar will engage with indigenous communities where appropriate."
4	General	Although draft OP policy 6.7.2 provides a general statement about the provision of affordable housing, this statement is insufficient for consistency with PPS policies requiring municipalities to provide an appropriate range and mix of housing options, including establishing minimum targets for the provision of affordable housing.	MMAH	PPS 2.2.1	McKellar housing policies sufficient for nature of Municipality – No change needed.
5	General	Please ensure the adopted official plan includes climate change policies. Policies 2.9.1 and 5.2.4 of the PPS provide guidance on the types of climate change policies to consider and subsection 16(14) of the Planning Act requires that official plans include policies outlining goals, objectives, and actions to reduce greenhouse gas emissions and promote adaptation to climate change by enhancing resiliency.	MMAH	PPS 2.9.1 & 5.2.4.Planning Act subsection 16(14)	Add 2.9 "The Township will work to recognize those efforts to reduce greenhouse gases to respond to climate change as prescribed in 2.9 and 5.2.4 of the P.P.S."
6	5.2.4	PPS policy 4.5.2.4 states that <i>existing</i> mineral aggregate operations are permitted to continue without an OPA or ZBA. Draft OP policy 5.2.4 states that the creation of a <i>new</i> pit or quarry would not require an OPA. Please clarify how this policy is consistent with the PPS.	MMAH	PPS 4.5.2.4	5.2.4 stipulates no O.P.A. required. No change needed
7	5.2.5 and 5.2.6	The draft OP policies align, in part, with PPS policies 4.5.2.4 and 4.5.2.5, however it is recommended that more specific policy direction be included in OP section 5.2 to ensure protection for both continued operation and expansion of existing licensed pits or quarries, as well as access to and the establishment of new operations in areas where mineral aggregate resources are identified.	MNR	PPS 4.5.2.4 and 4.5.2.5	The existing policy is adequate. No change needed.
8	5.9	MTO encourages the protection of transportation corridors on or in the vicinity of major goods movement facilities to support the economic development of the community in the long term. MTO also encourages the protection of major facilities and sensitive land uses to prevent, minimize or avoid potential adverse effects from odour noise and other contaminants to ensure the economic viability of these land uses in the long term.	MTO	PPS 3.3.2 and 3.5.1	Please add the following policies to OP Section 5.9: The Township shall plan for and protect major goods movement facilities and corridors to promote linkages to the provincial transportation network and support efficient goods movement in the long term. Policy emphasizes M.T.O. approvals. No change required

					The Township shall plan and develop major facilities and sensitive land uses to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.
9	5.9.1.2	The OP should state that direct access onto a provincial highway will be restricted and development should be encouraged to use local roads and service roads wherever possible.	MTO	PPS 3.3 MTO Guidelines - 3.1 Policies and Provisions to Address Local Growth and Development Adjacent to and in the Vicinity of a Provincial Highway	Please add the following statement preceding the last sentence in policy in 5.9.1.2: "Direct access will be discouraged and often prohibited." Policy is included in 5.9.1.1. No change required.
10	5.9.1.4	Clarify access requirements to provincial highways for developments within the MTO permit control area.	MTO	PPS 3.3 MTO Guidelines 3.3.8 – Access from Properties Beyond MTO's Permit Control Area	Policy included in current O.P. No changes required. Please revise policy 5.9.1.4 as follows: "MTO's policy is to allow only one highway entrance for each lot of record. MTO will restrict back lots that do not have frontage on a Provincial highway from using other property owner's entrances. New cottages or developments that do not have frontage on a provincial highway must gain access from a new or existing municipal public road that meets MTO access management practices and principles."
11	5.9.6.1 Schedule A: Land Use Plan	As per the Province Wide Cycling Network (PWCN), which can be found here, there is a proposed on-road local segment of the PWCN within the Township. The proposed segment occurs on Highway 124. MTO recommends promoting the proposed local segment of the PWCN both in policy as well as through mapping depiction. See proposed revision column.	MTO	PPS 2.9.1 d) and 3.9.1 a) Province Wide Cycling Network	The cycling lanes along Highway 124 are not physically separated and can be a danger to both autos and cyclists. I do not believe council can support this policy. Cycling not specifically mentioned in P.P.S. Please add the following policy to section 5.9.6.1: The Municipality supports the continued program of recreational trails, such as local segments of the Province Wide Cycling Network, so long as there are no adverse environmental or social impacts and recognizes them as important components of the

					<p>areas recreational attractions, economy and transportation system.</p> <p>MTO recommends that local segments of the PWCN be depicted on Schedule A: Land Use Plan.</p>
12	5.9.6.3	The municipality should be aware that MTO has restrictions on trails crossing or running along an MTO right-of-way	MTO	<p>PPS 3.2.1</p> <p>MTO Guidelines 3.3.10</p>	<p>Please revise 5.6.3 is revised as follows:</p> <p>Where proposed recreational trails are intended to traverse a provincial highway, the proposed crossing will require the prior approval of the Ministry of Transportation, and may be permitted subject to restrictions. Trails running along the MTO right-of-way will not be permitted.</p> <p>Already stated. No change needed</p>
13	5.10.1	Home occupations and industries or businesses that are not secondary land uses and are primarily commercial or industrial in nature that are proposing access from a provincial highway via a basic residential or farmstead entrance will not be permitted.	MTO	<p>PPS 3.3</p> <p>MTO Guidelines 3.3.3 Home Occupations, Industries and Businesses Located Adjacent to Provincial Highways</p>	<p>Already in 5.10.3 (j). No change needed.</p>
14	5.11.1	Subdivision layouts where a local road runs parallel to a provincial highway, with no lots between the local road and provincial highway, often restrict the province from effectively acquiring land for future highway improvements. Ideally, rear yards should back onto a provincial highway.	MTO	<p>PPS 3.3</p> <p>MTO Guidelines 3.3.5 Lot Design of Proposed Subdivisions abutting a Prov. Hwy</p>	<p>Please revise policy 5.11.1.1 with the proposed wording:</p> <p>Where a draft plan of subdivision is proposed adjacent to Highway No. 124 a provincial highway, the layout of the subdivision should be designed such that the lots back onto the provincial highway and front onto a local internal road street.</p> <p>Development proposed adjacent to M.T.O corridors will require the provinces input.</p> <p>No changes needed.</p>
15	5.12	Consider addition to the policies in this section to speak to potential contamination near sensitive land use. No reference to water supply wells and/or groundwater protection was made.	MECP	<p>PPS 3.5</p> <p>MECP D Series Guidelines D-5-4 EPA O. Reg 153/04</p>	<p>Consider adding the following to the proposed criteria:</p> <p>Proposed developments shall be developed in accordance with MECP policy guideline D-5-4 and shall ensure that there is no risk of contamination to potable water supply wells and groundwater resources. Proponents of industrial development shall be required to provide supporting technical studies, to assist in the evaluation of proposed developments and, where applicable, to determine influence areas, address potential impacts, and identify appropriate separation distances and other mitigation measures. Consideration may also be</p>

					<p>given to the extent to which increased site plan requirements can reduce the potential impacts.</p> <p>It is also recommended to add: Hydrogeological studies shall be required for proposed industrial developments involving storage and disposal of contaminant to the ground, to determine the subsurface conditions and, where necessary, implement appropriate remediation and monitoring program. Where there is change in use to a more sensitive land use, an RSC filling in accordance with O. Reg 153/04 may be required.</p> <p>All of these matters are included in sections 5.12, 5.13 and 5.14. No change needed.</p>
16	5.12.5 and 5.12.6	Recommend revisions to reference record of site condition.	MECP	PPS 3.5	<p>Please consider the following addition to 5.12.5:</p> <p>In cases where remediation is required or for any proposed changes in property use to a more sensitive use, filing and acknowledgement of a record of site condition (RSC) by the Province may be required.</p> <p>Please consider the following addition to 5.12.6:</p> <p>Filing and acknowledgement of an RSC by the Province may be required to confirm that remediation has been completed.</p> <p>Included in 5.14.3. No change needed.</p>
17	5.12.8	5.12.8 mentions waste disposal site but more detail should be added to this section or other sections where appropriate regarding land use compatibility around waste disposal sites, in accordance with MECP Guideline D-4.	MECP	PPS 3.5 Guideline D-4 Land Use on or Near Landfills and Dumps	No additional details are necessary. No change needed.
18	5.13	It is recommended that the Township applies updated provincial MDS guidelines in all rural areas outside rural settlement areas. It is also suggested that any and all references to MDS guidelines be changed to "provincial guidelines as updated from time to time."	OMAFRA	PPS 2.6.5	No added policy is necessary. No change needed.
19	5.14.3	<p>Please consider revised policy to reflect steps for site remediation and the filing of an RSC.</p> <p>Please note that a record of site condition is required prior to the change of use of property to a more sensitive use, as legislated under Part XV.1 of the Environmental Protection Act and Ontario Regulation 153/04. The approval</p>	MECP	PPS 3.5 Part XV.1 of the Environmental Protection Act and Ontario Regulation 153/04	<p>Any change of use to a more sensitive use (e.g. from commercial or industrial to residential or institutional) triggers the need for the filing of a Record of Site Condition (RSC) in accordance with the Environmental Protection Act, which states that the property meets the standards for the intended use, and which has</p>

		authority might consider conditions in planning approval documents, as noted in section 4.16.3, to allow for initial redevelopment of brownfields, but they shall not allow the change of use (e.g., occupancy) prior to acknowledgement by the Ministry of the Environment, Conservation and Parks of the record of site condition stating that the property meets the standards applicable for the intended use of the property.			<p>been acknowledged by the Ministry of the Environment, Conservation and Parks.</p> <p>If site remediation is necessary prior to filing a Record of Site Condition, a site remediation plan prepared in accordance with the Ministry of the Environment, Conservation and Parks guidelines shall accompany the application, and the approval authority shall require that such remediation occurs through the planning process, such as through the imposition of conditions of land division approval.</p> <p>Wording as exists is satisfactory. No change needed.</p>
20	5.16	<p><i>The Planning Act</i>, as amended by Bill 97, <i>Helping Homebuyers, Protecting Tenants Act</i>, 2023, now requires that parkland dedication be discounted for certain types of residential units.</p> <p>Local municipal officials, landowners, and developers may not be aware that the traditional five per cent and two per cent parkland dedication rates are reduced for affordable residential units under subsections 42 (1.1) and 51.1 (1.1) of the Planning Act, as well as for non-profit housing developments under subsections 42 (1.2) and 51.1 (1.2) of the Act.</p> <p>Please consider whether to include such information in the draft OP</p>	MMAH	Planning Act section 42 (1) & 51.1 (1.1) & 51.1 (1.2)	<p>McKellar parkland has an established land dedication and cash-in-lieu program that is fair, reasonable and works well.</p> <p>No changes needed</p>
21	6.2.1	The township may wish to consider delineating the Village of McKellar as a rural settlement area. The settlement area can be the focus of new main street businesses and can function as a destination for economic development. The Village as a settlement area would also facilitate better locations for commercial development, allowing types of smaller scale commercial businesses in a more concentrated area.	MMAH	PPS 2.5.2	<p>The discussion over the village of McKellar as a settlement area has been brought forward on numerous occasions. While there are a limited number of services in the village of McKellar, opportunity for expanded activities is highly limited particularly given the geography and absence of services. The basis of the plan explains these facts and how the village is more a bedroom community to the settlement services available in Parry Sound.</p> <p>No change needed.</p>
22	6.3.20	The language of the OP should be consistent with the terminology defined in the PPS 2024 and the policies of Section 4.6 of the PPS. While the PPS, 2024 does not have a definition of cultural heritage resources, “cultural heritage resources” includes archaeological resources, built heritage resources and cultural heritage landscapes. For consistency, please use the correct terminology when referring to each one, and the term “cultural heritage resources” when referring to all three types of cultural heritage resources.	MCM	PPS 4.6.1 PPS 4.6.2 PPS Section 8	<p>Please replace OP policy 6.3.20 with: Conservation of cultural heritage resources, which include archaeological resources, built heritage resources and cultural heritage landscapes</p> <p>This is an “objective” in contrast to policy. No change required</p>

23	6.6.2	If industrial uses do not have a specific designation and are permitted in the Rural designation per draft OP policy 6.6.1, it is unclear what the trigger will be for the township to assess new light industrial uses and subject them to any criteria, per OP policy 6.6.3. Please ensure that the township has considered whether it is appropriate to designate any “employment areas”, per PPS 2.8.2.	MMAH	PPS 2.8.1.1(a) and 2.8.2.1	The existing policy relating to industrial proposals is not a new policy. No change proposed.
24	6.7	Rural housing section (and elsewhere in OP as appropriate) should include that new development must demonstrate that there is sufficient capacity in existing municipally owned waste disposal sites.	MECP	PPS 3.6.1	There are no waste disposal sites certified in McKellar. The closed landfill is monitored. Waste is transferred to licensed sites. No change needed.
25	6.7.3	Section 6.7.3 of the draft official plan amendments limits the location of modular homes to individual lots of record. The township may wish to consider expanding the opportunity for the use of modular homes as additional units, where appropriate, on lots already occupied by a primary dwelling unit. Allowing for the use of modular housing as additional units will create more opportunities for the creation of affordable additional units, which is one of the goals identified in Section 6.7.2 of the draft official plan amendment.	MMAH	PPS 2.2.1	6.7.2 provides for accessory housing units. 6.7.3 simply clarifies type of units allowed and where. No change needed.
26	6.7.6	Group homes are a form of additional needs housing. Section 6.7.6 of the draft official plan amendment seeks to establish a limit of six on the number of residents permissible in a licensed group home. Policies that place restrictions on group homes (e.g. number of residents) but do not apply such restrictions to other residential land uses could be considered discriminatory and inconsistent with the Ontario Human Rights Code (OHRC) and the Canadian Charter of Rights and Freedoms. PPS policy 6.1.3 requires that the PPS be implemented in a manner that is consistent with both these documents	MMAH	PPS 2.2.1b)1., 6.1.3	Not a policy related to housing but rather special housing needs. No change needed.
27	6.8.2	OP policy 6.8.2 is inconsistent with the PPS section 4.6 and the PPS definition of conserved.	MCM	PPS 4.6.1, 4.6.2 and Section 8 (definitions)	Please replace with the following: Where there are significant built heritage resources, cultural heritage landscapes, archaeological resources and areas of archaeological potential, Council will support the preparation of conservation plan, archaeological assessment, and/or heritage impact assessment at the expense of the applicant. There does not appear to be any value – added with this wording. No change needed.
28	6.8.3	Draft OP policy 6.8.3 is inconsistent with the PPS section 4.6 and the PPS definition of “conserved,” “built heritage resources,” “cultural heritage landscapes,” and “archaeological resources.”	MCM	PPS 4.6.1 PPS 4.6.2 PPS Section 8	Please revise as follows: For the purposes of this Plan, cultural heritage resources include built heritage resources, cultural heritage landscapes, and archaeological resources buildings, structures, archaeological and historic sights, cemeteries, landscapes and landmarks, either individually or in groups, and are considered by the municipality or other agencies as being historically or

					<p>prehistorically significant. The identification, recognition, protection, enhancement, use and proper management of significant heritage cultural heritage resources is encouraged by the Council of the Township of McKellar.</p> <p>McKellar official plan has a comprehensive section, No. 6.8, on cultural heritage protection policy.</p> <p>McKellar is a relatively young Municipality having been first populated in the late 1860's. This occurred during the "Free Land Grant" period of the province where subsistent farming was undertaken on Marginal or poor agricultural lands. The absence of a strong historical existence in a harsh environment has resulted in limited cultural heritage resources.</p> <p>There would not appear to be any need for any significant revision to section 6.8.</p> <p>No change required.</p>
29	6.8.5 to 6.8.10	OP policies 6.8.5 to 6.8.10 are inconsistent with the PPS, OHA Part VI, and the Standards and Guidelines for Consultant Archaeologists (2011).	MCM	PPS 4.6.2 PPS 4.6.4 PPS Section 8 OHA Part VI <i>Standards and Guidelines for Consultant Archaeologists</i> (MCM, 2011)	<p>MCM recommends revising the following OP policies:</p> <p>Policy 6.8.5</p> <p>The Township recognizes that there may be (terrestrial and/or underwater) significant archaeological resources and areas of archaeological potential areas in the Township of McKellar. To date, a number of areas have been identified by the province or other agency, and there are screening criteria developed by the province to assist in the determination of archaeological potential areas. Such criteria include features such as proximity to water such as current or ancient shorelines; rolling topography; unusual landforms; and any locally known significant heritage areas such as portage routes or other places of past human settlement. Should an area of cultural or archaeological potential or significance become known, the Township will have regard for provincial policy applying to the conservation of these resources.</p> <p>Policy 6.8.6</p> <p>The Township will require an archaeological impact assessment, prepared by an archaeologist licensed under the Ontario Heritage Act, as a condition of development approval where development is proposed on lands containing archaeological resources or areas exhibiting</p>

				<p>of archaeological potential. Areas of archaeological potential is determined through the application of processes and criteria established under the Ontario Heritage Act and provincial screening criteria or an Archaeological Management Plan.</p> <p>The Municipality may develop an Archaeological Management Plan or will regularly update municipal archaeological resource mapping under the provisions of a municipal-provincial data sharing agreement, as new archaeological sites are identified and entered into the Ontario Archaeological Sites Database.</p> <p>Council shall require a marine archaeological assessment where in water impacts (e.g., shoreline alterations or the construction of docks) are anticipated, within an area of marine archaeological potential, as part of a development proposal conducted by a marine archaeologist licensed under the Ontario Heritage Act.</p> <p>Policy 6.8.7 may be removed as it is addressed in policy 6.8.6. However, if it remains, then the following edits are recommended to align with current framework: The Township will require an archaeological impact assessment prepared by an archaeologist licensed under the Heritage Act as a condition of development approval where development is proposed in the following areas within the Municipality: a) in areas where there are known on lands containing archaeological resources; b) the areas in areas of close proximity to an identified archaeological potential site;</p> <p>Policy 6.8.8</p> <p>Section 48 of the Ontario Heritage Act shall be complied with, where any alterations to known archaeological sites shall be performed only by licensed archaeologists. All assessments shall be undertaken and implemented to the satisfaction of the Province of Ontario. Archaeological concerns have not been addressed until the archaeological assessment report has been entered into the Ontario Public Register of Archaeological Reports recommending that the archaeological assessment of the project area is complete, and all archaeological sites identified by the assessment are either of no further cultural heritage value or interest, or that the mitigation</p>
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					<p>of impacts has been accomplished through excavation or an avoidance and protection strategy.</p> <p>Policy 6.8.9</p> <p>Policy 6.8.9 may be removed as it is addressed in policy 6.8.8. However, if it remains, then the following edits are recommended to align with current framework:</p> <p>Any significant archaeological resource or site identified may be preserved in situ, to ensure that the integrity of the resource is maintained, or it may be systematically removed and documented through excavation only by licensed archaeologists. Any alterations to known archaeological sites will only be performed by licensed archaeologists.</p> <p>Policy 6.8.10</p> <p>The integrity of Archaeological resources can be conserved maintained by adopting archaeological zoning by laws under Section 34 of the <i>Planning Act</i> or other similar provisions, to prohibit any land use activity or the erection of buildings or structures on land which is a site of a significant archaeological resource.</p> <p>The existing policy relating to cultural heritage protection is believed to adequately reflect the position of council and is in accord with current legislation and policy. For McKellar Township, it has found the current cultural heritage policies have been sufficient over the last three decades.</p> <p>The policies of the official plan, section 6.8.12 are sufficient to implement the provincial planning statement. No revision needed apart from updating any relevant agency or legislation references.</p> <p>The existing heritage policies are sufficient to allow the Township to avail itself of any heritage committee that he feels necessary.</p> <p>No change needed.</p>
30	6.8 (general)	The OP should include policies consistent with the language under PPS policies 4.6.3 and 4.6.5/	MCM	PPS 4.6.3	<p>Proposed policy language:</p> <p>Development and site alteration adjacent to a protected heritage property is permitted only where the proposed development and site alteration has been evaluated and</p>

					<p>it has been demonstrated that the heritage attributes of that property will be conserved.</p> <p>Council will engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage resources.</p>
31	6.8.11	<p>The language of the OP should be consistent with the PPS Section 4.6.1 and the terminology defined in the 2024 PPS.</p> <p>PPS Section 4.6.1 states – “Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.”</p>	MCM	<p>PPS 4.6.1 PPS 4.6.2 PPS Section 8 (Definitions of “conserved” and “protected heritage property”)</p>	<p>MCM recommends revising the language of the policy 6.8.11 to be consistent with the 2024 PPS.</p> <p>The Township shall have regard for the conservation of all archaeological resources and protected heritage properties known cultural heritage resources during the undertaking of municipal public works or environmental assessment projects. When necessary, satisfactory measures and/or heritage impact assessments technical cultural heritage studies (e.g., conservation plans, archaeological assessment, and/or heritage impact assessments) will be required to mitigate any adverse impact to archaeological resources and protected heritage properties significant resources as outlined by the heritage conservation policies contained within this Plan.</p>
32	6.8.12	<p>The language in OP policy 6.8.12 does not align with the PPS, the <i>Ontario Heritage Act</i>, the <i>Funeral, Burial and Cremation Services Act</i> and current ministries’ mandates.</p> <p>Known burial sites or cemeteries on or adjacent to a property are indicators of archaeological potential. The <i>Funeral, Burial and Cremation Services Act</i> requires anyone who uncovers a burial site containing human remains to cease construction activities and report the discovery to the appropriate authorities</p>	MCM	<p>PPS 4.6.2</p> <p>PPS Section 8 (Definition of “areas of archaeological potential”)</p> <p>OHA, Part VI Standards and Guidelines for Consultant Archaeologists (MCM, 2011)</p> <p>Funeral, Burial and Cremation Services Act</p>	<p>Please revise as follows:</p> <p>When development has the potential to impact a known or suspected cemetery or burial site, council shall ensure adequate require archaeological assessment by a licensed consultant archaeologist. and Council shall consult appropriate government agencies, including the Ministry of Citizenship and Multiculturalism and Ministry of Public and Business Service Delivery Tourism, Culture and Sport, when a known or suspected cemetery or burial site an identified historic human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Ontario Heritage Act and the Funeral, Burial and Cremation Services Act <i>Cemeteries Act (Revised)</i> shall apply.</p>
33	6.10.3	<p>It is acknowledged that this policy partially aligns with PPS 5.3.1 and that consideration is being given to subsequent land uses for mineral resource operations. However, PPS 5.3.1 also includes former mineral aggregate operations. It is recommended that rehabilitation requirements for former mineral aggregate operations also be addressed in the OP, where appropriate (e.g., Section 5.2), to ensure rehabilitation of known or suspected hazards are being addressed in future planning.</p>	MNR	<p>PPS 4.5.3.1 and 5.3.1</p>	<p>This existing policies is sufficient.</p> <p>No change needed.</p>

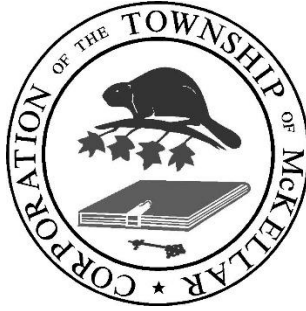
		To further support the mitigation of negative impacts of lands with mineral aggregate resource operations, PPS 4.5.3.1 should be incorporated into the OP which provides more specific policy direction for mineral aggregate resource operations and minimum provincial standards for rehabilitation. PPS 4.5.3.1 and 5.3.1 support one another and ensure that consideration is given to operations which are currently active, future surrenders of operations, or future establishments of operations.			
34	6.11.2	While it is acknowledged that the intent of the proposed OP policy revisions is to simplify the approach to natural heritage protection and policies, please ensure that the OP appropriately reflects PPS direction on the identification and protection of natural heritage features and areas. Sufficient direction should be provided to guide the municipality and proponents in the review of development proposals.	MMAH		The Township of McKellar has a long established natural heritage protection policies that have been previously reviewed and finalized by former plans. No change needed.
35	6.12.8	Revisions are needed to the draft OPA to better reflect the servicing policies of the PPS and MECP D-Series Guidelines	MECP	PPS 3.6.1 and 3.6.4	An septic system Assessment of impact on Water Resources impact study will be required for commercial, industrial, institutional or other uses in the Rural area that produce in excess of 10,000 litres of sewage per day, as per sections 22.5 and 22.6 of the Provincial Design Guidelines For Sewage Works, Chapter 22: Large Subsurface Sewage Disposal Systems. Development proposals that produce waste in excess of 10,000 litres per day will require an Environmental Compliance Approval issued under Section 53 of the Water Resources Act. The Provincial D-5-4 Guidelines recommend that proposals for more than five lots where the lot sizes are to be less than 1.0 hectares, include the need to prepare a hydrogeological study. Policy covers the guidelines adequately. No change needed
36	6.12.9	Revisions are needed to the draft OPA to better reflect the servicing policies of the PPS and MECP D-Series Guidelines	MECP	PPS 3.6.1 and 3.6.4 D-Series 5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment and D-5-5 Private Wells: Water Supply Assessment.	In accordance with Planning Act Regulation 544/06, any plan of subdivision that would permit five or more lots on privately owned and operated individual septic systems and/or would permit fewer than five lots on privately owned and operated individual septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed will require a servicing options and hydrogeological report, as per Provincial guidelines D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment and D-5-5 Private Wells: Water Supply Assessment. Legislation and Guidelines adequately stated in 6.12.8 and 6.12.9. No change needed.

