

THE CORPORATION OF THE TOWNSHIP OF McKELLAR

BY-LAW NO. 2009-

**Being a By-Law to adopt Official Plan
Amendment No. 7**

The Council of the Corporation of the Township of McKellar, in accordance with the provisions of Section 17 and 21 of The Planning Act, R.S.O. 1990, c. P.13, as amended,

HEREBY ENACTS AS A BY-LAW OF THE CORPORATION, THE FOLLOWING:

1. Official Plan Amendment No. 7 for the Township of McKellar, consisting of the attached maps and explanatory text, is hereby adopted.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of Official Plan Amendment No. 7 for the Township of McKellar, and to provide such documentation as is required by subsection 17 (31), of The Planning Act, R.S.O. 1990, c. P.13, as amended.
3. This By-law shall come into force and take effect upon the day of final passing thereof.

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

Reeve

Clerk

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

Reeve

Clerk

AMENDMENT NO. 7

TO THE

OFFICIAL PLAN

OF THE

TOWNSHIP OF MCKELLAR

WATERFRONT DEVELOPMENT AND

REDEVELOPMENT POLICIES



December 7, 2009

AMENDMENT NO. 7
TO THE
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OF THE
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WATERFRONT DEVELOPMENT AND
REDEVELOPMENT POLICIES

This Amendment No. 7 to the Official Plan of the Township of McKellar, which has been adopted by the Council of the Corporation of the Township of McKellar, is hereby approved in accordance with Sections 17 and 21, of The Planning Act, R.S.O. 1990, c. P.13, as amended, as Amendment No. 7 to the Official Plan of the Township of McKellar.

Date: _____ Official: _____

- PART A -** The preamble does not constitute part of this amendment
- PART B -** The Amendment consisting of the following text and maps (designated Schedule "A") constitutes Amendment No. 7 to the Official Plan of the Township of McKellar.
- PART C -** These appendices, which do not constitute part of this amendment, containing the background data, planning considerations and public involvement associate with this amendment, are to follow.

**AMENDMENT NO. 7 TO THE OFFICIAL PLAN
FOR THE TOWNSHIP OF MCKELLAR**

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PART A – THE PREAMBLE

A.1 PURPOSE OF THE AMENDMENT

The Official Plan Amendment will replace the existing general waterfront development and redevelopment policies and the specific lake development and redevelopment policies for all of the recreational waterbodies throughout the whole of the Township of McKellar.

The general policies will address the following matters.

- General
- Access
- Accessibility Provisions
- Application - Completeness
- Back lots
- Buffers
- Capacity – Water Quality Capacity and Recreational Boating
- Character Preservation – Form
- Commercial Development and Redevelopment
- Crown Land
- Environmentally Sensitive Areas
- Flooded Lands
- General Standards
- Goal
- Home Occupations
- Natural Heritage
- Objectives
- Permitted Uses
- Principles
- Public Lands
- Servicing
- Shoreline Structures
- Site Evaluation Report
- Site Plan Control
- Species at Risk
- Stewardship of Lakes
- Wildlife Habitat

A.2 BACKGROUND TO THE AMENDMENT

1.0 The Township of McKellar has undertaken a study of its recreational waterbodies in the whole of the Township. There are 19 lakes of varying sizes and two river systems, Manitouwabing and Middle Rivers where the majority of waterfront development is focused.

- 2.0 The study is a result of interim control by-law measures that were put in place on all properties along all of the recreational waterbodies in the Township in the fall of 2008. The effect of the interim control by-law was to freeze all new development on lakefront properties until the study could be completed.
- 3.0 The Township of McKellar's application of an interim control by-law was appealed to the Ontario Municipal Board. The Ontario Municipal Board upheld the Township's approach to suspend development until a study and new land use policies could be put in place for lands adjacent to its recreational waterbodies.
- 4.0 The Council of the Township of McKellar undertook the lake planning study with a one year time line recognizing that the interim control by-law would be in effect for only one year from the by-law's enactment on September 15, 2008.
- 5.0 The study terms of reference and consultants' work began in late 2008 and in early 2009. The study consisted of a land use component and an environmental component.
- 6.0 A review of data, problems, issues and concerns with respect to shoreline development and redevelopment and policies has taken place over the past eight months. The Township has held committee meetings, circulated questionnaires to all ratepayers, held public meetings, prepared new mapping and maintained a link on its website to inform ratepayers of the status of the study.
- 7.0 The Council of the Township of McKellar has now prepared new policies and implementing zoning regulations to respond to current conditions along its recreational waterbodies.

PART B – THE AMENDMENT

B.1 Section 4.0 – OBJECTIVES – MCKELLAR OFFICIAL PLAN

Section 4.0 – OBJECTIVES – MCKELLAR OFFICIAL PLAN is hereby amended by deleting paragraph 4. and replacing it with the following:

- "4. **Encouraging the orderly development of commercial and light industrial uses away from the lake neighbourhoods while permitting existing Commercial and Tourist Commercial properties to continue with their existing and permitted as-of-right uses, as referenced in By-law 95-12, as amended, along the shorelines of the Township's waterfront communities."**

B.2 Section 5.0 – BASIS OF THE PLAN

Section 5.0 – BASIS OF THE PLAN is hereby amended by:

- (a) deleting paragraph 5 of Section 5.1;
- (b) deleting 5.2 in its entirety;
- (c) renumbering 5.3 to 5.2; 5.4 to 5.3; 5.5 to 5.4; 5.6 to 5.5; 5.7 to 5.6; 5.8 to 5.7
- (d) deleting the first paragraph of Section 5.3 and replacing it with the following:

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

- (e) deleting Section 5.4 and replacing it with the following:

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

B.3 Section 8.0 – PARKLAND POLICIES

Section 8.0 – PARKLAND POLICIES is hereby amended by deleting 8.4 in its entirety.

B.4 Section 9.0 – GENERAL DEVELOPMENT STANDARDS

Section 9.0 – **GENERAL DEVELOPMENT STANDARDS** is amended by replacing "tourist camp" in section 9.12 with "**tourist commercial operation**".

B.5 Section 10.0 – COMMERCIAL OR INDUSTRIAL DEVELOPMENT

Section 10.2 – **COMMERCIAL OR INDUSTRIAL DEVELOPMENT** is hereby amended by:

- (a) deleting the third sentence, "New commercial and light industrial uses and expansions to existing commercial and light industrial uses may be considered in any of the land use designations of the plan subject to the following:"; and replacing it with the following:

"Expansions and/or alterations to existing general commercial, tourist commercial, and light industrial uses to realize permitted as-of-right uses as referenced in By-law 95-12, as amended, for the Township of McKellar, may be considered in any of the applicable land use designations. New general commercial, tourist commercial, and light industrial uses may be considered in any of the land use designations, with the exception of the Waterfront designation, of this Plan subject to the following:"; and

- (b) deleting the words "the Ministry of Environment and the Ministry of Natural Resources," in subsection (a), and replacing them with the words: "**any relevant agency**".

