



## **MUNICIPALITY OF McDOUGALL**

### **Official Plan**

**Consolidated May 27, 2015**

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**OFFICIAL PLAN  
FOR THE  
MUNICIPALITY OF McDougall**

**SECTION 1.0 – TITLE AND COMPONENTS OF THE PLAN**

- 1.01 The following text and schedule shall constitute the McDougall Official Plan.
- 1.02 The Municipality of McDougall is part of the Parry Sound Area Planning Area consisting of Carling, McDougall, Parry Sound, McKellar, Whitestone and a small portion of the geographic township of Shawanaga.

**SECTION 2.0 – PURPOSE OF THE PLAN**

- 2.01 This Official Plan replaces the previous planning document that applied to the Municipality of McDougall.
- 2.02 The purpose of this Plan is to set forth the general land use policies that apply to the Municipality of McDougall within the framework described in the Planning Act.
- 2.03 The purpose of the Plan is to promote sustainable economic development.
- 2.04 The purpose of this Plan is to set out policies that maintain and enhance the physical, social and economic well being of the present and future inhabitants of the Municipality of McDougall.
- 2.05 This Plan will guide the actions and decisions of Council, the Planning Board and residents of the Municipality by providing a clear framework within which more detailed steps of the planning process may be carried out.
- 2.06 This Official Plan has been updated to be consistent with the 2014 Provincial Policy Statement. The plan also has regard to and is consistent with the Growth Plan for Northern Ontario, a provincial plan developed under the Places to Grow Act, 2005.

Subject to transition regulations made under the Planning Act, any comments submissions, advice and decisions in respect of the exercise of any authority that affects a planning matter, by the Council of the Municipality, a local board, the planning board, a minister or ministry, board commission or agency of the government, shall be consistent with the Provincial Policy Statement in effect at the time of an application.

## **SECTION 3.0 – GOAL OF THE PLAN**

- 3.01 The goal of the Official Plan of the Municipality of McDougall is to preserve the high quality of life in the Municipality and to enhance that quality by ensuring the conservation, preservation and enhancement of the rural character of the municipality while encouraging sustainable growth in all sectors to attract new citizens and visitors to the community.

## **SECTION 4.0 – BASIS OF THE PLAN**

- 4.01 The original Official Plan for the Township of McDougall was part of a joint Official Plan with the Township of Foley approved on August 17, 1971. Together, the two townships formed the Parry Sound District Planning Board.
- 4.02 The Parry Sound District Planning Board was expanded in the spring of 1979 to add the Township of Carling and a small portion of the geographic township of Shawanaga.
- 4.03 In 1998, Foley Township amalgamated to the south of Parry Sound with Humphrey, Christie, Rosseau and Monteith to form the Township of Seguin. On January 1, 2000, the Township of McDougall was restructured to amalgamate the geographic township of Ferguson as part of the new Municipality of McDougall.
- 4.04 The Municipality of McDougall is the only municipality in West Parry Sound District outside of the Town of Parry Sound with urban services.
- 4.05 The Municipality of McDougall is strategically located adjacent to the Town of Parry Sound and is prime location for new development.
- 4.06 The Municipality of McDougall has historically realized a greater level of residential growth than the Town of Parry Sound. In the last few years, the Town has experienced a small level of growth primarily related to multi-residential condominiums.

Population (Year Round)

Year	1991	1996	2001	2006	2011
McDougall	2061	2674	2608	2704	2705
Whitestone		802	853	1030	918
Carling	951	952	1063	1123	1248
McKellar	879	939	933	1080	1144
The Archipelago	720	555	505	576	566
Seguin	3378	3654	3698	4276	3988
Parry Sound	6125	6326	6124	5818	6191

Source: Statistics Canada

- 4.07 The population of McDougall consists of both year round and seasonal residents. Seasonal population is measured by units in contrast to persons. As the chart below indicates, this population composition has remained relatively stable over the years.

YEAR	HOMES (units)	SEASONAL(units)
1991	974 (61%)	621 (39%)
2001	1032 (62%)	641 (38%)
2011	1061 (59%)	747 (41%)

- 4.08 The Municipality of McDougall provides a number of regional services and is capable of expanding those services as demand increases.
- 4.09 A large proportion of the residential development in the Municipality is located on the shoreline of the Georgian Bay and the numerous inland lakes.
- 4.10 In addition to the lake communities, there are a large number of neighbourhoods that provide locations for stable residential areas including Nobel, Bayside, Taylor Subdivision, Bell Lake, Long Lake Estates and Waubamik.
- 4.11 The majority of new development within the Municipality of McDougall will be directed to the Nobel Settlement Area. New residential development will be encouraged to locate in the Nobel Settlement Area. Resource-based development and other rural land uses will be encouraged in appropriate locations outside of settlement areas.
- 4.12 The Municipality of McDougall is typical of Canadian Shield environments. The area is a bedrock-based geography with an abundance of freshwater lakes and heavily forested areas over shallow sandy soils with frequent wetlands.
- 4.13 Many of the lands and waters are sensitive to development so that the single most important factor when considering development will be physical impacts on the natural environment. Because of the nature of the topography and terrain, policies will need to reflect the capability of the land to accommodate additional development.
- 4.14 The region around the Municipality of McDougall is under new pressures for development due to a variety of factors. These factors include the four laning of the highway, increased demand for residences from the Greater Toronto Area, larger incomes and increases in leisure time. The Municipality is eager to respond to the demand for additional growth in order to buffer the affects of increased servicing costs.
- 4.15 The policies of this Plan will need to be designed to accommodate the expected additional growth without sacrificing the natural environment or the attractive living environment that has generated the appeal in the Municipality of McDougall.

- 4.16 As prime waterfront lands become exhausted, there will be new development pressures on marginal recreation lands and new interest in nonwaterfront lands. The Plan will need to be appropriately designed to respond to these new challenges without placing undue restrictions on the ability to use or service these lands.
- 4.17 The four laning of Highway 400 has been completed through McDougall. The realignment has created new development opportunities along the former highway as well as potential for development along the new interchanges. It is the policy of this Plan to take advantage of these opportunities to support new development.
- 4.18 The Municipality of McDougall has a number of policies that support sustainable economic growth to strengthen and diversify the local economy. The Municipality will support industrial and commercial activities so that jobs may be provided on a year round basis.
- 4.19 The Municipality of McDougall has a surficial geology that includes a large number of sand and gravel deposits and is the location of a number of quarry operations. While it is recognized that sand and gravel are important resources in support of development, there are associated planning issues that require policy for protecting and governing all related interests. Now that the District of Parry Sound has been designated under the Aggregate Resources Act, the primary responsibility for pits and quarries now belongs to the province. However, the Municipality continues to provide a significant role in the long term protection of these uses and their compatibility with adjoining lands.
- 4.20 With the exception of properties on the municipal water system, the majority of development is serviced by individual septic systems, wells and lake surface water. Wherever possible, the municipality will make use of its capacity for additional hook-ups to municipal water. The Municipality recognizes that certain areas within the Municipality are serviced by municipal water systems and private sewage systems. Infilling and minor rounding out of existing development within the settlement area may proceed within the capacity allocation from the Town of Parry Sound, and where site conditions are suitable for the long-term provision of the services.
- 4.21 The financial impact of new development will be carefully considered under the policies of this Plan.
- 4.22 Natural Resources in McDougall are critical assets that need protection on both private and Crown lands. The Ministry of Natural Resources and Forestry has provided the Municipality with data on resource features in McDougall. These and other environmental features will be covered by policy in this Plan.



- 4.23 The former explosives manufacturer at Nobel is now a large land holding that continues to be remediated and prepared for redevelopment. The municipality will be anxious to support redevelopment in this area in accordance with the policies of this Plan subject to confirmation of the appropriate remediation measures. A Record of site Conditions (R.S.C.) will be required for any redevelopment on these lands.
- 4.24 The original Official Plan for McDougall has had a number of major policy amendments that need to be consolidated into the new Official Plan document.
- 4.25 The Municipality of McDougall has a limited but important section of Georgian Bay shoreline. While much of the shoreline has been developed, there are important assets in terms of access and recreational facilities. McDougall also subscribes to the principle of harmonized planning along the entire east coast of Georgian Bay.

## **SECTION 5.0 – OBJECTIVES OF THE PLAN**

The objectives necessary to fulfil the goal of the Official Plan include:

- 5.01 To maintain, protect and enhance the natural environment within the Municipality.
- 5.02 To preserve and improve, the water quality of the numerous recreational water bodies including the Georgian Bay.
- 5.03 Promoting additional growth in all sectors including residential, commercial and industrial that is sustainable, responsible and in appropriate locations to meet the growing demand that exists in the Municipality.
- 5.04 To promote the health, safety, convenience and welfare of the inhabitants of McDougall.
- 5.05 Provide a level of service that is consistent with the basic needs and financial capabilities of the Municipality.
- 5.06 Ensuring that the provision of services recognizes the principle of "user pay" so that those beneficiaries of any service are responsible for its cost.
- 5.07 Ensuring the compatibility of land uses.
- 5.08 Encouraging a road system that is appropriate and efficient for the safe and convenient travel for inhabitants of the Municipality.
- 5.09 Preserving those elements of the rural character of the Municipality along the major rural roadways.
- 5.10 Having regard to Section 2 of the Planning Act and be consistent with the Provincial Policy Statement.

- 5.11 Providing directions and principles that protect the features of the Georgian Bay coastline while allowing the promotion of appropriate facilities and programs.

## **SECTION 6.0 – GROWTH AND SETTLEMENT**

### **6.01 General**

The Municipality of McDougall is a diverse municipality in terms of its population make-up. It consists of:

- urban areas
- cottage and shoreline areas;
- rural areas;
- hamlets;
- residential estate-type areas.

The Municipality is experiencing moderate growth in all of these areas and McDougall will continue to encourage residential, commercial and industrial growth.

The Municipality will encourage the majority of new residential development to locate within the Nobel Settlement Area, through infill or the minor rounding out of existing built up areas as a first priority, and secondly in existing vacant areas. Small scale development elsewhere will continue to occur. This development needs to be appropriately considered by Council, and planned for within the context of the policies found in this Plan.

### **6.02 Seasonal Population**

About 40 percent of the Municipality of McDougall population is seasonal or include ratepayers with principal residences elsewhere, primarily located in the Greater Toronto Area.

This Plan supports and encourages additional second home development in appropriate locations. The primary determinant for new second home development will be the ability of the lands and waters to sustain additional residential units.

Seasonal development has historically taken place along the shorelines of the area's numerous water bodies. The potential for conversion of these historically seasonal areas to permanent residential uses will create challenges for the Municipality of McDougall for the provision of an appropriate level of servicing. It must be recognized that these historically seasonal areas of the Municipality may continue to experience service limitations.

### **6.03 Year Round Population**

The Municipality of McDougall encourages new year round population growth. It is a large area with the necessary infrastructure that is able to accommodate a significant amount of growth. The current rate of growth is less than one percent per year and is not believed to create any growth issues for the Municipality over the period of this Plan.

The introduction of new industrial or commercial employment opportunities could lead to faster rates of growth in year round population. The Municipality of McDougall will review this Plan every five years in accordance with Section 26 of the Planning Act to determine if the rate of industrial and commercial development is outpacing residential growth, and whether or not there is a need to set aside new areas for residential development as a result of new employment opportunities.

## **SECTION 7.0 – ECONOMIC POLICIES**

- 7.01 McDougall supports most economic activities in appropriate locations throughout the Municipality.
- 7.02 The Municipality wishes to attract new businesses in the community to diversify its economic base and to create new employment opportunities.
- 7.03 The Municipality will support a wide variety and distribution of retail and service commercial uses to satisfy the shopping and service needs of the residents, seasonal residents and visitors of McDougall.
- 7.04 The Municipality supports new commercial and industrial development in appropriate locations along the major corridors.
- 7.05 Intersections of major roads and highways will be considered nodes to commercial and industrial development at appropriate locations subject to obtaining necessary and relevant approvals.
- 7.06 The village of Nobel will be encouraged to expand its retail and service commercial uses for the convenience of the inhabitants of this area.
- 7.07 McDougall has diverse natural resources that contribute to the regions local economy. The Municipality will support and encourage these resource activities in appropriate locations and where there are no detrimental impacts on the natural environment.
- 7.08 McDougall supports home businesses so long as the businesses are secondary to a residential use and there are no adverse impacts to adjoining properties.
- 7.09 McDougall supports the continued use and expansion of recreational trails and facilities that provide a major attraction to the area and generate employment opportunities.

- 7.10 The realignment of Highway 400 and the conversion of former portions of Highway 69 to local municipal roads will open new opportunities for growth and commercial development along these corridors. Council is anxious to encourage growth in these areas subject to the general and specific policies of this Plan.
- 7.11 The former industrial site at Nobel has been undergoing an extensive remediation program that is nearing completion. Once the lands are determined to be free of any residual contaminants for residential use or at acceptable levels for industrial use, these lands will be available for redevelopment. This redevelopment should occur during the next few years and Council is supportive of such a redevelopment subject to the policies of this Plan.