37	6.13.1	Revisions are needed to the draft OPA to better reflect the servicing policies of the PPS and MECP D-Series Guidelines	MECP	PPS 3.6.1 and 3.6.4 Guideline D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment	Lots in the Township of McKellar are serviced by individual wells and septic systems. To avoid any cross-contamination between private well water supplies and adjoining septic system, the Provincial Land Use Guidelines guideline D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment recommends that Rural lots be developed at an overall density greater than one hectare per lot with no individual lot smaller than 0.8 hectares. Same, only site 6.13.1, 6.13.2, 6.13.3, 6.13.4
38	6.13.3	Revisions are needed to the draft OPA to better reflect the servicing policies of the PPS and MECP D-Series Guidelines	MECP	PPS 3.6.1 and 3.6.4 Guideline D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment.	Any lots proposed at a lesser density than one hectare may will require the submission of a hydrogeological report supporting a reduced density, as per Provincial guideline D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment.
39	6.13.4	Revision required to ensure no negative impacts as a result of smaller lot standards	MMAH	PPS 3.6.4	...may consider smaller lot standards where an infilling lot would be deemed to be appropriate subject to a rezoning and septic approval, provided conditions are suitable for the long term provision of individual water and septic systems with no negative impacts.
40	6.15.1	Revisions are needed to the draft OPA to better reflect the servicing policies of the PPS and MECP D-Series Guidelines	MECP	PPS 3.6.1 and 3.6.4	Domestic water supplies for properties in the municipality come from surface waters or individual wells. All property owners are responsible for individual water quality testing and treatment in accordance with applicable regulation. Changes are included in OPA 9. No changes needed.
41	6.15.3	Revisions are needed to the draft OPA to better reflect the servicing policies of the PPS and MECP D-Series Guidelines	MECP	PPS 3.6.1 and 3.6.4 Guideline D-5-5 Private Wells: Water Supply Assessment.	Any subdivision development proposed on individual groundwater supplies is required to undertake groundwater assessments to confirm the long term availability of groundwater, as per Provincial guideline D-5-5 Private Wells: Water Supply Assessment. No change needed
42	6.15.4	Revisions are needed to the draft OPA to better reflect the servicing policies of the PPS and MECP D-Series Guidelines	MECP	PPS 3.6.1 and 3.6.4 Guidelines D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment and D-5-5 Private	In accordance with Ontario Regulation 544/06, any plan of subdivision that would permit more than five lots on privately owned and operated individual wells will require a servicing options, and a hydrogeological report as per Provincial guidelines D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment and D-5-5 Private Wells: Water Supply Assessment. No change needed.

				<i>Wells: Water Supply Assessment.</i>	
43	7.0	In the draft OP, not all surface water features are considered recreational waterbodies and the policies in the waterfront section appear to only apply to lakes which McKellar has designated as such. For clarity, consider explaining what is meant by a recreational waterbody vs a surface water feature.	MECP	PPS Section 8.0 definition of Surface water feature.	Recreational waterbodies defined in 7.02. No change needed.
44	7.01.1	Please ensure that Waterfront policy section clearly identifies that new lots must be a minimum of 1.0 ha in size unless a hydrogeological study demonstrates that site conditions are suitable for the long term provision of on site services with no negative impacts.	MECP	PPS 3.6.4 Guidelines D-4-4	Not correct. Waterfront lots can be mitigated by adjacent surface waters. No change needed.
45	7.01.13	The waterfront designation seems to focus solely on preservation of shorelands for residential development and does not appear to consider their importance for protection of water quality and aquatic habitat. The OP should acknowledge that activities on lands within 300m of a shoreline have the potential to adversely impact water quality and aquatic habitat (vs. 150m as referenced in the draft OP)	MECP	PPS 4.2.2	Not relevant. This defines what lands constitute "waterfront" functionally. No change needed.
46	7.11.1	For consistency with the PPS, this policy should be expanded to include any land use changes on waterfront for all types of development, not just residential.	MECP	PPS 4.2.1 and 4.2.2	Preserving the water quality and quantity of the Township of McKellar's surface water features including recreational waterbodies is a high priority for the Township. When considering any planning approvals (e.g., lot creation, new development and/or redevelopment) of all waterfront residential lands within 300 m of a surface water feature the impacts on water quality and quantity will be a prime shall be considered. Policy is sufficient. No change needed.
47	7.11.2	The intent of this policy is unclear. Technologies are continuously improving but may still have adverse impacts on surface water quality. It is recommended that this policy be removed.	MECP	PPS 3.6.4 and 4.2.2	Proven science. No change needed.
48	7.11.3.1	Draft OPA changed the heading of this section to Lake Manitouwabing, but policy content does not appear specific to this lake.	MECP	PPS 4.2	
49	7.11.3.1.1.	The wording in this policy is either not accurate or is unclear. Surface water features across the province are impacted by increased nutrient loading, land use changes, and the changing climate, albeit to varying degrees.	MECP	PPS 2.2.1	It is recommended that this policy be updated to: ... As a consequence of the land use practices within their watersheds and their watershed characteristics, they are moderately productive (i.e., mesotrophic to eutrophic) 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 would not be appreciably altered with new lot creation, particularly if undertaken using the mitigation measures described in this

					<p>Plan. Virtually all land use and development activities impact downstream water quality and quantity to some extent. Therefore, an assessment of the potential impacts to surface water resources be incorporated into the approval process for proposals for land use changes.</p> <p>Incorrect science. No change needed.</p>
50	7.19 and 12.5	Please review draft OP sections on site plan control against Section 41 of the Planning Act and O. Reg 254/23, given recent legislative changes.	MMAH	Planning Act Subsection 41 (4.0.1)	Still works. No change needed.
51	7.20.1.6	Bill 17, the Protect Ontario by Building Faster and Smarter Act, 2025, removed the ability for municipalities to require new complete application studies/reports beyond what is currently identified in their official plans. The township should review this policy (and other related policies) to ensure it captures the full list of studies the township might require.	MMAH	Protect Ontario by Building Faster and Smarter Act, 2025	All study areas are included. No change needed.
52	7.21.2.1.5	Policy states that states that fish and wildlife habitat, including habitat of species at risk as per the 2007 Endangered Species Act will be evaluated through a natural heritage evaluation as per Official Plan section 7.21.5. There is no section 7.21.5. Please provide the correct section or edit appropriately.	MECP	PPS 4.1.5 and 4.1.7	Delete reference to ESA
53	8.0	<p>It is recommended that further review and refinement of both the general Waterfront policies and the Specific Lake Policies be done to ensure consistency with the policies of the PPS and guidance in the Lakeshore Capacity Assessment Handbook (LCAH). Currently the polices do not offer sufficient specific planning prescriptions or considerations regarding shoreline development. Rather they primarily describe the condition of the lakes in 2009, and do not provide direction on how the municipality will apply provincial policies to these sensitive areas. The studies referenced in the OP are over 15 years old and much of the data cited may not be accurate.</p> <p>Prior to adopting the OPA it is recommended that: the lake information available on the Lake Partner Program and Ontario Watershed Information Tool websites (website; website) be reviewed, a current assessment of the surface water features within their municipal boundaries be completed based on recent water quality data collected in accordance with the LCAH, and the specific lake policies be reviewed and refined based on the new data collected and lake capacity assessments completed in accordance with the LCAH and provincial policies.</p> <p>The LCAH and lake capacity assessments are current tools used by the Ontario government as an effective means of being consistent with the Planning Act, PPS, the Ontario Water Resources Act, and the Fisheries Act. It is recommended that the OP reference lakeshore capacity assessments as a planning tool for assessing development capacity of lakes located on the Precambrian Shield within the township's municipal bounds. Details of when a lakeshore capacity assessment should be completed are outlined in (LCAH Section 3.1.).</p> <p>Lorimer Lake is a designated lake trout lake and within the municipal boundaries. Designated lake trout lakes have additional management considerations that warrant</p>	MECP	<p>PPS 4.1 and 4.1.2 g) LCAH Section 2.3 LCAH Section 3.2</p> <p>Additional information available in MNR's Inland Ontario Lakes Designated for Lake Trout Management</p>	<p>LCAH is no longer a valid tool on Cambrian Shield soils.</p> <p>No change needed.</p>

		<p>consideration. Dissolved oxygen may be a more stringent criterion than phosphorus for limiting development on lake trout lakes for protection of fish habitat.</p> <p>It is recommended that the township include a commitment in the OP to conduct a lakeshore capacity assessment of Lake Manitouwabing, and that this is completed before any planning approvals that would intensify land use around the lake. As specified in the OP there are 600 cottages, 140 permanent residents and 220 vacant lots, contributing to significant user pressure on the lake. This lake is specifically flagged due to indicators of poor water quality, such as potential loss of water clarity, algal blooms, and low dissolved oxygen levels in basins. Lake Manitouwabing is expected to face higher development and land use pressures during the planning period of the OP and has already seen an increase in permanent residents.</p>			
54	10.0	To better achieve the provincial interest in housing affordability, and to better meet the goals and outcomes identified in the Parry Sound District Social Services Administration Board's 10-year Housing and Homelessness Plan, the municipality is encouraged to include the provision of affordable housing as a goal and objective of its community improvement policies.	MMAH	PPS 2.2.1	<p>McKellar housing policy is adequate to respond to housing affordability as much as a rural recreational community can.</p> <p>No change needed.</p>
55	12.8	Holding provisions are now under Section 36 of the Planning Act, not Section 35	MMAH	Planning Act section 36	Change to section 36
56	Schedule	Deer Wintering (Stratum 1 and 2)-Schedule: it is unclear what the hatched areas mean, or if it is added for visibility and legibility.	MMAH	PPS 4.1.5	Clarified
57	Schedule	Please add provincial highway to the schedules	MTO	PPS 3.3	Added
58	Schedule	While mineral deposits are minimal within the municipality and few license applications are expected, it is recommended that mineral aggregate resources be identified on the appropriate schedule to the OP as an overlay.	MNR	PPS 2.5.1	There are none.



TOWNSHIP OF MCKELLAR
COMPREHENSIVE ZONING BY-LAW No.

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**TOWNSHIP OF MCKELLAR
BY-LAW NO.**

BEING a By-law to regulate the use of land and the character, location and use of buildings and structures in the Township of McKellar.

The Council of the Corporation of the Township of McKellar, pursuant to Section 34 of The Planning Act, R.S.O., 1990, as amended,

ENACTS AS FOLLOWS:

SECTION 1 - TITLE AND INTERPRETATION

- 1.01 This By-law may be cited as the McKellar Township ("the Township") Zoning By-law ("this By-law").
- 1.02 The Maps annexed hereto as Schedules of this By-law are declared to be part of this By-law.
- 1.03 For the purposes of this By-law, the definitions and interpretations set out herein shall govern. If a word is not defined, refer to the webster English Dictionary and apply the ordinary meaning of the word.
- 1.04 Nothing in this By-law shall be construed to exempt any person from complying with the requirements of any other by-law of the Township or of any law of the Province of Ontario, or Canada.
- 1.05 The provisions of this By-law are held to be the minimum requirements adopted for the promotion of the public health, safety, convenience or general welfare of the Township.
- 1.06 In the event of an inconsistency or conflict between two or more provisions in this By-law, the more restrictive provision shall prevail.
- 1.07 The provisions of this By-law may not apply to Crown land. However, this By-law reflects the established planning policies of the Township and it is intended that the Crown shall have regard for the provisions of this By-law.
- 1.08 Numerical figures used in this By-law are given in metric units and are intended to provide the sole standard governing the provisions of this By-law. Conversions of these metric units to equivalent imperial units may be deemed acceptable by the Township when the conversion is made to at least two decimal places.
- 1.09 In this By-law, words importing the singular number include, where appropriate, more persons, parties or things of the same kind than one, and a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 1.10 Where any Act or portion of an Act is referred to in this By-law, such reference shall be interpreted to refer to any subsequent renumbering of sections in said Act and/or changes in the date of said Act.
- 1.11 Nothing in this By-law shall be construed to confer any ownership rights to any land below the controlled high water mark caused by flooding because of natural or man-made dams.
- 1.12 Where the permitted uses contained in the various zones in this By-law do not list a specific use in that Zone, this By-law shall be interpreted to deem that such uses are to be prohibited in the respective zones.
- 1.13 Former By-laws

Any by-law passed prior to the passage of this By-law under section 34 of the Planning Act is hereby repealed. The adoption of this By-law will not exempt any person or use of property from complying with the requirements of any other by-law in force at the time of passage of this By-law.

1.14 Transition

This By-law does not apply to prevent the issuance of a building permit for a development for which approval has been previously obtained under the Planning Act for a minor variance, zoning amendment or site plan approval.

SECTION 2 - DEFINITIONS

In this By-law:

- 2.01 Accessory Apartment: means that part of a building originally constructed as a single detached dwelling which has been altered, renovated or enlarged to accommodate a second self-contained dwelling unit.
- 2.02 Accessory Building: means a detached building, located on the same lot as the main building, the use of which is incidental or subordinate to that of the main building.
- 2.03 Accessory Use: means a use of lands or buildings which is incidental or subordinate to the principal use of the said lands and buildings.
- 2.04 Agricultural Building: means any building or structure customarily used in connection with a farm other than a residence.
- 2.05 Agriculture Use: means any agricultural use or uses, and the structures or buildings accessory thereto, and it includes field crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the property.
- 2.06 Animal Hospital: includes a veterinary establishment, and any other land, building or structure where domestic animals, birds, or livestock are treated or boarded for short-term periods, but shall not include a kennel.
- 2.07 Apartment: means a multiple dwelling excluding triplex dwelling, a rowhouse dwelling or any group of semi-detached or duplex dwellings.
- 2.08 Apartment Building: means a multiple dwelling excluding triplex dwelling, a row dwelling or any group of semi-detached or duplex dwellings.
- 2.09 Arboretum: means a botanical garden exhibiting trees for display or study.
- 2.010 Arena: includes a building, or part of a building, in which facilities are provided for such purposes as ice or roller skating; but does not include any establishment otherwise defined or classified herein.
- 2.011 Assembly Hall: includes a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social purposes, a banquet hall, community centre, union hall or Canadian Legion Hall.
- 2.12 Automobile Sales Establishment: means a building or structure or a clearly defined space on a lot used for the display and sale of motor vehicles and may include the servicing, repair, cleaning, polishing, and lubricating of motor vehicles, the sale of automotive accessories and related products, and the leasing or renting of motor vehicles.
- 2.13 Automobile Service Station: means a building or place where petroleum products, supplies, parts or accessories are kept for sale to service motor vehicles, snowmobiles, farm implements and machinery, or where repairs are performed to motor vehicles, snowmobiles, farm implements and machinery or a public garage.
- 2.14 Average Grade: is the mean elevation of the proposed finished ground at the front face of a building or structure.
- 2.15 Aviary: means an enclosure or large cage for live birds.
- 2.16 Basement: means a storey or storeys of a building located below the first storey.

- 2.17 **Bed and Breakfast Establishment**: means a single-family dwelling in which no more than 3 guest rooms are made available for temporary accommodation of the travelling or vacationing public. Such an establishment may offer light meals to those persons temporarily residing at the establishment. A Bed and Breakfast Establishment shall not include a restaurant or a Tourist Establishment.
- 2.18 **Boarding House**: means a dwelling in which the owner or lessor supplies habitable rooms for the accommodation of not more than 6 persons, with or without meals, for the persons so accommodated.
- 2.19 **Boat**: includes any vessel or watercraft suitable for navigation on or through the water.
- 2.20 **Boathouse**: means any building or structure intended to house, shelter or protect a boat or other form of water transportation, but it does not include a dry land boat storage building.
- 2.21 **Boat Launch**: includes a parcel of land and related structures adjoining a waterbody for the placement of watercraft into and out of the water and any adjoining parking areas, aisles or ancillary buildings.
- 2.22 **Boat Port**: means an accessory building or structure located on or immediately adjacent to water; which is not enclosed by more than one wall, which is designed and used only for the sheltering of boats or other forms of water transportation.
- 2.23 **Bridge**: includes a structure erected across or spanning two or more points of lands to afford passage by vehicle or pedestrians.
- 2.24 **Building**: means any edifice used or intended to be used for shelter, accommodation or the enclosure of persons, animals or chattels other than a fence or wall.
- 2.25 **Building Line**: means a line lying in the interior of a lot drawn parallel to a lot line for the purpose of establishing the minimum distance that must exist between a building or structure erected upon the land and a lot line.
- 2.26 **Building, Main**: means the building in which the principal use of the lot is conducted.
- 2.27 **Building Supply Outlet**: means a retail or wholesale store with or without a storage area used for the temporary storage and sale of building supplies such as lumber, cement, bricks and hardware.
- 2.28 **Bulk Fuel Storage Establishment**: means a building or place where tank(s) for the bulk storage of petroleum, gasoline, fuel oil, gas or flammable liquid or fluid is located.
- 2.29 **Business or Professional Office**: means an office in which any business is carried on or any profession is practised.
- 2.30 **Camp Children**: means: a camp for recreational activities on a site in which sleeping and eating facilities are provided for temporary occupancy, with or without charge for five or more persons who are under 18 years of age or persons with special needs.
- 2.31 **Camping Establishment**: means a tourist establishment consisting of at least six campsites and comprising land used or maintained as grounds for the camping or parking of trailers, motorized motor coach, truck campers, campers or tents but not including mobile homes and also excepting parks or camping grounds maintained by any Public Authority.
- 2.32 **Campsite**: means an area of land within a tent and trailer park or camping establishment which is designed to accommodate the placement of tents, travel trailers, motor coach or truck campers for the temporary quarters of a travelling or vacationing public.
- 2.33 **Car Wash**: means a building or structure containing facilities for washing motor vehicles by production line methods which may include a conveyor system or similar mechanical devices, and

- includes a self-service car wash.
- 2.34 Carport: includes a building or structure intended to shelter vehicles that has at least one open wall.
- 2.35 Cellar: means the portion of a building between two floor levels which is partly or wholly underground and which has less than 0.5 metres of its height, from finished floor to finished ceiling, above adjacent finished grade.
- 2.36 Cemetery: includes a cemetery or columbarium within the meaning of The Cemeteries Act.
- 2.37 Chief Building Official: means the official employed by the Township appointed pursuant to the provisions of The Building Code Act, R.S.O., 1990, and amendments thereto, and shall include any Inspector likewise employed and appointed.
- 2.38 Church: means a building set aside by any religious organization for public worship and may include a church hall, church auditorium, Sunday school, nursery school, convent, monastery or parish hall.
- 2.39 Clinic: includes a public or private building, used for medical, surgical, dental, physiotherapeutic, chiropractic or other human health treatments by one or more practitioners.
- 2.40 Community Hall: includes any tract of land or building or buildings or any part of any building used for community activities, including recreational and institutional uses, with commercial uses incidental thereto, and the control of which is vested in the municipality, local board or agent thereof.
- 2.41 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.
- 2.42 Contractor's Yard: means a yard of any building trade or contractor where equipment and material are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.
- 2.43 Convenience Store: means a retail commercial establishment not exceeding 200 square metres in gross floor area, which serves the daily needs of the residents of the immediately surrounding area, or boaters requiring provisions, and may include provisions for the sale of refreshments, snacks and gasoline in areas not designated for residential use.
- 2.44 Corporation: means the Corporation of the Township of McKellar.
- 2.45 Cottage, means a tourist establishment that has a building to accommodate one or more guests that:
- a) contains at least two rooms; and,
 - b) that may or may not contain facilities for guests to prepare and cook food.
- 2.46 Crown Land: means lands belonging to Her Majesty in right of Canada or Ontario, whether or not they are covered with water.
- 2.47 Custom Workshop: means a building or part of a building used by a trade, craft or guild for the manufacture in small quantities of made-to-measure clothes or articles, and includes upholstery but does not include metal spinning, woodworking or furniture manufacture, or any factory production or any shop or factory otherwise classified or defined in this By-law.
- 2.48 **Day Nursery**: means a day nursery operated for pre-school age children within the meaning of the Child Care and Early Years Act, 2014, S.O. 2014 c. 11.

