
To:	Lori West, Clerk/Planner
From:	Patrick Townes, BA, BEd and Jamie Robinson, BES, MCIP, RPP
Date:	April 6, 2022
File:	18249F – Official Plan Review
Subject:	Draft Official Plan for Ministry Review

Overview

This report has been prepared to provide an overview of the updated Draft Official Plan, following the presentation of the Draft Official Plan to Council on February 16, 2022.

Based on the comments that were received, an updated Draft Official Plan has been prepared and is dated April, 2022. A summary of the comments that were received at the February 16, 2022 are included in this report. In addition to the comments, a summary of the responses and a summary of the revisions that were made from the last draft of the Official Plan are included.

Summary of Comments/Response/Revisions

1. **Comment:** Backlot development not having access to waterfront/municipal access through public access/right of way - Would like to have more discussion and input on how McDougall would allow more development on backlots that are not necessarily on a lake/river.

Response: Backlot development only applies to lots that are functionally connected to the shoreline or within 300 metres. Otherwise, the Rural consent policies would apply. Section 19.6.8 of the Official Plan was revised to permit backlot development in certain circumstances:

"Backlot development, which is the form of a development operating as an additional tier of lots parallel or within 300 metres to the high water mark, is strongly discouraged by this Plan. New backlot development may be permitted through a Zoning By-law Amendment, if the lot to be created has a significantly large area and frontage, is located within close proximity to a maintained public access point to the lake and fronts on a year-round

maintained public road. An unopened road allowance or right-of-way to the lake is not an appropriate form of access to permit backlot development. Backlot development shall be permitted subject to the new lots having a minimum lot area of 4 hectares, and the lot abutting the road shall have a minimum lot frontage of 120 metres on a year-round maintained public road.”

2. **Comment:** New waterfront lots on Lorimer Lake and implications of the lake also being located within Whitestone. If we say a max of 1 lot per year and 5 new lots total on a lake, but we have an agreement with Whitestone, does that mean 2 new lots total per year and 10 total?

Potential need for an agreement between the municipalities regarding with the number of lots that can be created could be added to Official Plan policies. Practically may not be as easy and will likely not be a simple matter as the Planning Board is involved regarding Consents.

Response: McDougall would only be permitted one (1) lot per year and a maximum of five (5) new lots over a five (5) year period.

3. **Comment:** In regards to Settlement Areas, is it feasible to extend the settlement area to the 400/Bow St Interchange because of the recent jump in development in that area, i.e. wanting to recognize that there could be some opportunity to add a special policy area or extension of settlement area.

Response: Work or justification has not been completed to justify settlement area expansion to this area. Staff could explore a site specific policy area however these lands are located directly east of Parry Sound and are currently designated as Rural. There is currently no plan to extend the settlement area to this location.

Permitted uses on these lands include: rural commercial uses, rural industrial uses, tourist commercial uses, other rural land uses. The permitted uses reflect the service levels of the area.

4. **Comment:** Would the landfill site have any effect on it being a settlement area?

Response: Not necessarily, however a D-4 study would have to be done for any development within 500 metres of a waste disposal site (for any proposed development).

5. **Comment:** Rental properties/Seasonal rentals – were there any changes in this draft to reflect this issue? Municipality historically does not support short term rentals.

Response: No changes proposed. Continue to prohibit.

Recommendation

Based on the input of staff, the Council, and the Lorimer Lake Association to date, it is recommended that the Draft Official Plan and schedules dated April, 2022, be submitted to the Ministry for review and comments.



MUNICIPALITY OF McDougall

Draft Official Plan

**For Ministry Review
FebruaryApril 2022**

5 Barager Blvd. McDougall, On P2A 2W9
Tel: (705) 342-5252 Fax: (705) 342-5573

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**OFFICIAL PLAN
FOR THE
MUNICIPALITY OF McDougall**

SECTION 1 - TITLE AND COMPONENTS OF THE PLAN

- 1.1 The following text and schedules shall constitute the McDougall Official Plan.
- 1.2 The Municipality of McDougall is part of the Parry Sound Area Planning Area consisting of Carling, McDougall, McKellar, Whitestone and a small portion of the geographic Township of Shawanaga.

SECTION 2 – PURPOSE OF THE PLAN

- 2.1 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.
- 2.2 The purpose of the Plan is to achieve an orderly pattern of growth that makes use of land and infrastructure.
- 2.3 The purpose of the Plan is to protect natural heritages features and areas.
- 2.4 The purpose of the Plan is to promote sustainable economic development.
- 2.5 The purpose of this Plan is to set out policies that maintain and enhance the physical, social and economic wellbeing of the present and future inhabitants of the Municipality of McDougall.
- 2.6 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.
- 2.7 This Official Plan has been updated to be consistent with the 2020 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.