## **SECTION 8.0 – GENERAL DEVELOPMENT POLICIES**

### **8.01 Land Division**

- 8.01.1 The preferred means of land division within the Municipality of McDougall is the subdivision process, as found in Section 51 of the Planning Act. Consents to sever land will be permitted where it has been deemed that a plan of subdivision is unnecessary for the proper development of the Municipality.
- 8.01.2 The consent process shall only be considered where it is clear that a proponent is not trying to circumvent the subdivision procedure. For the purpose of this section, the consent process shall be limited to those applications that propose a maximum of three new lots not including the retained lot.
- 8.01.3 Lots created by consents or subdivisions will be subject to the same criteria.
- 8.01.4 Consents to sever land will be permitted, in contrast to plans of subdivision;
- a) where only a limited number of lots are being proposed;
  - b) where the pattern of development has been established;
  - c) where the consent conforms to all other policies of this Plan;
  - d) where there is no major extension to any public road or other municipal services; and
  - e) where the land complies with the road frontage requirements of this Plan.
- 8.01.5 For the purposes of this Plan, a plan of condominium is considered synonymous with a plan of subdivision.

## **8.02 Services**

### **8.02.1 Sewage**

- 8.02.1.1 Most development within the Municipality is on individual private septic systems. It is anticipated this will continue to be the most common service approach in McDougall.
- 8.02.1.2 Any lands where development is proposed on private individual septic systems must be physically suitable.
- 8.02.1.3 Development that is proposed on private individual septic systems must comply with the requirements for new lots as prescribed by the province in accordance with the relevant published guidelines.
- 8.02.1.4 Individual on-site sewage services may be used for a new development of five or less lots or private residences.
- 8.02.1.5 Council may consider communal sewage systems subject to the preparation of a servicing option study that concludes that such a servicing arrangement is appropriate.
- 8.02.1.6 Any communal sewage systems must comply with M.O.E.C.C.'S D-5 Series Guidelines and the responsibility for maintenance and liability must be arranged to the satisfaction of the Municipality.
- 8.02.1.7 Council or the planning board shall require confirmation that a licensed sewage hauler has available capacity for the haulage and disposal of any septic waste as a condition of development.
- 8.02.1.8 A hydro geological assessment will be required for commercial, industrial, institutional or other uses which produce in excess of 10,000 litres of effluent per day.
- 8.02.1.9 In accordance with Planning Act Regulations, subdivision plans that create 5 or more lots or septic system that generate more than 4500 litres of effluent per day will require a servicing option report together with a hydro geological report.

### **8.02.2 Water Supply**

- 8.02.2.1 With the exception of those properties on or adjacent to the municipal water service, most domestic water supplies come from surface waters or individual wells.
- 8.02.2.2 Any properties including new development that is within or adjacent to the municipal water supply, will be required to hook up to the municipal water system subject to available capacity and where the development is considered infilling and minor rounding out.

- 8.02.2.3 All applications for land division, including plans of condominium, proposing more than five lots or units on the basis of private or partial services will be required to undertake a hydro geological investigation in accordance with Ministry of the Environment and Climate Change guidelines. Should the servicing options study and hydro geological investigation conclude that the site is not suitable over the long term for multi-unit uses, alternative servicing options will be explored. Where there are no alternative servicing options available, applications will be refused.
- 8.02.2.4 Multi-unit development that proposes groundwater as a supply will generally be required to have a density of one hectare or greater lot sizes.
- 8.02.2.5 With the exception of development proposed on the municipal water system, any multi-unit development shall undertake a groundwater assessment to confirm the long term availability of a groundwater supply.
- 8.02.2.6 Development proposed to be hooked up to the municipal water service will qualify for smaller lot sizes in accordance with the standards provided in the zoning by-law.
- 8.02.2.7 Any communal water supplies must comply with M.O.E.C.C.'s D-5 Series Guidelines and any maintenance, responsibilities and liabilities must be to the satisfaction of the Municipality.
- 8.02.2.8 Any private water supplies may require treatment or disinfection to render the water potable or aesthetically pleasing.

#### 8.02.3 Stormwater Management

- 8.02.3.1 Stormwater management will be required for any significant development including all shoreline development in order to protect and enhance water quality and quantity.
- 8.02.3.2 Stormwater shall be managed and any remedial drainage work shall not adversely affect any adjacent lands.
- 8.02.3.3 Proponents should use best management practises for stormwater management and construction mitigation for all development and address the effect of stormwater upon receiving waterbodies.
- 8.02.3.4 Natural streams, water courses, wetlands and shoreline vegetation shall be retained in their present form unless it has been demonstrated by a study prepared by a qualified professional that site alteration will not result in negative impacts on the natural features or their ecological functions.

## **SECTION 9.0 – ROADS AND TRANSPORTATION**

### **9.01 Provincial Highways**

- 9.01.1 There are two provincial highways in the Municipality. The Municipality supports the continued maintenance and upgrading of Highway 400 and 124. In order to preserve the function and efficiencies of provincial highways, the number of new entrances to Highway 124 will be limited, and all access to the new four-laned Highway 400 will be via interchanges. The Ministry of Transportation must approve any new entrances or changes to existing entrances.
- 9.01.2 By-passed sections of former Highway 69 may be transferred to the jurisdiction of the Municipality and will be available for development as local routes subject to terms and conditions between the Municipality of McDougall and the Ministry of Transportation. The remaining routes and any service roads will be subject to the policies of this Plan.
- 9.01.3 Any development in proximity to existing or future provincial highways will require review by the Ministry of Transportation, and may require permits from the Ministry of Transportation in accordance with the Public Transportation and Highway Improvement Act. The Ministry of Transportation's permit control jurisdiction can extend out to 800 metres from a Highway in some circumstances, and early consultation with the Ministry is encouraged prior to any development proceeding in order to ascertain Ministry interests and potential issues.
- 9.01.4 Development adjacent to a provincial highway may be required to undertake various operational and safety studies, including but not necessarily limited to: traffic impact studies; drainage and stormwater management studies; exterior illumination studies; environmental studies; and, noise studies. The Ministry of Transportation does not pay for development-driven studies, or any highway improvements deemed necessary by the MTO through the review of those studies. These studies shall be in accord with applicable M.O.E.C.C. Noise Guidelines.

### **9.02 Municipal Roads**

- 9.02.1 New development must front upon a year round, publicly maintained road except in the following circumstances:
- a) new lots created by a consent where the lot(s) front upon a recreational water body with a legal registered right-of-way to the lots from a year-round, publicly maintained road;
  - b) water access lots provided that Council is satisfied that appropriate facilities for car and boat trailer parking, docking and boat launching, and waste disposal are available exclusively for the proposed water access lots;

- c) camps used in connection with resources uses including hunt camps, fish camps or maple syrup operations so long as there is an existing legal registered right-of-way or access to the property from a year-round, publicly maintained road; and
- d) a business or industrial use so long as there is a legal registered right-of-way to the property from a publicly maintained, year round road.

For a), c) and d), above, all owners of properties that will be accessed by a private road or extensions to existing roads, will enter into an agreement with the Municipality, to be registered on the title of all of these affected properties, to indemnify the Municipality and all other public bodies of all responsibility for any maintenance of the road and all liability for any of the road and alleged failure to provide emergency services or any other public services that were not being provided at the time of the creation of the road.

9.02.2 In order to maintain the rural character in a number of areas of the Municipality, the implementing zoning by-law will impose higher standards for minimum frontage requirements along these roads.

9.02.2.1 All access from Municipal roads will meet any relevant safety standards for site lines, entrance and operational requirements.

9.02.2.2 In the "built-up" areas of the Municipality, it is the policy of this Plan to take measures to protect such residential areas from undesirable truck or other heavy traffic.

### **9.03 Private and Non-Maintained Public Roads**

9.03.1 The Municipality does not support development on lands that do not front directly on a publicly maintained year round road except in accordance with the provisions of 9.02 and 9.03.6.

9.03.2 There are a large number of existing properties, particularly along the shorelines of recreational water bodies that are accessed by private roads located on rights-of-way and other public lands. The standards of these roads vary considerably and they may not accommodate any or all forms of emergency vehicles including fire, police and ambulance. Residents who access their properties by means of a private road should be aware that the Municipality can not ensure the delivery of emergency services along these private roads.

The Municipality will identify properties that do not have frontage on a publicly maintained, year round road in the implementing zoning by-law to make it clear where emergency service limitations may exist.



- 9.03.3 The Municipality may assume or take over the public maintenance of private roads if they are brought up to the minimum municipal standards for public roads. The cost of bringing a road up to standards will not be borne by the Municipality. For the assumption of private roads, the benefiting property owner will be responsible for all survey, legal, engineering and construction costs associated with the upgrading of the road.
- 9.03.4 In addition to the minimum municipal standards for roads to be assumed, it will be the discretion of Council to determine if the assumption of any new road is in the public interest.
- 9.03.5 The Municipality may consider private road arrangements under the Condominium Act if such proposals are appropriate and not likely to lead to create inconsistent service conditions.
- 9.03.6 Only a limited number of waterfront lots are eligible for creation by consent in the municipality. No new lots may be created on existing private rights-of-way unless they front on a recreational waterbody. Where the municipality is requested to consider additional lots on private registered rights-of-way as set out in section 9.02.1 (a), the following additional policy considerations shall apply.
- i) it must be demonstrated that it is impractical for the proposed lot(s) to be accessed off a public road;
  - ii) the proposed lot is to be considered "infilling" such that it is accessed off an existing registered right-of-way or a minor extension at the terminus of the existing right-of-way with any significant private road extensions to be required to proceed by condominium road;
  - iii) the standard of the private road is adequate in terms of width, curves and grades to accommodate emergency vehicles. The minimum right-of-way width should be 9 metres, the travelled surface width should be 4.5 metres and radii must be suitable for emergency vehicles;
  - iv) the adequacy of the private road is to be confirmed by the road superintendent; and
  - v) assurances are in place as set out in section 9.02 to relieve the municipality of any responsibility or liability for the private roadway.

#### **9.04 Colonization and Deviation Roads**

- 9.04.1 The Municipality will not recognize any former colonization road or deviation road as a publicly maintained road for the purpose of this Plan, notwithstanding that it retains ownership of the roadbed. The Municipality must be maintaining a roadway on a regular basis for the road to be recognized as a year round publicly maintained road.

- 9.04.2 Where the Municipality realigns an existing road, the former roadbed may be conveyed to the abutting land owners in accordance with the Municipal Act.

## **9.05 Municipal Road Allowance**

- 9.05.1 Improvements to unmaintained municipal road allowances shall not be permitted unless the following occurs:
- 9.05.1.1 the Municipality declares the road allowance surplus and the municipal road allowance is stopped up and sold in accordance with the provisions of the Municipal Act; or
  - 9.05.1.2 the road is brought up to a municipal standard and assumed by the Municipality for maintenance purposes; or
  - 9.05.1.3 the proponents of the road allowance improvements enter into legal agreement with the Municipality that includes provisions for indemnification of liability, signage and liability insurance; and
  - 9.05.1.4 it has been demonstrated that the proposed improvement will have no negative impacts on natural heritage features or on their ecological function.
- 9.05.2 The above policy applies to any crossing of an unopened road allowance.

## **9.06 Shore Road Allowances/Crown Reserves**

- 9.06.1 Where there are shore road allowances or Crown Reserves fronting lots adjacent to recreational water bodies, it is the policy of McDougall to close these allowances and transfer them to the adjoining lot owner except in the following instances:
- the lands are necessary for existing access to private property owners or the public;
  - where there are important environmental features including Type 1 Fish Habitat; or
  - all or a portion of the shore road allowance is flooded land.
- 9.06.2 The configuration of shore road allowance in terms of the extension of side lot lines to the waters edge must not prejudice or negatively affect neighbouring properties.
- 9.06.3 Buildings and structures may be located on municipal shore road allowances once an application for acquiring the allowance has been filed and in accordance with all other policies of this Plan and the implementing zoning by-law.

## **9.07 Roads Over Crown Land**

- 9.07.1 The Municipality has no objection to the establishment of roads over Crown land so long as the proponent receives the necessary permission from the Ministry of Natural Resources and Forestry and so long as it is understood that the Municipality has no responsibility for the maintenance of the road.

## **9.08 Recreational Trails**

- 9.08.1 The Municipality supports the continued program of recreational trails in the region as important components of the areas recreational attractions, economy and transportation system.
- 9.08.2 The Municipality supports the establishment of trans provincial trails so long as these trails are appropriately designed, are at the expense of the proponents, and do not adversely impact on any adjacent land owners.
- 9.08.3 Where proposed recreational trails are intended to traverse provincial highways, the proposed crossing will require the prior approval of the Ministry of Transportation.

## **9.09 Railways**

- 9.09.1 All proposed development within 120 metres of a railway right-of-way may be required to undertake noise studies, to the satisfaction of the Municipality in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.
- 9.09.2 All proposed development within 75 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the Municipality in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.
- 9.09.3 All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Municipality in consultation with the appropriate railway.
- 9.09.4 Where infill development of some sensitive land uses in proximity to railway lines within the Nobel Settlement Area, the requirement for the production of technical studies referenced in this Section of the Plan may be waived by the approval authority due to historical or site specific development circumstances. Requirements shall not be waived where new institutional sensitive land uses are proposed, such as day care facilities and senior's homes, or where development is not considered infill, or the minor rounding out of an existing built-up area.