B.6 Section 16.2 – Waterfront

(a) Section 16.2.1 is hereby amended by deleting the section and replacing it with the following:

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

Inland Development."

(b) Section 16.2.2 is hereby amended by deleting the section in its entirety.

(c) Section 16.2.3 is hereby amended by deleting the section in its entirety.

B.7 Section 16.3 Environmentally Sensitive Policy Areas

(a) Section 16.3.1 is amended by replacing "Ministry of Natural Resources" with "**relevant government agency**".

(b) Section 16.3.3 is amended by replacing "Ministry of Natural Resources" with "**relevant government agency**".

B.8 Section 16.4 – Inn Commercial

Section 16.4 – Inn Commercial is hereby amended by deleting the section in its entirety.

B.9 Section 16.5 – Inn Commercial-Expansion Area

Section 16.5 – Inn Commercial-Expansion Area is hereby amended by:

(a) renumbering 16.5 to 16.4, 16.5.1 to 16.4.1 and 16.5.2 to 16.4.2;

(b) deleting 16.4.1 and replacing 16.4.1 with:

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

(c) deleting 16.4.2 and by adding a new subsection 16.4.2 as follows:

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

a) maximum gross floor areas;

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

(d) adding a new subsection 16.4.3 as follows:

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

B.10 Schedule 'A' – Land Use Plan for the Township of McKellar

Schedule 'A' – Land Use Plan for the Township of McKellar, is hereby amended by deleting the Schedule and replacing it with a new Schedule 'A' attached hereto.

B.11 Sections 17 and 18, General Lake Policies and Specific Lake Policies

Sections 17 and 18, General Lake Policies and Specific Lake Policies, respectively, are hereby deleted in their entirety and replaced with the following:

"17.0 WATERFRONT POLICIES

17.01 Basis For Waterfront Policies

17.01.1 The original Official Plan for the Township of McKellar had a basic approach to shoreline development. New lots could be created at a standard of 60 metres of frontage with 0.4 hectares of lot area with some variations depending upon wildlife habitat or the sensitivity of smaller lakes.

17.01.2 The former policy had attempted to achieve some lake density controls based upon surface areas of many of the lakes as a ratio for shoreline development.

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

- 17.01.4 The historical planning controls allowed for the development of new tourist commercial operations without the benefit of a clear understanding of the impact of these developments on the carrying capacities of these waterbodies.
- 17.01.5 There is a new approach when considering new development and/or redevelopment within the Waterfront areas of the Township. Much of the appeal of the Waterfront lands is directly related to the quality of the environment and natural heritage features. This shift in policy will place an "environment first" philosophy on new development and/or redevelopment within the Waterfront in order to preserve this resource.
- 17.01.6 Updated land use, lake and environmental data have allowed the municipality to better understand the relationship between existing development, residual capacities and future new development and/or redevelopment needs of the Township recreational waterbodies.
- 17.01.7 A questionnaire was circulated to all property owners in 2009 to solicit views on shoreline new development and/or redevelopment in McKellar Township. There was an extremely high response rate to the questionnaire giving the Council of the Township of McKellar strong direction on policy matters for the lakes.
- 17.01.8 Any pressures for additional shoreline new development and/or redevelopment will require a more comprehensive planning approach in contrast to those undertaken in the past.
- 17.01.9 A fundamental planning approach for lake planning in McKellar Township will be to preserve the traditional character of each of the lakes. This will place significant challenges on the municipality to resist new forms of new development and/or redevelopment, and to resist more and higher intensities, in the nature of fractional development project use, condominium use, and similar uses that would ultimately alter the character of McKellar Township Lakes.
- 17.01.10 There are existing tourist commercial establishments located on a number of the recreational waterbodies. These businesses are important activities in the community and are supported by the Municipality. These tourist commercial establishment uses provide goods and services to visitors to the Township and short-term accommodation. However, while these establishments are part of the traditional lakefront community and are an integral part of a lake's character, any significant changes in intensity or nature that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended could alter or adversely impact a lake's character. It is the intention of this

Plan to provide that care will be taken to ensure that existing tourist commercial establishments with their permitted as-of-right uses as referenced in By-law 95-12, as amended, may continue to be viable and thrive.

- 17.01.11 The policy rationale for much of the lake planning for McKellar Township will be premised on an approach that preserves the character of each lake. This principle would best represent the data, the consultation process, and the long term interests of the goals and objectives of lake planning for McKellar Township.
- 17.01.12 The Plan will have a strong component relating to the preservation of natural heritage features and be more responsive to matters of provincial interest.

17.02 General

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

17.03 Principles

- 17.03.1 The Waterfront areas within the Township of McKellar represent the focus of development for the past fifty years and continue to be the area of the municipality having the primary development interest.
- 17.03.2 The use of the Waterfront is predominantly seasonal residences, year round homes with some commercial and tourist commercial uses and pasture land interspersed with the shoreline residential uses.
- 17.03.3 The general form of development consists of single tier, low density residential uses in detached dwellings, each on an individual lot, in a heavily mixed forest setting.

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

17.1 GOAL

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

17.2 OBJECTIVES

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

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

17.3 PERMITTED USES

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

17.4 CHARACTER PRESERVATION IN THE WATERFRONT DESIGNATION

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

and agricultural uses that had a focus away from the lakes and commonly developed adjacent to the rural roadways.

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

17.5 GENERAL STANDARDS FOR RESIDENTIAL DEVELOPMENT IN THE WATERFRONT DESIGNATION

- 17.5.1 New lots in the Waterfront designation will be subject to a minimum lot frontage and a minimum lot area that responds to the particular needs for the various lakes and parts of lakes throughout the municipality. The previous standards for new lakefront properties ranged between 60 metres of frontage to 150 metres of frontage. Lake Manitowabing generally provided for 60 metre lot frontages on the west side of the Lake and a minimum 90 metre lot frontage on the east side of the Lake in response to the presence of deer wintering habitat.
- 17.5.2 These standards should be maintained or increased. In some instances new development and/or redevelopment proposing a new form, scale, or nature of use should be further restricted in response to development and/or redevelopment constraints or in areas where there

are significant lake capacity considerations. The new minimum lot frontage standards will be set out in the implementing zoning by-law.

- 17.5.3 The minimum requirement for the size of new lots should be increased to recognize the need for larger areas when individual private services are proposed for new development and/or redevelopment and where there are important habitat features like deer wintering areas or on island properties. The new minimum lot frontage standards will be set out in the implementing Zoning By-law.
- 17.5.4 The implementing zoning by-law will include provisions relating to building location, size and setbacks that adequately respond to the objectives for Waterfront lands.
- 17.5.5 Exceptions to the general standards set out in the implementing zoning by-law may be made to recognize existing development, make title corrections or to respond to sound planning principles based upon individual circumstances.