- 2.8** 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 – GOAL OF THE PLAN

- 3.1** 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 – BASIS OF THE PLAN

- 4.1** 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.
- 4.2** 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.
- 4.3** 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.
- 4.4** This Plan replaces the Plan that was approved by Council in 2005, which was last consolidated in May 2015.
- 4.5** The Municipality of McDougall is the only municipality in West Parry Sound District outside of the Town of Parry Sound with urban services.
- 4.6** The Municipality of McDougall is strategically located adjacent to the Town of Parry Sound and is prime location for new development.

4.7 The Municipality of McDougall has historically realized a greater level of residential growth than the Town of Parry Sound. Demographic growth and change in the Municipality has remained steady and there has been regular and consistent investment in the community as evidenced by building permits and construction values. The population of McDougall has held steady from 2006 to the ~~2016~~2021 Census at just over 2,700 full time residents. -

Population (Year Round)

Year	1991	1996	2001	2006	2011	2016	2021
McDougall	2061	2674	2608	2704	2705	2,702	2744
Whitestone		802	853	1030	918	916	1075
Carling	951	952	1063	1123	1248	1,125	1491
McKellar	879	939	933	1080	1144	1,111	1419
The Archipelago	720	555	505	576	566	531	979
Seguin	3378	3654	3698	4276	3988	4,304	5280
Parry Sound	6125	6326	6124	5818	6191	6,321	6879

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4.8 The population of the Municipality 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%)
2016	1,100 (72%)	421 (28%)
2021	1154 (69%)	519 (31%)

4.1 The Municipality of McDougall provides a number of regional services and is capable of expanding those services as demand increases.

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4.2 A large proportion of the residential development in the Municipality is located on the shoreline of the Georgian Bay and the numerous inland lakes.

4.3 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.

4.4 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 recreational uses and other rural land uses will be encouraged in appropriate locations outside of settlement areas

- 4.5** 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.
- 4.6** 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.
- 4.7** The region around the Municipality of McDougall is under new pressures for development due to a variety of factors. These factors include the expansion/upgrades 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.
- 4.8** 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.
- 4.9** As prime waterfront lands become exhausted, there will be new development pressures on marginal recreation lands and new interest in non-waterfront 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.
- 4.10** 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.
- 4.11** 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.

- 4.12** 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.
- 4.13** 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 connections 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.
- 4.14** The financial impact of new development will be carefully considered under the policies of this Plan.
- 4.15** Natural resources in McDougall are critical assets that need protection on both private and Crown Lands. The Ministry Northern Development, Mines, Natural Resources and Forestry has provided the Municipality with updated data on resource features in McDougall. These and other environmental features will be covered by the policies contained within this Plan.
- 4.16** 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 supportive of the redevelopment in this area in accordance with the policies of this Plan. The Municipality has obtained an Environmental Compliance Approval from the Ministry of the Environment, Conservation and Parks and have completed a Record of Site Condition for these land holdings.
- 4.17** 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 – OBJECTIVES OF THE PLAN

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

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- 5.1 To maintain, protect and enhance the natural environment within the Municipality.
- 5.2 To preserve and improve, the water quality of the numerous recreational water bodies including the Georgian Bay.
- 5.3 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.
- 5.4 To promote the health, safety, convenience and welfare of the inhabitants of McDougall.
- 5.5 To protect significant cultural heritage resources, while respecting Indigenous communities.
- 5.6 To encourage and provide opportunity for community engagement on planning issues.
- 5.7 To promote efficient, cost effective development and land use patterns and to direct development to Settlement Areas.
- 5.8 Ensuring the compatibility of land uses.
- 5.9 Encouraging a road system that is appropriate and efficient for the safe and convenient travel for inhabitants of the Municipality.
- 5.10 Preserving those elements of the rural character of the Municipality along the major rural roadways.
- 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 – GROWTH AND SETTLEMENT

6.1 General

6.1.1 The Municipality of McDougall is a diverse municipality in terms of its population and development form. It generally consists of:

- Urban areas;
- Cottage and shoreline areas;
- Rural areas;
- Hamlets; and,
- Residential estate-type areas.

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

6.1.3 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.

6.1.4 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 contained within this Plan.

6.2 Seasonal Population

6.2.1 It is estimated that approximately 30 percent of the Municipality of McDougall population is seasonal or include ratepayers with principal residences elsewhere, primarily located in the Greater Toronto Area.

6.2.2 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.

6.2.3 Seasonal development has historically taken place along the shorelines of the area's numerous waterbodies. 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.

6.3 Year Round Population

- 6.3.1 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.
- 6.3.2 The introduction of new industrial or commercial employment opportunities could lead to faster rates of growth in year round population. At the time of an Official Plan Review, the Municipality of McDougall will review the supply of employment and residential land.

SECTION 7 – ECONOMIC POLICIES

- 7.1 McDougall supports most economic activities in appropriate locations throughout the Municipality.
- 7.2 The Municipality wishes to attract new businesses in the community to diversify its economic base and to create new employment opportunities.
- 7.3 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.
- 7.4 The Municipality supports new commercial and industrial development in appropriate locations along the major corridors.
- 7.5 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.
- 7.6 Nobel will be encouraged to expand its retail and service commercial uses for the convenience of the inhabitants of this area.
- 7.7 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.