## **SECTION 10.0 – PARKLAND POLICY**

- 10.01 Council will avail itself of the parkland dedication provisions of the Planning Act.
- 10.02 It will be the preference of the Municipality to take land as a condition of development in contrast to cash-in-lieu.
- 10.03 The lakes and rivers of the Municipality are its most valuable recreational assets. It will be the policy of the Municipality to preserve and expand upon these accesses whenever possible.
- 10.04 The Municipality will generally preserve any road allowances leading to recreational water bodies unless the road allowance has no future potential for access or where the party interested in acquiring the road allowance can provide an alternative access to replace the road allowance.
- 10.05 Council may consider cash-in-lieu of parkland dedication in instances where the land contribution would be too small to reasonably provide any park or open space opportunities.
- 10.06 In order to simplify parkland dedication or cash-in-lieu for consents, the Municipality may establish set fees for cash-in-lieu on a per lot basis.
- 10.07 Private open spaces including golf courses may be considered in all land use designations by rezoning, except that golf course development will generally be determined to not be appropriate in environmentally sensitive designations or adjacent to lake trout lakes that have been determined to be at capacity.

## **SECTION 11.0 - WATERFRONT POLICIES**

### **11.01 Definition**

- 11.01.1 All of the lands adjacent to the recreational water bodies in the municipality are available for waterfront development with the exception of those lands that are constrained by significant ecological, environmental or physical constraints. Generally lands available for waterfront development are those lands designated as Waterfront on Schedule 'A' – Land Use Plan
- 11.01.2 The depth of the lands adjacent to recreational water bodies varies but generally these lands are intended to be those lands within the first 300 metres.

### **11.02 Form of Development**

- 11.02.1 The general form of development includes:
  - (a) low density, single detached residential development;
  - (b) open space uses;

- (c) tourist commercial uses; and
- (d) access facilities

### **11.03 Principles of Waterfront Development**

- 11.03.1 The principles of waterfront development are based upon the relevant objectives of this Plan.
- 11.03.2 These principles include maintaining the low density residential shoreline density together with occasional tourist commercial uses.
- 11.03.3 The municipality is interested in preserving the character and quality of its waterfront communities.
- 11.03.4 These principles include ensuring that any development complies with any relevant carrying capacity for any particular lake or part thereof.
- 11.03.5 A strong principle in considering any waterfront development will be the assessment of impacts and in particular environmental impacts and protecting against any negative or adverse impacts on any ecological functions along the waterfront including surface water quality.
- 11.03.6 An important principle for the consideration of any waterfront development will be to protect, improve or restore water quality.
- 11.03.7 The municipality shall consider the degree of obtrusiveness of built form to ensure the compatibility of any new development within existing waterfront communities.
- 11.03.8 The municipality shall ensure that all development is evaluated for risks in terms of traffic, navigation, natural or man-made hazards.

### **11.04 Water Quality Protection**

- 11.04.1 The preservation of water quality of recreational water bodies is paramount to the municipality. The municipality supports the tenets of the guidelines set out in the Lakeshore Capacity Assessment Handbook as well as the former provincial water quality objectives.
- 11.04.2 The Municipality of McDougall has three types of waterbodies. Most are warm water lakes that have limited potential for additional development. There are two coldwater lakes that are deemed to be at capacity. Thirdly, the Municipality has several islands and coastal areas along the shore of Georgian Bay.

- 11.04.3 In the case of Lorimer and Trout Lakes that are deemed to be at capacity, any at capacity lakes shall be subject to the specific guidelines of the Lakeshore Capacity Assessment Handbook, 2010.
- 11.04.4 For all other waterbodies not at capacity including the open waters of Georgian Bay, it is the policy of this Plan to encourage an increased front yard setback for sewage disposal systems. The Ontario Building Code requires a clearance of 15 metres. However, for the purposes of mitigating against the potential of phosphorus loading of the water body, it is recommended that sewage disposal systems (either conventional septic tank tile field or Ontario Building Code approved filter beds, or tertiary treatment systems) be encouraged to be located at least 30 metres from the shoreline of the lake.
- 11.04.5 To the greatest extent possible, the lot owners and/or their contractors make use of B Horizon soils in constructing their leaching beds given the high and beneficial capabilities of such soils to irreversibly complex phosphorus.
- 11.04.6 For any imported soils needed to construct the leaching beds, the lot owners and/or their contractors be required to use tested B horizon soil that may have high capabilities to retain phosphorus (in the order of 50 milligrams phosphorus per 100 grams of soil), based on electrostatic absorption or binding, and mineralization with reactive iron and aluminium.
- 11.04.7 The area between the shoreline and any development on the land including the septic system shall be maintained in its natural state in order to preserve a vegetative buffer. The restrictions would require that the setback area be altered or disturbed as little as possible, and trees should not be cut, nor vegetation cleared within it so that it functions as a natural shoreline buffer, except for access (a two-metre wide meandering pathway to the shoreline), safety, or selective cutting or limbing for the reasonable provision of views from dwellings or cabins (bunkies).
- 11.04.8 French drains or soakaway pits shall be used for treating stormwater from hard surfaces (roof-tops) as a method of decreasing potential phosphorus impacts to downgradient surface waters.
- 11.04.9 Prior to the construction of any buildings or septic systems, properly constructed sediment fencing be installed along the inner limit of the required shoreline setback in areas adjacent to or downgradient from the proposed site disturbances and construction activities.
- 11.04.10 The sediment fencing shall be properly maintained until all construction has been completed and the soils have been fully stabilized following construction to avoid excess sedimentation and potential loss of fish and wildlife habitat.

## **11.05 Cluster Developments**

- 11.05.1 Consideration may be given to "cluster" type development in contrast to "strip" type waterfront development along the shore of the recreational water bodies. Cluster developments shall have regard to the density of development, the impact on the existing density of development and on the natural environment. Where an acceptable cluster development is proposed outside of the area designated for shoreline development, an amendment is required to this Plan.

## **11.06 Recreational Capacity**

- 11.06.1 The Municipality of McDougall is aware that inland water bodies may have limited capacity to accommodate additional waterfront activities like boating, fishing, swimming and other in water recreation. While it is recognized that this aspect of a water body use is an extremely subjective analysis, the municipality may require an assessment of the development on the present users of the lake.
- 11.06.2 Marinas and boat access facilities are important elements in a waterfront community. While existing marinas and boat access facilities need protection, new and expanding facilities may have significant impacts on existing waterfront activities. As a result, new marinas and boat access facilities may be required to undertake an assessment to determine the appropriateness and suitability of such uses.

## **11.07 New Waterfront Commercial Development**

- 11.07.1 This Plan recognizes that there is a varied but limited number of commercial land uses along the shores of recreational water bodies. These include marinas, cottage rentals, campgrounds and isolated historical businesses.
- 11.07.2 Given the fact that most shoreline areas on the municipality's recreational water bodies have been developed as low density residential or cottage areas, any new commercial development proposed in these areas will have a potential to be incompatible with these existing uses.
- 11.07.3 Rather than prohibit new commercial uses along the waterfront, the municipality will require a number of studies to ensure that a proposed development is appropriate in terms of need, impacts and any mitigative measures. These studies may include, but are not limited to:
- servicing;
  - traffic;
  - environmental; and
  - site plan

A zoning by-law amendment would also be required.

## **11.08 Shoreline Structures and Modifications**

- 11.08.1 The principle objectives of the policies for development in the waterfront area of the Municipality of McDougall are to preserve, maintain and enhance the natural features of the shoreline and ridgelines.
- 11.08.2 There are a range of accessory buildings and structures that can be expected to be developed along the shoreline of the recreational water bodies. These structures include saunas, docks, pumphouses, storage buildings and gazebos. These buildings and structures may be allowed in the front yard of shoreline properties subject to the provisions of any implementing zoning by-law and the applicable policies of this Plan.
- 11.08.3 Boathouses are waterfront structures that have significant impacts on the natural landscape of the shorelines along the recreational water bodies. It is the policy of this Plan not to permit boathouses.
- 11.08.4 The Municipality of McDougall will provide detailed regulations in the Zoning By-law to regulate docks including but not limited to the following:
- (a) the number of docks permitted;
  - (b) the length of docks;
  - (c) the size of docks;
  - (d) the location on the shoreline;
  - (e) the need to consult relevant agencies;
  - (f) the impacts on navigation;
  - (g) safety;
  - (h) restricting and prohibiting any structures placed on a dock;
  - (i) limiting lighting; and
  - (j) limiting de-icing where necessary
- 11.08.5 Any proposed shoreline structure must obtain the necessary approvals or authorities from any relevant government organization.

## **11.09 Georgian Bay**

### **11.09.1 General**

- 11.09.1.1 In addition to the general policies of this Plan, the lands and islands on Georgian Bay will be subject to the additional policies set out below.



## 11.09.2 Harmonized Planning

- 11.09.2.1 Unlike many areas of the Province, eastern Georgian Bay is not subject to a regional or area-wide planning framework. The Municipality of McDougall has been part of an initiative to voluntarily recognize the regional values of eastern Georgian Bay through a “harmonized” planning approach by six municipalities that share the coast.
- 11.09.2.2 In 2000, the Province initiated broad consultation and discussion regarding the Great Lakes Heritage Coast. This Crown land planning initiative encouraged a parallel planning program for private lands along the coast. The provincial planners for the Great Lakes Heritage Coast welcomed a corresponding planning program for a large portion of the great lakes coast that champions similar principles as the Crown land planning program.
- 11.09.2.3 The Municipality of McDougall supports a shared policy approach towards a common vision for the Georgian Bay coastline.
- 11.09.2.4 The eastern Georgian Bay coastline is recognized as the primary natural asset to most municipalities that share its shoreline. It has a rugged, natural beauty that attracts development and visitors and forms an integral part of the infrastructure of many private and public programs up and down the coast.
- 11.09.2.5 The coast of Georgian Bay faces numerous issues that extend beyond municipal boundaries and across numerous government jurisdictions. All of its local governments recognize its limited carrying capacities but also recognize its opportunities for growth and development that will continue to contribute to the high quality of the region.
- 11.09.2.6 The Municipality will ensure that the natural beauty, wild landscapes, sensitive ecosystems and important heritage and cultural resources along the Georgian Bay will be protected, preserved and enhanced wherever possible.
- 11.09.2.7 Within the context of the conservation objective set out above the Municipality will support sustainable development that contributes to economic prosperity.
- 11.09.2.8 The Municipality supports the coordination of governments, agencies and organizations including first nations to ensure that the best information is applied for responding to solutions and management practices along the Georgian Bay.
- 11.09.2.9 The Municipality is committed to responding to the complex, multi-jurisdictional issues that relate to water use, navigation and boating management.

- 11.09.2.10 The Georgian Bay coast is an excellent ecological and cultural landscape that should be preserved, maintained and enhanced. The Coast incorporates important ecological features and values, supports vibrant seasonal and year round communities, provides excellent tourism/recreation opportunities and fosters unique and valuable economies. The future for this coast depends on careful integration of protection of ecological resources with maintenance and desirable development of communities and local economies.
- 11.09.2.11 Coordination and cooperation between municipal, provincial and federal governments and first nations is essential. For this to be successful best practices and highest quality information for planning and management must be adopted and utilized, data and information sharing must occur openly and freely, and appropriate public processes encouraged.
- 11.09.2.12 The Council of the Municipality of McDougall recognizes and supports the designation of the Georgian Bay by UNESCO as a biosphere reserve. This Plan supports the goals, objectives and principles of the Georgian Bay Biosphere Reserve to promote sustainable development along Georgian Bay.
- 11.09.2.13 The coast of Georgian Bay faces numerous issues that extend beyond municipal boundaries and across numerous government jurisdictions. All of its local governments recognize its limited carrying capacities but also recognize its opportunities for growth and development that will continue to contribute to the high quality of the region.
- 11.09.2.14 The linked integrity of coastal, terrestrial and aquatic ecosystems will be recognized, preserved, maintained and enhanced.
- 11.09.2.15 Cultural heritage values are an important component of the coastline.
- 11.09.2.16 Aesthetic qualities and scenic features will be preserved.
- 11.09.2.17 Water quality is important for maintaining functioning ecosystems and for protecting human health. Water quality will be maintained at a high level and enhanced where possible.
- 11.09.2.18 Water quality will be preserved in terms of natural cycles.
- 11.09.2.19 The protection of night skies from unnecessary light will be a priority in the region.
- 11.09.2.20 Access to coastal waterways is an important community and economic value.