17.6 ACCESS TO LAKES

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

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

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

- 17.7.1 There are a number of existing tourist commercial uses on the recreational waterbodies throughout the Township. These existing tourist commercial uses cater primarily to the recreational and service needs of the community and visitors.
- 17.7.2 It is the intention of this Plan that those properties along the waterfront that are zoned in By-law 95-12, as amended, general commercial, tourist commercial or in a special provision that permits tourist commercial uses may continue their existing and permitted as-of-right uses, as outlined in By-law 95-12, as amended, and will be recognized in the zoning by-law so that any use permitted as-of-right in the zoning by-law will be allowed to expand to the listed permitted as-of-right uses

and permitted as-of-right densities as outlined in By-law 95-12, as amended, without the requirement of studies referenced in this Plan.

- 17.7.3 It is the intention of this Plan that no new tourist commercial multiple dwelling unit developments and/or multiple dwelling development uses in the nature of fractional development project uses, condominium uses, or similar uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended; will be permitted in the Waterfront designation, except through an approved Official Plan Amendment and zoning by-law amendment.
- 17.7.4 Most of the shoreline in McKellar Township has been developed with low density, single detached residential dwellings on individual lots with historical tourist commercial establishments intermixed with these residential uses. Further, there are few areas of continuous vacant, accessible and undeveloped shoreline in McKellar Township that are suitable for the establishment of new multiple dwelling unit developments and/or multiple dwelling development uses, in the nature of fractional development project uses, condominium uses, or similar uses.
- 17.7.5 Given the current trends, respecting new multiple dwelling unit developments and/or multiple dwelling development uses, in the nature of a fractional development project use, condominium use, or similar uses; the absence of any reasonable potential for new multiple dwelling unit developments and/or multiple dwelling development uses, in the nature of a fractional development project use, condominium use, or similar uses; and the general incompatibility of multiple dwelling unit developments and/or multiple dwelling development uses, in the nature of a fractional development project use, condominium use, or similar uses, adjacent to low density residential development; it is the intent and policy of this Plan to not permit the establishment of any new multiple dwelling unit developments and/or multiple dwelling development uses, in the nature of a fractional development project use, condominium use, or similar uses, as defined in By-law 95-12, as amended, for the Township of McKellar, in the Waterfront designation.
- 17.7.6 It is the intention of this Plan that existing tourist commercial establishment uses, as defined and permitted as-of-right in By-law 95-12, as amended, along the waterfront, may expand only to the limits of the lands that are currently zoned as-of-right for the tourist commercial establishment use in By-law 95-12, as amended. No additional lands not having a commercial zone may be zoned beyond the existing limits in Zoning By-law No. 95-12, as amended, as of the date of the passing of this by-law. An exception may be made for those additional lands

that do not provide for an increase in allowable density including tennis courts, baseball fields, tracks or other recreational facilities.

- 17.7.7 The implementing zoning by-law will prescribe limits on the density and size of tourist commercial establishment uses, including guest accommodation units associated therewith, in order to preserve the character of the existing tourist commercial establishment uses in the various lake communities.
- 17.7.8 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, in the nature of a fractional development project use, condominium use, or similar uses, which are not permitted; that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, and proposed by way of an amendment to the zoning by-law, will be subject to increased density controls in the form of servicing responsibility agreements; increased intensified uses, in nature and form, controls; and, as a minimum, the undertaking of a site evaluation report as set out in Section 17.19.2 of this Plan.
- 17.7.9 It is the intent and policy of this Plan that a multiple dwelling unit development and/or multiple dwelling development uses, in the nature of fractional development project uses, condominium uses or similar uses, shall not be permitted within the Waterfront designation.
- 17.7.10 In the event that a multiple dwelling unit development and/or multiple dwelling development use in the nature of fractional development project uses, condominium uses or similar uses, as defined in By-law 95-12, as amended, for the Township of McKellar, is proposed by way of an amendment to the Official Plan and zoning by-law, the minimum lot frontage per dwelling unit shall be in accord with the adjoining residential zoning standard (exclusive of lands that are environmentally sensitive or significant habitat) and the minimum lot area per dwelling unit shall be 1 hectare. It is the intention of this Plan that no second tier or back-lot development, associated with the proposed new development and/or redevelopment, will be permitted.
- 17.7.11 In the event that a multiple dwelling unit development and/or multiple dwelling development use in the nature of fractional development project uses, condominium uses or similar uses, as defined in By-law 95-12, as amended, for the Township of McKellar, 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 nature and built form of the development. Developments in the form of

individual cottages shall meet the frontage and density requirements for residential uses. Developments in the form of tourist commercial developments with communal facilities and commercial services shall be based on the policies for tourist commercial developments.

17.7.12 In the event that a multiple dwelling unit development and/or multiple dwelling development use in the nature of fractional development project uses, condominium uses or similar uses, as defined in By-law 95-12, as amended, for the Township of McKellar, is proposed by way of an amendment to the Official Plan and zoning by-law, regardless of the form of tenure, it is the intention of this Plan that fifty percent (50%) of the accommodation dwelling units within a tourist commercial form of development must be made available to the travelling public via a rental pool, be operated under central management on location for profit, and provide ongoing services and recreational facilities normally provided in a commercial setting.

17.7.13 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, fractional development project description, or similar use descriptions as defined in By-law 95-12, as amended, for the Township of McKellar, 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 Ministry of the Environment and the Municipality;

(b) an authorized and enforceable agreement is registered against the title of each unit within the condominium description, fractional development project description, or similar use descriptions 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 in the nature of fractional development project uses, condominium uses, or similar

uses, as defined in By-law 95-12, as amended, for the Township of McKellar.

- 17.7.14 It is the intention of this Plan that existing tourist commercial establishment uses that are proposing to be altered or modified for residential uses must comply with the underlying residential policies.
- 17.7.15 Where a multiple dwelling unit development and/or multiple dwelling development use, in the nature of fractional development project uses, condominium uses, or similar uses, as defined in By-law 95-12, as amended, for the Township of McKellar, may be proposed, it is the intention of this Plan that the introduction of such forms of development will require an amendment to the Official Plan and zoning by-law and shall be subject to the submission of all relevant studies as set out in 17.18 and 17.19.
- 17.7.16 Council may refuse to accept an application as complete in the absence of requested studies in support of an Official Plan amendment, a zoning by-law amendment, a subdivision application, or a condominium application.
- 17.7.17 All other relevant provisions of this Plan shall be applicable to all multiple dwelling unit developments and/or multiple dwelling development uses, in the nature of fractional development project uses, condominium uses, or similar uses, as defined in By-law 95-12, as amended, for the Township of McKellar.