- 2.49 Deck: includes a floor structure without a roof that is level or has a level surface area capable of accommodating persons or furniture, that may be attached to or detached from a main building or an accessory building.
- 2.50 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.
- 2.51 Dock: means a structure, floating or fixed, including a wharf or pier, where boats can remain for loading, unloading, repair or storage on or adjacent to water, but does not include connecting ramps, stairs or walkways.
- 2.52 **Docking Area**: means an area authorized for the temporary or permanent location of boats.
- 2.53 Dwelling Accessory: See Dwelling, Converted
- 2.54 Dwelling, Converted: means a single detached dwelling that has been modified into two dwelling units with separate entrances and no external modifications excepting necessary fire escapes stairways and entrances.
- 2.55 Dwelling, Single Detached: means a separate building containing only one dwelling unit.
- 2.56 Dwelling, Semi-detached: means a building that is divided vertically into two dwelling units.
- 2.57 Dwelling, Duplex: means a building that is divided horizontally into two dwelling units, each of which has an independent entrance.
- 2.58 Dwelling, Multiple: means a building which contains four or more dwelling units to which units access is provided by a common entrance at street level and common corridors, stairs or elevators.
- 2.59 Dwelling, Rowhouse: means one of a group of three or more attached dwellings each having at least two separate private entrances.
- 2.60 Dwelling, Seasonal: means a single detached residential dwelling that is within the scope of Part 9.36 of Division B of the Ontario Building Code.
- 2.61 Dwelling, Split Level: means a dwelling in which the first floor above finished grade is so constructed as to create two or more different levels, the vertical distance between such levels being less than the full storey. For the purpose of this By-law, a split level dwelling shall be considered a one storey dwelling.
- 2.62 Dwelling, Townhouse: means a detached building that is divided vertically into 3 or more dwelling units but not more than 16 dwelling units in a continuous row, each dwelling units have 2 or more private entrances.
- 2.63 Dwelling, Triplex: means a building that is divided horizontally into three dwelling units.
- 2.64 Dwelling Unit: means one or more rooms in which only one separate kitchen is provided with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 2.65 Dwelling Unit, Secondary: means self-contained residential dwelling units with a private kitchen, bathroom facilities and sleeping areas within a dwelling unit or in a structure accessory to a dwelling unit.
- 2.66 Erect: means to build, construct, reconstruct or relocate and, without limiting the generality of the word, also includes:
- (a) any excavating, dredging, filling, draining, or the creation of retaining walls, beams, siding or breakwalls;

- (b) the placement or construction of docks, wharves, piers, rafts or pumphouses;
 - (c) altering any existing building or structure by an addition, enlargement, extension or other structural change; and,
 - (d) any work which requires a permit under The Building Code Act, and amendments thereto, and regulations thereunder.
- 2.67 Established Building Line: means the average setback of the existing buildings. A building line is considered to be established when at least 3 buildings have been erected on any one side of a continuous 200 metres of land with road frontage.
- 2.68 Fairground: means an agricultural fairground where farm produce is on display for judging and for sale, and livestock shows, horse racing and other sports events are held.
- 2.69 Farm: includes land or buildings used for growing or storing trees, grain, vegetables, fruit crops or any other agricultural crops, and dairying, grazing, pasturing or housing of livestock and also includes aquaculture, a fishery or hatchery for trout farming or other species and includes a farm dwelling and accessory buildings.
- 2.70 Farm, Specialized Use: means land or buildings which are predominantly used for the raising of chickens, turkeys or other fowl, fur-bearing animals, hogs or the growing of mushrooms, or the intensive feeding of cattle in a confined area.
- 2.71 Farm Implement Dealer: means a building, structure or area where farm equipment and farm supplies are kept for sale at retail, but shall not include any other establishment otherwise defined or classified herein.
- 2.72 Fire Hall: includes a building housing firefighting equipment and personnel.
- 2.73 Fish Habitat: means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly for their life processes.
- 2.74 **Flood Plain**: means an area of land adjacent to a waterbody which may be flooded during highwater events, but is not subject to significant water currents.
- 2.75 **Floodway**: means an area which may be inundated by water during high water events and is subject to significant flow currents which could erode the supporting terrain or displace building supports.
- 2.76 Floor Area: means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, any attached private garage, carport, storage area, breezeway, porch, veranda, but does not include the space occupied by exits, vertical service spaces and their enclosing assemblies, a basement, a cellar, an attic or a boathouse, unenclosed attached porch or unenclosed attached veranda.
- 2.77 Floor Area, Ground: means the floor area of the first storey of any building or structure and it includes, in the case of a dwelling unit, the area of any attached private garage, enclosed attached porch or enclosed attached veranda.
- 2.78 Floor Area, Gross: means the sum total of the gross horizontal areas of all storeys of all buildings excluding attics and basements when used solely for the purpose of storage.
- 2.79 Forest Management Area: means land used for wood lot conservation or forest management practices carried out under a program of the Ministry of Natural Resources.
- 2.80 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.
- 2.81 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.
- 2.82 **Front Line of Main Building:** means the side of a building that is the closest distance between the building and the front lot line.
- 2.83 **Funeral Home:** includes a building or structure designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of human bodies for interment or cremation.
- 2.84 **Garage, Private:** means an accessory building or a portion of the main building including a carport, which is designed or used for the storage of one or more private vehicles and the storage of household equipment incidental to residential occupancy and in which no business, occupation or service is conducted for profit.
- 2.85 **Garage, Public:** means a building which is used for the servicing, repair or equipping of motor vehicles, or where such vehicles are parked or stored for remuneration, hire or sale.
- 2.86 **Garden Suite:** means a one-unit detached residential structure containing sanitary and kitchen facilities that is accessory to an existing permanent residential structure and that is designed to be portable, but does not include a mobile home, a trailer or any type of a recreational vehicles [also known as a granny flat].
- 2.87 **Gazebo:** an accessory open air building not exceeding 4 metres in height and a floor area less than 15 square metres, in which there are no services.
- 2.88 **Golf Course:** means a public or private area used for the playing of golf and includes a driving range, but not a miniature course or similar uses.
- 2.89 **Golf, Miniature:** means an area where golf putting is played on a series of golf holes less than 10 metres in length and often referred to as "mini-golf" or "puttputt".
- 2.90 **Government Office:** includes any building, structure or land where any level of government conducts business.
- 2.91 **Group Home:** means a building or buildings, licensed or approved under any provincial statute, in which not more than six (6) persons live as a single housekeeping unit under responsible supervision, but does not include a dwelling unit occupied for the purpose of providing shelter for persons on parole or released from penal institutions, or for persons ordered to reside there as a result of conviction of a criminal offence.
- 2.92 **G.S.C.:** means the Geodetic Survey of Canada.
- 2.93 **Guest Cabin:** See Sleeping Cabin.
- 2.94 **Guest Room:** means a room or suite of rooms used or maintained for the accommodation of the public, which contain no cooking facilities.
- 2.95 **Height:** means, when used with reference to a building, the vertical distance between the average grade at the front of a building and, in the case of:
- (a) a flat roof - the highest point of the roof surface or the parapet, whichever is greater;
 - (b) a mansard roof - the deck roof line;
 - (c) a gable, hip or gambrel roof - the mean distance between the eaves and the ridge; and,

- (d) an "A"-frame construction - one and one half times the mean distance between the eaves and the ridge.
- 2.96 **Highwater Mark:** means the normal water mark of any water at the time of the original survey of the Township unless altered by the construction of a dam or dams belonging to any municipal, provincial or other public authority, in which case the measurement shall be from the highwater mark as controlled by such dam or dams and in the case of Lake Manitowabing and Robinson Lake, the highwater mark shall be defined as 240 metres G.S.C.
- 2.97 **Holding:** means a symbol attached to a zone or symbol identifying lands that have an established land use but have a requirement for tasks to be undertaken prior to any use being undertaken on the affected property.
- 2.98 **Home Industry:** means a gainful occupation including an animal hospital, electrical, woodworking, window frame, welding, plumbing, machine or auto repair shop, service shop, or blacksmith, conducted in whole or in part in an accessory building to a single detached dwelling house
- 2.99 **Home Occupation:** means a gainful occupation including an office; arts/crafts studio; caterer; barber; hairdresser; beautician; dressmaker; seamstress; tailor; photographer; studio of a teacher of music; the arts or academic subjects; conducted in whole or in part in a dwelling or in an accessory building to a single detached dwelling
- 2.100 **Hospital, Public:** means an institution as defined by the Public Hospitals Act, being Chapter P40 of the Revised Statutes of Ontario, 1990, as amended from time to time.
- 2.101 **Hotel:** includes a tourist establishment, other than a boarding house, catering primarily to the travelling public by supplying overnight sleeping accommodation with or without meals.
- 2.102 **Human Habitation:** means a building, structure or any enclosure that is used for the occupation of a person or persons on a permanent or temporary basis that includes areas for sleeping, sitting or relaxing that may include appliances, cooking or refrigeration but does not include an area used exclusively for the storage of goods or materials and does not include any attic, crawl space or unfinished basement.
- 2.103 **Hunting Camp:** means any land or buildings which is used solely for the incidental habitation of persons angling or hunting wildlife.
- 2.104 **Institution:** means any building or structure or part thereof used for a non-commercial purpose by any organization, group or association for the promotion of charitable, educational or benevolent objects but it does not include a private club, mental health centre or place of detention.
- 2.105 **Institutional Use:** means pertaining to, or characteristic of an institution.
- 2.106 **Island:** means a parcel of land which is capable of being conveyed and which is entirely surrounded by water.
- 2.107 **Kennel:** includes a place where dogs and/or other animals, other than livestock, are bred and raised, or are sold or kept for sale, boarded or trained.
- 2.108 **Kitchen:** means a room or part of a room where food is stored or prepared or cooked, and which has cooking appliances.
- 2.109 **Landfill Site:** includes a waste disposal site or dump where waste is deposited with or without cover material being applied for which a Certificate of Approval has been issued under the Environmental Protection Act.
- 2.110 **Landscaping:** means any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

- 2.111 Lane: means a public thoroughfare which affords a secondary means of access to abutting lots, but which does not include a street, private road, right-of-way or road allowance.
- 2.112 Laundromat: means a place where laundry is washed and dried in coin-operated automatic machines.
- 2.113 Library: means a building or room housing a collection of books, pamphlets, etc.; esp., such a collection arranged to facilitate reference.
- 2.114 **Light Industry**: means a premises used for the purpose of manufacturing or processing located entirely within a building.
- 2.115 Lodge: includes a tourist establishment that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or recreational purposes.
- 2.116 Lot: means a single, separate parcel of land, which is capable of being conveyed, whether such a parcel is described in a registered deed or is shown in a registered plan of subdivision, including any of its parts which are subject to right-of-way or easement.
- 2.117 Lot Area: means the total horizontal area within the lot lines of a lot. In the case of a corner lot having a sight triangle or having street lines rounding at the corner with a radius of 6 metres or less, the lot area of such lots shall be calculated as if the lot lines were extended to their point of intersection.
- 2.118 Lot, Corner: means a lot situated at the intersection of and abutting upon two or more roads provided that the angle of intersection of such roads is not more than 135 degrees.
- 2.119 Lot Coverage: means the percentage of the lot area covered by buildings and structures, including a private garage and accessory buildings, but not including buildings located over the Crown lake bed or uncovered structures.
- 2.120 Lot Depth: means the horizontal distance between the front and rear lot lines. Where the front and rear lot lines are not parallel, it shall be the length of a straight line joining the mid-points of these lines. Where the side, front and rear lot lines are not determinable, the lot depth shall be the maximum separation between any two points on the boundary of the lot.
- 2.121 Lot Frontage: means the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage is to be measured either by a line equal to the minimum front yard measured back from and parallel to the chord of the lot frontage, or by the chord of the lot frontage, whichever is the greater.
- For the purpose of this paragraph, the chord of the lot frontage is a straight line joining the two points where the side lot lines or the lines, as defined in Section 2.102, extending from the side lot lines intersect the front lot line.
- Where the side, and/or front and/or rear lot lines are not determinable, the lot frontage shall be the distance of the maximum separation between any two points on the boundary of the lot.
- 2.122 Lot Line: means any boundary of a lot or the vertical projection thereof.
- 2.123 **Lot Line – Exterior Side**: means a lot line located between the front and rear lot lines and dividing the lot from a public road or road allowance.
- 2.124 Lot Line, Front: means, in the case of an interior lot, the line dividing the lot from the road. In the case of a corner lot, the shorter lot line abutting a road shall be deemed to be the front lot line and the longer lot line abutting the road shall be deemed to be a side lot line. In the case of a lot with water frontage on a navigable waterway, the front lot line shall be the highwater

mark of such waterway. In the case of a lot fronting on a road allowance or Crown Reserve along the shore of a navigable waterway, the front lot line shall be measured between the points where two straight lines extended from the intersection of the side lot lines with the inner limit of that shoreline road allowance or Crown Reserve intersect at an angle of 90 degrees with the highwater mark. In the case of a through lot, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.

- 2.125 Lot Line, Rear: means the lot line opposite the front lot line.
- 2.126 Lot Line, Side: means any lot lines other than the front lot line and the rear lot line.
- 2.127 Lot, Through: means a lot either bounded on two opposite sides by road or by navigable water.
- 2.128 Machine or Welding Shop: means a building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith shop, a commercial welder's shop or similar uses.
- 2.129 Manufacturing Establishment: means an establishment in which the process of producing a product is within the scope and meaning of the Statistics Canada, "Standard Industrial Classification Manual".
- 2.130 Marina: means buildings, structures or lands, containing docking facilities and automobile parking areas, where boats and boat accessories are built, stored, serviced, repaired or kept for sale and where facilities for the sale of marina fuels and lubricants may be provided. Such an establishment may include facilities for mooring, storing and fueling float-equipped aircraft.
- 2.131 Minister: means the Minister responsible for the administration of the Planning Act.
- 2.132 Mobile Home: means any dwelling that is factory made and designed to be made mobile provided that it is constructed on a permanent foundation, having a minimum floor area of 60 square metres, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a trailer otherwise designed.
- 2.133 Mobile Home Park: means an area set aside for the use of mobile homes in which communal sewer, water and hydro services are provided and in which community laundry, social, local commercial and recreation facilities may be located, and which may be licensed for this purpose by the Township.
- 2.134 **Modular Home**: means any dwelling that is designed in more than one unit and is designed to be made mobile on a temporary basis, on a perimeter wall foundation and constructed or manufactured to Building Code Standards to provide a permanent residence for one or more persons, but does not include a mobile home, recreational travel trailer or recreational motor vehicle as defined herein.
- 2.135 Motel: includes a tourist establishment other than a boarding house, catering primarily to the travelling public by supplying overnight sleeping accommodation with or without meals.
- 2.136 **Motorhome**: means any motor vehicle so constructed as to be a self-contained, self-propelled unit, capable of being used for human habitation including eating, sleeping, relaxing for one or more persons.
- 2.137 Motor Vehicle: means an automobile, truck, motorcycle, motorized snow vehicle, and any other vehicle propelled or driven other than by muscular power but does not include cars of electric or steam railways, or other motor vehicles running only upon rails, or a traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act.
- 2.138 Municipal Garage: means any land, building or structure owned by the Corporation of the Township of McKellar or the Province of Ontario and used for the storage, maintenance and/or

- repair of material, equipment, machinery and/or motor vehicles used in connection with civic works.
- 2.139 Museum: means a place or building for preserving and exhibiting works of art, scientific objects, curiosities, etc.
- 2.140 Navigable: means any body of water which is capable, in its natural state or normal water level, of being navigated by floating vessels of any description for the purposes of transportation, recreation or commerce so long as such navigation does not negatively impact the aquatic environment of that body of water. It also includes a canal and any other body of water created or altered for public use as a result of the construction of any work, as well as any waterway where the public right of navigation exists by dedication of the waterway for public purposes or by the public having acquired the right to navigate through long use.
- 2.141 Nursery or Commercial Greenhouse: means a building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.
- 2.142 Nursing Home: includes a home as defined by The Nursing Homes Act for Ontario for the care of elderly or chronically ill persons.
- 2.143 Nursery School: includes a day nursery within the meaning of The Day Nurseries Act for Ontario.
- 2.144 Obnoxious Use: means any use that causes or may cause harm or discomfort to any person or any use that impairs the natural environment that would affect the safety or enjoyment of any adjoining property owner.
- 2.145 Original Road Allowance: means the 20 metres wide allowance for road or reserve along the shore of navigable streams, rivers and lakes identified in the original survey of the abutting lands.
- 2.146 Park, Private: means any open space or recreational area, other than a public park, owned and operated or maintained in whole or in part for profit by a private club or fraternal organization for members only, and may include therein one or more swimming, wading and boat facilities, picnic area, ski area, gardens or refreshment rooms.
- 2.147 Park, Public: means any open space or recreational area, owned or controlled by the Township or any other Authority established under any statute of the Province of Ontario and may include one or more athletic fields, field houses, community centres, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis-courts, bowling greens, boat liveries, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas, tent or trailer camps or parks, golf courses or similar uses.
- 2.148 Parking Area: means an area provided for the parking of vehicles and may include aisles, parking spaces and related ingress and egress lanes or a private garage, but does not include any part of a public road or street.
- 2.149 Parking Lot: means a parking area operated by either a private or public organization for public use.
- 2.150 Parking Space: means an area of not less than 18 square metres, exclusive of any aisles or ingress and egress lanes, usable for the temporary parking or storage of motor vehicles, and may include a private road.
- 2.151 Person: means a person as defined in The Interpretation Act for Ontario.
- 2.152 Pit or Quarry: means any pit or excavation made for the purpose of searching for, or the removal of, any soil, earth, clay, marl, sand, gravel or rock for commercial purposes but does

not include an excavation incidental to the construction or alteration of a building for which a permit has been granted or a wayside pit as defined in this By-law.

- 2.153 **Place of Entertainment**: means a building, lot or structure for a motion picture or other theatre, arena, curling rink, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall or music hall, but does not include any place of entertainment or amusement otherwise defined or classified.
- 2.154 **Point of Intersection**: means the point at which two street lines abutting a corner lot intersect or if the two street lines meet in a curve then it is the point at which the production of the two lines abutting the two streets intersect.
- 2.155 **Portable Asphalt Plant**: means a facility:
- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and,
 - b) which is not of permanent construction, but is designed to be dismantled and moved to another location as required.
- 2.156 **Post Office**: means any local office, building, structure or place that receives, sorts and delivers mail, sells stamps, etc.
- 2.157 **Privy**: means a class of septic system that includes a building or structure that contains a vault where human waste is received and from which the waste is periodically removed.
- 2.158 **Provincial Highway**: means a street under the jurisdiction of the Ministry of Transportation.
- 2.159 **Pumphouse**: means a building or structure used to fence, wall in, or cover a hydraulic device used to deliver, pressurize or store a private domestic water supply and accessory equipment or tools.
- 2.160 **Recreational Vehicle**: means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, truck trailers, pick up coaches, motorized campers, motorized homes or other similar vehicles and shall not include a mobile home.
- 2.161 **Rental Unit** means a detached dwelling that is offered as a place of temporary residence, lodging or occupancy by way of lease, rental agreement or similar commercial arrangement. A Rental Unit does not include lodging found in any Tourist Commercial (C2) Zone, including a motel, hotel, rental cottage, tourist cabin, bed and breakfast, nor does it include a property rented for two weeks or less in any calendar year, and it excludes any rentals that exceed 28 consecutive days or more to the same tenant, throughout all or part of a calendar year.
- 2.162 **Resort**: means a tourist establishment where accommodation in separate or multiple unit buildings are offered to the touring or vacationing public together with any ancillary uses, buildings or structures.
- 2.163 **Restaurant**: includes a building or a part of a building where food is offered for sale or sold to the public for immediate consumption therein, with or without a license to sell alcoholic spirits and includes any appurtenant outdoor patios intended or designed for restaurant purposes.
- 2.164 **Restaurant, Take-Out**: means a lot and/or building or structure or part thereof where refreshments, food or meals are served to the public in consideration of payment, specializing in fast food preparation, the provision of take-out service and/or the dispensing of meals by means other than individual table attendants.
- 2.165 **Retail Store**: see Store, Retail.

- 2.166 Riding Stable: means an area of land which is used for horse training, handling, care, or for the lodging of horses.
- 2.167 Road, Private: means any roadway or openway that allows for the passage of a conventional passenger vehicle, but does not include a public road or public highway as defined in the Municipal Act.
- 2.168 **Rooming House**: see Boarding House.
- 2.169 Salvage Yard: means land or buildings used for a wrecking yard or premise, the keeping and/or storing of used motor vehicles, farm implements, building products, waste paper, rags, bones, bottles, bicycles, tires, old metal, other scrap material or salvage and where such materials are bought, sold, exchanged, baled, packed, disassembled or handled for further use.
- 2.170 Satellite Dish: means a structure used or intended to be used to receive broadcast signals from satellites.
- 2.171 Sauna: means a building that is used for steam or dry heat baths, and not for human habitation.
- 2.172 Saw Mill: means an establishment for sawing logs with power-driven machinery including portable machinery and facilities.
- 2.173 School: means a school under the jurisdiction of a Board as defined by the Ministry of Education or Ministry of Colleges and Universities.
- 2.174 **Septic System**: means an underground wastewater treatment system that biodegrades the waste and water that comes from the household plumbing.
- 2.175 Service Shop: includes a building or part of a building, whether used in conjunction with a retail store or not, for the performance of personal services such as a barber shop or beauty parlour, or for the servicing or repairing of articles, goods or materials, in which no product is manufactured.
- 2.176 Service Station: means one or more pump islands, each consisting of one or more gasoline pumps, and a shelter having a floor area of not more than 2.5 metres, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles, but shall not include any other establishment otherwise defined or classified in this By-law.
- 2.177 Setback: means the open, uncovered and unoccupied horizontal distance appurtenant to a building or structure.
- 2.178 **Shipping Container**: means a container with strength suitable to withstand shipping, storage and handling made from steel or other metals used for intermodal shipments and is considered an accessory building or structure.
- 2.179 Shop, Variety or Grocery: means a building or structure used for the performance of retail services provided that no repairing or manufacturing of articles, goods or materials is permitted in such building or structure.
- 2.180 Shoreline: means the point where the water meets the land regardless of the original or high water mark.
- 2.181 Short Term Rental: means a rental unit that is offered for rent for less than 28 days
- 2.182 Sight Triangle: means the triangle space formed by two intersecting street lines and a line drawn from a point in one street line to a point in the other street line, each point being 12 metres measured along the street line from the point of intersection of the street lines.
- 2.183 Site Plan: means a scaled drawing prepared to illustrate the relation between the lot lines and the uses, buildings or structures existed or proposed on a lot, including such details as parking area,

driveways, walkways, landscaped areas, building area, minimum yards, building heights, floor area, densities and areas for special uses.

- 2.184 Slaughterhouse: means a place, building or structure where animals are butchered.
- 2.185 Sleeping Cabin: means a building for overnight accommodation which is accessory to a single detached dwelling and which contains no provisions for cooking and is greater than 10 square metres in floor area.
- 2.186 Storage Building: means when referring to a principal use on a lot, a one storey building not exceeding 4 metres in height, having a ground floor area greater than 10 square metres and a maximum ground floor area of 20 square metres to be used for the storage of property maintenance equipment and not for human habitation but does not include a tent or trailer as defined in this By-law.
- 2.187 Storage Terminal, Truck or Bus: means any building or land where trucks or buses are rented, leased, kept for hire, stored or parked for commercial purposes.
- 2.188 Store, Retail: includes a building or part of a building where commodities or goods are sold to ultimate consumers for personal or household consumption.
- 2.189 Storey: means the portion of a building other than the basement, cellar or attic which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it, or in the case of a boathouse, then the space between such floor and roof.
- 2.190 Storey, One Half: means the portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height between finished floor and finished dwelling of at least 2 metres over a floor area equal to at least 50 per cent of the area of the floor next below.
- 2.191 Street: means a public highway or public road which affords the principal means of access to abutting lots but does not include a lane, private road, right-of-way or unopened road allowance.
- 2.192 Street Line: means the dividing line between a lot and a street or a road.
- 2.193 Structure: means anything constructed or erected, other than a building, and for the purposes of this By-law, shall include a tennis court, a vehicle or a boat but does not include a septic tile field.
- 2.194 **Sundeck**: means a non-roofed structure designed for lounging or sunbathing.
- 2.195 **Tavern**: see Hotel, Motel and Restaurant, Licensed defined herein.
- 2.196 Tennis Court: includes a flat structure, whether such structure is made of natural materials or not, that may or may not be elevated above the ground on which the game of tennis or other racquet sports are played, and which is surrounded by a fence.
- 2.197 Tent: means any kind of temporary shelter for sleeping that is not permanently fixed to land and that is capable of being easily moved, but does not include a structure.
- 2.198 Tiny Home: means a dwelling that is less than 35 square metres.
- 2.199 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 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.