- 11.09.2.21 The Georgian Bay Coast crosses several municipal jurisdictions and any new uses will be compatible with surrounding uses and the broader vision for the Georgian Bay Coast and be encouraged to adopt sustainable practices.
- 11.09.2.22 The Coast is a multi-function area highlighted by a diversity of users and interests and any planning will occur in a way that recognizes that multi-functionality within ecological and social capacities.
- 11.09.2.23 Marinas and marine service establishments are recognized for their essential role in the provision of access and other services to the area's residents and visitors and for their important contribution to local economies. These services will be preserved where possible.
- 11.09.2.24 Increased boating traffic is an issue for the Georgian Bay Coast. Discussions with senior levels of government will be undertaken to address issues of congestion, speed, noise and use.
- 11.09.2.25 A traditional mix of uses (residential, tourist commercial and open space uses) along the Georgian Bay Coast should continue.
- 11.09.2.26 Existing communities in the region should be recognized and designated as concentrations of settlement that function as centres for service, business and community uses which serve the community and the surrounding waterfront and rural areas.
- 11.09.2.27 The role, function and focus of each community along the Georgian Bay Coast should be maintained and enhanced, in accordance with policies in individual Official Plans and mindful of broader coastal goals and values.
- 11.09.2.28 Outdoor recreation and tourism opportunities along the coast can contribute to stronger, year-round, more diversified economies within coastal communities, and should be promoted within ecological and community capabilities.
- 11.09.2.29 Community growth may be linked, where possible, to provision of municipal services as well as character, function, location, heritage and other factors.
- 11.09.2.30 The Municipality of McDougall will rely upon and consult the numerous organizations that have an interest in coastal-wide issues including first nations, ratepayers organizations, land trusts, research councils, watershed planners, joint commissions, education institutions and any other environmental or economic bodies having an interest in the Georgian Bay.
- 11.09.2.31 The Municipality of McDougall is committed to monitoring the health of Georgian Bay shoreline and will meet with Georgian Bay interest groups no less than once per year to review issues, problems and concerns that are relevant to the Georgian Bay coast.

### 11.09.3 Water levels

11.09.3.1 The water levels of Georgian Bay fluctuate approximately 1.8 metres from high to low over an irregular cycle between ten to twenty years. Currently the water levels are at a low level presenting challenges for shoreline development and navigation.

11.09.3.2 The Municipality will support efforts to stabilize the fluctuating water levels of Lake Huron and Georgian Bay by those organizations seeking solutions for watershed control in the Great Lakes basin.

11.09.3.3 In accordance with the policies of this Plan, the Municipality may support dredging or shoreline works for boat ramps for marinas and communities that are necessary as a result of fluctuating waters of Georgian Bay. The Municipality may apply controls to ensure that sedimentation disruption does not create safety or environmental hazards. Dredging and some shoreline works may require prior written approval from the Ministry of Natural Resources and Forestry and the Department of Fisheries and Oceans.

### 11.09.4 Georgian Bay Flood Protection Policy

11.09.4.1 It is recognized the Georgian Bay is subject to periodic water level fluctuation that may result in loss of life or significant property damage if adequate protection measures are not established.

11.09.4.2 In order to minimize risks to new development from flooding no structures shall be constructed below the 178.3 metre (585 foot) contour elevation GSC, on Georgian Bay, except where acceptable flood damage reduction measures are incorporated into building design and approved by Council.

11.09.4.3 Furthermore, development may be permitted below the 178.3 metre (585 foot) elevation to the 1:100 year stillwater flood level (177.8 metre (583.5 foot) flood elevation), without flood damage reduction measures where it can be demonstrated to the satisfaction of Council that wave uprush is not a necessary consideration.

11.09.4.4 To provide flood protection along Georgian Bay, Council:

- (a) may require, in the consideration of applications for the subdivision of land or the issuance of building permits for structures, except for docks and non-habitable boathouses a survey plan identifying the location of the 178.3 metre (585 foot) contour elevation, GSC datum, on Georgian Bay, and shall ensure that development does not occur below this elevation;
- (b) will identify the 178.3 metre (585 foot) contour elevation GSC datum, on Georgian Bay as the minimum elevation level below which no building openings will be permitted in the Zoning By-law;

- (c) will require that all proposals to develop below this elevation proceed by amendment to the By-law,
- (d) building will not be permitted on sites that would be subject to more than 0.8 metres of flooding under Stillwater conditions (i.e. where the minimum elevation of the site before fill is added is below 177.0 metres) unless it implements plans stamped by a qualified engineer or architect showing how the building will be flood-proofed, with protection from the impacts of deep flooding as well as from the force of waves; and
- (e) road access to new development along Georgian Bay must have a minimum elevation of 177.5 metres above Canadian Geodetic Datum.

## **SECTION 12.0 – COMMERCIAL OR INDUSTRIAL DEVELOPMENT (NON-WATERFRONT)**

- 12.01 It is not possible to predict where new commercial or industrial development may wish to locate in the Municipality. McDougall supports new commercial and industrial uses in all areas of the Municipality subject to the following policies.
- 12.01.1 A planning report will be required from the applicant outlining the nature of the commercial or industrial use and what impacts may occur and what measures would be undertaken to mitigate against those impacts in accordance with M.O.E.C.C.'s D – Series and Noise Guidelines.
  - 12.01.2 Where the existing zoning is not appropriate an amendment to the zoning by-law will be required for any new commercial or industrial use.
  - 12.01.3 All commercial and industrial uses are subject to site plan control.
  - 12.01.4 All new commercial and industrial uses are required to consult with relevant government agencies and shall comply with all relevant provincial standards.
  - 12.01.5 All proponents of new commercial and industrial uses are required to demonstrate to the satisfaction of the council that there will be no adverse effects on adjacent sensitive uses.
  - 12.01.6 Where new commercial and industrial uses are proposed on the basis of private services, a servicing options statement may be required. For private services to be considered appropriate, only low water demand commercial and industrial uses shall be permitted. Uses permitted shall not include any form of manufacturing or assembly operation that uses water in the processing, cooling, cleaning, or making of the product. Low water demand employment uses shall generally limit water demand and use to potable uses for staff and visitors.

New commercial or industrial uses, which are not low water demand uses, will not be considered on the basis of partial services. Existing commercial or industrial uses, which are not low water demand uses, shall not be added to the water system if private sewage services are to continue to be used to service the commercial or industrial use, except to address circumstances where services have failed.

- 12.01.7 Consultation with the Provincial Ministry of Transportation is required where access is directly onto a provincial highway, even in those circumstances where an entrance permit has been issued. Where access onto an arterial roadway which intersects with a provincial highway is proposed, the Provincial Ministry of Transportation will need to be consulted if the development proposal is within 400 metres of a provincial highway.

## **SECTION 13 – RESIDENTIAL AND HOUSING POLICIES**

### **13.01 General**

- 13.01.1 The primary form of residential development in the Municipality is the single detached dwelling whether these are occupied on a year round or seasonal basis. It is likely that future residences will continue to be single detached dwellings. Other form of residential development will be considered in accordance with the policies of this Plan.
- 13.01.2 Except as otherwise provided, only one dwelling is permitted on each lot of record.
- 13.01.3 Intensification and redevelopment opportunities will be encouraged in appropriate locations. Higher density residential development will be permitted in appropriate locations in accordance with the policies of this Plan, and subject to rezoning to consider all land use implications. However, the consideration of higher density development on the basis of partial services will require an amendment to this Plan.

### **13.02 Secondary Units**

The Planning Act requires municipalities to allow secondary units in detached, semi-detached and row house dwellings as well as in accessory structures. It is the policy of this Plan to recognize this type of permission subject to the following:

- 13.02.1 Secondary units are permitted in all land use designations where detached, semi-detach and row house dwellings and accessory structures are permitted except for the Waterfront designation. Lake planning and development has been determined on the basis of one dwelling unit for each parcel of land.
- 13.02.2 Secondary units must comply with all applicable laws and standards. A secondary unit must confirm that the septic system is capable of accommodating the additional bedrooms where necessary.

- 13.02.3 The character of the single detached semi-detached or row house should be preserved when establishing a secondary unit.

### **13.03 Trailers and Mobile Homes**

- 13.03.1 The Municipality of McDougall does not permit the use of travel trailers in place of conventionally built, single detached dwellings. This restriction does not apply to the placement of travel trailers on a property that has an existing single detached dwelling where the trailer functions as an accessory building or where a trailer is placed on a property for storage or for sale. In addition, a trailer may be a permitted accessory building where such a building or structure is a permitted use.
- 13.03.2 Mobile homes are not permitted as single detached dwellings. However, modular homes are allowed so long as they are placed on permanent foundations.
- 13.03.3 Trailer parks and mobile home parks may be permitted on properties with commercial zoning and regulated by a by-law under the Municipal Act.
- 13.03.4 Upon application, the Municipality may allow the temporary use of a trailer on a property where a building permit may be issued for a main dwelling, and such trailer may be located on the subject property for the period required to construct the main dwelling so long as the period does not exceed three years.

### **13.04 Home Occupations / Home Industries**

- 13.04.1 Home occupations are businesses that are conducted entirely within a residential dwelling on a residential property and such businesses are considered to be secondary to the principal residential use of the property.
- 13.04.2 Home occupations/industries are permitted in all designations and subject to the following:
- 13.04.2.1 the business must satisfy all statutory requirements for emissions and waste management;
  - 13.04.2.2 the business will clearly be secondary and incidental to the residential use;
  - 13.04.2.3 the business will be conducted by those persons who occupy the dwelling on a permanent basis with not more than two additional employees when a home industry;
  - 13.04.2.4 there will be sufficient lot area to accommodate a residence, the associated business and any parking;

- 13.04.2.5 only a limited portion of the dwelling will be used for the business when a home occupation;
- 13.04.2.6 where the home industry business is located in an accessory building, the size of the building will be limited and lot coverage provisions will not be exceeded;
- 13.04.2.7 the residential character and appearance of the property and the neighbourhood will be maintained;
- 13.04.2.8 the external residential appearance of the dwelling will be maintained and any signs are restricted in size subject to the Municipality's sign by-law;
- 13.04.2.9 the business will be compatible with adjacent residences and the neighbourhood;
- 13.04.2.10 the business will have no negative environmental impacts or adverse effects;
- 13.04.2.11 the business will not be a high traffic generator;
- 13.04.2.12 the business traffic will not impact negatively upon a provincial highway;
- 13.04.2.13 the business will be a low water user and sewage effluent producer;
- 13.04.2.14 there will be no outdoor storage or display;
- 13.04.2.15 for home occupation, no more than 25% of the total floor area of the dwelling including the basement, shall be used for the business; and
- 13.04.2.16 for home industry, an accessory building or shop does not generally exceed 300 square metres.
- 13.04.3 The implementing zoning by-law may establishes the uses allowed for each residential-type zone and operational criteria for each type of home business.

### **13.05 Bed and Breakfasts**

- 13.05.1 Bed and breakfasts are permitted in any designation by rezoning.
- 13.05.2 Bed and breakfasts must be a minimum of 0.5 kilometres from an existing bed and breakfast in the waterfront designation.
- 13.05.3 A bed and breakfast is to be considered a home occupation and the provisions of 13.04.3 shall apply.
- 13.05.4 No more than three rental bedrooms or guestrooms are permitted in a single bed and breakfast.



### **13.06 Group Homes**

- 13.06.1 Group homes will be permitted by rezoning and in accordance with all other policies of this Plan and subject to provincial legislation on Group Homes.

### **13.07 Garden Suites**

- 13.07.1 Garden Suites as defined in the Planning Act may be permitted by rezoning in any Rural or Rural Residential designation, including the Nobel Settlement Area for a period of up to twenty years in accordance with the provisions of the Planning Act.

### **13.08 Seasonal Residential Conversions**

- 13.08.1 The Municipality anticipates that a number of seasonal residents will convert their cottages to year round homes as they retire or decide to relocate to the area from their principal residences. The Municipality welcomes the conversion of these dwellings and properties subject to the policies set out below.
- 13.08.2 The Municipality cannot increase the level of services available to properties beyond the level existing at the time of the adoption of this Plan. Any expectation of an increase in the level of services may only occur in accordance with the policies of this Plan and at the expense of the land owner.
- 13.08.3 Properties that are identified in the implementing zoning by-law as having limited services, will only be rezoned to delete the reference to limited services once the road service or other relevant service is brought up to the Municipality's standards.
- 13.08.4 It shall be the responsibility of the property owner to meet any service, structural or other obligations, financial or otherwise, of any municipal, provincial or federal agency relating to the conversion of the dwelling to year round use.
- 13.08.5 Conversions, where applied for through an amendment to the Zoning By-law, will only be considered on the basis of access being from a municipally owned and maintained road. Where access has traditionally been from a private road, the property owner shall bring that road up to municipal standards and requirements, and the road shall be dedicated to the Municipality. The Municipality will not pay for the upgrade of the road to a municipal standard.

## **13.09 Rental Accommodations**

- 13.09.1 This Plan recognizes that there are a variety of commercial accommodation uses within the municipality. These may include rental cottages, resorts, campgrounds, bed and breakfasts and dwellings that are rented on a short term basis. These commercial accommodations may be considered appropriate in some residential areas provided that they are adequately zoned and regulated to avoid land use conflicts with the surrounding areas.

Unlike accommodation uses in areas that are designated or zoned commercial, residential neighbourhoods require special attention to ensure the quiet and private enjoyment of residential living which is expected. Accommodation uses shall avoid disruption to adjacent residential uses through the mitigation of potential impacts including noise control, waste management, trespass, environmental protection, setbacks, buffering, parking, traffic, performance standards and any relevant operational controls.

- 13.09.2 No person shall use any dwelling or seasonal dwelling on a lot zoned for residential use for any rental accommodation that is considered “short term accommodation”, unless the property is zoned in a commercial zone that permits commercial accommodation uses.