17.8 WATER QUALITY PROTECTION

- 17.8.1 Preserving the water quality of McKellar Township's recreational waterbodies is a high priority for the Township. When considering new development and/or redevelopment of all waterfront residential lands; and new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, and proposed by way of an amendment to the zoning by-law; the impacts on water quality will be a prime consideration.
- 17.8.2 The Municipality has undertaken a comprehensive review of the existing water quality of its recreational waterbodies. These analyses demonstrate that most waterbodies are warm waters with a substantial number of wetlands in the watersheds contributing to darker coloured waters. This Plan will provide specific approaches for each waterbody towards meeting the Waterfront objectives.

17.8.3 Before approving any new development and/or redevelopment proposal adjacent to a lake/river within the Waterfront designation, Council must be assured that the proposed new development and/or redevelopment will not exceed the capacity of the lake/river to accommodate new development. This Plan recognizes the following factors as limiting lake capacity:

17.8.3.1 Lake Trophic State

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

17.8.3.1.2 In general, lakes and rivers in the Township are shallow, warm water systems with agricultural uses and wetlands dominating much of their watersheds. Many are part of interconnected lake/river waterways, and have higher annual flushing rates than typical Precambrian Shield coldwater lake trout lakes. They are characterized by species of fish such as northern pike, large and small mouth bass, yellow pickerel, and an abundant supply of pan fish. As a consequence, they are moderately productive (i.e., mesotrophic) in terms of nutrient content (i.e., lake trophic state), and are highly coloured owing to inputs of decomposing aquatic vegetation. Such systems are typically resilient to small changes in land use, meaning their trophic state condition would not be appreciably altered with new lot creation, particularly if undertaken using the mitigation measures described in this Plan.

17.8.3.1.3 However, if Council determines that an application for lot creation for more than three new residential lots, excluding the retained; and/or new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, and proposed by way of an amendment to the zoning by-law; has the potential to alter lake trophic state 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 trophic state capacity study as described in Section 17.19.4.

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

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

17.8.3.1.5.1 increased setbacks for septic systems from the shoreline;

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

17.8.3.1.5.3 preserving natural vegetative areas immediately adjacent to the shoreline;

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

17.8.3.2 Surface Capacity for Recreational Boating

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

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

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

17.8.3.3 Shoreland Development Capacity

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

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

17.8.3.3.2.1 Within the Waterfront designation, all principal buildings will be set back at least 10 metres from the high water mark of lakes and rivers. In areas where the Waterfront is forested, an agreement restricting activities in the 10 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.

- 17.8.3.3.2.2 Where more than 3 new residential lots excluding the retained; and/or new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, and proposed by way of an amendment to the zoning by-law; are proposed in Waterfront areas that are not forested (i.e., agricultural or otherwise cleared lands), applicants may be required to allow for the natural regeneration to the upland part of the shoreline to a depth described in 17.8.3.3.2.1 with provisions for providing access to areas having water-based recreation such as boating, fishing, swimming and bathing.
- 17.8.3.3.2.3 In addition to the Ontario Building Code regulations, soils that have proven ability to retain phosphorus may be imported for constructing partially or fully raised drain fields for new development that generates less than 10,000 litres per day of sewage. Typically, "B" Horizon Precambrian Shield soils that are orangy/brown in colour have capabilities to retain sewage-related phosphorus through absorption (i.e., a non-permanent electrostatic process), and mineralization with iron and aluminum (i.e., a permanent binding process).
- 17.8.3.3.2.4 For new development and/or redevelopment of existing tourist commercial establishment uses that go beyond those existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, and proposed by way of an amendment to the zoning by-law; that produce more than 10,000 litres per day of sewage, phosphorus removal may be required to be incorporated into the design of the sewage treatment facility.

17.9 NATURAL HERITAGE FEATURES

17.9.1 Definition

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

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

17.9.2 Where Development May Not Be Permitted

- 17.9.2.1 Development may or may not be permitted in the significant Habitat of Endangered and Threatened Species or provincially significant wetlands. Permission may be required from a government organization having approval authority.

17.9.3 Where Development May Be Permitted

- 17.9.3.1 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, and proposed by way of an amendment to the zoning by-law; within the following areas only if the applicant submits, as a minimum, a site evaluation report as described in Section 17.19.2.

- Ministry of Natural Resources Type 1 fish habitat.
- Significant Wildlife Habitat – Deer Yard.

- Adjacent lands contiguous to natural heritage features, as prescribed in Section 17.9.4.

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

17.9.4 Adjacent Lands

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

17.9.4.1.1 Habitat of Endangered and Threatened Species – 150 metres;

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

17.9.4.1.3 Significant Wildlife Habitat – 150 metres.

17.10 FLOODED LANDS

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

17.11 BACK-LOTS

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

For the purpose of this section, back-lots will be considered those lots that have a functional relationship to the waterfront through some form

of public or private access. This policy excludes lands within the village of McKellar.

17.12 SHORELINE STRUCTURES

17.12.1 It is recognized that there are a number of structures that locate on or along the shoreline adjacent to waterfront lands. While these structures by their very nature must be situated on or adjacent to the water, their placement must incorporate the principles that apply to preserve portions of the waterfront for maintaining natural landscapes. These structures include primarily docks and boathouses.

17.12.2 Regulations governing shoreline structures will be included in the implementing zoning by-law. These regulations will be designed to achieve the objectives of the Waterfront designation and in particular:

17.12.2.1 Protect against adverse environmental impacts;

17.12.2.2 Ensure that privacy between properties is maximized; and

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

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

17.12.4 Structures that traditionally locate near the water may be permitted subject to complying with the strict provisions of the implementing zoning by-law. These include gazebos, saunas, open air decks and marine supply sheds.

17.13 PUBLIC LANDS

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

17.14 HOME OCCUPATIONS

17.14.1 Home occupations may be permitted in the Waterfront designation subject to the following:

17.14.1.1 the primary residential character of the property is maintained;

17.14.1.2 the strict requirements of the implementing zoning by-law are met;

17.14.1.3 the compatibility with adjoining residential uses is ensured;

17.14.1.4 the location is entirely within a residence or an accessory building; and

17.14.1.5 the compliance with any applicable municipal, provincial or federal legislation is ensured.

17.15 PLANS TO INCORPORATE ACCESSIBILITY PROVISIONS

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

17.16 CROWN LANDS

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

17.17 SITE PLAN CONTROL

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

17.17.2 Any lands that are designated as site plan control areas by by-law may also be required to include elevation drawings to be able to indicate the relationship of proposed buildings to surrounding lands and waters.