- 2.200 Township: means the Corporation of the Township of McKellar.
- 2.201 Tradesman Shop: means a yard of any tradesman where equipment and material are stored or where a tradesman performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.
- 2.202 Trailer: means any vehicle less than 60 square metres so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and is capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed.
- 2.203 Trailer Park: means a tourist establishment that has an area that may be licensed by the Township which is set aside for trailers which are being used for travel, vacation or recreational use on a seasonal basis where community laundry, social, local commercial and recreational facilities may be located, and where mobile homes are not permitted.
- 2.204 Transfer Station: means a parcel of land and/or structure used for the collection of waste for a temporary time until such waste may be transported but does not include a waste disposal site or landfill site.
- 2.205 **Transportable Prefabricated Dwelling Unit**: means a single detached dwelling unit which has been manufactured in a factory remote from the site where it is intended to be used and transported to the site for installation on a prepared foundation and which unit complies with all applicable standards of the Canadian Standards Association.
- 2.206 **Truck or bus storage terminal**: means a building structure or place where trucks, busses or transports are kept for hire, parked or stored."
- 2.207 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.
- 2.208 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.
- 2.209 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.
- 2.210 Use, Prohibited: means any use not specifically listed/permitted or permitted by special use permit in this By-law, as amended, is prohibited.
- 2.211 Vehicle: means a vehicle as defined in the Highway Traffic Act.
- 2.212 Warehouse: means a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, provided that they do not exceed 10 percent of the gross floor area, but shall not include a truck or transport terminal or yard.
- 2.213 Waste Disposal Site: means any land or land covered by water upon, into, in or through which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste and for which a Certificate of Approval has been secured from the appropriate government authority.
- 2.214 **Waterlot**: means land that is permanently or seasonally inundated with water and includes patented or Crown lands that have been authorized for public, private or commercial use by the Ministry of Natural Resources and Forestry and that are capable of being surveyed.

- 2.215 Water Supply: means a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by the Township or the Provincial Government for public use.
- 2.216 Wayside Pit: means a temporary excavation from which sand, gravel or earth fill material is removed by:
- a) a public authority or their agent for its own use in maintaining local roads and highways and for landfill sites;
 - b) the owner of a lot having an area of at least two hectares for his own personal use; or,
 - c) someone issued a quarry permit from the appropriate government authority to extract sand or gravel from Crown land.
- 2.217 **Wetland**: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.
- 2.218 Wildlife Habitat: means areas of the natural environment where plants, animals, and other organisms, excluding fish, survive in self-sustaining populations, and from which they derive services such as cover, protection, or food.
- 2.219 Yard: means the open, uncovered and unoccupied horizontal space appurtenant to a building.
- 2.220 Yard, Front: means a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any building or structure on the lot, with the exception of any encroachment permitted by this By-law.
- Where there is no front lot line, the front yard is to be measured from a point set back 10 metres from the centre line of the travelled road to the nearest part of any building on the lot, with the exception of any encroachments permitted by this By-law.
- 2.221 Yard Depth, Front: means the least distance between the front lot line of the lot and the nearest part of any building or structure on the lot, with the exception of any encroachment permitted by this By-law.
- 2.222 Yard, Rear: means a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any building or structure on the lot, with the exception of any encroachment permitted by this By-law.
- 2.223 Yard Depth, Rear: means the least distance between the rear lot line of the lot and the nearest part of any building or structure on the lot, with the exception of any encroachment permitted by this By-law.
- 2.224 Yard, Required: means the minimum yard required by the provisions of this By-law.
- 2.225 Yard, Side: means a yard extending from the side lot line of the lot to the nearest part of any building or structure on the lot, with the exception of any encroachment permitted by this By-law.
- 2.226 Yard, Exterior Side: means a side yard immediately adjoining a road or a 0.3 metre reserve abutting a road.
- 2.227 Yard, Interior Side: means a side yard other than an exterior side yard.

SECTION 3 - GENERAL PROVISIONS

3.01 Zones

For the purpose of this By-law, the following Zones are established and are shown on the various sheets comprising the five schedules of this By-law being Schedules 1, 1A, 2, 3 and 4:

Zone	Zone Symbol
RURAL	RU
RURAL RESIDENTIAL	RR
MULTIPLE RESIDENTIAL	RM
WATERFRONT RESIDENTIAL 1	WF1
WATERFRONT RESIDENTIAL 2	WF2
WATERFRONT RESIDENTIAL 3	WF3
WATERFRONT RESIDENTIAL 4	WF4
WATERFRONT RESIDENTIAL 5	WF5
GENERAL COMMERCIAL	
CONTRACTOR COMMERCIAL	C1.1
GENERAL COMMERCIAL	C1.2
RETAIL COMMERCIAL	C1.3
MARINE COMMERCIAL	C1.4
AUTOBODY COMMERCIAL	C1.5
TOURIST COMMERCIAL	C2

Zone	Zone Symbol
TOURIST COMMERCIAL MARINE	C2M
TOURIST COMMERCIAL MARINE RESTRICTED	C2MR
INDUSTRIAL	M1
INDUSTRIAL PIT	M2
LANDFILL	M3
OPEN SPACE PARKS	OS
WASTE DISPOSAL	WD
ENVIRONMENTAL PROTECTION	EP
FLOOD PLAIN	FP

and no person shall use land or erect, alter or use any building or structure except in accordance with the provisions of this By-law.

3.02 Zone Boundaries

- a) Where the boundary of a zone does not coincide with a road or railway right-of-way, a lot line, the boundaries of registered plans, or a natural feature such as a creek, stream or shoreline, the location of the boundary line shall be scaled from the Zoning Maps – Schedules 1, 1A, 2, 3 and 4.
- b) Schedules 1, 1A, 2, 3 and 4, the Zoning Maps have been prepared from geographic information system parcel fabric from the West Parry Sound Geographic Network transferred from zone symbols on the zoning schedules.

3.03 Accessory Uses

- a) Where this By-law provides that land may be used or a building or structure may be erected, altered or used for a purpose, that purpose shall be deemed to include any accessory building or structure or any use incidental thereto. Subject to the provisions of this By-law, an accessory building, structure or use may only be established once the main building, structure or use has been established.
- b) Except as may be provided elsewhere in this By-law, any accessory building or structure which is not attached to the main building shall be erected behind the front line of the main building or shall comply with the front yard requirements of the zone in which the main building is situated whichever is the lesser. Such accessory buildings and structures shall not occupy more than 5 percent of the lot area.
- c) Notwithstanding sub-paragraph (b) above, a dock, marine railway, a pump house, wharf or gazebo may be located in the front yard, side yard, rear yard or adjoining lakebed, where a lot abuts a navigable waterway, provided that the approval of any other governmental authority having jurisdiction has been obtained and subject to all other applicable provisions of this by-law.

- d) Where an accessory building is used for a home industry as defined in this By-law, such buildings shall be located on the lot at a setback from any abutting road or street 15 metres greater than the front yard required by this By-law for the main building on the lot.
- e) The use of any accessory building or structure other than a sleeping cabin for human habitation is not permitted, except where a dwelling unit is a permitted accessory use. The use of any accessory building or structure for the keeping of animals, other than domestic pets, is not permitted in any Rural Residential or Waterfront Residential Zone unless specifically authorized by the provisions of the zone and except as provided for in a farm use under Section 3.09.
- f) Notwithstanding sub-paragraph a), b), c), d) and e) above, no accessory buildings, structures or uses are permitted on a lot where the principal use on the lot is a storage building, except for a privy.
- g) Portable structures including storage containers are permitted accessory structures subject to complying with the above provisions. In the Rural Residential and Waterfront Residential Zones, only one shipping container up to 6 metres in length is permitted on a property subject to a 10 metre front yard.
- h) Notwithstanding any provision in this By-law, any accessory building must be a minimum of 1.2 metres from any other building on a lot.

Shipping containers in Waterfront (WF) and Rural Residential (RR) Zones must be a minimum of 7.5 metres from a lot line and not exceed 15 square metres in area.

- i) Portable structures including shipping containers are permitted accessory structures subject to complying with the above provisions. In the Rural Residential (RR) and Waterfront Residential (WF) Zones, only one shipping container up to 6 metres in length is permitted subject to a minimum 10 metre front yard.

3.04 Application of By-law

This By-law applies to all lands within the Township.

Notwithstanding the provisions of Section 3.02, where any zone on the Schedules abuts a waterway, such Zone shall be deemed to extend into the waterway and to apply to any water lots, Crown lake bed or any land created by changing lake levels, land fill operations or by any other means, and to extend over all docks, boathouses, breakwalls, groins, seawalls, cribs, anchorages and floating or buoyant structures, boats or barges whether or not they are fastened to the shoreline, beached or anchored to the Crown lake bed.

No building or structure shall be erected, altered or used, and the use of any building, structure or lot shall not be changed in whole or in part except in conformity with the provisions of this By-law.

3.05 Automobile Service Station or Public Garage

Notwithstanding the provisions of this By-law, a pump island may be located within any front yard or exterior side of an automobile service station or public garage, provided that:

- a) the minimum distance between any portion of the pump island and any lot line shall be 6 metres; and,
- b) where the lot is a corner lot, no portion of any pump island shall be located closer than 4 metres to the base of a sight triangle.

3.06 Bed and Breakfast

- a) No bed and breakfast shall contain more than three rental bedrooms or guest rooms.

- b) The provisions of a home occupation shall apply to bed and breakfasts; and
- c) No bed and breakfast can be located closer than 0.5 kilometres from an existing bed and breakfast in a waterfront designation.

3.07 Boathouses, Boat Ports

In addition to Section 3.03(b), a boathouse or a boat port is a permitted accessory use which may be located in any yard of a lot excepting that part of the front yard 2 metres back from the high water mark and the front building line which abuts a navigable waterway provided that:

- a) approval for the occupation of the Crown lake bed for the boathouse or boat port has been obtained from any government authority having jurisdiction;
- b) the boathouse or boat port is not located closer than 6 metres to the side lot line, including the straight line extension of the said lot line into the water;
- c) the boathouse is not used for human habitation and no plumbing fixtures are permitted;
- d) in the case of a lot zoned for residential use, the design of any boathouse or boat port shall be limited to one storey; and,
- e) in the case of a lot zoned for residential use, no boathouse or boat port can occupy an area exceeding two percent of the lot area or 100 square metres, whichever is the lesser.
- f) in the case of a lot zoned for residential use in a waterfront zone, a boathouse or boat port 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 or boat port may not exceed 6.0 metres measured from the high water mark.
- h) in the case of a lot zoned for commercial use, the height of a boathouse or boat port may not exceed 8.0 metres measured from the high water mark.

Subparagraphs (a), (b) and (c) are to apply to boathouses in commercial zones.

Bridges, Causeways and Watercrossings

Any bridge spanning or crossing a navigable waterway or two points of land will require approval under the Bridges Act where applicable. No person shall use any lot adjacent to a waterway for the purpose of erecting a structure or placing material for the construction of a roadway, walkway, bridge or causeway to join two lots, islands and/or parcels separated by navigable water without obtaining the appropriate authorization from any government authority having jurisdiction.

3.08 Buffer Areas

Anywhere in this By-law where a buffer area is required it shall consist of an area to remain in its natural state where native vegetation is to remain undisturbed except for: pathways; the removal of dead or hazardous trees; or the thinning of trees for views.

3.09 Buildings to be Moved

No building or structure which would have required a building permit for its construction shall be moved to any location within the Township without the issuance of a building permit from the Township. This requirement does not apply to the temporary removal or placement of a floating dock or docks for winter storage.

3.10 Certificate of Occupancy

No change may be made in the type of use of any lot covered by this By-law or of any building or structure on any such lot or of any part of such lot, building or structure, until a Certificate of Occupancy has been issued by the Municipality to the effect that the proposed use complies with this By-law.

3.11 Continuation of Farming Use

Nothing in this By-law shall prevent the continued use of any land, building or structure for farming purposes or any addition or extension of such use provided that any such additions or extensions shall comply with the requirements of the Rural (RU) Zone as to coverage, yard and height provisions. Notwithstanding the requirements of the Rural (RU) Zone, any accessory farm buildings are subject to a minimum yard of 30 metres.

3.12 Decks and Docks

- a) Notwithstanding the yard and setback provisions of this By-law, attached unenclosed porches, balconies, decks, steps and patios, may project into any required yard a maximum distance of 4.0 metres if it is not covered and 2.0 metres if it is covered, but not closer than 1.2 metres to any lot line. Where the floor of any porch, balcony, or deck is more than 2.0 metres above the average grade, the side yard and rear yard setback requirements for the main building shall apply to the porch, balcony or deck.
- b) A detached, open- air deck including steps is permitted within the front yard provided that the deck is less than 30 square metres and that the height of the floor of the deck is less than 2 metres above the average grade.
- 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) excluding any docks adjacent to boathouses); 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 water lot 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.

3.13 Dredging and Filling

No person shall dredge or fill any lands or *navigable waterway* or in an Environmental Sensitive Area Zone unless:

- a) authorized by the provisions of this *By-law*;
- b) the lands or waters are zoned in a Commercial *Zone* or in a Pit and Quarry *Zone*;
- c) for the purposes of satisfying septic system requirements.

All dredging and filling must be authorized by and a permit obtained from the appropriate government authority.

3.14 Dwelling Unit in Non-Residential Building or Lot

No person shall use any land, or erect, alter or use any building or structure for the purpose of a separate dwelling unit or units on a lot in a C1.1, C1.2, C1.3, C1.4, C1.5, C2, M1 or an M2 zone, unless the following provisions are met:

- a) Up to two single dwelling units, including a mobile home, are permitted for personal use of the owner, operator or an employee of the non-residential use, provided that each unit has a water supply and sewage system which has been approved by the local approval authority.
- b) The dwelling unit or units has a minimum floor area in accordance with the requirements of the Building Code Act, and amendments thereto.
- c) The dwelling unit or units has separate washroom and kitchen facilities from those of the non-residential use.
- d) Each dwelling unit shall have a separate parking space in addition to the parking spaces otherwise required for the non residential use(s).
- e) The dwelling unit or units shall have a separate building entrance to that provided for the non-residential use.
- f) The gross floor area of the residential portion of a non-residential building in a Commercial or Industrial *Zone* shall not exceed 50 per cent of the total floor area.

Notwithstanding the provisions of this *By-law*, no dwelling unit shall be located in a non-residential building that is used for an Automobile Service Station or a Public Garage.

3.15 Extensions of Existing Building's Encroaching Upon Yards

Any legal non-conforming structure that encroaches upon a required yard may be enlarged subject to the provisions of this *by-law* and provided that such enlargement does not further encroach upon the required yard.

3.16 Flood Plain Requirements

No building or structures which are to be used for human habitation shall be permitted below the theoretical flood elevation on the shores of any lakes.

3.17 Frontage on Public Road or Street

No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon an open public highway maintained year-round by the Township or public authority, except in:

- a) a Waterfront Residential *Zone*, a dwelling unit may front on a navigable waterway, provided that the side or rear yard has a minimum of 20 metres that directly abuts a public road, private right-of-way or road allowance subject to a minimum right-of-way width of 10 metres this

provision does not apply to water access properties;

- b) a Rural (RU) Zone, a hunt camp;
- c) a commercial or industrial zone, the lot may front upon a private road or right-of-way having a minimum width of 20 metres.

3.18 Garden Suites

A garden suite is a permitted use in any Zone that permits a residence subject to the landowner entering into an agreement with the Municipality that deals with the following matters:

- a) specifying the temporary nature of the garden suite including location restrictions on the lot;
- b) providing for the installation, maintenance and removal of the garden suite;
- c) identifying the period of time that the garden suite may exist not to exceed 20 years; and
- d) providing for a security deposit to cover the cost of administering the agreement and ultimate removal of the garden suite.

3.19 Gazebo

Notwithstanding the front yard requirements of this By-law, a gazebo not exceeding 24 square metres of floor area and a height of 4 metres may be located in the front yard subject to complying with any required side yards.

3.20 Golf Course

Notwithstanding the general or any other provisions of this by-law only existing golf courses are permitted uses.

3.21 Group Homes

Group homes shall be permitted in all zones that allow residential uses, provided they are licensed by the province and/or approved under Provincial Statutes and in compliance with municipal By-laws. No group home shall be located closer than 800 metres in a straight-line distance to any other group home.

3.22 Greater Restrictions

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

3.23 Height Exceptions

A place of worship, spire, belfry, clock tower, chimney, farm building or structure, silo, water tank, windmill, radio, radar or television tower or antenna or drive-in theatre screen may exceed the height provisions.

3.24 Holding Provisions – ‘H’ Suffix

- a) For the purposes of this by-law, any reference to the Holding or Holding symbols using an “H” symbol relates to the procedures under section 36 of the Planning Act where the uses permitted are to be suspended pending the removal of the “H” symbol by zoning by-law amendment.
- b) All zones shown on Schedule ‘A’ to this By-law having the suffix ‘(H)’ symbol affixed to the various zone symbols are subject to the provisions of this subsection.

c) Notwithstanding the permitted uses in any of the zones of the By-law, no person shall within any lands having the suffix '(H)' symbol added to the standard zone symbols as indicated on Schedule 'A' to this By-law, use any lot, erect, alter or use any building or structure for any purpose except a single detached dwelling where a dwelling is a permitted use. In addition, accessory buildings and structures to single detached dwellings are permitted;

d) The Holding symbol "H" shall be removed when: the required servicing is completed; the necessary agreements to allow for a development have been executed; or the investigations of a special feature associated with a development have been completed.

3.25 Home Industry

No person shall engage in a permitted home industry, except in accordance with the following provisions:

- a) a maximum of four (4) persons may be engaged in the home industry.
- b) such home industry may be located in part of a dwelling, or in any accessory building located on a lot on which a dwelling is in existence, provided the total gross floor area utilized by the home industry does not exceed a maximum of 300 square metres.
- c) there shall be no outside storage of goods, materials or articles.
- d) only currently licensed motor vehicles associated with the home industry may be parked or stored on the lot but only within an interior side or rear yard.
- e) there shall be no emission of noise, odour or dust which is not normally attributed to the use of the land for residential uses.
- f) a home industry shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling on the lot.
- g) the home industry shall comply with the following minimum lot area, yard and setback provisions:
 - i) minimum lot area 0.8 hectares (2.0 acres)
 - ii) minimum setback from all lot lines 30.0 metres (100 feet)
 - iii) minimum separation from dwelling in existence on another lot 100.0 metres (328 feet)

3.26 Home Occupation

Home occupations where permitted by this By-law, are businesses that are conducted entirely within a residential dwelling on a residential property by persons residing therein subject to the following provisions:

- (a) the business must be clearly secondary to the residential use;
- (b) there is no external display or advertising other than a sign erected in accordance with the Municipality's sign by-law;
- (c) there is no external storage of goods, materials or equipment;
- (d) not more than 25 percent of the floor area of the residence is used for the home occupation use;

- (e) the business must be conducted by the persons residing in the residence with no more than two employees on site;
- (f) the provision of adequate parking;
- (g) no noise, dust or other nuisances resulting from business; and
- (h) in a WF1 through WF3 zone, the home occupation is limited to an office, accountant, lawyer, hairdresser or any such similar business.

3.27 Keeping of Animals

Subject to the provisions of this By-law, no person shall use any land, erect, alter or use any building for the keeping of any exotic animals within any Residential Zone other than the keeping of domestic pets.

3.28 Kennels

Despite any provisions in this By-law to the contrary, commercial or boarding kennels shall only be permitted in an Industrial, Commercial or Rural Zone. The minimum separation distance between a kennel and any existing residential dwelling or any lot in a rural or residential zone shall be 150 metres.

3.29 Lane as Yard

Where the rear lot line of a lot adjoins any portion of a lane, one-half of the width of that portion of such lane may be considered part of the lot for the purpose of computing the area of the lot or the depth of any rear yard required under this By-law.

3.30 Legal Non-Conforming

- a) In accordance with section 34(9) of the Planning Act, nothing in this by-law applies to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law or a predecessor of this by-law so long as it continues to be used for that purpose;
- b) Nothing in this by-law shall prevent the repair, reconstruction or replacement of a building or structure that is a legal non-conforming use, provided that such repair, reconstruction or replacement does not further contravene the provision of the by-law and further that any reconstruction is to occur on the same footprint of the non-conforming structure.

3.31 Lights

No person shall erect or use an outside light fixture in any zone except in conformity with the provisions contained in any By-Law of the Municipality regulating such lights and in conformity with the following provisions:

- a) Flashing lights other than navigational lights are prohibited;
- b) Lights shall not be erected or used in ways which might confuse or interfere with normal navigation; and
- c) Lights used to illuminate structures or property shall be arranged to direct light away from adjacent premises, roads or waterways.

3.32 Loading Space Regulations

- a) Loading Space Requirements

The owner or occupant of any non-residential lot, building or structure erected or used for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares and merchandise and raw materials, shall provide and maintain at the premises on the lot occupied by the building or structure and not forming part of a street or lane, within the zone in which such use is located, one loading or unloading space 10 metres long, 3.5 metres wide for each 450 square metres of floor area of the building or structure and having a vertical clearance of at least 4 metres provided, however, that adequate space shall be provided for the parking of vehicles awaiting access to loading spaces. No loading space will be required for buildings less than 450 square metres of floor area.

b) Access

Access to loading or unloading space shall be by means of a driveway at least 6 metres wide.

c) Loading Space Surface

The driveways, loading and unloading spaces shall be constructed and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles and with provisions for drainage facilities.

d) Location

The loading space or spaces required shall be located in the interior side or rear yard unless set back from the street line a minimum distance of 25 metres.

- e) When a building or structure has insufficient loading space at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. No addition may be built however, and no change of use may occur, the effect of which would be an increase in that deficiency.

3.33 Lot Additions and Encroachments

A lot that is reduced in size by the granting of a consent for the purpose of facilitating an addition of land to an abutting parcel shall be deemed to conform to the frontage, depth and area provision of this By-law subject to the provisions of this By-law.

3.34 Lots Having Less Area, Frontage or Depth Than Required

Where a lot having a lesser frontage, area or depth than is required by this By-law is:

- (a) held under distinct and separate ownership from abutting lots on or before the date of passing of this By-law;
- (b) a lot on a registered plan of subdivision;
- (c) a lot created as a result of a consent granted by the consent granting authority;
- (d) created as a result of expropriation or other land acquisition by any authority having statutory powers of expropriation; or
- (e) a lot on a draft plan of subdivision approved on or before the passing of this By-law;
- (f) and where such a lot has a frontage of at least 30 metres, and a depth of at least 60 metres, or an area of at least 1,800 square metres, such lot shall be deemed to conform to the lot frontage, lot depth and area requirements of this By-law.

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.

3.35 Measurement of Lot or Island Area

For the purposes of calculating the lot area of any lot or island fronting on a navigable waterway, the water level to be used shall be the high water mark.

3.36 Minimum Distance Separation

- a) No building shall be constructed in the Rural (RU) zone which does not comply with the Minimum Distance Separation I (MDS I) and Minimum Distance Separation II (MDS II) Formulas as calculated using the provincial Implementation Guidelines (Publication 707).
- b) Setbacks for new dwellings from barns containing livestock, other than dwellings on the lot containing the barn shall be in compliance with MDSI Formulae.
- c) New barns or expansions to existing barns shall require setbacks in compliance with MDSII Formulae.

3.37 Mining

No person shall use any land, or erect, alter or use any building or structure for the purpose of extracting any minerals unless a permit has been issued under the Mining Act.

3.38 Mobile Homes

A mobile home is a permitted use provided it complies with all current requirements of the Ontario Building Code Act Regulations thereunder and amendments thereto so long as it is constructed on a permanent foundation.

3.39 Multiple Zones

Where a lot is divided into more than one zone, each portion of the said lot shall only be used in accordance with the provisions of the zone governing that portion. For example, the permitted uses and building provisions related to coverage and yard requirements shall apply to each of the respective zones on the lot.