- 13.09.3 For the purposes of this Plan “short term accommodation” is defined as a use, building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for the travelling or vacationing public for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year by any individual, organization or corporation either continuously or as an aggregate in any given calendar year. Short term accommodation shall not mean or include a motel, hotel, bed and breakfast, tourist establishment, cottage resort or commercial resort.

A residential or seasonal dwelling unit that rents, leases, or assigns the said dwelling for a period greater than 30 consecutive calendar days throughout all or any part of a calendar year is not considered a “short term accommodation” unit.

- 13.09.4 The scale and intensity of any short term accommodation use may affect the degree of potential disruption in the surrounding neighbourhood. Such accommodation uses should be regulated to ensure that the principal residential character is generally maintained. Such use shall be directed toward a commercial or other appropriate designation and shall be prohibited within a single detached residential neighbourhood unless specifically zoned for short term rentals.

- 13.09.5 The municipality may pass a by-law requiring a business license for any permitted short term accommodation uses.

## **14.0 – NATURAL HERITAGE**

- 14.01.1 The Municipality of McDougall recognizes that there are a number of known as well as unknown natural heritage features in the municipality. It is also understood that there is legislation, regulations, provincial policies, guidelines and manuals prescribing measures to recognize, protect and preserve these natural heritage features. This Plan recognizes the responsibility of the municipality together with its associated approval authorities to make decisions that reflect these legislative and policy requirements.
- 14.01.2 The province has provided information on known natural heritage features and this data has been compiled and added as Schedule 'B' to the official plan.
- 14.01.3 The planning board and municipality will use this data to determine the need for an ecological assessment.
- 14.01.4 No development or site alteration is permitted within Provincially Significant Wetlands or significant coastal wetlands. If development is proposed adjacent to any significant natural heritage features, a site assessment is required to determine if those features are present and to determine if further study is required to prevent negative impacts on the feature or its ecological function.
- 14.01.5 Adjacent lands are those lands that are within
- a) 120 metres of: significant habitat of endangered and threatened species; provincially significant wetlands; significant coastal wetlands; significant woodlands and valleylands; Areas of Natural and scientific Interest (life science); and fish habitat.
  - b) 50 metres of Areas of Natural and Scientific Interest (earth science)
  - c) 300 metres of at-capacity inland lake trout lakes on the Canadian Shield.
- 14.01.6 In the case of plans of subdivisions, ecological assessments will be required to determine what, if any, natural heritage feature may be present and what measures, if any, are required to ensure no negative impacts on the significant natural heritage features or their ecological functions.
- 14.01.7 If there are significant gaps in the data respecting natural heritage features, the proponent(s) shall be required to undertake an ecological assessment at the proponents expense to determine what, if any, natural heritage features are present. where natural heritage features are found, development or site alteration shall not be permitted within or adjacent to the natural heritage features unless it can be demonstrated that there will be no negative impacts on the natural features or on their ecological function.

## **14.02 Pits and Quarries**

- 14.02.1 The Municipality of McDougall is now designated under the Aggregate Resources Act. Only those existing aggregate resources operations that are licensed under the Aggregate Resources Act will be recognized in the Municipality's zoning by-law.
- 14.02.2 It is understood that any new pits and quarries proposed in the municipality will be required to comply with the licensing criteria set out in the regulations under the Aggregate Resources Act. Because of the costs associated with undertaking any assessments related to obtaining a new pit or quarry license, it is most likely that limited new pits or quarries are likely to be established over the period of this Plan. Notwithstanding this reality, the Municipality supports the establishment of new pits or quarries subject to complying with the Aggregate Resources Act requirements.
- 14.02.3 Any new pits or quarries will be required to be rezoned to afford neighbouring property owners an opportunity to assess the aggregate operation proposal.
- 14.02.4 In order to protect legally existing pits and quarries or areas of significant aggregate reserves, incompatible land uses and activities will not be permitted adjacent to these areas. In accordance with the M.O.E.C.C. - D Series Guidelines, the area of influence for pits and quarries is 1000 metres and the minimum separation distance is to be 300 metres for pits and 500 metres for quarries with the relevant land use compatibility guideline.
- 14.02.5 The province has provided mapping of existing sand and gravel deposits in the municipality. This mapping is attached as Appendix "2" to this Plan. The municipality will make use of this data when assessing any new development to ensure any compatibility issues are resolved as part of a development review.
- 14.02.6 Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the Planning Act in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

## **14.03 Fish Habitat**

- 14.03.1 The Municipality recognizes the importance and value of the sports fishery including the protection of fish habitats. New development will only be permitted where it can be carried out without harmful or adverse impacts on fish habitat. The Ontario Ministry of Natural Resources and Forestry has provided the Municipality with fish habitat mapping and other data for all of the recreational water bodies in McDougall. This data and mapping will be used by the Council and all other agencies when reviewing development applications that are within or adjacent to fish habitat.

14.03.1.1 Where any planning, land division, development and/or site alteration is proposed on a recreational water body, and the shoreline is adjacent to Type 1 and unknown fish Habitat:

- a) all severed and retained lots must have a minimum of 15 metres of their respective shorelines free of Type 1 Fish Habitat; or
- b) where a severed or retained lot does not include a minimum of 15 metres of non-Type 1 Fish Habitat, it may be re-inspected for errors or omissions respecting the mapping; and
- c) if the re-inspection reveals an accuracy issue, a revised Type 1 Fish Habitat mapping is to be confirmed by the Ministry of Natural Resources and Forestry; or
- d) the Parry Sound Area Planning Board may obtain a report by a qualified biologist to indicate how the land division may comply with the Provincial Policy Statements in regard to the protection of fish habitat. The costs of such a study will be the expense of the proponent; or
- e) authorization for a dock and/or boathouse for the severed and retained lands must be received from the Department of Fisheries and Oceans.
- f) where other types of development and where site alteration requiring municipal approval are proposed, the development proponent will be subject to the policies found in criteria a) through e) of this policy subsection.

14.03.1.2 Lands that are the subject of a land division may be rezoned to show the extent of fish habitat areas as a result of any change in the Ministry of Natural Resources and Forestry fish habitat mapping.

14.03.1.3 It is the policy of this Plan that in order to protect fish habitats along watercourses that there be a minimum 15 metre setback for structures along warm water streams and a minimum of 30 metres for cool or cold water streams.

14.03.1.4 Any new structures along shoreline identified as Type 1 or unknown fish Habitat will not be permitted unless it can be demonstrated that there will be no adverse impacts.

14.03.1.5 Shorelines along recreational water bodies that have not been evaluated for fish habitat designation should be treated as Type 1 Fish Habitat pending further assessment.

14.03.1.6 The Municipality may include increased setbacks and requirements for vegetative buffers along sensitive shorelines of creeks, rivers and cool or cold watercourses.

#### **14.04 Crown Land**

- 14.04.1 There is a significant amount of Crown land in the Municipality of McDougall. The geographic township of Ferguson has 65.21 percent of its land base as Crown while the geographic township of McDougall is 22.07 percent Crown land.
- 14.04.2 The policies of the Official Plan and zoning by-law are not binding on Crown land activities. The use of Crown lands will be determined by the province with regard for the established planning policies of the Municipality. The Ministry of Northern Development and Mines issues mining leases, Exploratory Licenses of Occupation, mining claims and other forms of land tenure on Crown Land.
- 14.04.3 If Crown land should be patented or leased to private land owners, the Municipality's planning documents will be applied to these lands.
- 14.04.4 Parks and conservation reservation reserves are identified on Schedule 'A' Land Use Plan. Crown land will be identified in the implementing zoning by-law.
- 14.04.5 The Municipality supports the Ministry of Natural Resources and Forestry and its management programs for Crown land.
- 14.04.6 Council may be concerned over conflicts that occur between parks, conservation reserves and historical uses that are permitted in these protected areas. Council will support whatever measures are available to resolve these conflicts in favour of historical land use activities.

#### **14.05 Mineral Extraction**

- 14.05.1 The mineral potential of lands within the Municipality is low. New mining operations will only be considered by an amendment to this Plan, and in keeping with the Mining Act.
- 14.05.2 Mineral resources and mining operations will be protected from activities that would be incompatible for reasons of public health, safety or environmental impact. In or adjacent to areas of known mineral resources or mining activity no development will be permitted that would preclude or hinder the establishment of new operations or access to the resources unless it has been demonstrated that:
  - a) the resource use would not be feasible;
  - b) the proposed land use or development services a greater long-term public interest; and

- c) issues or public health, public safety and environmental impact are addressed.

Sensitive uses will be separated and/or buffered from mining operations in accordance with provincial legislation, policies and guidelines.

#### **14.06 Wetlands**

- 14.06.1 The Municipality recognizes the importance of wetlands. Wetlands play a vital part in preserving important wildlife, fishery, flora and fauna ecosystems. It is the intention of the Municipality to protect wetlands and restrict development on, in or adjacent to wetlands unless it may be demonstrated that there are no negative impacts on the natural features or ecological function of the wetland.
- 14.06.2 The Municipality may place wetlands in an environmentally sensitive category in the Official Plan and identify these on the land use schedule or in the comprehensive zoning by-law. Development will be prohibited in these areas. Where there are wetlands that have not been designated or identified in the implementing zoning by-law, development should be directed away from these wetlands.
- 14.06.3 Where there are provincially significant wetlands identified, these are illustrated on the schedules to the official plan. This Plan recognizes that in accordance with the Provincial Policy Statement, no development or site alteration is permitted in any provincial significant wetland.
- 14.06.4 Lands adjacent to provincially significant wetlands will be protected in accordance with policies of this Plan and the restrictions set out in the implementing zoning by-law.
- 14.06.5 These policies shall apply to any new provincial significant wetland that may be identified in the municipality.

#### **14.07 Forestry**

- 14.07.1 Forestry is an important resource use in the rural areas of the Municipality. There is a large amount of private and Crown land that is managed for forestry uses. The Municipality supports the province and its associated Crown corporations in the management of McDougall forests.
- 14.07.2 The Municipality will require adequate setback for forestry uses away from the built up area of the Municipality and from water bodies to minimize environmental impact.
- 14.07.3 No clear cutting of forests as part of a forestry operation will be permitted in McDougall unless such operations are in accordance with timber management plans prepared through the province or its designated agents in consultation with Council.

- 14.07.4 The Municipality may pass tree cutting by-laws to control forestry operations.
- 14.07.5 Development on land adjacent to Crown land must be compatible with any forestry operations or management plans.

#### **14.08 Hazard Lands**

- 14.08.1 There are a number of natural hazards that occur in the Municipality of McDougall. These include the regulatory flood elevations (flood plain) for Mill Lake, Georgian Bay and other rivers and lakes within the Municipality.
- 14.08.2 The primary area of concern over natural hazards in McDougall includes the low areas along the shoreline of the various watercourses located within the Municipality. For the Municipality, the regulatory flood elevation (flood plain) is defined as the greater of:
- a) the "100 year flood" which is the area that would be flooded on average once in 100 years; or
  - b) the "Regional Flood" which is the area flooded by a storm modelled on a particularly intense flood which occurred in Timmins in 1961, and could occur in this area.
- 14.08.3 In 1995, the Ministry of Natural Resources and Forestry provided regulatory flood elevation (flood plain) information for the comprehensive zoning by-law of the Township of McDougall. The Ministry of Natural Resources and Forestry identified a regulatory flood elevation (flood plain) on Mill Lake upstream of the Mill Lake Dam and east of Highway 69 of 195.0 metres above Canadian Geodetic Datum. This was provided by Ministry of Natural Resources and Forestry engineers based on the best information available at that time, in order to assist the Municipality in its planning decisions.
- 14.08.4 All flood plains (of lakes, rivers and streams) will be placed in a separate restrictive land use category in the zoning by-law implementing this hazard lands policy that permits only those uses that do not require structural development or site alteration (e.g. filling). An exception could be made for Georgian Bay, as discussed above (except for at the mouth of inflowing streams and rivers).
- 14.08.5 New development or site alteration, including filling, is generally not appropriate on Mill Lake flood plain lands. However, there could be an exception for Georgian Bay where new development or site alteration within the flood plain of Georgian Bay would not affect flood levels and velocities on other properties (except at the mouth of inflowing streams and rivers); any development permitted must be adequately flood-proofed to 178.3 above Canadian Geodetic Datum.



- 14.08.6 Where flood plains are identified around other water bodies, these lands will be placed in a non-development zoning category in the zoning by-law which indicates flooding limits. No development will be considered within the flood plain. Where concerns are raised regarding the accuracy of flood plain mapping, a development proponent may undertake necessary engineering studies to determine the actual extent of the flood plain. The Municipality will not incur any costs associated with the production or review of such a study.
- 14.08.7 The erection of new buildings or structures, or the removal or placing of fill in flood plain areas will be prohibited. An exception would be those structures or works that are necessary for flood or erosion control, and those which, by their nature, must be located adjacent to water bodies (e.g. docks).
- 14.08.8 Changes in delineation of flood plain boundaries will occur following the completion of a flood plain study by a qualified hydrological engineer. The technical study would be conducted at the expense of the proponent and be completed prior to approval and must be carried out for the entire "reach" of the watercourse (that is, the inter-related areas of the watercourse).
- 14.08.9 The expansion of existing non-conforming uses will not be permitted within flood plains, except in those circumstances where the minor addition will not contribute to flood flows.
- 14.80.10 New lots will not be created where there is no adequate building space outside of the flood plain or where safe access/egress is not available during times of flooding.
- 14.08.11 Development and site alteration shall be prohibited in areas with potential erosion hazards, unless it has been demonstrated that the site and its access would be safe using the 100 year erosion rate. This should consider erosion potential under average water levels, under regulatory flood conditions and whether future site alteration on or adjacent to a site would increase the hazard.