17.17.3 The Township of McKellar may, as a part of site plan control, require approval of exterior design features to ensure that any proposed new development and/or redevelopment is consistent with local character, scale, appearance and natural features.

17.18 COMPLETE APPLICATION

17.18.1 The Council of the Township of McKellar will determine a complete zoning by-law amendment application or a complete official plan amendment application as required under the Planning Act and may include:

- 17.18.1.1 a planning report to establish a need for the proposed use;
- 17.18.1.2 a report on the physical suitability of the lands for the proposed development or redevelopment;
- 17.18.1.3 a traffic impact assessment where relevant;
- 17.18.1.4 a servicing options study where relevant;
- 17.18.1.5 a site evaluation report;
- 17.18.1.6 and any other relevant studies deemed appropriate by the Township.

17.19 STUDIES OR DEMONSTRATIONS REQUIRED

17.19.1 General Policy

- 17.19.1.1 This Plan requires that in some cases, applicants undertake studies as conditions of a new development and/or redevelopment application that goes beyond those existing general commercial establishment uses and their identified permitted as-of-right uses, existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in By-law 95-12, as amended, and is proposed by way of an amendment to the zoning by-law. These are described in the remainder of this section.
- 17.19.1.2 Where this Plan requires that an applicant undertake a study or otherwise demonstrate that a policy of this Plan can be met to Council's satisfaction as a condition of a new development and/or redevelopment application or approval, the study or demonstration will be conducted at the applicant's cost. Council may, to assist in its deliberations:
 - 17.19.1.2.1 ask the relevant provincial or federal agency to review and comment on the study or demonstration, and/or
 - 17.19.1.2.2 require a professional peer review of the study or demonstration at the applicant's cost.
- 17.19.1.3 Council may also impose conditions of new development and/or redevelopment that goes beyond those existing general commercial establishment uses and their identified permitted as-of-right uses, existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-

right uses, zoned in By-law 95-12, as amended, approval to ensure that the impact mitigation recommendations of any study or demonstration are implemented.

17.19.2 Site Evaluation Report

17.19.2.1 A site evaluation report will demonstrate to Council's satisfaction that the subject lands are suitable for a proposed development for the creation of 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, and proposed by way of an amendment to the zoning by-law; and that development will not be unduly constrained by site limitations. The report will provide information on and evaluate the following, although more information may be required:

17.19.2.1.1 slopes;

17.19.2.1.2 soil depth, type and moisture;

17.19.2.1.3 shoreline and upland vegetation;

17.19.2.1.4 overland or stormwater drainage;

17.19.2.1.5 fish and wildlife habitat, including habitat of species at risk as per the 2007 *Endangered Species Act*;

17.19.2.1.6 natural heritage protection;

17.19.2.1.7 access;

17.19.2.1.8 water supply and sewage disposal;

17.19.2.1.9 the location of existing and proposed buildings, structures and sewage treatment systems;

17.19.2.1.10 whether lot frontages and areas, and building, structure, tile field, setbacks from water, should be greater than the minimums that would otherwise apply, if the new development and/or redevelopment is a new residential development and/or redevelopment in an area of use limitation, or if the information provided suggests other significant site limitations;

17.19.2.1.11 in general, whether the environmental policies can be met, and what mitigation measures may be required to do so.

17.19.3 Boating Capacity Study

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

17.19.4 Trophic State Capacity Study

17.19.4.1 A trophic state capacity 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, and proposed by way of an amendment to the zoning by-law; will not unduly impair water quality for aesthetic and recreational purposes, taking into account the Ministry of the Environment's *Water Management Policies, Guidelines, and Provincial Water Quality Objectives*, and that best efforts will be made to minimize inputs.

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

17.19.5 Natural Heritage Evaluation

17.19.5.1 A natural heritage evaluation, if requested, will demonstrate to Council's satisfaction that a proposed development of 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 have no negative impacts on the significant natural heritage feature or on the ecological functions for which the feature has been identified.

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

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

17.20 Lake Stewardship

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

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

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

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

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

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

17.20.1.6 Reflection on the future of Township lakes and related shoreline properties. While recognizing that this Amendment is a first step in

defining or characterizing lakes and rivers within the Township, further initiatives can be undertaken via preparation of individual lake management plans. The Township may provide planning information and advice in support of such plans, where feasible.

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

18.0 SPECIFIC LAKE POLICIES

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

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

18.1 ACTON LAKE

- 18.1.1 Acton Lake is a very small relatively shallow (9 metres maximum depth) lake, south of Lake Manitouwabing and north of Hurdville Road. It has a watershed area of 84 hectares.
- 18.1.2 Water sampling in June of 2009 confirmed that the lake is mesotrophic based on phosphorus (0.013 milligrams per litre) and Secchi disc (3.1 metres) measurements. It has a nitrogen to phosphorus ratio of 34.1, meaning that phosphorus is the critical nutrient that limits algal and vascular aquatic plant growth. Dissolved oxygen below 5.0 metres of depth is very low or zero, meaning the lake's deeper waters will not support aquatic life in mid-summer through to the fall. Relatively high concentrations of phosphorus (0.032 milligrams per litre) at the mud-water interface suggest that re-cycling from sediments may be occurring, with potential detrimental impacts on surface water quality and lake aesthetics. Nearshore fish habitat is abundant.
- 18.1.3 Moderate development opportunities are available around Acton Lake. Lot creation will be supported at lot frontage standards in accordance with the Zoning By-law requirements, and implementation of on-site mitigation measures to reduce phosphorus loadings and maintain nearshore fish habitat.

18.2 ARMSTRONG LAKE

- 18.2.1 Armstrong Lake is a small, relatively shallow (maximum depth is 13.4 metres; mean depth 6.1 metres) lake. It is located within the Village of McKellar, and is naturally spring fed, with an outlet to the east.
- 18.2.2 The lake currently has municipal lands along its southern shoreline complete with a public beach, public park and community centre for local residents. Given the frequent public use of the lake, it is important to preserve its water quality and the environmental integrity of its shoreline.
- 18.2.3 A lake study in June of 2009 confirmed the lake is eutrophic based on phosphorus (0.027 milligrams per litre) and Secchi disc (2.4 metres) measurements. It has a nitrogen to phosphorus ratio of 12.7, indicating that phosphorus is the critical nutrient limiting algal and vascular aquatic plant growth. Dissolved oxygen below about 5.0 metres of depth is low to near-zero, meaning the lake's deeper waters will not support aquatic life in mid-summer through to the fall. A Ministry of Natural Resources fish habitat evaluation in 1969 concluded that, ". . . Reclamation planned but oxygen levels suggest this approach fruitless." Also, relatively high concentrations of phosphorus (0.034 milligrams per litre) at the mud-water interface suggest that recycling from sediments may be occurring, with potential detrimental impacts on surface water quality and lake aesthetics. Abundant fish habitat occurs along the low-lying northern shoreline and the lake's eastern outlet.
- 18.2.4 New development in the form of lot creation will be expected to occur at frontage standards in accordance with the Zoning By-law requirements, and on-site mitigation measures to reduce phosphorus loadings and maintain existing nearshore fish habitat.
- 18.2.5 Expansion of the existing tourist establishment on Armstrong Lake will be limited to levels specified in the Zoning By-law.