3.40 Non-Conforming Uses

Continuation of Existing Uses

The provisions of this By-law shall not apply:

- a) to prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose; or,
- b) to prevent the erection or use of any building or structure for which a permit has been issued under the Building Code Act, prior to the day of passing of this By-law, for a purpose prohibited by this By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under the Building Code Act.
- c) for the purpose of this Section, any lawful dock used at the time of the passing of this By-law shall be deemed to comply with this By-law.
- d) the seasonal removal of docks does not affect their non-conforming status, provided they are returned to their former location;
- e) Residential Use in a Commercial Zone

Nothing in this By-law shall apply to prevent the alteration or enlargement of a residential dwelling unit or units existing on the date of passing of this By-law in a Commercial Zone, provided that the number of dwelling units is not increased and provided further that such alteration or enlargement is subject to all applicable general provisions and zone standards of the Rural Residential (RR) Zone.

f) Ground Floor Area Less Than Required

Nothing in this By-law shall prevent an alteration being made to a permitted dwelling house, which dwelling house existed at the time of passing of this By-law but which has a ground floor area or dwelling unit area less than that required by this By-law, provided such alteration does not contravene any other provisions of this By-law.

3.41 Number of Dwelling Units on One Lot

Only one dwelling unit shall be permitted on a lot unless otherwise indicated. Exceptions to this provision include:

- i) An additional dwelling unit in a separate building for the accommodation of a farm worker and his family is permitted where the lot is greater than 25 hectares in area;
- ii) Notwithstanding the above, a second dwelling unit is permitted on a residential lot that is located in any WF1, WF2, or WF3 zone inclusive, provided that each main dwelling unit has its own separate water supply and sewage disposal system approved by the authority and further provided that the second dwelling unit is a minimum of 60 metres from the main dwelling unit and provided that each dwelling unit would be able to comply with the lot and frontage requirements should a consent be granted; (This provision does not apply to lands adjacent to Lorimer or Fairholm Lakes.)
- iii) A converted dwelling or an accessory apartment where the lands are zoned Rural (RU) or the Rural Residential (RR) zone
- iv) A garden suite in accordance with the provisions of this By-Law;
- v) An additional dwelling unit in an accessory or ancillary structure where there is no second dwelling in the main dwelling but excluding any Waterfront Residential (WF) Zone; and
- vi) Any secondary dwelling unit must have a separate entrance from the principal dwelling.

3.42 Secondary Dwelling Units

A secondary dwelling unit is permitted in the Rural (RU) Zone or the Rural Residential (RR) Zone subject to:

- a) a maximum of one secondary dwelling unit per lot;
- b) confirmation that the septic system has capacity to accommodate the secondary dwelling units;
- c) the total floor area of the secondary dwelling unit must not exceed the total floor area of the principal dwelling on the lot; and
- d) complying with all other applicable requirements of this By-law.

3.43 Occupation of Uncompleted or Unserviced Building

No building shall be used for human habitation before the septic system has been installed and functioning as certified by the approval authority.

3.44 Parking Area Regulations

Parking spaces and areas are required under this By-law in accordance with the following provisions:

(a) Parking Space Requirements

Every building or structure erected or used for any of the following purposes shall have the following parking spaces and areas:

<u>Type of Building or Use</u>	<u>Minimum Parking Required</u>
Building containing one dwelling unit	1 parking space, or 1 garage, or a carport
Building containing two or more dwelling Units	1 1/2 parking spaces per dwelling unit
Boarding House	1 parking space for each room available for rent
Clinic	5 parking spaces for each practitioner
Church, Assembly Hall, Funeral Home, Community Hall, Restaurant, Arena	Where there are fixed seats, 1 parking space for every five seats or 3 metres of bench space; where there are no fixed seats, 1 parking space for each 10 square metres of floor area devoted to public use
Hospitals or Institutions	1 parking space for each 2 beds or 35 square metres of floor area whichever is greater, plus one additional space for each resident doctor or resident employee
Hotel or Motel	1 parking space per suite or guestroom, and 1 additional parking space for each 9 square metres of floor area devoted to public use
Lodge	0.75 spaces per bedroom
Office, including Home Occupation	1 parking space per 10 square metres of office or home occupation floor area
Variety or Grocery Shop	1 parking space for every 9 square metres of total retail floor area
A Retail Store, Service Store, or other similar retail establishment	1 parking space for each 9 square metres of floor area and 1 parking space for every 25 square metres of service area
Other Commercial Uses	1 parking space for each 15 square metres of total floor area
Schools	1 1/2 parking spaces for each teaching area, plus 1 separate bus loading area per 2 teaching areas

Industrial including Home Industry	At least 3 parking spaces for every 90 square metres of total floor area up to 1800 square metres, plus one additional space for every 800 square metres of total floor area over 1800 square metres including any basement area if used for industrial use
Marina	1.25 parking spaces for every docking slip

b) Parking Area Requirements

Parking areas shall conform to the following provisions:

- (i) the parking area shall be located on the same lot as the use it is intended to serve, except in the case of a water access lot where the parking area shall be located in a zone where such use is permitted by this By-law or within 500 metres of the lot it is intended to serve in the case of a commercially zoned property;
- (ii) each parking space shall be at least 3 metres by 6 metres and shall be provided with unobstructed access to a street directly or by way of a driveway, aisle, lane or private road or in the case of barrier free parking each space shall be at least 5 metres by 6 metres;
- (iii) wherever more than 5 parking spaces are required, at least one space shall be barrier free;
- (iv) any parking area designed to serve water access lots shall have a minimum area of 100 square metres for each lot to be served and no parking shall be permitted within 10 metres of the high watermark or within 6 metres of any side lot line abutting a lot in a Waterfront Residential Zone and be owned by or registered on title to the water access land owner.
- (v) notwithstanding paragraph i) above, where off street parking is required by this by-law cannot be provided for on the same lot, such parking may, at the discretion of the Township, be provided for on an alternative lot which is located within 200 metres. Where parking is provided on an alternative lot, such parking shall be secured by agreement confirming the use of the parking spaces in respect of the lot proposed for the parking use and by restricting the use of the development lot to the continued provision of replacement parking;
- (vi) where site configuration or other constraints prevent or render undesirable the provision of all required spaces, cash-in-lieu of parking may be provided by the applicant. The parking fund so established shall be devoted to assist in the provision of additional parking facilities where deemed appropriate by the Township. The fee for cash-in-lieu of parking shall be determined by By-Law of the Township;
- (vii) The parking space requirements shall not apply to any building in existence with a legal non-conforming parking deficiency at the date of the passing of this By-Law to the extent of the deficiency so long as the floor area, as it exists on such date, is not increased and no change of use occurs. If an addition is made to the building or structure which increases the floor area or a change in use occurs, then parking spaces for the addition or change in use shall be provided.

c) Parking Area Surface

In a Commercial or Industrial Zone, parking areas and driveways connecting the parking areas with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. The parking area shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick (or tile), cinders, asphalt, concrete, Portland cement binder or like material and with provisions for drainage facilities which have been designed and constructed so as to prevent erosion, the washout of such parking areas, driveways or aisles or the carrying of soil, sand or sediment into an adjacent waterway.

d) Ingress and Egress

- (i) Ingress and egress, to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 4 metres but not more than 10 metres in perpendicular width.
- (ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 10 metres.
- (iii) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7 metres.
- (iv) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- (v) Every lot shall be limited to the following number of driveways:
 - (1) up to the first 30 metres of frontage - not more than 2 driveways; and,
 - (2) for each additional 30 metres of frontage - not more than 1 additional driveway.

e) Illumination

Where parking areas are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than 8 metres above the finished grade of the parking area. Fixtures shall be so designed and installed that the light is directed downward and deflected away from adjacent lots, roads and streets.

f) Addition to Building or Structure

When a building or structure has insufficient parking area at the date of passing of this By-law, nothing in this By-law shall be construed to require that the deficiency be made up prior to the construction of any addition. No addition may be built, however, and no change of use may occur, that would have the effect of further contravening the provisions of this By-law.

g) Use of Parking Spaces and Areas

Any area where parking is permitted under this By-law shall only be used for the parking of operational operative passenger vehicles and commercial vehicles used incidentally to the permitted uses on the lot, bearing currently valid license plates or for the seasonal storage of boats.

For the purpose of this subsection "commercial motor vehicle" shall mean any commercial vehicle as defined in The Highway Traffic Act.

h) Parking Area Location on Lot

Notwithstanding the yard and setback provisions of this By-law, uncovered surface parking areas in other than residential zones, shall be permitted in the required yard or in the area between the road or street line and the required setback provided no part of any parking area, other than a driveway, is located closer than 1 metre to any road or street line.

3.45 Pits and Quarries

No person shall use any land, or erect, alter or use any building or structure for the purpose of processing, washing, sorting, screening or crushing rock, sand or gravel except in conformity with the provisions of this By-law.

The making, establishment or operation of any new pits or quarries, except wayside pits as herein defined, is prohibited except in the locations permitted and in accordance with the provisions of this By-law.

Any pit or quarry permitted by this By-law shall be set back a minimum of 120 metres from the high water mark of any navigable waterway and 50 metres from any public road or side lot line.

lands that are not within the Industrial Pit (M2) Zone or the Industrial Pit and Quarry (M3) Zone.

3.46 Portable Asphalt and Portable Concrete Plants

Portable asphalt and portable concrete plants, used by a public road authority or their agent, shall be permitted throughout the Township without requiring an amendment to this By-law, except in existing built up areas and in an Environmental Protection (EP) Zone.

3.47 Prohibited Uses

Except as specifically permitted by this By-law, the following uses are prohibited:

- (a) any obnoxious use or noxious trade as defined under any Act;
- (b) buildings or structures on docks except for those specifically permitted;
- (c) campsite, tent, trailers or camping on vacant rural or residential lots except in accordance with the By-law to License Trailers in the Township being By-Law No. 94-17 as amended;
- (d) a track for the racing of motor vehicles, motorcycles or snowmobiles for commercial use;
- (e) pits and quarries except those licensed under the Aggregate Resources Act and wayside pits; and
- (f) outside storage on vacant lands except in accordance with this or any applicable by-law of the Township: and
- (g) short term rentals unless they are specifically provided for by this By-Law.

3.48 Public Uses

Nothing in this By-law shall prevent any land, building or structure, other than in an Environmental Protection (EP) Zone, from being used:

- a) as a public park, community park, playground, cemetery, or as a site for a public statue, monument, cenotaph, fountain or other memorial or ornamental structure; or,
- b) by the Township or by any local board thereof, by any telephone, telegraph or gas company, or by any other government agency, including Ontario Hydro, provided that, where such land, building or structure is located in a Rural Residential (RR) Zone:
 - i) no goods, material or equipment shall be stored in the open;
 - ii) the lot coverage and yard provisions prescribed for the Rural Residential (RR) Zone shall be complied with; and,
 - iii) any building erected pursuant to the provisions of this paragraph is designed and maintained in general harmony with surrounding buildings.

3.49 Pumphouse Restrictions

Where a lot abuts a navigable waterway, a single pumphouse is a permitted accessory use which may be located in any front yard, side yard or rear yard provided that:

- a) the pumphouse is set back at least 3 metres from the high water mark;

- b) the maximum ground floor area of the pumphouse is 9 square metres; and,
- c) the maximum height of the pumphouse is 3 metres.

3.50 Reduction of Requirements

No person shall change the purpose for which any land, building or structure is used, or erect any new building, structure or addition to any existing building or structure or sever any land from any existing parcel, if the effect of such action is to cause the land or the original, adjoining or remaining buildings or structures to be in contravention of any of the provisions of this By-law.

3.51 Sauna

A sauna is a permitted accessory building which may be located in any front yard, side yard or rear yard provided that:

- (a) approval is obtained from any government agency having jurisdiction;
- (b) the maximum height is one storey not exceeding 4 metres; and,
- (c) the maximum floor area is 20 square metres, including decks.
- (d) Minimum side yard of 6 metres; and
- (e) Minimum setback of 3 metres.

3.52 Septic Systems

A septic system shall comply with the requirements of the Ontario Building Code unless otherwise specified by this by-law.

3.53 Setback From Environmental Protection Area

Notwithstanding the provisions of this By-law, all buildings and structures excepting docks, pumphouses, boathouses or saunas, must be set back a minimum of 5 metres from all areas zoned Environmental Protection (EP) as shown on the map schedules.

3.54 Shore Road Allowance

Where a shore road allowance or Crown Reserve exists in front of any lot which has not been stopped up and acquired by the abutting land owner in whole or in part, the area of the shore road allowance or Crown Reserve above the high water mark between the extension of the side lot lines may be considered part of the lot area or depth required by this By-law.

3.55 Shore Road Allowance As Yard

Notwithstanding the provisions of this By-law, where a shore road allowance or Crown Reserve exists in front of any lot, which has not been stopped up and acquired by the abutting land owner in whole or in part, a building or structure may be erected without a front yard provided that the minimum front yard distance to the high water mark is maintained and further provided the building or structure or any part thereof does not encroach upon the shore road allowance or Crown Reserve.

3.56 Short Term Rentals

A short term rental unit is a rental unit in any waterfront or residential zone that is permitted in accordance with this By-Law and/or a licensing By-Law of the Municipality.

3.57 Signs

The provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign, provided such sign complies with the By-laws of the Township regulating signs.

3.58 Sleeping Cabins

Subject to Section 3.03 (the provisions of the By-Law), a single sleeping cabin is a permitted accessory use on any lot zoned for residential use, provided that the maximum gross floor area does not exceed 50 square metres or does not exceed the ground floor area of the principal dwelling on the lot, whichever is the lesser.

And where a sleeping cabin is proposed above or as part of a detached garage, the access to the sleeping cabin portion of the detached garage shall have a separate entrance without access to the non-habitable portions of the garage.

A sleeping cabin may be permitted on the second storey of a one and a half storey detached garage subject to a maximum floor area of 50m².

3.59 Special Uses Permitted

The following uses are permitted in all zones, except the Environmental Protection (EP) Zone and the Flood Plain (FP) Zone within the Township:

- a) Temporary camps used in the construction of public works but only for so long as it is necessary for such works as may be constructed adjacent to the camp and only until such time as the work is completed, or abandoned, or;
- b) A tool shed, scaffold or other building or structure incidental to the construction on the premises where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned.

“Abandoned” in this Section shall mean the failure to proceed expeditiously with the construction of a work, specifically abeyance of construction for six months.

3.60 Swimming Pools

The following provisions apply to outdoor swimming pools:

- a) For a single-detached, duplex and semi-detached:
 - i) Swimming pools may not be constructed in a front yard, and not closer than 2 metres to any lot line, other than a street line, plus 0.3 additional metres distance for each 0.5 metres which the top edge of the swimming pool is above grade at the property line.
 - ii) Swimming pools to be constructed adjacent to street lines, shall be set back the same distance as the dwelling is required to be set back, as set out in the this By-law.
 - ii) Every in-ground swimming pool in a residential zone shall be enclosed by a fence of at least 1.5 metres in height and located at a distance of not less than 1 metre and not more than 5 metres from the inside edge of the pool.
- b) For any other use:

Distance from any street or other lot line shall be 15 metres. The distance referred to above shall be measured from the inside edge of the swimming pool.

3.61 Temporary Uses Permitted

The following uses are permitted in all zones within the Township excepting the Environmental Protection (EP) and the Flood Plain (FP) Zones provided that a building permit has been issued for

the main building on the lot:

- a) Temporary camps, including trailers that comply with the By-law to License Trailers in the Municipality, used in the construction of public works but only for so long as it is necessary for such works as may be constructed adjacent to the camp and only until such time as the work is completed, or abandoned, or;
- b) A tool shed, scaffold, trailer (licenced) or other building or structure incidental to the construction on the premises where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned.

"Abandoned" in this Section shall mean the failure to proceed expeditiously with the construction of a work, specifically abeyance of construction for twelve months.

3.62 Tennis/Sports Courts

A tennis or sports court is a permitted accessory use to a lot zoned for residential purposes subject to complying with the yard requirements for the zone and notwithstanding the maximum fence height, a tennis court fence may be up to 3 metres in height.

3.63 Tent and Trailer Tents

Tents and trailer tents, trailers and motorhomes are not permitted in any zone as a principal use except in accordance with the Townships Trailer By-Law or where they are located within a commercial zone that permits tents or trailers or where a trailer is to be used as a temporary structure in connection with the construction of a permitted use and allowed under a conditional building permit.

No trailer may be used for human habitation except in accordance with the provisions of this By-Law and in accordance with the Township Trailer By-Law or when placed on a property for storage or sale when said property is used for a principal permitted use

No person shall locate, place or use a trailer, motorhome, tent, recreational vehicle on any land as a principal or primary use except where such uses are permitted within a tourist commercial establishment that is specifically zoned for said uses, or where a trailer has been permitted as a temporary structure in connection with the construction of a permitted use and authorized under a conditional building permit or in accordance with the provisions of the Township's Trailer by-law

3.64 Through Lot

Where a lot is a through lot, or where the front lot line of a lot is not determinable because of the lot or island configuration, the setback, frontage and front yard requirements contained herein shall apply on each road, or from each highwater mark, in accordance with the provisions of the zone or zones in which such lot is situated.

3.65 Timbering

No person shall use any land, or erect, alter or use any building or structure for commercial timbering within 30 metres of a public road or within 120 metres of any navigable waterway. Any commercial timbering must be in accordance with the Ministry of Natural Resources Timber Management or Forest Management Program Plan.

Note: The provisions contained in this section are regulated under Section 34 of the Planning Act and only apply to buildings, structures and uses of land. Other associated activities are not regulated by this section.

3.66 Tourist Establishment Regulations

Notwithstanding the provisions of this By-law, the following special provisions shall also apply to

new and expanding or enlarging tourist establishments on the waterfront and located in the General Commercial and Tourist Commercial (C2) Zones.

(a) Waterbody Size (Where Applicable)

Tourist establishments on the waterfront in the General Commercial Zones and Tourist Commercial (C2) Zone within the Township of McKellar, shall not be located next to lakes which are smaller than 19 hectares in surface area.

(b) Minimum Frontage on Navigable Water (Where Applicable)

The minimum water frontage required for tourist establishments on water in the General Commercial Zones and Tourist Commercial (C2) Zone shall be 100 metres or 2 metres for each person that can be accommodated or 20 metres for each 5 campsites; whichever results in the greater requirement. For the purpose of this By-law, every bedroom will generate 2 persons. For the purposes of determining the number of persons accommodated, this provision does not include owners or employees of tourist establishments.

(c) Minimum Lot Size

The minimum lot size for tourist establishment in the General Commercial Zones and Tourist Commercial (C2) Zone shall be 2 hectares or one hectare for each 20 persons that may be accommodated or fraction thereof; whichever is a greater requirement. For the purpose of this By-law, every bedroom will generate 2 persons and every campsite will generate 3 persons. For the purposes of determining the number of persons accommodated, this provision does not include owners or employees of tourist establishments.

d) Parking

Each tourist establishment in the General Commercial Zones and Tourist Commercial (C2) Zone shall provide at least one parking space for each tent or trailer site, housekeeping cottage, motel, hotel or efficiency unit.

3.67 Trailers and Motor Homes

No trailer or motor home may be used for human habitation except in accordance with the provisions of this By-law and in accordance with the By-law to License Trailers in the Municipality.

3.68 Unzoned Lands

Any lands illustrated on as shown on the map schedules to this By-law without a reference to a zone symbol shall be deemed to be zoned Rural (RU) and all applicable provisions of this zone shall apply.

3.69 Use of Vacant Lands

No vacant lands shall be used for the purpose of the storage of motor vehicles, machinery, materials or equipment, trailers or other similar objects which are not incidental to the expeditious construction of a building or the use permitted on such lands, and where otherwise specifically permitted by the provisions of this By-Law or any applicable By-Law of the Municipality.

3.70 Landfill Site (Waste Disposal Site) To Be Set Back

Notwithstanding the provisions of this By-law, a landfill site must be separated from any standing body of water in excess of 20 hectares of surface area a minimum of 300 metres.

3.71 Yard and Setback Encroachments Permitted

a) Ornamental Structure

Notwithstanding the yard provisions of this By-law, sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard or the area between the road or street line and the required setback a maximum distance of 1 metre.

b) Accessory Structure

Notwithstanding the yard provisions of this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory structures shall be permitted in any required yard or in the area between the road or street line and the required yard.

c) Fire Escape

Notwithstanding the yard provisions of this By-law, an unenclosed fire escape and the structural members necessary for its support, may project into any required yard a maximum distance of 2 metres.

d) Railway Spur in Industrial Zone

Notwithstanding the yard provisions of this By-law, in an Industrial Zone a railway spur shall be permitted within any required yard or in the area between the street line and the required setback.

e) Gate House

Notwithstanding the yard provisions of this By-law, in an Industrial Zone, a gate (guard) house shall be permitted in a front or side yard in the area between the street line and the required yard.

f) Building in Built-up Area

Notwithstanding the provisions of this By-law, where a detached dwelling unit or accessory use thereto is to be erected in a non-waterfront zone where there is an established building line, such dwelling unit or accessory use may be erected closer to the street line or the centre line of the road or street, as the case may be, than required by this By-law provided such dwelling unit or accessory use is not erected closer to the street line or to the centre line of the road or street, as the case may be, than the established building line on the date of passing of this By-law.

SECTION 4 - RURAL (RU) ZONE

4.01 Uses Permitted

No person shall within the Rural (RU) Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Rural Uses

- a single detached dwelling;
- seasonal dwelling;
- an accessory apartment;
- secondary dwelling;
- an accessory dwelling;
- a farm, and a specialized use farm as defined in this By-law;
- an animal hospital
- kennel
- riding stable;
- a nursery or commercial greenhouse;
- a contractor's yard;
- agriculture use;
- agricultural building;
- bed and breakfast;
- a home industry;
- a home occupation;
- a custom workshop;
- a day nursery;
- a school, church, community hall, private or public park or cemetery;
- an additional dwelling unit or units as permitted by this By-law;
- a boarding house;
- a garden suite as provided for in this By-Law;
- a mobile home;
- a modular home;
- a group home;
- a golf course;
- a hunting camp;
- a transportable prefabricated dwelling unit;
- government offices;
- library;
- notwithstanding the accessory use permissions of Section 3.03(a) and the minimum building area provisions of this By-law, one (1) storage building excepting a storage building intended for agriculture or farming use;
- wayside pit.

4.02 Zone Standards

Any building or structure permitted under Section 4.01 shall comply with the following provisions except as otherwise provided for in Section 3, General provisions.

a)	Minimum Lot Frontage	60 metres
b)	Minimum Lot Area	0.8
c)	Minimum Lot Depth	45
d)	Minimum Front Yard	7.5 metres
e)	Minimum Interior Side Yard	5 metres
f)	Minimum Exterior Side Yard	7.5
g)	Minimum Rear Yard	7.5
h)	Minimum Building Area – Ground Floor	60m ²
i)	Maximum Building Height	10 metres

j)	Accessory Building – Yard	3
k)	Accessory Building – Height	6 metres
l)	Maximum Lot Coverage by building in percent	15%

4.03 Special Exception Regulations – Rural (RU)

The regulations contained in Section 4.01 and 4.02, General Use Provisions and Zone Standards, shall apply to the Special Provision Use areas or areas defined below, except as otherwise specifically provided in the Special Use Regulations in this Subsection 4.03.

4.03.1 Rural Exception 1 (RU-1)

Part of Lot 20, Concession 10 may be used for a public garage in the existing building subject to:

- i. no outside storage is allowed except for customer vehicles awaiting repair and customer vehicles awaiting pickup.
- ii. additions to the existing public garage building may be permitted subject to a total gross floor area of 185 square metres.
- iii. Maximum public garage building height of 6 metres.

4.03.2 Rural Exception 2 (RU-2)

No buildings or structures are permitted on Part of Lots 24 and 25, Concession 5.

4.03.3 Rural Exception 3 (RU-3)

Part of Lot 16, Concession A is subject to a west side yard of 55.474 metres.

4.03.4 Rural Exception 4 (RU-4)

A machine and welding shop is a permitted use on Part of Lot 17, Concession B, being Part 1 of Reference Plan No. 42R-15712.

4.03.5 Rural Exception 5 (RU-5)

Part of Lot 28, Concession 7 fronting Smithpine Crescent is subject to a minimum frontage of 39 metres and a lot area of 0.3 hectares.