## **SECTION 15 – ENVIRONMENT**

### **15.01 General**

- 15.01.1 All levels of government have jurisdiction over water quality, soil contamination, waste management and air quality.
- 15.01.2 Any new or enlarged waste disposal or water supply systems may require an amendment to this Plan and must be approved in accordance with the Environmental Protection Act and/or the Environmental Assessment Act.
- 15.01.3 Communal services for permanent freehold residential uses must be owned by the Municipality and the maintenance and ongoing operating costs will be the responsibility of the users of the communal system.

- 15.01.4 Where communal services are for seasonal residential, commercial or industrial uses, the Municipality shall enter into an agreement with the owner, such that in the event of default, the Municipality may take over responsibility for the services.
- 15.01.5 This Plan recognizes that the Ministry of the Environment and Climate Change establishes a number of guidelines to supplement the Province's air, noise and odour approvals under the Environmental Protection and Ontario Water Resources Act. The Municipality will continue to recognize these guidelines when reviewing land use compatibility for any of its planning approvals.
- 15.01.6 All proposed development in the Municipality of McDougall shall meet provincial standards for air, ground, light, noise and water pollution control.
- 15.01.7 Where development is proposed and the subject lands have the potential to be contaminated due to previous use, development applications shall be accompanied by a Ministry of the Environment and Climate Change acknowledged Record of Site Condition, and , if necessary, a site remediation plan prepared in accordance with the M.O.E.C.C.'s "Guidelines for the Decommissioning and Clean-Up of Sites in Ontario.
- 15.01.8 A proponent is responsible for hiring a qualified consultant to conduct Phase 1 and Phase 2 studies on any potentially contaminated sites. If those studies showed that there was contamination on site than it would need to be cleaned up or a risk assessment approach would be taken in order to develop to the proposed use before a Record of Site Condition (RSC) could be filed and acknowledged by M.O.E.C.C. This must all be completed prior to development being approved. An RSC should be filed prior to rezoning approval that set the principle of development and land division decisions and should not be subject to conditions.
- 15.01.9 Where development is proposed on lands which include, or are abutting or are within 1000 metres of lands affected by mine hazards or former mineral resource operations, the development will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under way or have been completed. The approval authority will require documentation from a development proponent to this effect. Alternatively, confirmation will be required from a qualified professional that the lands proposed for development are not affected by the mine hazards.

Where development is confirmed to be affected by a mine hazard and rehabilitation has not occurred or is not underway, and depending on the extent of the hazard, the feasibility to mitigate and rehabilitate the hazard as required under the Mining Act, the development may not proceed.

## **15.02 Landfill Impact Area**

- 15.02.1 The area outlined on Schedule 'A' as Landfill is subject to the following policies in addition to the other general and land use policies of this Official Plan. This area may be referred to as the McDougall Road Landfill Impact Area.
- 15.02.2 It is recognized that the lands within approximately one kilometre of the McDougall Landfill Site ("the Landfill Site") may be impacted by leachate migrating therefrom.
- 15.02.3 It is the policy of the Council of the Municipality of McDougall to continue to maintain and introduce remedial works for the purpose of improving the quality of the ground water migrating from the Landfill Site to a standard which meets the Reasonable Use Guidelines ("RUG") administered by the Ministry of the Environment and Climate Change as soon as practicable.
- 15.02.4 The lands within the Landfill Impact Area are designated "Rural" on the Land Use Plan, Schedule 'A'. While the "Rural" designations represent the least intensive form of development policies contained in the Official Plan, there are a wide variety of activities allowed including new homes, industrial and commercial uses.

While the "Rural" land use designation will continue to apply within the Landfill Impact Area, the following additional policies will govern development within the boundary identified McDougall Road Landfill Impact Area:

- 15.02.5 All lands within the Landfill Impact Area will be placed in a "Holding" zone in the municipality's zoning by-law.
- 15.02.6 Prior to the consideration of any development within the Landfill Impact Area, Council will require that a study to be undertaken to assess the quality of water sources, including ground water, ("Water Quality Study") existing at the time, its impact on the proposed development and to determine whether development can be permitted, with appropriate mitigation measures.
- 15.02.7 The Water Quality Study shall also establish and quantify the extent to which water sources meet applicable standards and, where applicable, the treatment or works that may be required to improve the water quality to a standard appropriate for the intended use.
- 15.02.8 Existing dwellings and accessory buildings, uses and structures to existing dwellings will not be required to undertake a Water Quality Study.
- 15.02.9 The Water Quality Study will include the following:
  - a) undertaking a Phase 1 Environmental Site Assessment completed in accordance with standard procedures outlined in accepted guidelines;

b) if (a) identifies areas of probable or actual contamination; then,

c) undertaking a Phase 2 Environmental Assessment. This may include a geophysical analysis, soil drilling and test pitting, installation of monitoring wells, groundwater and surface water sampling and an analysis of monitoring results. The sampling analysis will be carried out in accordance with the Ministry of the Environment and Climate Change "Guidelines for Use at Contaminated Sites in Ontario, 1996".

15.02.10 Should the quality of water sources be determined to have a probable adverse effect on the proposed use through the Phase 2 Environmental Site Assessment, a site specific risk assessment ("Risk Analysis") shall be required in accordance with the Ministry of the Environment and Climate Change's "Guidelines for Use at Contaminated Sites in Ontario, 1996".

15.02.11 The Risk Analysis will include conclusions and recommendations on the overall impact of the on-site contamination, the appropriateness of the proposed development and, if development is appropriate, what remedial measures may be necessary to make the site suitable for the development proposed.

15.02.12 Should the municipality be satisfied that water quality issues have been properly addressed and/or that appropriate remedial measures can be undertaken to render the subject property suitable for the development proposed, the "Holding" symbol may be removed.

## **SECTION 16 – HERITAGE**

### **16.01 Heritage Policies**

16.01.1 For the purpose of this Plan, cultural heritage resources include buildings, structures, archaeological and historic sites, cemeteries, landscapes and landmarks, either individually or in groups, and are considered by the municipality or other agencies as being historically or prehistorically significant. The identification, recognition, protection, enhancement and proper management of significant heritage resources is encouraged by the Council of the Municipality of McDougall.

16.01.2 The Council of the Municipality of McDougall will encourage the maintenance and preservation of buildings, sites and structures of historical or architectural interest. Council may designate these buildings or areas as Heritage Conservation Areas pursuant to the Ontario Heritage Act in order for conservation options to be considered when there are development related impacts. Alteration or demolition of designated property may also be postponed until such time as Council is satisfied that the heritage attributes of the property are protected by alternative or altered development proposals.

## 16.02 Cultural Heritage and Archaeological Resources

- 16.02.1 The Municipality recognizes that there may be significant archaeological potential areas in McDougall. To date, no such areas have been identified by the province or any agency, but there are screening criteria developed by the province to assist in the determination of archaeological potential areas. Such criteria include features such as proximity to water such as current or ancient shorelines; rolling topography; unusual landforms; and any locally known significant heritage areas such as portage routes or other places of past human settlement. Should an area of cultural or archaeological potential or significance become known, the Municipality will have regard for provincial policy applying to the preservation of these resources.
- 16.02.2 The Municipality shall require an archaeological impact assessment prepared by an archaeologist licensed under the Heritage Act as a condition of development approval where development is proposed in the following areas within the Municipality:
- i) in areas where there are known archaeological heritage resources;
  - ii) in areas in close proximity to an identified archaeological or heritage site;
  - iii) in or adjacent to areas exhibiting archaeological potential. Archaeological potential is determined through the application of provincial screening criteria;
  - iv) Council will require a heritage impact assessment to be conducted by a qualified professional whenever a development has the potential to affect a protected heritage property or cultural heritage resource.
- 16.02.3 Section 48 of the Ontario Heritage Act shall be complied with, where any alterations to known archaeological sites shall be performed only by licensed archaeologists. All assessments shall be undertaken and implemented to the satisfaction of the Province of Ontario.
- 16.02.4 Council views archaeological preservation *in situ* as the preferred method of ensuring that the integrity of the resource is maintained. However, Council also recognizes there may be a need for rescue excavation of significant archaeological resources as a result of development proposals and will consider this only when it is demonstrated that *in situ* preservation is not possible. Any significant archaeological resource or site identified may be preserved on site, to ensure that the integrity of the resource is maintained, or it may be systematically removed and documented through excavation only by licensed archaeologists.

- 16.02.5 The integrity of archaeological resources can be maintained by adopting archaeological zoning by-laws under Section 34 of the Planning Act or other similar provisions, to prohibit any land use activity or the erection of buildings or structures on land which is a site of a significant archaeological resource.
- 16.02.6 The Municipality shall have regard for the conservation of all significant cultural heritage resources during the undertaking of municipal public works or environmental assessment projects. When necessary, satisfactory measures and/or heritage impact assessments will be required to mitigate any adverse impact to significant resources as outlined by the heritage conservation policies contained within this Plan.
- 16.02.7 Council shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Tourism, Culture and Sport and the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services, when an identified marked or unmarked cemetery is affected by land use development. The provisions under the Ontario Heritage Act and the Cemeteries Act shall apply.
- 16.02.8 A qualified marine archaeologist is required to conduct archaeological assessments in water.
- 16.02.9 Council shall protect and enhance the distinguishing qualities and character of cultural heritage landscapes.
- 16.02.10 In accordance with Section 27 of the Ontario Heritage Act, the municipal clerk shall maintain a register of all property designated under Part IV and Part V of the Ontario Heritage Act. This register may also contain properties that have heritage conservation easements placed upon them and properties that are not designated, but which are considered by Council to be of cultural heritage value or interest.
- 16.02.11 Council shall participate, wherever feasible, in the conservation of cultural heritage resources by conserving and mitigating impacts to all significant cultural heritage resources, when undertaking public works.
- 16.09.12 Council may conserve the integrity of archaeological resources by adopting zoning by-laws under section 34(1) 3.3 of the Planning Act S.O.1996, to prohibit any land use activities, and the erection of buildings and structures which is a site of a significant archaeological resource.

## **SECTION 17 – PLANS TO INCORPORATE ACCESSIBILITY PROVISIONS**

- 17.01 Where applicable any plans or decisions respecting plans or programs within the Municipality of McDougall shall have regard for the needs of the disabled to ensure that access is available to all segments of the population.

The Municipality may establish an accessibility advisory committee pursuant to the Ontarians with Disabilities Act, 2001, and the Accessibility of Ontarians with Disabilities Act, 2005 to provide a long term strategy to ensure compliance with these Acts.

## **SECTION 18 – PUBLIC USES**

### **18.01 Public Parkland**

- 18.01.1 Public parkland is a permitted use in any policy area on Schedule 'A' including any accessory uses thereto. A rezoning of lands for parkland purpose may be required.

### **18.02 Public Utilities**

- 18.02.1 Nothing in this Plan shall prevent the use of land or the establishment of any building or structure by the municipality or a public utility in any area except Wetlands and except that a sewage disposal plant, garbage disposal area, transfer station; or any public works garage or yard shall not be located in a residential or recreational area unless specifically zoned for that purpose. Any building or structure connected with a public utility undertaking shall be located and designed in a manner which does not detract from the amenity or property values in the area and are not to be located in hazard land areas.

### **18.03 Energy and Communication Utilities**

- 18.03.1 Existing energy and communication facilities and the development of new facilities will be permitted without amendment to this Plan, provided that the development satisfies the provisions of the Environmental Assessment Act and other relevant statutes, and is carried out having regard to the provisions of this Plan.
- 18.03.2 Where energy or communication facilities or utilities are proposed, they will be designed and located so as to avoid potential adverse environmental, social, health and aesthetic impacts. In this regard, the following should be considered:
- a) the location of facilities, where possible, to reduce overall numbers;
  - b) locating facilities within or along existing utility or transportation corridors;

- c) setback from water bodies and the impact of the structure on the lake horizon;
- d) construction of towers and antennas to heights below those requiring lighting devices in order to help preserve the night sky; and
- e) the impact on natural areas including fish and wildlife habitat and wetlands.

18.03.3 Proponents of energy and communication facilities shall consult with the Municipality regarding the location of new facilities and may be requested to consult with the public.

#### **18.04 Waste Disposal/Transfer Stations**

18.04.1 New public transfer stations or public sanitary land fill sites will be permitted by this Plan, however, an amendment to the Zoning By-law will be required.

18.04.2 In developing any area for garbage disposal sites or transfer stations, the following conditions shall be regarded:

- a) Disposal of all refuse shall be by means of a suitable method, which ensures that all waste materials are permanently and completely buried.
- b) A buffer strip shall be located between the disposal or transfer station area and any other area which is or is likely to become developed during the period in which the area will be used for disposal purposes. This buffer shall contain trees and shrubs to prevent visibility of any part of the disposal operation from the surrounding areas or streets.
- c) Adequate precautions shall be made to prevent pollution of any watercourse by the disposal operation.
- d) Regard shall be had to prevailing winds to prevent obnoxious odours, fumes and similar nuisances to be carried by these winds over developed areas, either existing or proposed.
- e) The municipality shall seek advice of the appropriate agencies concerned with the management of waste before permitting the waste disposal sites to be opened.
- f) All waste management systems are subject to approval under the Environmental Assessment Act. Environmental assessments may be required.
- g) All waste management sites shall be covered by current Ministry of the Environment and Climate Change Certificates of Approval under the Environmental Protection Act.