18.3 BLACKWATER LAKE

- 18.3.1 Blackwater Lake is a medium-sized, relatively shallow (9 metre maximum depth) lake located along the southern boundary of McKellar Township; it is predominantly within the Township of Seguin to the south. A small bay extends into McKellar Township flowing from north to south into the Seguin River system.
- 18.3.2 Water sampling in June of 2009 confirmed the lake is eutrophic based on phosphorus (0.023 milligrams per litre) and Secchi disc (2.5 metres) measurements. It has a nitrogen to phosphorus ratio of 15.1, meaning that phosphorus is the critical nutrient that limits algal and vascular aquatic plant growth in Blackwater Lake. Dissolved oxygen below about 5.0 metres of depth is very low or zero, meaning the lake's

deeper waters will not support aquatic life in mid-summer through to the fall. Also, high concentrations of phosphorus (0.032 milligrams per litre) at the mud-water interface suggest that re-cycling from sediments may be occurring, with potential detrimental impacts on surface water quality and lake aesthetics. Nearshore fish habitat is abundant, particularly from nutrient-rich waters that drain a wetland/pond feature to the north.

- 18.3.3 Development consists of seasonal and year-round uses with a limited amount of future development or re-development potential.
- 18.3.4 Any new lot creation will be subject to lot frontage standards in accordance with Zoning By-law requirements, and on-site mitigation measures to reduce phosphorus loadings.

18.4 DUTCHER LAKE

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

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

18.5 FRESQUE LAKE

- 18.5.1 Fresque Lake is a small, shallow (2 metres maximum depth) waterbody located west of Highway 124 along the western boundary of the Township of McKellar.
- 18.5.2 The lake is surrounded by a limited number of seasonal dwellings and vacant lands; it is virtually covered with aquatic plant growth owing to its shallow character in combination with nutrient-rich water derived from an extensive wetland, and other factors including sunlight that extends to the lake's bottom.
- 18.5.3 Water sampling in June of 2009 confirmed good oxygen concentrations surface to bottom, very high phosphorus concentrations (0.054 milligrams per litre), and a low Secchi disc measurement of 0.8 metres. Based on these characteristics, Fresque Lake is heavily enriched and has a eutrophic status. Its nitrogen to phosphorus ratio is 15.6, meaning that phosphorus is the critical nutrient that limits algal and vascular aquatic plant growth.
- 18.5.4 Council will support some shoreline development subject to the lot frontage standards in accordance with Zoning By-law requirements, and on-site mitigation measures to reduce phosphorus loadings.

18.6 GREY OWL LAKE

- 18.6.1 Grey Owl Lake is a medium-sized, relatively shallow (6 metre) lake located a short distance off Highway 124 between Lorimer and McKellar lakes.
- 18.6.2 There is a combination of lots that were developed historically with small frontages and areas of larger tracts of land with some additional development potential.
- 18.6.3 On the basis of water quality data collected in June of 2009, Grey Owl Lake is eutrophic, with elevated concentrations of phosphorus surface to bottom (0.021 milligrams per litre in surface and 0.024 milligrams per litre at bottom), and relatively low light transparency (Secchi disc measurement of 2.9 metres). The lake's nitrogen to phosphorus ratio is 16.4, meaning that phosphorus is the critical nutrient that limits algal and vascular aquatic plant growth. Dissolved oxygen concentrations below about 4.0 metres of depth are low to zero. Nearshore fish habitat is especially abundant in the lake's southwestern arm, owing to inputs of water high in nutrients from inflowing wetlands.
- 18.6.4 New lot creation will be permitted at lot frontages in accordance with the Zoning By-law requirements, and implementation of on-site mitigation measures to reduce phosphorus loadings and maintain nearshore fish habitat.

18.7 HYDES LAKE

- 18.7.1 Hydes Lake is a very small, relatively shallow (7.0 metres maximum depth) lake located east of Centre Road. It is surrounded by vacant land, except along its western shoreline where there is a seasonal dwelling.
- 18.7.2 Water quality sampling in June of 2009 indicated the lake is mesotrophic based on phosphorus (0.005 milligrams per litre) and Secchi disc (2.9 metres) measurements. It has a nitrogen to phosphorus ratio of 48.8, meaning that phosphorus is the critical nutrient that limits algal and vascular aquatic plant growth. While quite high concentrations of dissolved oxygen (12.9 milligrams per litre) were detected at three metres of depth, levels below 4.0 metres were very low to non-existent, meaning the lake's deeper waters will not support aquatic life in mid-summer through to the fall. Also, quite high concentrations of phosphorus (0.042 milligrams per litre) at the mid-water interface suggest that recycling from sediments may be

occurring, with potential detrimental impacts surface water quality and lake aesthetics. The entire shoreline of the lake is dominated by fish habitat.

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

18.8 LAKE MANITOUWABING

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

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

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

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

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

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

by relatively high (up to 0.045 milligrams per litre) concentrations of phosphorus at their mud-water interfaces, suggesting that recycling from sediments may be occurring, with potential detrimental impacts on surface water quality and lake aesthetics.

- 18.8.7 Manitouwabing Lake has an abundant supply of fish habitat in its near-shore waters. The Ministry of Natural Resources has identified a walleye spawning area between McKellar and Manitouwabing lakes.
- 18.8.8 Council in consideration of historical development on the lake, the contributions of the children's camp, and the high level of existing boating activity, at specific times and locations, originating from both inside and outside the municipality, may require controls on boating use originating from new, large developments and re-developments that go beyond existing, permitted as-of-right uses.
- 18.8.9 There are approximately 220 existing vacant lots on the lake, with the ability to create additional lots in accordance with the Zoning By-law requirements, and implementation of on-site mitigation measures to reduce phosphorus loadings.

18.9 LITTLE RUEBOTTOM LAKE

- 18.9.1 Little Ruebottom Lake is a small lake located northeast of the Manitouwabing River along Broadbent Road. It flows into the river, then on to Lake Manitouwabing.
- 18.9.2 The lake which is very shallow (2.0 metres maximum depth) is surrounded predominantly by vacant land, with a seasonal and year-round dwelling.
- 18.9.3 Water sampling in June of 2009 confirmed high levels of dissolved oxygen surface to bottom. However, the lake is eutrophic based on its high concentration of phosphorus (0.043 milligrams per litre) and low Secchi disc visibility (1.0 metres). Its nitrogen to phosphorus ratio is 17.3, confirming that phosphorus is the critical nutrient that limits algal and aquatic plant growth. There is a substantial amount of macrophyte growth along the shoreline, constituting fish habitat.
- 18.9.4 Council will support some shoreline development subject to the lot frontage standards set out in the Zoning By-law, and implementation of on-site mitigation measures to reduce phosphorus loadings.