4.03.6 Rural Exception 6 (RU-6)

Part of Lot 23, Concession 3 fronting on Hurdville Road is subject to a lot frontage of 53 metres.

4.03.7 Rural Exception 7 (RU-7)

A docking facility designed to service the Ridge at Manitou Clubhouse, not exceeding an area of 115 square metres, and a secondary dock designed to service the golf course's main water pump, not exceeding an area of 55 square metres, may be permitted on the Crown lakebed in front of Lot 23, Concession 8 subject to the following provisions:

- a) that any dock facility must be located within the defined envelope as shown on Schedule 'A', Sheet 1;
- b) that any dock and/or shoreline improvements will be subject to receiving permission or authorization from any relevant provincial or federal agency having jurisdiction; and
- c) The minimum front and side yards shall be maintained at 15 metres for no other purpose excepting a vegetative buffer.

4.03.8 Rural Exception 8 (RU-8)

A small non-commercial workshop may be erected, altered and used on Part of Lot 31, Concession 14 prior to the construction of a principal dwelling.

4.03.9 Rural Exception 9 (RU-9)

610 Hurdville Road, located in Part of Lot 33, Concession 3, being Part of Part 4 of Reference Plan No. 42R-20140 may be used for an assembly hall for up to 200 persons including accessory uses and services subject to the general provisions and zone standards of the General Commercial (C1) Zone.

4.03.10 Rural Exception 10 (RU-10)

The lands described as Part of Lots 21, 22 and 23 in Concession 7 and 8, being the golf course identified as the Ridge at Manitou will be subject to the following additional restrictions:

- (a) the minimum front yard shall be 15.0 metres;
- (b) a boathouse and/or a dwelling unit is not a permitted accessory building or structure; and
- (c) an environmental buffer not less than 15 metres in width and extending inland from the highwater mark shall be maintained adjacent to the Environmental Protection (EP) Zones. No buildings, structures or accessory buildings or golf course uses shall be permitted on lands set aside as environmental buffer.

4.03.11 Rural Exception 11 (RU-11)

A single detached dwelling together with any permitted accessory uses may be erected and used on Part of Lot 17, Concession A fronting Highway No. 124 subject to a lot frontage of 130 metres and provided that all other general provisions and zone requirements for the Inland Development 1 (RU) Zone are met.

4.03.12 Rural Exception 12 (RU-12)

The lands identified as 10 Springhill Road may be used for any purpose permitted in the Rural (RU) Zone including a garden suite, subject to all general provisions and zone requirements for the Rural (RU) Zone. For the purpose of this by-law, a "garden suite" is defined as a one unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

SECTION 5 - RURAL RESIDENTIAL (RR) ZONE

5.01 Uses Permitted

No person shall within the Inland Development 2 (RR) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Residential Uses

- a single detached dwelling;
- secondary dwelling;
- seasonal dwelling;
- day nursery;
- bed and breakfast;
- a modular home;
- a home occupation;
- transportable prefabricated dwelling unit;
- a home industry;
- a boarding house;
- a nursing home;

- a mobile home;
- notwithstanding the accessory use permissions of Section 3.03(a) and the minimum building area provisions of this By-law, one (1) storage building

5.02 Zone Standards

Any building or structure permitted under Section 5.01 shall comply with the following provisions except as otherwise provided for in Section 3, General provisions.

a)	Minimum Lot Frontage	60 metres
b)	Minimum Lot Area	0.4 hectares
c)	Minimum Lot Depth	45 metres
d)	Minimum Front Yard	7.5 metres
e)	Minimum Interior Side Yard	5 metres
f)	Minimum Exterior Side Yard	7.5 metres
g)	Minimum Rear Yard	7.5 metres
h)	Minimum Building Area – Ground Floor	60m ²
i)	Maximum Building Height	10 metres
j)	Accessory Building – Yard	3 metres
k)	Accessory Building – Height	6 metres
l)	Maximum Lot Coverage by building in percent	15%

5.03 Special Exception Regulations – Rural Residential (RR)

The regulations contained in Section 5.01 and 5.02, General Use Provisions and Zone Standards, shall apply to the Special Provision Use areas or areas defined below, except as otherwise specifically provided in the Special Use Regulations in this Subsection 5.03

5.03.1 Rural Residential Exception 1 (RR-1)

The addition of 450 square feet to the main dwelling unit to be used as a retail store is a permitted use on Lot 1, Plan 74.

5.03.2 Rural Residential Exception 2 (RR-2)

Lands located at PCL 17978 SEC SS; LT 56 PL M142; LT 57 PL M142; LT 58 PL M142 EXCEPT PT 2, 42R11713; MCKELLAR the requirements of the Inland Development 2 (RR) Zone shall apply, except:

- a) The minimum lot area shall be 0.286 hectares.”

SECTION 6 - MULTIPLE RESIDENTIAL (RM) ZONE

6.01 Uses Permitted

No person shall within the Multiple Residential (RM) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Residential Uses

- a single detached dwelling;
- a semi-detached dwelling;
- a triplex dwelling;
- a duplex dwelling;
- a rowhouse
- a townhouse;
- a secondary dwelling;
- an apartment building containing up to four dwelling units; or
- any use permitted in the Rural Residential (RR) Zone.

b) Institutional Uses

- church;
- school;
- library;
- public park;
- school;
- arena;
- day nursery;

6.02 Zone Standards

Any building or structure permitted under Section 6.01 shall comply with the following provisions except as otherwise provided for in Section 3, General provisions.

a)	Minimum Lot Frontage	60 metres Semi – 30/unit Rowhouse- 6/unit Triplex/duplex – 60 metres Apartment – 60 metres
b)	Minimum Lot Area	0.4 hectares Semi – 0.2ha/unit Rowhouse – 0.1 ha/unit Triplex/duplex – 0.4 ha Apartment – 0.4 ha
c)	Minimum Lot Depth	60 metres
d)	Minimum Front Yard	7.5 metres
e)	Minimum Interior Side Yard	5 metres
f)	Minimum Exterior Side Yard	7.5 metres
g)	Minimum Rear Yard	7.5 metres
h)	Minimum Building Area – Ground Floor	60m ²
i)	Maximum Building Height	12 metres
j)	Accessory Building – Yard	3 metres
k)	Accessory Building – Height	6 metres
l)	Maximum Lot Coverage by building in percent	15%

6.03 Special Exception Regulations – Multiple Residential (RM)

The regulations contained in Section 6.01 and 6.02, General Use Provisions and Zone Standards, shall apply to the Special Provision Use areas or areas defined below, except as otherwise specifically provided in the Special Use Regulations in this Subsection 6.03

SECTION 7 - WATERFRONT RESIDENTIAL (WF1, WF2, WF3, WF4, WF5) ZONES

7.01 Uses Permitted

No person shall within the Waterfront Residential (WF1, WF2, WF3, WF4 and WF5) Zones use any lot, or erect, alter or use any building or structure for any purpose except one of the following uses:

a) Residential Uses

- a single detached dwelling per lot of record including a home occupation;
- a bed and breakfast subject to the provisions of this By-law;
- seasonal dwelling;
- a mobile home;
- notwithstanding the accessory use permissions of Section 3.03(a) and the minimum building area provisions of this By-law, one (1) storage building

7.02 Zone Standards

Any building or structure permitted under Section 7.01 shall comply with the following provisions except as otherwise provided for in Section 3, General provisions.

a)	Minimum Lot Frontage	WF1 – 60 metres WF2 – 90 metres WF3 – 120 metres WF4 – 150 metres WF5 –existing at time of passage
b)	Minimum Lot Area	WF1 – 0.8 hectares WF2, WF3 – 1 hectares WF4 – 1.5 hectares WF5 - existing at time of passage
c)	Minimum Lot Depth	WF1 – 45 metres WF2, WF3, WF4 – 60 metres WF5 - existing at time of passage
d)	Minimum Front Yard	10 metres (the required front yard must be preserved as a natural vegetative buffer except where there are structures or pathways.
e)	Minimum Interior Side Yard	5 metres
f)	Minimum Exterior Side Yard	7.5 metres
g)	Minimum Rear Yard	7.5 metres
h)	Minimum Building Area – Ground Floor	60m ²
i)	Maximum Building Height	10- metres
j)	Accessory Building – Yard	3 metres – boathouses excepted from front yard, 6 metre side yard required
k)	Accessory Building – Height	6 metres
l)	Maximum Lot Coverage by building in percent	15%

7.03 Special Exception Regulations – Waterfront Residential (WF1, WF2, WF3, WF4 and WF5)

The regulations contained in Section 7.01 and 7.02, General Use Provisions and Zone Standards, shall apply to the Special Provision Use areas or areas defined below, except as otherwise specifically provided in the Special Use Regulations in this Subsection 7.03.

7.03.1 Waterfront Residential 1 Exception

7.03.1.1 Waterfront Residential 1 Exception 1 (WF1-1)

A dwelling unit on Part of Lot 23, Concession A, being Part of Part 3, Plan 42R-4854 is restricted to the area shown as WF1-1.

7.03.1.2 Waterfront Residential 1 Exception 2 (WF1-2)

A sleeping cabin is not permitted on Part of Lot 19, Concession 1 and is subject to a minimum lot frontage of 49 metres, a minimum lot area of 0.36 hectares, a maximum lot coverage of 10%

7.03.1.3 Waterfront Residential 1 Exception 3 (WF1-3)

A sleeping cabin is not permitted on Part of Lot 19, Concession 1 and is subject to a minimum lot frontage of 55 metres, a minimum lot area of 0.36 hectares, a maximum lot coverage of 10%, a minimum dwelling unit ground floor area of 29.7 square metres

7.03.1.4 Waterfront Residential 1 Exception 4 (WF1-4)

A dwelling with any permitted accessory uses are permitted on each of two parcels located on Part of Lot 24, Concession A known as 5 Martha Drive subject to a minimum frontage of 80 metres and a lot area of 0.6 hectares

7.03.1.5 Waterfront Residential 1 Exception 5 (WF1-5)

An accessory apartment is permitted on Lot 19, Plan M-426

7.03.2 Waterfront Residential 2 Exception

7.03.2.1 Waterfront Residential 2 Exception 1 (WF2-1)

A single detached dwelling unit including any accessory buildings or structures is a permitted use on Lot 7, Plan 42M-550 subject to the following regulations:

a) Minimum Front Yard

- southeast corner of main dwelling and any additions thereto - 1.2 metres
- southwest corner of main dwelling and any additions thereto - 4 metres
- unenclosed deck - 2 metres
- steps - 0 metres

b) Front Lot Line is defined as the highwater mark established at the elevation 239.942 G.S.C.; and

c) except for the above special provisions, all other general provisions and zone standards for the Waterfront Residential 2 (WF2) Zone shall apply.

7.03.2.2 Waterfront Residential 2 Exception 2 (WF2-2)

The lands located at PCL 16022 SEC SS; PT LT A CON 8 MCKELLAR PT 10 PSR1475, municipally addressed as 193 Manitou Drive, the requirements of the Waterfront Residential 2 Zone shall apply, except:

- a) The minimum lot area shall be 0.2 hectares.
- b) The minimum lot frontage shall be 30.0 metres.
- c) The minimum required interior side yard shall be 3.5 metres.
- d) The minimum required road frontage shall be 18.0 metres.
- e) The requirements of the Waterfront Residential 2 Zone shall apply to the construction of any future buildings or structures.

The lands located at PCL 15399 SEC SS; PT LT A CON 8 MCKELLAR PT 11 PSR1475,

municipally addressed as 195 Manitou Drive as set out in the requirements of the Waterfront Residential 2 Zone shall apply, except:

- a) The minimum lot area shall be 0.2 hectares.
- b) The minimum lot frontage shall be 30.0 metres.
- c) The minimum required front yard shall be 9.0 metres.
- d) The minimum required interior side yard shall be 3.0 metres.
- e) The minimum required rear yard shall be 1.5 metres.
- f) The requirements of the Waterfront Residential 2 Zone shall apply to the construction of any future buildings or structures.

7.03.2.3 Waterfront Residential 2 Exception 3 (WF2-3)

A dwelling unit together with any accessory buildings, structures and uses is permitted on Lots 2, Plan 42M-550 subject to a rear yard of 4 metres.

7.03.2.4 Waterfront Residential 2 Exception 4 (WF2-4)

A dwelling unit and any accessory building or structure is a permitted use on Lot 6, Plan 42M-550 subject to a minimum rear yard of five metres.

7.03.2.5 Waterfront Residential 2 Exception 5 (WF2-5)

A dwelling unit is a permitted use on Part of Lot 3, Plan 42M-550 on Lake Manitouwabing subject to a maximum lot coverage of nineteen point three (19.3) percent, a rear yard of 0.59 metres, a minimum front yard of 4 metres.

7.03.2.6 Waterfront Residential 2 Exception 6 (WF2-6)

A dwelling unit together with any accessory buildings, uses or structures are permitted on Lot 4, Plan 42M-550 on Lake Manitouwabing subject to a minimum front yard of 4 metres.

7.03.2.7 Waterfront Residential 2 Exception 7 (WF2-7)

A storey and one half boathouse is permitted on and adjacent to the lands described as Lot 1, Plan 42M-550 (2 Fire Route 161).

7.03.2.8 Waterfront Residential 2 Exception 8 (WF2-8)

Part of Lot 27, Concession 10 includes the following restrictions:

- one single detached dwelling is permitted on each of four lots on the lots described as Part 4 of Plan 42R-5877
- a front yard of 30 metres to be preserved as a vegetative buffer except for paths and docking areas up to 4 metres in width
- docks and boathouses are restricted on the lands adjacent to Part of Lot 27, Concession 10
- a parking area and boat docking area with up to two docks not exceeding 12 square metres is permitted n Part of Lot 27, Concession 10 so long as the parking area does not exceed 600 square metres.

7.03.2.9 Waterfront Residential 2 Exception 9 (WF2-9)

Part of Lot A, Concession 8, designated as Part 2, Plan PSR 1474, 4 South Point Drive is subject to a maximum lot coverage of 16.21% and a minimum southerly side yard setback of 2.21 metres

7.03.2.10 Waterfront Residential 2 Exception 10 (WF2-10)

The dwelling on Part of Lot 15, Concession 9 is subject to a minimum building area of 46.64 square metres

7.03.2.11 Waterfront Residential 2 Exception 11 (WF2-11)

A private boat launch, dock and parking area is permitted on Part of Lot 22, Concession 4 subject to a minimum side and rear yard of 2 metres

7.03.2.12 Waterfront Residential 2 Exception 12 (WF2-12)

Part of Lots 32 and 33 in Concession 4 fronting on Lake Manitouwabing may be used for any use permitted in the Waterfront Residential 2 (WF2) Zone on each of two parcels created by consent. Any shoreline structures including accessory docks and boathouses are restricted to those area along the shoreline free of any Environmental Protection (EP).

7.03.2.13 Waterfront Residential 2 Exception 13 (WF2-13)

Parts 7, 8 and 9 of Plan PSR-118 at 27 and 31 Deerfield Road fronting on Lake Manitouwabing may be used for a dwelling unit on each of two parcels together with any accessory buildings and structures subject to the following standards.

Parcel 1

Part 7 and Part of Part 8 - minimum frontage of 54 metres
minimum lot area of 0.29 hectare

Parcel 2

Part of Part 8 and Part 9 - minimum frontage of 43 metres
minimum lot area of 0.14 hectare

7.03.2.14 Waterfront Residential 2 Exception 14 (WF2-14)

A one storey boathouse is permitted provided there are no kitchen or cooking facilities nor any bedrooms, nor any plumbing in the boathouse on Part of Lot 33, Concession 7 being Lot 15 on Plan 42M-599, 25 Lyndsey Lane.

7.03.2.15 Waterfront Residential 2 Exception 15 (WF2-15)

A boat docking facility and car parking facility together with a one storey boathouse not exceeding 61 square metres is permitted in Lot 32, Concession 7.

7.03.2.16 Waterfront Residential 2 Exception 16 (WF2-16)

A 1 1/2 storey boathouse may be erected provided there are no kitchen or cooking facilities nor any bedrooms in the boathouse on Part of Lot 33, Concession 6 being Lot 19 on Plan 42M-599.

7.03.2.17 Waterfront Residential 2 Exception 17 (WF2-17)

Allow a water access lot including a parking area, ramp and dock subject to the regulations set out for the waterfront Residential 2 (WF2) Zone. 7.03.2.18 Waterfront Residential 2 Exception 18 (WF2-18)

The requirements of the Waterfront Residential Two (WF2) Zone shall apply, except:

- a) The minimum lot area shall be 0.7 hectares.
- b) The minimum lot frontage shall be 60 metres.

7.03.2.19 Waterfront Residential 2 Exception 19 (WF2-19)

The requirements of the Waterfront Residential Two (WF2) Zone shall apply, except:

- a) The minimum lot area shall be 1,397 square metres.
- b) The minimum lot frontage shall be 20.1 metres.
- c) The minimum rear yard shall be 4.0 metres.
- d) An accessory building may be constructed on a lot with or without a main building.

7.03.2.20 Waterfront Residential 2 Exception 20 (WF2-20)

A single detached dwelling and associated accessory buildings and structures are permitted on Part of Lots 24 and 25, Concession 9, on the Middle River subject to the following provisions:

- a. No buildings or structures shall be permitted within 30m of any wetland;
- b. No buildings or structures shall be permitted within 15m of any watercourse other than the shoreline;
- c. A minimum setback of 30 metres from the front lot line (high watermark) for primary dwellings and permitted accessory structures is required and the following is permitted within the required front yard:
 - i. Accessory structures in accordance with the Zoning By-law, provided the 30 metre setback is met;
 - ii. A path to the shoreline which should be constructed out of permeable materials and meander;
 - iii. A detached, open-air deck is permitted within the front yard provided that the deck is less than 30 square metres and that the height of the floor of the deck is less than 2 metres above the average grade for the purposes of the open-air deck; iv. Stairs and landings not exceeding a width of 1.6 metres are permitted within the front yard; A dock shall be permitted subject to the following regulations:
 - 1. The maximum length of a dock should not exceed 15metres or 25% of the width of the channel whichever is more restrictive;
 - 2. The cumulative width of a dock, including fingers, cannot exceed 10 metres;
 - 3. The maximum area of a dock ramps shall not exceed 60 square metres (decking area of dock only) excluding any docks adjacent to boathouses); and,
 - 4. Permission is obtained from any government organization having approval authority.
- d. Storage of debris and materials used during construction shall not occur within 30 metres of the high water mark.
- e. Sediment and erosion control works, in the form of heavy-duty sediment fencing shall be positioned along the downgradient edge of any construction envelopes adjacent to wetlands, shorelines or watercourses.
- f. The development is subject to all other applicable general provisions and zone requirements for the Waterfront Residential 2 (WF2) Zone.

7.03.2.21 Waterfront Residential 2 Exception 21 (WF2-21)

Lands located at pcl 17978 sec ss; lt 56 pl m142; lt 57 pl m142; lt 58 pl m142 except pt 2, 42r11713; mckellar subject to the requirements of the Waterfront Residential (WF2) Zone shall apply, except:

- a) The minimum lot area shall be 0.370 hectares.
- b) The minimum lot frontage shall be 77.5 metres.
- c) No building or structure shall be erected within 30 metres of the high-water mark of Lake Manitouwabing.
- d) Remaining vegetation within the 30-metre setback from the high-water mark of Lake Manitouwabing shall be maintained in its natural state.
- e) Remaining trees within the 30-metre setback from the high-water mark of Lake Manitouwabing shall not be removed unless they pose a safety hazard, as assessed by a certified arborist.”

7.03.3 Waterfront Residential 3 Exception

7.03.3.1 Waterfront Residential 3 Exception 1 (WF3-1)

Up to two accessory apartments are permitted on Part of Lot 22, Concession 12, being Part 2 of Reference Plan 42R-6338.

7.03.3.2 Waterfront Residential 3 Exception 2 Limited Services (WF3-2)

A maximum of four lots in Part of Lot 25, Concession 8 fronting Middle River and Manitouwabing Lake are subject to the following:

- i) Minimum front yard of 20 metres
- ii) Minimum frontage on private road – 20m

7.03.3.3 Waterfront Residential 3 Exception 3 Limited Services (WF3-3)

A dwelling unit, together with any accessory buildings, uses or structures is permitted on each of two lots described as Parts 1 and 2 of Reference Plan No. 42R-1452 in Part of Lot 22, Concession 12 subject to a minimum **lot** size of 0.4 hectares, a minimum lot frontage of 60 metres and provided that all other general provisions and zone requirements for the Waterfront Residential 3 (WF3) Zone are met.

SECTION 8 - GENERAL COMMERCIAL ZONES

8.01 Contractor Commercial (C1.1) Zone

Uses Permitted

No person shall within the Contractor Commercial (C1.1) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Residential Uses

- a dwelling unit or units in accordance with the provisions of this By-law;
- a home occupation;
- a home industry; or,
- a boarding house.

b) Commercial Uses

- contractor's yard;
- external storage of goods and material to be used in connection with the building trade;
- outside storage of contractors vehicles and equipment;
- contractor's business or professional office;
- parking area;
- storage buildings;
- service shop;
- an animal hospital, kennel, or riding stable;
- a nursery or commercial greenhouse;
- a custom workshop;
- truck bus terminal; or
- a group home; or
- a hunting camp

8.02 General Commercial (C1.2) Zone

Uses Permitted

No person shall within the General Commercial (C1.2) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Residential Uses

- a dwelling unit or units in accordance with the provisions of this By-law;
- a home occupation;
- a home industry;
- a boarding house; or
- a mobile home.

b) Commercial Uses

- retail store
- restaurant
- take-out restaurant
- business or professional office
- automobile service station
- automobile sales establishment
- parking area
- service shop
- motel

8.03 **Retail Commercial (C1.3) Zone**

Uses Permitted

No person shall within the Retail Commercial (C1.3) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Residential Uses

- a dwelling unit or units in accordance with the provisions of this By-law;
- a home occupation;
- a home industry;
- a boarding house; or
- a mobile home.

b) Commercial Uses

- retail store
- business or professional office
- automobile service station
- parking area
- service shop

8.04 **Marine Commercial (C1.4) Zone**

Uses Permitted

No person shall within the Marine Commercial (C1.4) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Residential Uses

- a dwelling unit or units in accordance with the provisions of this By-law;
- a home occupation;
- a home industry; or,
- a boarding house.

b) Commercial Uses

- automobile service station (excluding autobody shop);
- automobile sales establishment;
- marina;
- snowmobile sales and service;
- small engine repair;
- an animal hospital, kennel, or riding stable;
- a nursery or commercial greenhouse;
- a custom workshop;
- a group home; or
- a hunting camp

8.05 **Autobody Commercial (C1.5) Zone**

Uses Permitted

No person shall within the Autobody Commercial (C1.5) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Residential Uses

- a dwelling unit or units in accordance with the provisions of this By-law;
- a home occupation;
- a home industry; or,
- a boarding house.

b) Commercial Uses

- autobody repair shop;
- welding shop;
- service shop;
- automobile service station;
- automobile sales establishment;
- public garage;
- an animal hospital, kennel, or riding stable;
- a nursery or commercial greenhouse;
- a custom workshop;
- a group home; or
- a hunting camp

8.06 Zone Standards

Any building or structure permitted under Section 8 shall comply with the following provisions except as otherwise provided for in Section 3, General provisions.

a)	Minimum Lot Frontage	60
b)	Minimum Lot Area	0.4 hectares
c)	Minimum Lot Depth	40 metres
d)	Minimum Front Yard	10
e)	Minimum Interior Side Yard	C1.1, C1.2, C1.3 – 5 metres C1.4, C1.5 – 3 metres
f)	Minimum Exterior Side Yard	7.5 metres
g)	Minimum Rear Yard	7.5 metres
h)	Minimum Building Area – Ground Floor	C1.1, C1.2, C1.3 – see Ontario Building Code Act, R.S.O. 1990 and Regulations thereunder C1.4, C1.5 – n/a
i)	Maximum Building Height	12 metres
j)	Accessory Building – Yard	3 metres
k)	Accessory Building – Height	10 metres
l)	Maximum Lot Coverage by building in percent	25%

8.07 Special Exception Regulations – Contractor Commercial (C1.1), General Commercial (C1.2), Retail Commercial (C1.3), Marine Commercial (C1.4) and the Autobody Commercial (C1.5)

The regulations contained in Section 8.01, 8.02, 8.03, 8.04, 8.05 and 8.06, General Use Provisions and Zone Standards, shall apply to the Special Provision Use areas or areas defined below, except as otherwise specifically provided in the Special Use Regulations in this Subsection 8.07.