- 18.04.3 Council shall support the reduction of waste from construction debris as a result of the demolition of buildings by promoting and encouraging the adaptive reuse of older and existing building stock.

## **SECTION 19 – LAND USE POLICIES**

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

### **19.02 Rural**

- 19.02.1 This designation will generally apply to most of the inland areas of the Planning Area which do not front on recreational water bodies. Land uses permitted in this category shall include forestry, conservation uses, agricultural uses and agriculture-related and secondary agriculture uses including uses that produce value added agricultural products from farm operation on the property, market gardening uses, raising of fur bearing animals, churches, schools, hospitals, institutions, cemeteries, country clubs, open air recreational uses and any uses connected with government utilities or departments.
- 19.02.2 New homes and cottages, commercial and industrial development uses, pits and quarries, and tourist commercial uses will be permitted in the Rural Areas subject to all other policies of this Plan.
- 19.02.3 It is a basic objective of this Plan to require higher lot standards in the rural areas and along the major public roads.
- 19.02.4 Consents to create new lots in the Rural designation will be subject to the following:
- a) the lot is located on and has access to a road which has been opened, established and publicly owned and maintained on a year round basis;
  - b) the proposed driveway location must be satisfactory to the Municipal Road Superintendent and must not be located on a curve or hill where a dangerous condition would be caused for other drivers;
  - c) the resulting development will not contribute to an unreasonable demand for the enlargement of municipal services; and
  - d) the lot sizes are generally greater than 1.0 hectares and road frontages are approximately 100 metres.
- 19.02.5 Subdivisions in the Rural designation are subject to the above criteria. Whenever possible, any subdivisions in the Rural designation should be serviced by an internal road to avoid strip development along existing municipal roadways.

- 19.02.6 Generally, where new lots are to be created for the purposes of resource uses including a hunt camps or maple syrup operations; frontage on a public road may not be required provided that a legal right-of-way can be obtained.
- 19.02.7 All farm and non-farm development will comply with the Minimum Distance Separation formulae established by the Province in order to minimize odour conflicts between livestock facilities and development.
- 19.02.8 Communication Towers
- 19.02.8.1 It is recognized that communication towers and radio antennae fall outside the jurisdiction of the municipality. However, it is recognized by those federal agencies that have jurisdiction over such installations that local policy and zoning should be considered and that appropriate action should be taken to ensure that federal influence on land and local environments has a positive impact.
- 19.02.8.2 Prior to the location and construction of new towers, a public information meeting will be required with notice given to neighbouring property owners. The circulation to the public will be the maximum permitted by any senior levels of government or their agencies.
- 19.02.8.3 The municipality is primarily concerned over the impacts that new towers will have on the physical and natural environments. The sighting of towers shall consider the impacts on the views and aesthetics of the area around the tower. In this regard, antennae should consider sharing towers wherever possible to minimize the number of these structures.
- 19.02.8.4 Buffering and screening of new towers shall be encouraged. The municipality will require the camouflaging of new towers so that they blend in with the natural forest cover.

### **19.03 Waterfront**

- 19.03.1 The Waterfront designation generally includes those lands extending inland 300 metres from any recreational water body, and which are depicted as being within the Waterfront land use designation on schedule 'A'. Lands which physically or functionally relate to the Waterfront designation although extending beyond 300 metres from a recreational water body will also be deemed to be within the Waterfront designation.
- 19.03.2 The Waterfront designation is an area where significant development pressure exists. It is also an area that is highly sensitive to new development. Extra care will be taken to protect the features of the Waterfront designation.

19.03.3 Permitted uses in the Waterfront designation include:

- a) cottages and year-round residences subject to the policies of this Plan;
- b) tourist commercial uses subject to the policies of this Plan;
- c) open spaces and any waterfront related use.

19.03.4 New lots created in the Waterfront area shall be greater than 1.0 hectares in area and to have a lake frontage of not less than 70 metres. Planning Board and Council may consider smaller lot sizes on the basis of studies, such as a hydrogeological study, that demonstrate site conditions are suitable for the long-term provision of private individual sewer and water services.

19.03.5 Where a proposed development in the Waterfront designation is not directly accessible by a publicly maintained, year round road, Planning Board and Council shall be satisfied that the following are available:

- a) adequate boat docking and launching facilities specifically established for the development;
- b) off-street automobile parking for vehicles and boat trailers at the point of access; and
- c) garbage disposal facilities in accordance with the Environmental Protection Act.

19.03.6 A guest cabin will be permitted on lots in the Waterfront designation so long as they remain secondary and incidental to the main residential dwelling on the lot.

The addition of more than one guest cabin or additional cottage to an existing lot may require an amendment to the zoning by-law implementing this Plan so long as the additional cottage or guest cabin is in accordance with any applicable shoreline development policies set out in Section 11.0.

19.03.7 Tourist Commercial Uses permitted in the Waterfront Area shall include the following:

- a) lodges, resorts, restaurants, housekeeping cabins and cottages, Rental Accommodations together with retail and service uses accessory to the resort use and located on the same property;
- b) private clubs other than power boat, motor car or motorcycle clubs;
- c) public or private camps including tent and trailer parks and service uses accessory to such camps and located on the same property;

- d) other commercial uses associated with recreation including retail service uses, marinas, contractors yards, boats and snowmobile sales, rental and servicing.

#### **19.04 Lake Specific Policies**

19.04.1 The Municipality of McDougall geography includes a large number of freshwater lakes that vary in size from only a few hectares in surface area to the open waters of Georgian Bay. There are approximately 40 lakes located in McDougall and for policy purposes, they may be categorized as small, medium and larger water bodies.

##### **19.04.2 Small Lakes**

There are a number of small lakes over the entire municipality. Although the lakes are small in terms of surface area, these continue to have appeal for a limited amount of recreational development. These lakes may also be available for a limited amount of new lot creation subject to larger lot standards and so long as the lots proposed are in accord with the general and detailed policies of this Plan.

19.04.3 The small lake policy is to ensure that these isolated water bodies remain limited in terms of the level of development. The standards of these lakes will remain sufficiently high to preserve the remote wilderness features of these water bodies. In addition to these density and aesthetic considerations, the approval authorities for any new lot consideration will consider environmental features, biophysical constraints, access and appropriateness in terms of sound lake planning.

19.04.4 The following table sets out general policy guidelines for small lakes in the municipality. These guidelines should be regarded when considering development applications.

**TABLE – SMALL LAKES**

LAKE	MINIMUM STANDARDS		COMMENTS
	Frontage(m)	Area(ha)	
Agnes	150	2	These lakes have a small number of adjacent land owners. When the approval authority is considering any application for new lot creation, all owners fronting on these water bodies should be circulated for comments.
Avis	150	2	
Campbell	150	2	
Greer	150	2	
Johnston	150	2	
McGruther	150	2	
Neville	150	2	
Tongue	150	2	
Funston	150	2	
Johns	150	2	
Huard	150	2	

19.04.5 The following table sets out the general policy guidelines for medium sized lakes in the municipality.

**TABLE – MEDIUM LAKES**

LAKE	MINIMUM STANDARDS		COMMENTS
	Frontage(m)	Area(ha)	
Bat	120	1	The medium sized lakes have greater potential for development and land owners are likely to be interested in new lot creation. The approval authority should be prepared to increase the circulation requirement of any notices for land division.
Bella	150	1	
Cramadog	120	1	
Dell	120	1	
Haines	120	1	
Loch Erne	120	1	
Lodge	120	1	
Marsh	120	1	
Nine Mile	120	1	
Upper Marsh	120	1	

19.04.6 The following table sets out the general policy guidelines for larger lakes in the municipality. New lot creation for these lakes will be subject to the standards set out in the table.

**TABLE – LARGER LAKES**

LAKE	MINIMUM STANDARDS		COMMENTS
	Frontage(m)	Area(ha)	
Georgian Bay	70	0.5	The larger lakes may be subject to additional general and specific policies contained in this Plan.
Harris	70	0.5	
Mill	70	0.5	
Miller	70	0.5	
Portage	70	0.5	
Vowels	70	0.5	
Long	70	0.5	

19.04.7 There are a number of lakes in the municipality that because of some special feature, development constraint or lake capacity issue will not be eligible for land division without some additional assessment. New lot creation in these lakes may not necessarily be prohibited. However, the municipality must be satisfied that the constraint capacity or technical issues have been overcome prior to supporting and further lot creation.

Bard Lake  
 Bell Lake  
 Boy Lake  
 Home Lake  
 Long Lake  
 Lorimer Lake  
 Pickey Lake  
 Simmes Lake  
 Trout Lake

#### 19.04.8 Simmes Lake

Once the lands adjacent to Simmes Lake have been determined to be remediated to the satisfaction of the municipality, a redevelopment of the lake for recreational shoreline uses will be supported by the municipality. Any redevelopment of these lands must be in accordance with the general and waterfront development policies of this Plan and any applicable shoreline stewardship principles.

#### 19.04.9 Trout and Lorimer Lakes

Trout and Lorimer Lakes are at capacity for additional lot creation and will be subject to the guidelines set out by the Ministry of the Environment and Climate Change's Lakeshore Capacity Assessment Handbook.

#### 19.04.10 Long Lake Estate

Long Lake Estates is a neighbourhood developed around a chain of lakes including Long Lake, Miller Lake and Boy Lake. The area was developed by plans of subdivision including a number of lots that do not front on any of the lakes. The size of the lots are smaller than current standards and in some cases, the lots are too small to meet yard, by-law clearances and service requirements. The Municipality may use a number of tools to respond to issues that arise respecting the large number of undersized lots in Long Lake States. These tools may include but not limited to: merging lots; site plan control; and site specific zoning by-laws.

### **19.05 The Nobel Settlement Area**

19.05.1 The Nobel Settlement Area is that part of the municipality which has historically been a mixed-use service and residential area. The Municipality encourages continued growth and development within this area, but is mindful that parts of the Settlement Area are serviced by only municipal water systems, while other large areas have historically developed on the basis of private services. Growth and development within the Settlement Area, therefore, needs to be carefully considered when applications come forward.

19.05.2 The Nobel Settlement Area is depicted on Schedule 'A'. It includes existing, built-up areas, as well as vacant areas which have been set aside for development. Many of these vacant areas will develop on the basis of private services. However, any development proposal within or adjacent to the municipal water service will be expected to connect to this water supply where it is considered infilling or minor rounding out of the service area.

19.05.3 Permitted uses in the Nobel Settlement Area include year-round single detached dwelling units on separate lots and accessory uses thereto. In addition, all uses permitted in the Rural Policy Area, local commercial uses, home businesses, converted dwellings and all other uses necessary for the proper functioning of a residential neighbourhood are permitted in accordance with the policies of this Plan. No objectionable or animal operations including kennels, roosters, etc. are permitted in the Nobel Settlement Area.

#### 19.05.4 Land Division

19.05.4.1 Along with all other applicable policies in this Plan, the following general policies will apply to all applications for land division within the Nobel Settlement Area.

- a) Frontages of lots will not be subject to any minimums in the Nobel Settlement Area in order to facilitate loop roads or cul-de-sacs which are designed to aid snow clearing.
- b) Residential development in this category will not be permitted to locate near existing sand and gravel operations or near existing intensive farming operations, as set out in sections 14.04.3 and 19.02.7.
- c) All development must comply with the requirements of the Ministry of Transportation for entrances along Provincial Highways.

19.05.4.2 Development of multiple lots within the Nobel Settlement Area is encouraged to take place by way of plan of subdivision. For plans of subdivision, the following policies will apply:

- a) the development shall generally have an internal road network constructed to a standard that can be assumed by the municipality as a publicly maintained year round road.
- b) new access points from municipal and provincial roads shall generally be limited.
- c) direct access to major municipal roads will be discouraged in favour of access onto local roads.
- d) generally, lands proposed to be subdivided shall be phased in a manner that reflects the logical extension of municipal services.

19.05.4.3 Where a plan of subdivision is deemed to not be necessary for the orderly development of the community, the division of land may take place through the severance process, and all applicable policies of this Plan will apply.

#### 19.05.5 Servicing

- 19.05.5.1 Infill development within existing built-up areas of the Settlement Area will be encouraged, where the infill development is considered appropriate for available servicing.
- 19.05.5.2 Where new development is proposed on the basis of partial services and that development is not considered to be infill or minor rounding out of the existing serviced areas, the proposal may be permitted on the basis of private services in accordance with other policies of this Plan.
- 19.05.5.3 Where new development proposed on the basis of partial services is proposed, and that development is not considered to be infill in existing built-up areas, or the minor rounding out of existing built-up areas, an amendment to this Plan will be required.
- 19.05.5.4 Where development on the edge of existing built-up areas is proposed on the basis of private services, the approval authority will strongly consider whether the development proposal will hinder the efficient expansion of existing built-up areas. In particular, the development of privately serviced larger lots on the edge of built-up areas will be discouraged. To this end, the approval authority may request the production of hydro geological studies to demonstrate an appropriate, smaller lot size which is viable.
- 19.05.6 Notwithstanding the above, two semi-detached lots shall be permitted to recognize an existing semi-detached dwelling on Part of Lot 20, Concession 7, in the geographic township of McDougall.