18.10 MANITOUWABING RIVER

- 18.10.1 The 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.

- 18.10.2 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.
- 18.10.3 The river ranges in trophic state from oligotrophic to eutrophic depending on sampling location. Dissolved oxygen concentrations are more uniform, however. Approximately two to three metres from the river bottom conditions become anoxic, which is unusual in a dynamic system. Nearshore fish habitat is very abundant along the entirety of the river; the plants ultimately provide abundant decomposition of material that in turn causes anoxic conditions in the lower depths of the river.
- 18.10.4 Any future development should aim to preserve fish habitat and alleviate phosphorus inputs through the implementation of appropriate mitigation techniques.

18.11 MANSON LAKE

- 18.11.1 Manson Lake is located along the northern boundary of the Township of McKellar, and is primarily within the Municipality of Whitestone. Though the lake is relatively large in surface area, only one quarter is within the Township's boundary. The waterfront lands to the south are predominantly vacant, with a large area of pastureland.
- 18.11.2 Manson Lake is contained within a large watershed (1,492 hectares), and is relatively deep (3.7 metre mean depth; 16 metre maximum depth); its water flows from north to south.
- 18.11.3 Existing development on that part of the lake within McKellar Township is limited to one farm along its south western shoreline.
- 18.11.4 According to water quality data collected in June of 2009, Manson Lake is eutrophic, with elevated concentrations of phosphorus surface to bottom (0.027 milligrams per litre in surface and 0.022 milligrams per litre at bottom), and a Secchi disc measurement of 2.9 metres. Nutrient enrichment is limited by phosphorus because the nitrogen to phosphorus ratio is <10 (15.1). Dissolved oxygen concentrations gradually decline throughout the water column until 14 metres of depth where anoxic conditions prevail to the lake bottom (16 m). Manson Lake contains limited nearshore fish habitat in relation to the other study lakes. The majority of fish habitat is located along the

southwestern shoreline adjacent to the agricultural lands because gradual riparian and in-water slopes result in a large littoral zone, that when combined with an accumulation of organic substrates due to the hydrology of the lake, provide ideal conditions for the growth of aquatic vegetation.

- 18.11.5 The limited shoreline that falls within the Township of McKellar should be developed according to lot frontage standards in accordance with the Zoning By-Law and the implementation of on-site mitigation measures to limit phosphorus inputs.

18.12 MARY JANE LAKE

18.12.1 Mary Jane Lake is south of Brownley Road and east of Robinson Lake. Its watershed area is 1,356 hectares. The lake is relatively shallow (mean depth of 2.2 metres, maximum depth of 4.5 metres) considering its size. Water flows out of a narrow embayment located in the southwestern portion of the lake.

18.12.2 Mary Jane Lake is oligotrophic due to a relatively low surface water phosphorus concentration (0.008 milligrams per litre). Algal and vascular plant growth continues to be limited by phosphorus inputs because of a relatively high nitrogen to phosphorus ratio of 26.9. The water column is well oxygenated except for a one metre interval adjacent to the lake bottom. Water clarity is limited as highlighted by a Secchi disc measurement of 2.4 metres. Nearshore fish habitat features are found within a number of embayments in the lake.

18.12.3 The majority of the shoreline has been developed; there are three or four properties having development potential along the lake's northern shoreline where the lake narrows. Any further development should meet the lot frontage standards set out in the Zoning By-Law. On-site measures to reduce phosphorus loadings need to be implemented to preserve the oligotrophic state of the lake and existing shoreline fish habitat should be preserved.

18.13 McEWEN LAKE

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

18.13.2 According to water chemistry results collected in June of 2009, McEwen Lake is mesotrophic (phosphorus concentration of 0.011 milligrams per litre). A phosphorus concentration of 0.022 milligrams per litre in the bottom waters represents a potential source of phosphorus in addition to run-off and atmospheric inputs. A Secchi

disc reading of 3.4 metres indicates relatively high water transparency. Dissolved oxygen drops off one metre from the lake bottom, indicating that the water column is relatively well-oxygenated. Due to an extensive littoral zone and subsequent sunlight penetration throughout the water column, fish habitat in the form of macrophytes is abundant along the northern and western shorelines. A walleye spawning shoal is located at the lake's inflow along the eastern shoreline where additional fish habitat features are also located.

- 18.13.3 A few residences and a farm take up the entirety of McEwen Lake's shoreline. Any additional residences would result from the severance of current land holdings and would follow lot frontage standards in the Zoning By-Law. As long as on-site mitigation measures are implemented for the reduction of phosphorus, and existing fish habitat maintained, especially the functionality of the walleye spawning grounds, further development could have little impact on McEwen Lake.

18.14 McKELLAR LAKE

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

Nearshore fish habitat features are also found in a number of embayments around McKellar Lake.

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

18.15 MIDDLE RIVER

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

18.16 MOFFAT LAKE

- 18.16.1 Moffat Lake is narrow, stretching 2.5 kilometres in length. The lake's alignment is north to south, located east of Balsam Road. The lakeshore is characterized by low to moderate development, predominantly lots having large frontages.

- 18.16.2 There is intense development along Squaw Lake Road, consisting of historical 30 metre frontages. The remainder of the shoreline consists either of vacant lots or large seasonal vacant lots.
- 18.16.3 Moffat Lake is relatively shallow (mean depth of 2.7 metres); its maximum depth is 6.0 metres. Water enters the lake at its northern end from Squaw Falls and drains into a series of wetlands adjacent to the southern shoreline.
- 18.16.4 Two sites were sampled in June of 2009, in Moffat Lake, Station A in the south and Station B in the north. The lake is enriched with phosphorus (Station A – 0.050 milligrams per litre, Station B – 0.030 milligrams per litre) and is eutrophic. Dissolved oxygen declines sharply at three metres in depth and Secchi disc depths ranged from 2.0 metres to 2.9 metres. Walleye spawning grounds prevail where the Squaw Rapids enter Moffat Lake. Nearshore fish habitat features are abundant, especially within the two embayments along the western shoreline.
- 18.16.5 The northern half of the lake is heavily developed, while shoreline development is limited on its southern half by low-lying topography. A summer camp is located along the southeastern shoreline. Moffat Lake is highly enriched with phosphorus and contains low dissolved oxygen values below three metres in depth. Any further development should follow lot frontage standards in the Zoning By-Law, including phosphorus mitigation measures and minimal impacts to fish habitat.