8.07.2 General Commercial Exception 1 (C1.2-1)

8.07.2.1H Retail Commercial Exception 1 (C1.2-1)

Part of Lot 20, Concession A is subject to the following provisions:

(a) Permitted Uses Under the General Commercial - Holding (C1.2-H) Zone

No person shall use any lot, erect, alter or use any building or structure for any purpose except those existing at the date of passage of this By-law;

(b) Permitted Uses Under the General Commercial (C1.2) Zone

No person shall use any lot, erect, alter or use any building or structure for any purpose except for a retail store, restaurant, take-out restaurant, business or professional office, automobile service station, automobile sales establishment, parking area, service shop or.

8.07.3 Retail Commercial (C1.3) Exception

8.07.3.1H Retail Commercial Exception 1 Holding (C1.3-1H)

Part of Lot 20, Concession B, North side of Centre road is subject to the following provisions:

(a) Permitted Uses Under the Retail Commercial - Holding (C1.3-H) Zone

No person shall use any lot, erect, alter or use any building or structure for any purpose except those existing at the date of passage of this By-law;

(b) Permitted Uses Under the Retail Commercial (C1.3) Zone

No person shall use any lot, erect, alter or use any building or structure for any purpose except for a retail store, business or professional office, automobile service station, parking area or service shop.

(c) The 'H' - Holding symbol shall be removed provided that:

(i) any extensions for public services are approved by the appropriate authority;

(ii) a site plan has been approved by the Township where required under a Site Plan Control by-law;

(iii) approvals are obtained, where applicable from any government agency.

SECTION 9 - TOURIST COMMERCIAL (C2) ZONE

9.01 Uses Permitted

No person shall within the Tourist Commercial (C2) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Residential Uses

- a single detached dwelling;
- a dwelling unit or units in accordance with the provisions of this By-law;
- a home occupation;
- a home industry; or
- a mobile home.

b) Commercial Uses

- a lodge;
- a children's camp
- rental cottages;
- a tourist establishment;
- a trailer park;
- tavern;
- a hotel/motel;
- rental unit;
- a restaurant;
- miniature golf;
- a parking area;
- a camping establishment;
- a convenience store; or
- a tourist establishment subject to any applicable zoning provisions or requirements set out in this by-law

9.02 Zone Standards

Any building or structure permitted under Section 9.01 shall comply with the following provisions except as otherwise provided for in Section 3, General provisions.

a)	Minimum Lot Frontage	C2 – 60 metres C2M, C2MR – see Tourist Establishment Regulations
b)	Minimum Lot Area	C2- 0.4 hectares C2M, C2MR – see Tourist Establishment Regulations
c)	Minimum Lot Depth	60 metres
d)	Minimum Front Yard	10 metres
e)	Minimum Interior Side Yard	C2 – 5 metres C2M, C2MR – 3 metres
f)	Minimum Exterior Side Yard	7.5 metres
g)	Minimum Rear Yard	7.5 metres
h)	Minimum Building Area – Ground Floor	C2 –see Ontario Building Code Act, R.S.O. 1990 and Regulations thereunder C2M, C2MR – n/a
i)	Maximum Building Height	C2 - 10 metres C2M, C2MR – 12 metres
j)	Accessory Building – Yard	3 metres
k)	Accessory Building – Height	10 metres
l)	Maximum Lot Coverage by building	C2 – 10%

in percent	C2M, C2MR – 15% (maximum gross floor area is 20 percent)
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9.03 Tourist Commercial Marine (C2M) Zone

Notwithstanding the permitted uses contained in Section 9.01 above, any lands having the C2 Zone symbol together with the symbol "M" attached as a suffix to that symbol, shall include a marina as a permitted use together with all uses permitted in the Tourist Commercial (C2) Zone and subject to the zone standards for the C2.

9.04 Tourist Commercial Marine Restricted (C2MR) Zone

Notwithstanding the permitted uses contained in Section 9.01 above, any lands having the C2 Zone symbol together with the symbol "MR" attached as a suffix to that symbol, shall include a marina as a permitted use together with all uses permitted in the Tourist Commercial (C2) Zone provided that there shall be no fuel sales and subject to the zone standards for the C2.

9.05 Special Exception Regulations – Tourist Commercial (C2)

The regulations contained in Section 9.01 and 9.02, 9.03 and 9.04 General Use Provisions and Zone Standards, shall apply to the Special Provision Use areas or areas defined below, except as otherwise specifically provided in the Special Use Regulations in this Subsection 9.05.

9.05.1 Tourist Commercial Exception 1 (C2-1)

9.05.1.1 Tourist Commercial Exception 1 (C2-1)

A lodge, bed and breakfast, existing garage and up to seven sleeping cabins are permitted on Part of Lot 32, Concession 13, being Lot 71 of Registered Plan No. 258.

9.05.1.2 Tourist Commercial Exception 2 (C2-2)

Part of Lots 27, 28 and 29, Concessions 3 and 4 may be used for up to eleven rental cabins.

9.05.1.3 Tourist Commercial Exception 2 (C2-3)

Part of Lots 23 and 24 Concession 8 may only include the following permitted uses:

- tourist establishment;
- lodge;
- childrens camp;
- restaurant;
- riding stable;
- staff quarters;
- health spa;
- maintenance and storage facilities;
- tuck shop

9.05.1.4 Tourist Commercial Exception 2 (C2-4)

Notwithstanding the provisions of this By-Law, the lands described as Part Lots 22 and 23, Concession 11, McKellar (Municipally known as 154 Centre Road) are subject to the following provisions:

- a) The use of the property shall be limited to the following tourist commercial (C2) uses:
 - i) A maximum of six (6) rental cottages.
 - ii) A dwelling unit in accordance with the provisions of this By-Law.
 - iii) A home occupation.
 - iv) A home industry.

- v) A parking area.
 - vi) Accessory uses to the above.
-
- b) The maximum size of a rental cottage shall not exceed 100 square metres of gross floor area.
 - c) A minimum of two (2) parking spaces per rental cottage shall be provided in a parking area.
 - d) All other general provisions and zone requirements for the Tourist Commercial (C2) Zone of this By-Law shall continue to apply unless such provisions are altered by the provisions of the site plan development agreement associated with the property.

SECTION 10 - INDUSTRIAL (M1) ZONE

10.01 Uses Permitted

No person shall within the Industrial (M1) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Residential Uses

- a dwelling unit or units in accordance with the provisions of this By-law.

b) Commercial Uses

- building supply outlet;
- parking garage, structure or lot;
- a bulk fuel storage establishment;
- an automobile service station;
- farm implement dealer;
- a marina;
- a business or professional office;
- a laundromat;

c) Industrial Uses

- a car wash;
- manufacturing establishment;
- light industry;
- a saw mill;
- a contractor's yard;
- fertilizer mixing plant;
- a tradesman shop;
- a truck or bus storage terminal;
- a welding shop;
- a wayside pit;
- a warehouse;
- a salvage yard.

10.02 Zone Standards

Any building or structure permitted under Section 10.01 shall comply with the following provisions except as otherwise provided for in Section 3, General provisions.

a)	Minimum Lot Frontage	60 metres – commercial, industrial applicable only when fronting directly on public road
b)	Minimum Lot Area	0.4 hectares
c)	Minimum Lot Depth	60 metres
d)	Minimum Front Yard	7.5 metres (marinas excepted)
e)	Minimum Interior Side Yard	5 metres
f)	Minimum Exterior Side Yard	9 metres
g)	Minimum Rear Yard	9 metres
h)	Minimum Building Area – Ground Floor	Residential – see Ontario Building Code Act, R.S.O. 1990 and Regulations thereunder commercial, industrial – n/a
i)	Maximum Building Height	12 metres
j)	Accessory Building – Yard	residential – 3 metres; commercial, industrial - 1 metre
k)	Accessory Building – Height	10 metres

l)	Maximum Lot Coverage by building in percent	25%
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10.03 Special Exception Regulations – Industrial (M1)

The regulations contained in Section 10.01 and 10.02, General Use Provisions and Zone Standards, shall apply to the Special Provision Use areas or areas defined below, except as otherwise specifically provided in the Special Use Regulations in this Subsection 10.03.

SECTION 11 - INDUSTRIAL PIT (M2) ZONE

11.01 Uses Permitted

No person shall within the Industrial Pit (M2) Zone, use any lot, or erect or alter or use any building or structure for any purpose except one or more of the following uses.

a) Industrial Uses

- pit or quarry;
- a sand, gravel or rock processing, washing, sorting storage, screening or crushing operation; or
- a farm.

Prohibited Uses – blasting and crushing of rock and other quarry material – no processing, washing or screening of rocks or other quarry material is permitted.

11.02 Zone Standards

Any building or structure permitted under Section 11.01 shall comply with the following provisions except as otherwise provided for in Section 3, General provisions.

a)	Minimum Lot Frontage	100 metres
b)	Minimum Lot Area	2.0 hectares
c)	Minimum Lot Depth	60 metres
d)	Minimum Front Yard	7.5 metres
e)	Minimum Interior Side Yard	9 metres
f)	Minimum Exterior Side Yard	9 metres
g)	Minimum Rear Yard	9 metres
h)	Minimum Building Area – Ground Floor	n/a
i)	Maximum Building Height	20 metres
j)	Accessory Building – Yard	1 metres
k)	Accessory Building – Height	10 metres
l)	Maximum Lot Coverage by building in percent	n/a

11.03 Special Exception Regulations – Industrial Pit (M2)

The regulations contained in Section 11.01 and 11.02, General Use Provisions and Zone Standards, shall apply to the Special Provision Use areas or areas defined below, except as otherwise specifically provided in the Special Use Regulations in this Subsection 11.03.

SECTION 12 - LANDFILL (M3) ZONE

12.01 Uses Permitted

No person shall within the Landfill (M3) Zone use any lot, or erect or alter or use any building or structure for any purpose except one or more of the following uses:

(a) Landfill Uses

- a landfill site;
- a transfer station.

12.02 Zone Standards

Any building or structure permitted under Section 12.01 shall comply with the following provisions except as otherwise provided for in Section 3, General provisions.

a)	Minimum Lot Frontage	100 metres
b)	Minimum Lot Area	1.0 hectares
c)	Minimum Lot Depth	60 metres
d)	Minimum Front Yard	50 metres 150 m setback from any recreational waterbody
e)	Minimum Interior Side Yard	20 metres
f)	Minimum Exterior Side Yard	20 metres
g)	Minimum Rear Yard	20 metres
h)	Minimum Building Area – Ground Floor	n/a
i)	Maximum Building Height	20 metres
j)	Accessory Building – Yard	3 metres
k)	Accessory Building – Height	10 metres
l)	Maximum Lot Coverage by building in percent	n/a

12.03 Special Exception Regulations – Landfill (M3)

The regulations contained in Section 12.01 and 12.02, General Use Provisions and Zone Standards, shall apply to the Special Provision Use areas or areas defined below, except as otherwise specifically provided in the Special Use Regulations in this Subsection 12.03.

SECTION 13 – WASTE DISPOSAL (WD) ZONE

13.01 Uses Permitted

No person shall within the Waste Disposal (WD) Zone use any lot, or erect or alter or use any building or structure for any purpose except one or more of the following uses:

- (a) a sewage stabilization pond;
- (b) a treated sewage spray irrigation area;
- (c) sewage treatment plant

13.02 Zone Standards

Any building or structure permitted under Section 13.01 shall comply with the following provisions.

- a) Only those existing lands zoned Waste Disposal (WD) may be used for those uses permitted subject to the existing lot sizes and areas as of the date of the passing of this By-law.

SECTION 14 - OPEN SPACE PARKS (OS) ZONE

14.01 Uses Permitted

No person shall within the Open Space (OS) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Open Space and Park Uses

- an area where the primary land use is for public or private recreation, a playing field, public park, a community hall, an outdoor or closed swimming pool, a beach, a botanical garden, a golf course, a tennis court;
- a cemetery;
- a municipality owned arena;
- a private park;
- a boat launch;
- a fire hall; or,
- a municipal garage.

14.02 Zone Standards

Any building or structure permitted under Section 14.01 shall comply with the following provisions except as otherwise provided for in Section 3, General provisions.

a)	Minimum Lot Frontage	40 metres
b)	Minimum Lot Area	0.2 hectares
c)	Minimum Lot Depth	40 metres
d)	Minimum Front Yard	7.5 metres
e)	Minimum Interior Side Yard	5 metres
f)	Minimum Exterior Side Yard	9 metres
g)	Minimum Rear Yard	9 metres
h)	Minimum Building Area – Ground Floor	n/a
i)	Maximum Building Height	10 metres
j)	Accessory Building – Yard	3 metres
k)	Accessory Building – Height	5 metres
l)	Maximum Lot Coverage by building in percent	5%

14.03 Special Exception Regulations – Open Space Parks (OS)

The regulations contained in Section 14.01 and 14.02, General Use Provisions and Zone Standards, shall apply to the Special Provision Use areas or areas defined below, except as otherwise specifically provided in the Special Use Regulations in this Subsection 14.03.

14.03.1 Open Space Parks Exception 1 (OS-1)

A non-habitable boathouse together with an accessory building or structure is permitted on Part of Lot 25, Concession 6 and 7 being Parts 1, 3, 5 and 7 on Registered Plan 42R-13530.

SECTION 15 - ENVIRONMENTAL PROTECTION (EP) ZONE

15.01 Uses Permitted

No person shall within the Environmental Protection (EP) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Rural Uses

- a farm but not a specialized use farm as defined in this By-law;
- a dock, boathouse, pumphouse or sauna provided authorization is received from any relevant government agency.

b) Open Space Uses

- an area for the protection of an environmental hazard such as fish habitat and wildlife habitat; or,
- a conservation area primarily for the location of flood control, flood plain, floodway, bank stabilization or erosion protection structures or projects.

15.02 Zone Standards

Any building or structure permitted under Section 15.01 shall comply with the following provisions except as otherwise provided for in Section 3, General provisions.

a)	Minimum Lot Frontage	
b)	Minimum Lot Area	
c)	Minimum Lot Depth	
d)	Minimum Front Yard	
e)	Minimum Interior Side Yard	
f)	Minimum Exterior Side Yard	
g)	Minimum Rear Yard	
h)	Minimum Building Area – Ground Floor	n/a
i)	Maximum Building Height	
j)	Accessory Building – Yard	Rural Uses – 3 metres, boathouses excepted from front yard, 6 metres side yard required.
k)	Accessory Building – Height	Rural Uses – 5 metres, boathouses excepted from front yard, 6 metres side yard required.
l)	Maximum Lot Coverage by building in percent	Rural Uses – 5% Open Space Uses – n/a

15.03 Special Exception Regulations – Environmental Protection (EP)

The regulations contained in Section 15.01 and 15.02, General Use Provisions and Zone Standards, shall apply to the Special Provision Use areas or areas defined below, except as otherwise specifically provided in the Special Use Regulations in this Subsection 15.03.

15.03.1 Environmental Protection Exception 1 (EP-1)

Docks or boathouses are permitted on Part of Lot 25, Concession 8 and shall be maintained as a natural vegetation area save and except for one pathway not exceeding 2.0m in width providing access to the shoreline on each lot.

SECTION 16 - FLOOD PLAIN (FP) ZONE

16.01 Uses Permitted

No person shall within the Flood Plain (FP) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Rural Uses

- a farm excluding any buildings or structures;
- an aviary, arboretum, nursery garden or forestry operation except that no structures shall be permitted in this zone, except dock, boathouse and flood and erosion control structures; and
- pumphouses having a maximum area of 0.9 square metres.

Residential Uses

- engineered foundations for single detached dwellings.

Construction on the flood plain established by the 100 year flood level will require design approval by a Professional Engineer or Architect.

b) Open Space Uses

- a dock, pumphouse or sauna approved by the appropriate government agency;
- an area for the location of flood control measures including bank stabilization, erosion protection and ancillary structures or projects; or
- an area for the protection of environmental hazard such as wetlands, flood plain or flood way subject to very high water table, steep slopes, gullies, or lands subject to wind or water erosion.

16.02 Zone Standards

Any building or structure permitted under Section 16.01 shall comply with the following provisions except as otherwise provided for in Section 3, General provisions.

a)	Minimum Lot Frontage	40 m
b)	Minimum Lot Area	0.2 hectares
c)	Minimum Lot Depth	40 m
d)	Minimum Front Yard	n/a
e)	Minimum Interior Side Yard	n/a
f)	Minimum Exterior Side Yard	n/a
g)	Minimum Rear Yard	n/a
h)	Minimum Building Area – Ground Floor	n/a
i)	Maximum Building Height	10 m
j)	Accessory Building – Yard	3 metres – boathouses excepted from front yard, 6 metre side yard required
k)	Accessory Building – Height	5 – metres boathouses excepted from front yard, 6 metre side yard required
l)	Maximum Lot Coverage by building in percent	n/a

16.03 Special Exception Regulations – Flood Protection (FP)

The regulations contained in Section 16.01 and 16.02, General Use Provisions and Zone

Standards, shall apply to the Special Provision Use areas or areas defined below, except as otherwise specifically provided in the Special Use Regulations in this Subsection 16.03.

Permitted Uses

No person shall within the Crown Land (CL) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following use:

- an area for the protection of the natural environment;
- lawful uses existing at the time of passage of this By-Law;
- resource uses under the management of the Ministry of Natural Resources and Forestry;
- a commercial sand and gravel pit provided that the lands are specifically zoned for that purpose;
- a wayside pit or quarry;
- a boathouse on the Crown lakebed;
- a dock or structure approved by the government agency (s) having jurisdiction.

SECTION 17 - BY-LAW REPEALS

The following By-laws are hereby repealed:

By-law No. 95-12, free standing By-law 95-15 and 96-9 are hereby repealed.

READ a FIRST and SECOND time this day of

READ a THIRD time and PASSED this day
of

MAYOR

CLERK

METRIC - IMPERIAL EQUIVALENTS TABLE

NOTE: The equivalent figures in the following table are approximate only. For more accurate conversion, the following factors should be used:

1 metre = 3.281 feet 1 foot = 0.3048 metres
1 square metre = 10.765 square feet
1 hectare = 2.471 acres 1 acre = 0.405 hectares

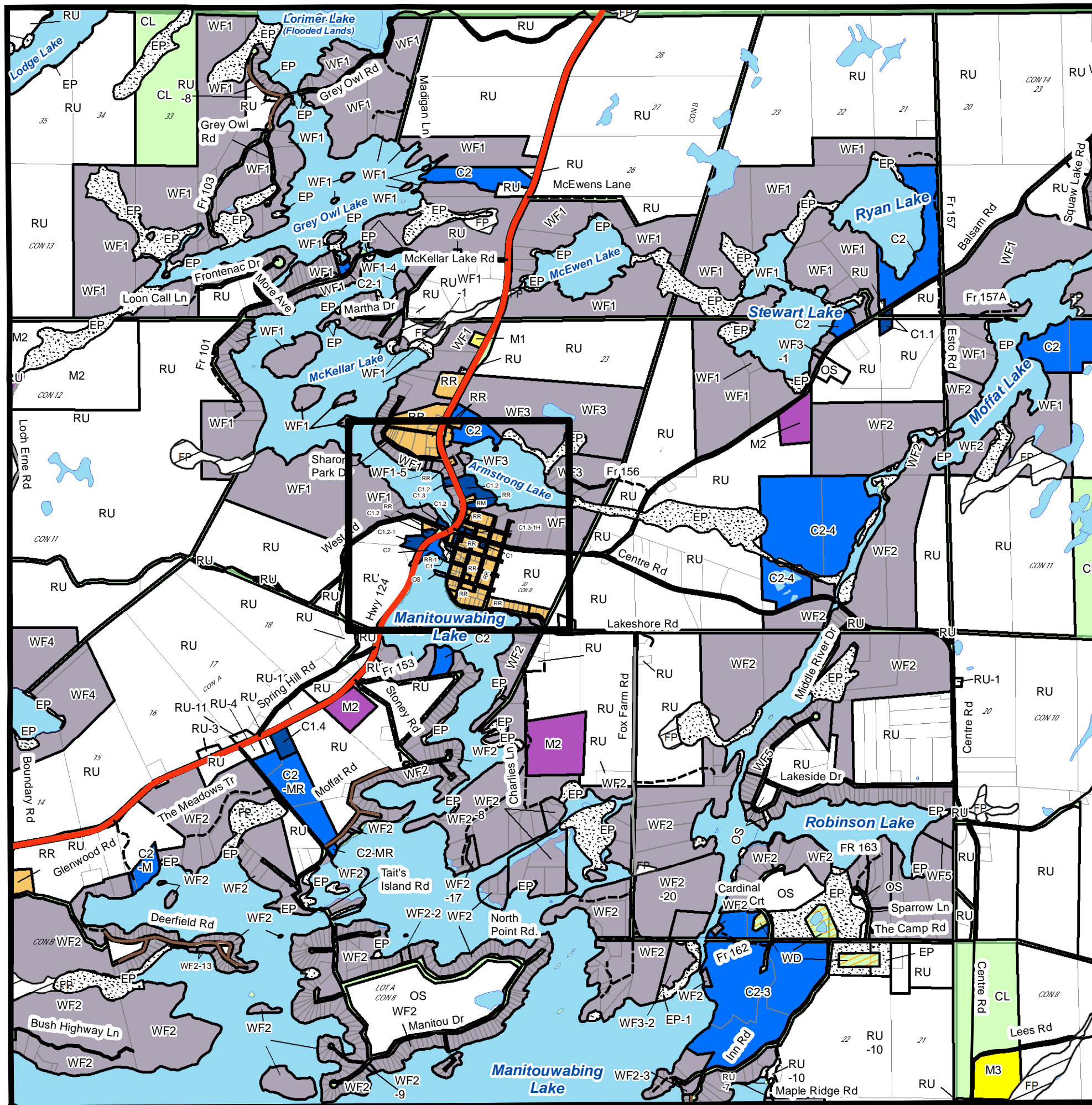
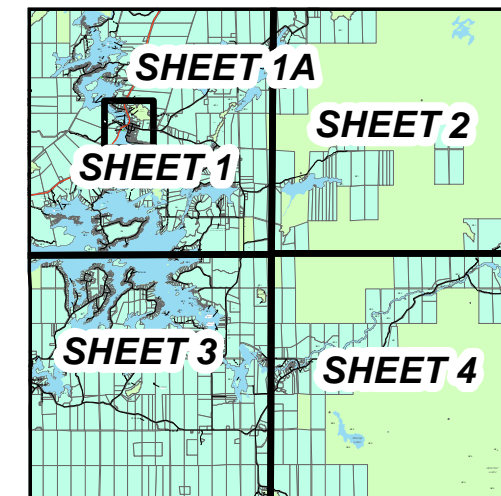
APPROXIMATE EQUIVALENTS

METRIC	IMPERIAL	METRIC	IMPERIAL
0.5 metres	1.6 feet	9 square metres	97 square feet
1 metre	3.3 feet	10 square metres	108 square feet
1.2 metres	3.9 feet	14 square metres	151 square feet
1.5 metres	4.9 feet	15 square metres	161 square feet
2 metres	6.6 feet	18 square metres	194 square feet
3 metres	10 feet	20 square metres	215 square feet
3.5 metres	11.5 feet	25 square metres	269 square feet
4 metres	13 feet	35 square metres	377 square feet
5 metres	16 feet	50 square metres	538 square feet
6 metres	20 feet	90 square metres	969 square feet
7 metres	23 feet	100 square metres	1,076 square feet
7.5 metres	25 feet	200 square metres	2,153 square feet
8 metres	26 feet	450 square metres	4,844 square feet
10 metres	33 feet	800 square metres	8,612 square feet
12 metres	40 feet	1,800 square metres	19,377 square feet
15 metres	50 feet		
20 metres	66 feet	4,000 square metres	1 acre
23 metres	75.5 feet	0.5 hectares	1.2 acres
25 metres	82 feet	0.8 hectares	2 acres
30 metres	100 feet	1 hectare	2.5 acres
50 metres	164 feet		
60 metres	200 feet		
70 metres	230 feet		
90 metres	300 feet		
100 metres	328 feet		
120 metres	394 feet		
150 metres	500 feet		
200 metres	656 feet		
300 metres	984 feet		
500 metres	1,640 feet		

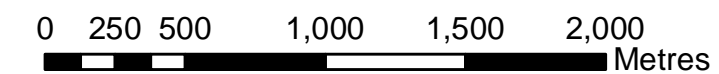
TOWNSHIP OF McKELLAR



SCHEDULE 'A', SHEET 1 TO ZONING BY-LAW No.