#### 19.06 Commercial/Industrial Nodes

- 19.06.1 There are a number of major roadways and highways through the municipality. Where these major roadways and highways intersect, the lands may be suitable for new commercial or light industrial enterprises. In these areas the municipality will support commercial and industrial uses subject to complying with other relevant policies of this Plan. For these nodes, the municipality may choose to pre-zone the lands for commercial or industrial use.

### SECTION 20 - SITE SPECIFIC POLICIES

#### 20.01 Nobel Condominium

Notwithstanding the policies of this Plan, a parcel of land approximately 10 hectares in area located in part of Lot 5, Concession A, geographic township of McDougall, may be used for multi-family residential dwellings units. The policies of Sections 4.3, 6.4, 7 and 8 will continue to apply to these lands.

The development will be phased in three phases of 21 units each, for a maximum of 63 units on the site.



## **20.02 AKZO NOBEL Lands**

There is a large parcel of land in the geographic township of McDougall that was the site of an explosives manufacturing for almost a century until it closed in 1986. It consists of several thousand acres. The Former C.I.L. /AKZO Nobel Lands are identified on Schedule "A".

Until these lands can be accurately characterized, the remediation needs properly assessed and assurances to the Municipality that there are no risks to its ratepayers, no redevelopment may occur on the AKZO NOBEL lands. Prior to any rezoning of the Former C.I.L. / AKZO Nobel Lands, a Record of Site Condition will be required in accordance with the Environmental Protection Act.

## **SECTION 21 – IMPLEMENTATION/ADMINISTRATION**

### **21.01 Accessory Uses**

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

### **21.02 Boundaries**

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

### **21.03 Numerical Interpretation**

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

### **21.04 Deeming By-laws**

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

### **21.05 Site Plan Control**

All development in the whole of the Municipality may be subject to the provisions of The Site Plan Control Requirements under the Planning Act. Commercial, industrial, institutional and certain residential uses may be designated as site plan control areas by by-law of the Municipality in accordance with the requirements of the Planning Act.

## **21.06 Special Exceptions For Existing Uses**

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

## **21.07 Holding Provisions**

- 21.07.1 The Planning Act provides for the use of the holding symbol "H" in conjunction with any land use zone found within the implementing zoning by-law.
- 21.07.2 The purpose of the holding zone is to prevent or limit the use of land until such time as Council is satisfied that further development may take place and the appropriate environmental studies and services have been reviewed and approved. The objectives and use of this symbol are set out herein.
- 21.07.3 The holding symbol may be applied to lands to be developed where the ultimate use of the land has been clearly established but:
  - a) development or redevelopment is to be phased; or
  - b) the implementation of policies requires special design features.
- 21.07.4 The holding symbol may be applied to undeveloped or unserviced land, land being proposed for development, lands having special constraints not related to use and lands adjacent to railways, highways or major municipal roads.
- 21.07.5 In accordance with the Planning Act, the Zoning By-law implementing this Plan will identify lands subject to holding provisions by the inclusion of an "H" suffix to the zone symbol.
- 21.07.6 The zoning by-law provisions relating to the use of the "H" suffix will specify what uses are permitted while the holding provision applies.
- 21.07.7 The holding symbol may be removed by by-law to allow development to proceed in accordance with the relevant zoning category as long as the following condition or conditions are met:
  - a) extensions for services are approved by the appropriate authority;
  - b) site plans are approved in the case of commercial and industrial development;
  - c) approvals are received from the Ministries of Natural Resources and Environment where applicable; and

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

## **21.08 Zoning**

The Municipality will be responsible for enacting implementing zoning by-laws that reflect current Official Plan policies as amended. Should any existing zoning by-laws contain provisions that do not conform to the Official Plan as amended, Council will take whatever steps are necessary to properly implement current Official Plan policies.

## **21.09 Non-Conforming Uses**

This Plan recognizes legal nonconforming uses in accordance with section 34(9) of the Planning Act.

## **21.10 Special Notices**

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

- i) altering the numbering and location of the text, schedules and maps;
- ii) altering punctuation or language to obtain a uniform mode of expression;
- iii) correcting clerical, grammatical, dimensional, boundary, mathematical or typographical errors;
- iv) inserting historical footnotes or similar annotations to indicate the original and approval of each provision;
- v) consolidating amendments;
- vi) transferring Official Plan, Community Improvement Plan and Zoning By-law designations to new base maps such as new Ontario Base maps or other maps which might be prepared in conjunction with a specific study; and,
- vii) adding technical information such as plans of subdivision, buildings, contours and elevations to base maps or schedules.

### **21.11 Plan Review**

Following approval of this Plan by the Ministry of Municipal Affairs and Housing, the Basis, Objectives and Policies of the Plan shall be reviewed at least once every five years at a meeting of Council in accordance with the provisions of the Planning Act. The Council of the Municipality of McDougall shall, not less than every five years, hold a special meeting open to the public to determine the need for a revision of the Official Plan and in determining the need for a revision, Council shall have regard to the Provincial Policy Statement.

The five year review shall consist of an assessment of:

- a) the continuing relevance of the assumptions used to develop this Plan as found in Section 4.0 of the Basis of this document;
- b) the degree to which the objectives of this Plan have been met;
- c) the effectiveness of the policies in the Plan in solving problems and realizing objectives;
- d) the effectiveness of policy guidelines in protecting water quality, heritage resources, natural resources and habitat and the environment within the Municipality; and,
- e) plans and policies of other levels of government.

### **21.12 Amendments**

An amendment to Schedule 'A' or the text of this Plan is required to permit the establishment of uses other than those permitted in this Plan. In considering an amendment to Schedule 'A' with a view of designating additional areas for a particular use or changing the designated uses of a particular area, or changing the policies of this Plan, Council shall have regard to the following criteria:

- i) the need for the proposed use;
- ii) the extent to which the existing areas which are designated for the use are developed, and the nature and adequacy of such existing development;
- iii) the physical suitability of the land for such proposed use;
- iv) the location of the areas under consideration with respect to:
  - the adequacy of the existing and proposed roadway system;
  - the convenience and accessibility of the site for vehicular and pedestrian traffic and traffic safety;

- the adequacy of the water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports which Council shall request from the developer and subject to the approval authority having jurisdiction;
- the compatibility of such proposed use with uses in the surrounding area;
- the potential effect of the proposed use on the financial position of the Municipality;
- the impacts of the proposed use on the natural environment; and

v) the Provincial Policy Statements

### **21.13 Amenity Policies**

21.13.1 Adequate buffering shall be required between all uses where one use may adversely affect or conflict with an adjoining use. The buffering may include the following:

- a) an appropriate tree screen;
- b) fence;
- c) berming;
- d) sufficient distance; or
- e) a combination of the above.

Development proponents should contact the local Ministry of the Environment and Climate Change office to ensure that there is compliance with separation requirements and environmental objectives where applicable.

## **21.14 Land Use Change and Land Use Compatibility**

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

The Approval Authority may request, in accordance with this Plan, appropriate studies to address identified and potential issues related to land use compatibility prior to consideration and approval of any planning applications submitted to the Approval Authority. These studies shall be in accord with applicable M.O.E.C.C. Guidelines.

## **21.15 Compatibility Between Land Uses**

Incompatible land uses are to be protected from one another. While buffers between incompatible land uses may be used to prevent or minimize adverse effects, distance is often the only effective buffer, and therefore adequate separation distance, based on a major facility's influence area, is the preferred method of mitigating adverse effects. The separation distance should be sufficient to permit the functioning of the incompatible land uses without adverse effect occurring. Separation of incompatible land uses should not result in the sterilization of intervening land usage.

## **21.16 Establishing Influence Areas for Industrial Land Uses**

In absence of establishing actual areas of influence for industrial land uses, separation distances between industrial and sensitive land uses should be in accord with applicable Ministry of the Environment and Climate Change Guidelines.

## **21.17 Brownfield Development**

There are properties in the Municipality of McDougall that may have been contaminated from a historic use of the land. Any proposed development or redevelopment on any land suspected to be contaminated will be the subject of a study by a qualified professional, in accordance with any applicable senior government guidelines, that will investigate and provide a remedial plan as required.

Where the need for any remediation work is confirmed, the proposed restoration work will be completed or implemented prior to any development taking place.

#### **21.18 Development in Proximity to Sewage Treatment Plants**

Where development is proposed within proximity to sewage treatment plants and waste stabilization ponds, the influence area of the treatment plant or stabilization pond may need to be determined, depending on how close the proposed development is to the plant or pond, and depending on the size of plant or pond. The extent of the influence areas and any associated technical studies will be based on Ministry of the Environment and Climate Change guidelines.

#### **21.19 Development in Proximity to Waste Disposal Sites and Unidentified Waste Disposal Sites**

Where new development is proposed within 500 metres of the boundary of any waste disposal site, a feasibility study in keeping with the Ministry of the Environment and Climate Change's D-Series Guidelines will need to be prepared by a qualified professional.

### **SECTION 22 – COMMUNITY IMPROVEMENT POLICIES**

#### **22.01 Goal**

It is the goal of the Municipality of McDougall to maintain and improve the physical living environment presently provided in McDougall in order to ensure the continued viability of the community.

#### **22.02 Objectives**

The objectives of the Municipality of McDougall are to:

- (a) upgrade selected municipal services and facilities in the community;
- (b) encourage efforts to upgrade existing properties thereby preserving the amenity, safety and environment of the community; and
- (c) undertake a program of physical improvements which are fiscally responsible.

### **22.03 General Criteria**

To achieve the community improvement component of this Plan, the improvement area will be based on the following criteria:

- (a) condition of roads;
- (b) absence of street lighting in the built-up areas;
- (c) deficiencies or inadequacies of sewage disposal systems;
- (d) traffic safety in terms of access onto or off of the major roads;
- (e) physical condition and age of buildings and structures;
- (f) deficiencies or inadequacies of recreational services and facilities;
- (g) land use compatibility;
- (h) access to area water bodies for recreational purposes; and
- (i) storm water and surface drainage.

### **22.04 Phasing**

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

### **22.05 Community Improvement Area**

The whole of the Municipality of McDougall will henceforth be known as the McDougall Community Improvement Policy Area.

### **22.06 Implementation**

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



- (a) the use of Section 28 of the Planning Act – Community Improvement Plans;
- (b) the enforcement of Section 7 – Property Standards through a property standards by-law;
- (c) supporting the participation of McDougall residents in property rehabilitation programs;
- (d) encourage participating in Provincial and Federal Grant Programs.

## **SECTION 23 – PROPERTY STANDARDS**

23.01 The Council of the Municipality of McDougall has maintained property standard by-laws for many years and these by-laws will be amended where needed to address the policy additions in this amendment. The Property Standards By-law will contain requirements with respect to:

- i) Maintenance of land with respect to the following:
  - a) Condition,
  - b) Yards,
  - c) Fences,
  - d) Walks,
  - e) Stored Material,
  - f) Unused, Derelict Automobiles
  - g) Signs,
  - h) Sewerage and Drainage,
  - i) Accessory Buildings
- ii) Garbage Storage and Disposal:
- iii) Maintenance of Residential and Non-Residential Property With Respect to the following:
  - a) Basement floors and foundations,
  - b) Structural Standards,
  - c) Weatherproofing,
  - d) Exterior Doors and Windows
  - e) Stairways and Porches,
  - f) Water Supply
  - g) Sewage System,
  - h) Plumbing,
  - i) Heating Systems,
  - j) Electrical Services,
  - k) Ventilation,
  - l) Fire Prevention Equipment,
  - m) Garages and Carports

iv) Occupancy Standards:

The maintenance and occupancy of existing property, except where there is a serious blight, will be encouraged through the following policies:

- a) A public information program will be pursued to acquaint citizens with the needs, possibilities, advantages and assistance for the conservation and maintenance of their respective properties.
- b) Further studies with respect to conditions of residential, non-residential and vacant lots shall be undertaken with a view of ensuring Township-wide application of the program.

v) Implementation:

Upon receipt of approval of this Plan from the Ministry of Municipal Affairs and Housing, the Municipality of McDougall will enact their own Property Standards By-law which will prescribe standards of maintenance and occupancy for all properties. The Municipality of McDougall will also maintain its enforcement of building, fire prevention, health and zoning by-laws in combination with the new Property Standards By-law.

The Municipality will appoint Property Standards Officer(s) who will be responsible for administering and enforcing the Property Standards By-law. Information concerning substandard housing conditions, overuse of existing buildings and neglected yards will also be collected by inspectors and other personnel of the Municipality.

The Municipality will appoint a joint Property Standards Committee, as provided for in the Planning Act, for the purpose of hearing appeals against an order to the Property Standards Officer. It is intended that a close liaison will be maintained between the Property Standards Committee, the Property Standards Officer and the Council of the Municipality of McDougall to ensure effective administration of the By-laws.