18.17 OLIVER LAKE

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

must be maintained if future development occurs. The lot frontages defined in the Zoning By-Law, combined with phosphorus mitigation measures and the protection of fish habitat, would ensure that its intrinsic qualities will be maintained.

18.18 ROBINSON LAKE

- 18.18.1 Robinson Lake is connected to Lake Manitouwabing via the Middle River. It has a maximum depth of approximately 15 metres. Water flows from the east through Robinson Lake into the Middle River and subsequently southwards into Lake Manitouwabing.
- 18.18.2 The northern and southern shorelines of the lake vary in density, consisting of both seasonal and year-round dwellings. Its shoreline has been completely developed; there can be no further lot creation. However, there are a limited number of vacant lots on the lake.
- 18.18.3 Because Robinson Lake is heavily developed, there is no capability to support any new commercial uses or new public accesses.
- 18.18.4 According to water quality sampling in June of 2009, Robinson Lake contains very low phosphorus concentrations (0.003 milligrams per litre). Dissolved oxygen is found throughout the water column, although it diminishes with depth, while water clarity is relatively low (Secchi disc depth – 2.0 metres). Nearshore fish habitat is sparse, limited to an eastern bay and two southern bays.
- 18.18.5 Any development of vacant lots or re-development should incorporate phosphorus mitigation measures and avoid fish habitat features. As well, infill of vacant lots will be subject to site plan control.

18.19 RYAN LAKE

- 18.19.1 Ryan Lake is a small, spring fed lake that is located off Balsam Road. It flows into Stewart Lake and is surrounded predominantly by commercial and vacant lands. Currently, the lake is isolated, with no public access.
- 18.19.2 The lake's maximum depth is 6.0 metres; its mean depth is 2.5 metres. It receives inflow from a stream in the north and empties through a creek into Stewart Lake.
- 18.19.3 Ryan Lake contains surface phosphorus concentrations of 0.019 milligrams per litre, resulting in a mesotrophic classification. However, a phosphorus concentration of 0.039 milligrams per litre in bottom waters, combined with anoxic or oxygen-poor conditions from four to six metres, likely provides an additional source of phosphorus into Ryan Lake. The Ministry of Natural Resources determined that

walleye spawn around the inflowing creek mouth along the northern shoreline. Nearshore fish habitat is also abundant around this area in addition to localized features located around the western outflow and along the southern shoreline.

- 18.19.4 Phosphorus mitigation measures should be implemented to avoid any increases in phosphorus concentrations and subsequent depletions in dissolved oxygen values.
- 18.19.5 The tourist commercial business on Ryan Lake may be permitted limited expansion, subject to restrictions set out in the Zoning By-law.
- 18.19.6 Commercial expansion will be subject to site plan control.

18.20 SHANTY LAKE

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

18.21 STEWART LAKE

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

- 18.21.5 Any new development on Stewart Lake should maintain fish habitat, implement phosphorus mitigation measures and follow lot frontage standards defined in the Zoning By-Law.

B.12 Section 24 Definitions

Section 24 **Definitions** is hereby amended by adding the following:

- 24.1 Add a second paragraph :

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

- 24.2 **Development**

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

- 24.3 **Existing**

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

- 24.4 **Tourist Establishment**

Tourist Establishment includes buildings, structures or uses operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, and includes lodges, rental cottages, trailer parks, a camping establishment, a hotel, a motel, and other similar uses, as defined in Zoning By-law No. 95-12, as amended, for the Township of McKellar, but does not include a fractional development project use, condominium use, and other similar uses, as defined in Zoning By-law No. 95-12, as amended, for the Township of McKellar.

24.5 **Condominium**

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

24.6 **Fractional Development Project Interest**

Fractional Development Project Interest shall mean 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.

24.7 **Fractional Development Project**

Fractional Development Project shall mean a project consisting of any dwelling unit, hotel, lot or parcel in which a purchaser receives a Fractional Development Project interest.

24.8 **Use, New**

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

24.9 **Use, Permitted as-of-right:**

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

24.10 **Use, Prohibited**

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

24.11 **Development and/or Redevelopment, New**

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

24.12 **Lake Specific Policies Terms/Parameters**

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

24.12.2 *Oligotrophic* lakes are poorly supplied with plant nutrients such as phosphorus and nitrogen, and support little plant growth. Such lakes have surface water concentrations of phosphorus that are less than 0.010 milligrams per litre during the ice-free season of the year. As a result, biological productivity is generally low, the waters are clear, and the deepest layers are well supplied with dissolved oxygen throughout the year. Regarding water clarity, Secchi disc transparencies are greater than 5.0 metres. Oligotrophic lakes tend to be deep, with average depths greater than 15 metres and maximum depths greater than 25 metres.

24.12.3 *Mesotrophic* lakes are intermediate in characteristics between oligotrophic lakes and eutrophic lakes. They are moderately well-supplied with plant nutrients and support moderate plant growth. Typically, concentrations of phosphorus during the ice-free months range between 0.010 milligrams per litre and 0.020 milligrams per litre, and Secchi disc transparencies range between 3.0 metres and 5.0 metres.

24.12.4 *Eutrophic* lakes are richly supplied with plant nutrients and support heavy plant growth, both algae and aquatic macrophytes. As a result, biological productivity is generally high, rooted aquatic plants are

abundant, and the waters are turbid because of dense growths of phytoplankton. In general, concentrations of phosphorus exceed 0.020 milligrams per litre, and Secchi disc transparencies are less than 3.0 metres. Deepest waters exhibit reduced concentrations of dissolved oxygen during periods of limited circulation. Eutrophic lakes tend to be shallow with average depths less than 5.0 metres, and maximum depths less than about 15 metres.

- 24.12.5 *Algae* are primitive photosynthetic plants that occur as microscopic forms suspended in water (phytoplankton), and as unicellular and filamentous forms attached to rocks and other substrates. About 15,000 species of freshwater algae are known.
- 24.12.6 *Milligram* is one thousandth of a gram, and one millionth of a kilogram.
- 24.12.7 *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⁻).
- 24.12.8 *Phosphorus* is a chemical element. In freshwater systems such as lakes, rivers and streams, it often limits algal and plant growth.
- 24.12.9 *Phytoplankton* are plant plankton (see Plankton).
- 24.12.10 *Plankton* refers to a community of microorganisms, consisting of plants (phytoplankton) and animals (zooplankton), inhabiting open-water regions of lakes and rivers.
- 24.12.11 *Secchi disc depth* is the depth at which a Secchi disc (a small white disc, 20 centimetres in diameter) disappears from view when lowered into water. A measure of water transparency.
- 24.12.12 *Zooplankton* refers to animal plankton (see Plankton).

PART C – APPENDICES (To follow)