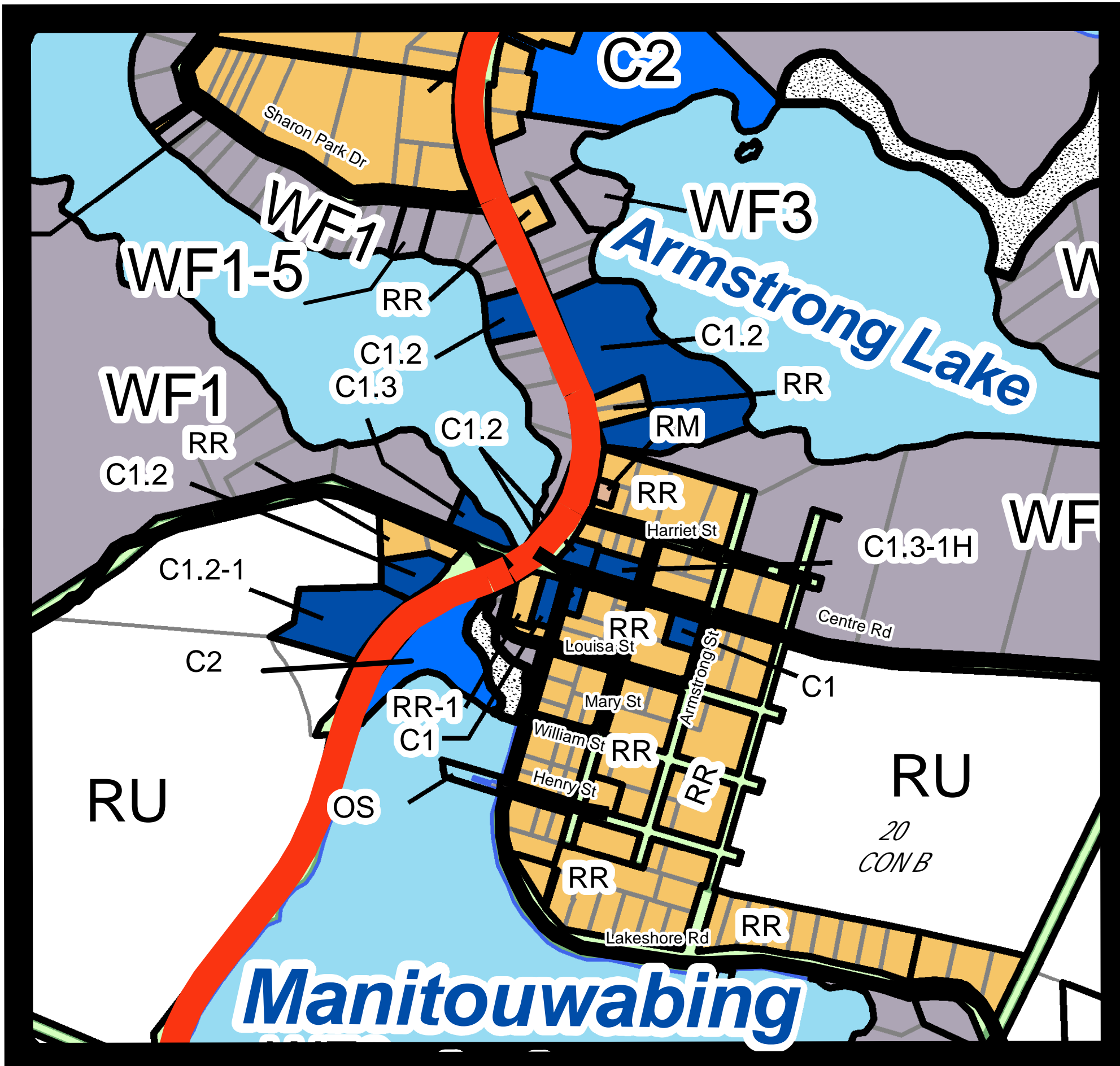
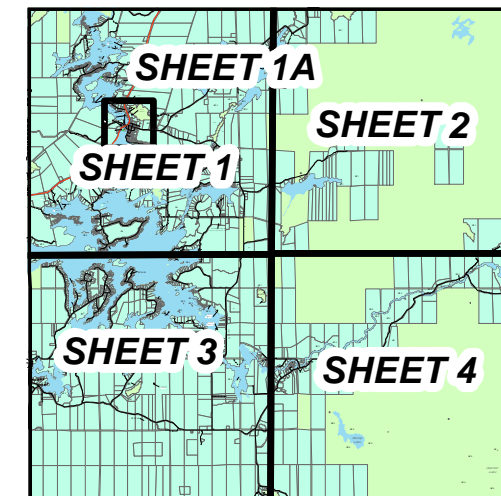
Zoning Symbols	
	General Commercial (C1)
	Tourist Commercial (C2)
	Crown Land (CL)
	Industrial (M1)
	Industrial Pit (M2)
	Landfill (M3)
	Open Space (OS)
	Multiple Residential (RM)
	Rural Residential (RR)
	Rural (RU)
	Waste Disposal (WD)
	Waterfront (WF1-WF5)
	Year Round Roads
	Unassumed Roads
	Seasonal Roads
	Highway
	Private Roads
	Environmental Protection (EP)
	Flood Plain (FP)
	Provincially Significant Wetland (PSW)



TOWNSHIP OF McKELLAR



SCHEDULE 'A', SHEET 1A TO ZONING BY-LAW No.



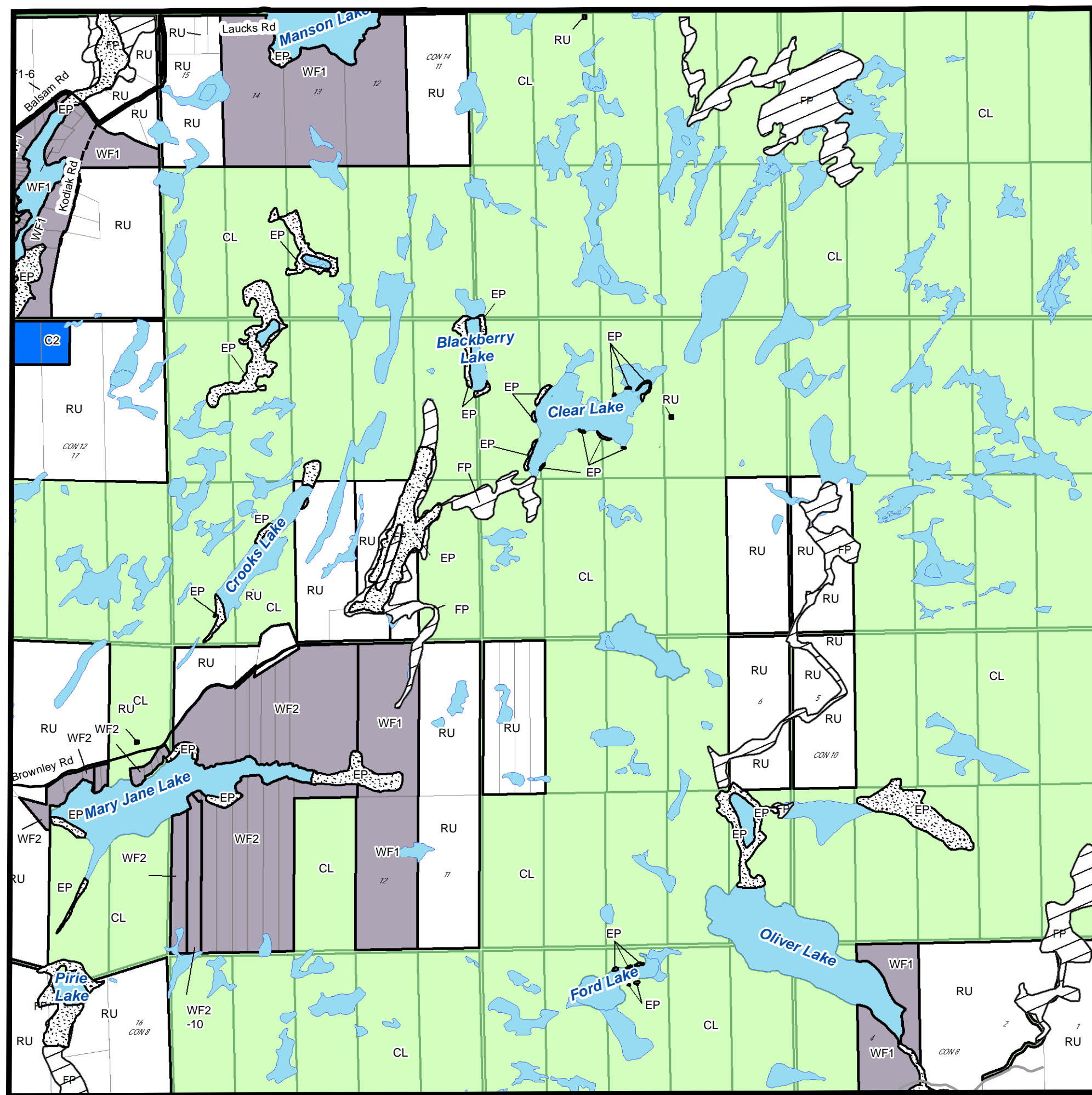
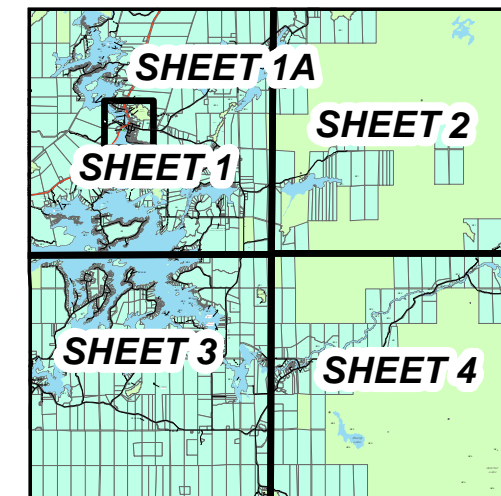
Zoning Symbols	
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	Tourist Commercial (C2)
	Crown Land (CL)
	Industrial (M1)
	Industrial Pit (M2)
	Landfill (M3)
	Open Space (OS)
	Multiple Residential (RM)
	Rural Residential (RR)
	Rural (RU)
	Waste Disposal (WD)
	Waterfront (WF1-WF5)
	Year Round
	Unassumed
	Seasonal
	Highway
	Private
	Environmental Protection (EP)
	Flood Plain (FP)
	Provincially Significant Wetland (PSW)



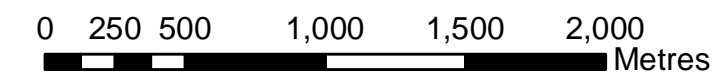
TOWNSHIP OF McKELLAR



SCHEDULE 'A', SHEET 2 TO ZONING BY-LAW No.



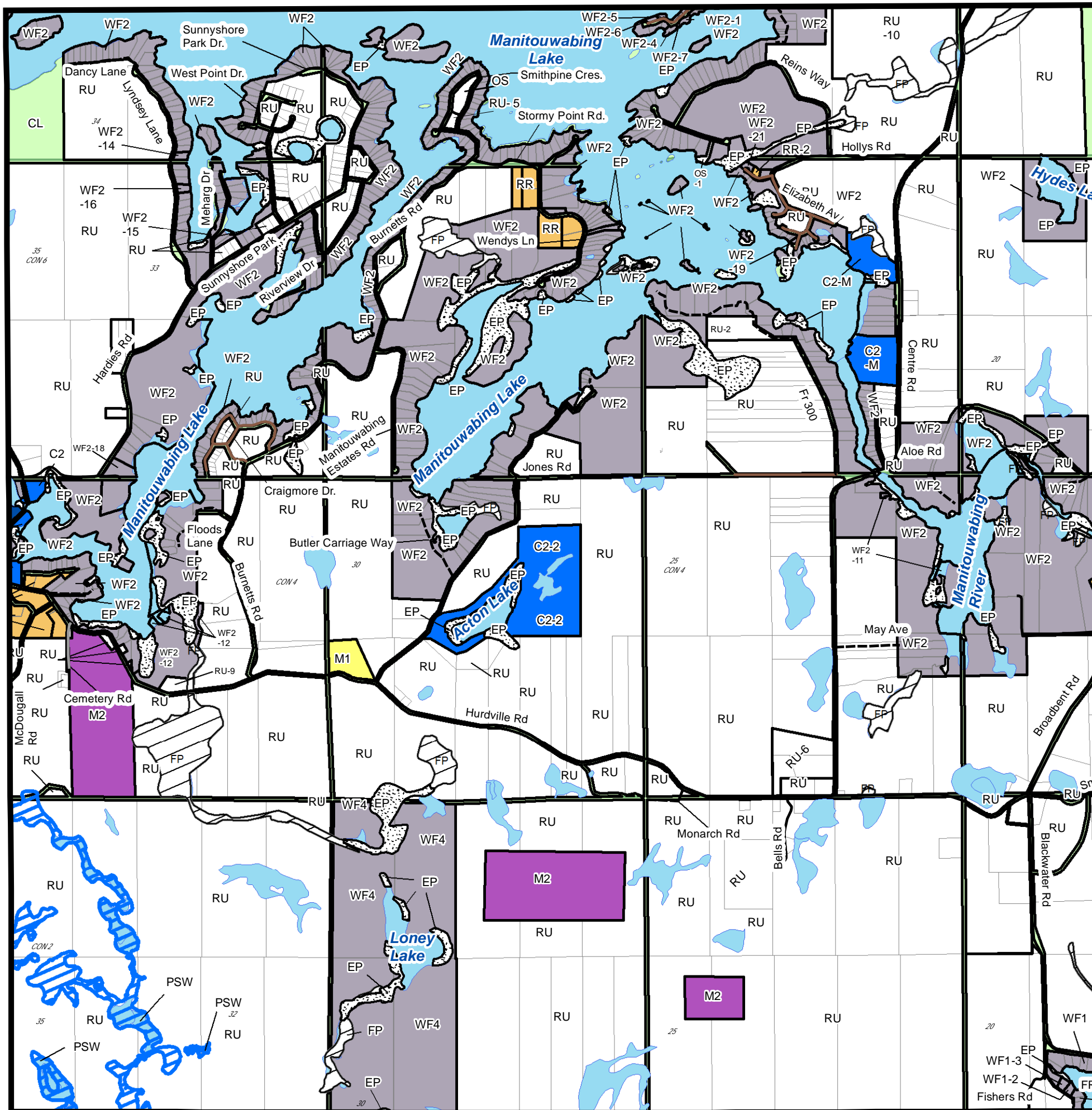
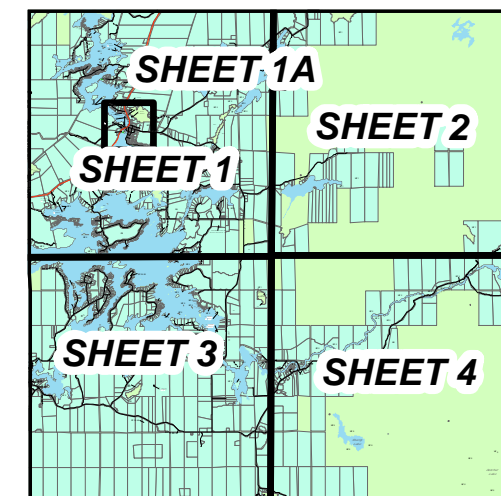
Zoning Symbols	
	General Commercial (C1)
	Tourist Commercial (C2)
	Crown Land (CL)
	Industrial (M1)
	Industrial Pit (M2)
	Landfill (M3)
	Open Space (OS)
	Multiple Residential (RM)
	Rural Residential (RR)
	Rural (RU)
	Waste Disposal (WD)
	Waterfront (WF1-WF5)
	Year Round Roads
	Unassumed Roads
	Seasonal Roads
	Highway
	Private Roads
	Environmental Protection (EP)
	Flood Plain (FP)
	Provincially Significant Wetland (PSW)



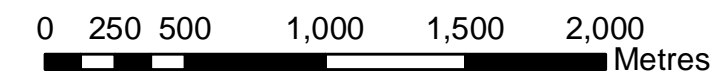
TOWNSHIP OF MCKELLAR



SCHEDULE 'A', SHEET 3 TO ZONING BY-LAW No.



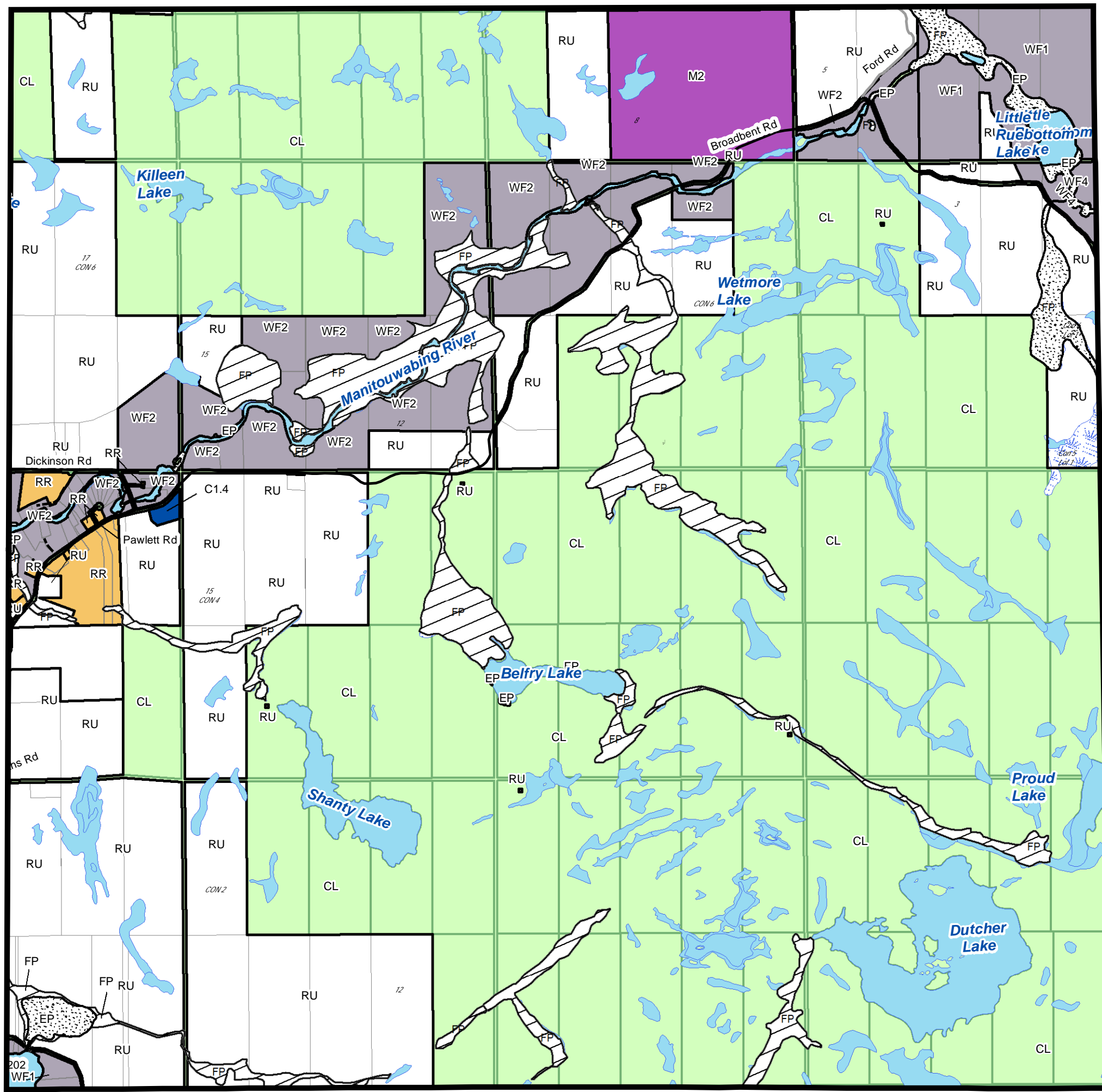
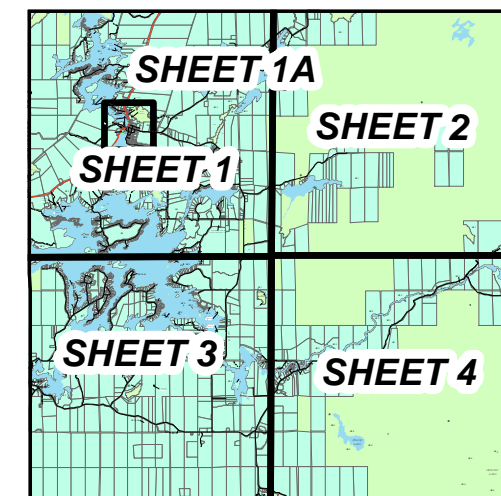
Zoning Symbols	
	General Commercial (C1)
	Tourist Commercial (C2)
	Crown Land (CL)
	Industrial (M1)
	Industrial Pit (M2)
	Landfill (M3)
	Open Space (OS)
	Multiple Residential (RM)
	Rural Residential (RR)
	Rural (RU)
	Waste Disposal (WD)
	Waterfront (WF1-WF5)
	Year Round Roads
	Unassumed Roads
	Seasonal Roads
	Highway
	Private Roads
	Environmental Protection (EP)
	Flood Plain (FP)
	Provincially Significant Wetland (PSW)



TOWNSHIP OF McKELLAR



SCHEDULE 'A', SHEET 4 TO ZONING BY-LAW No.



Zoning Symbols	
	General Commercial (C1)
	Tourist Commercial (C2)
	Crown Land (CL)
	Industrial (M1)
	Industrial Pit (M2)
	Landfill (M3)
	Open Space (OS)
	Multiple Residential (RM)
	Rural Residential (RR)
	Rural (RU)
	Waste Disposal (WD)
	Waterfront (WF1-WF5)
	Year Round
	Unassumed
	Seasonal
	Highway
	Private
	Environmental Protection (EP)
	Flood Plain (FP)
	Provincially Significant Wetland (PSW)