7.8 McDougall supports home occupations and home industries that are secondary to a residential use and there are no adverse impacts to adjacent properties in accordance with the policies of this Plan.

7.9 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 to encourage growth in these areas subject to the general and specific policies of this Plan.

7.11 The Municipality will be supportive of the redevelopment in this area in accordance with the policies of this Plan.

SECTION 8 – GENERAL DEVELOPMENT POLICIES

8.1 Land Division

8.1.1 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 not necessary for the proper development of the Municipality.

8.1.2 The Consent process shall only be considered where it is clear that a proponent is not trying to circumvent the subdivision process. 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.

8.1.3 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; and,
- c) Where the Consent conforms to all other policies of this Plan;

8.1.4 Where it is determined that a Plan of Subdivision is not required to ensure proper and orderly development, the land to be developed may be divided by Consent. In determining whether a proposed land division should require a consent to sever, or a plan of subdivision, the following concerns will be addressed:

- a) Whether the extension of an existing public road, opening of an unopened road allowance or the creation of a new road is required; or
- b) Whether the extension, or expansion of municipal services is required; or
- c) Whether an agreement with complex conditions is required by the Township, or Province in respect to any part of the lands that would be defined as remaining land in a consent application.

8.1.5 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.

8.1.6 For a), c) and d) listed 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.

8.1.7 No new lots may be created on existing private rights-of-way unless they have lot frontage on a recreational waterbody. Where the Municipality is considering new lots on private registered rights-of-way as set out in Section 8.01.4 a), the following additional policy considerations shall apply.

- a) It must be demonstrated that it is impractical for the proposed lot(s) to be accessed off a public road;
- b) 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;
- c) 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;
- d) The adequacy of the private road is to be confirmed by the Municipal Staff; and,
- e) Agreements are in place as set out in section 8.01.4 to relieve the Municipality of any responsibility or liability for the private roadway.

8.1.8 New lots must demonstrate suitable access that does not create a traffic hazard because of limited sight lines, curves, or grades of existing development as set out in accepted traffic engineering standards

8.1.9 Notwithstanding the policies of this Plan, further division of parcels of land ~~which were themselves created by a previous Consent~~ may be approved under the following conditions:

- a) To correct lot boundaries;
- b) To convey additional lands to an adjacent lot provided the conveyance does not lead to the creation of an additional building lot and/or create an undersized or irregular shaped lot;
- c) To separate dwellings in existence at the date of adoption of this Plan provided that the new lots have frontage on a road which is maintained on a year round basis by a public authority or has water access only;
- d) To dispose of surplus dwellings when two or more parcels are consolidated provided that the new lots have frontage on a road which is maintained on a year round basis by a public authority or has water access only;
- e) To separate previous lots of record which have inadvertently merged; and,
- f) An easement or right-of-way.

8.1.10 For the purposes of this Plan, a Plan of Condominium is considered synonymous with a Plan of Subdivision.

8.2 Services

8.2.1 Sewage

8.2.1.1 Most development within the Municipality is on individual on-site sewage systems. It is anticipated this will continue to be the most common service approach in McDougall.

8.2.1.2 Any lands where development is proposed on individual on-site sewage systems must be physically suitable

8.2.1.3 Development that is proposed on individual on-site sewage systems must comply with the requirements for new lots as prescribed by the Province in accordance with the relevant published guidelines.

8.2.1.4 Council may consider communal sewage systems subject to the preparation of a Serving Options Study that concludes that such a servicing arrangement is appropriate.

8.2.1.5 Any communal sewage systems must enter a maintenance and liability agreement to the satisfaction of the Municipality.

8.2.1.6 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.

8.2.1.7 A Hydrogeological Assessment will be required for commercial, industrial, institutional or other uses which produce in excess of 10,000 litres of effluent per day.

8.2.1.8 In accordance with Planning Act, a Plan of Subdivision that create five or more lots or septic systems that generate more than 4,500 litres of effluent per day will require a Servicing Options Report and a Hydrogeological Assessment.

8.2.1.9 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.

8.2.1.10 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.

8.2.2 Water Supply

8.2.2.1 With the exception of those properties on or adjacent to the municipal water services, most domestic water supplies come from surface waters or individual wells.

8.2.2.2 Any properties including new development that has the ability to be serviced by the municipal water supply, will be required to connect to the municipal water system, subject to available capacity.

8.2.2.3 All applications for land division, including Plan of Condominiums, proposing more than five lots or units on the basis of private or partial services will be required to undertake a Hydrogeological Assessment in accordance with Ministry of the Environment, Conservation and Parks guidelines.

8.2.2.4 Multi-unit and multi-lot development that proposes groundwater as a supply will generally be required to have a minimum lot area of one hectare.

8.2.2.5 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.

8.2.2.6 Development proposed to be connected to the municipal water service will qualify for smaller lot sizes in accordance with the standards provided in the Zoning By-law.

8.2.2.7 Any communal water supplies must enter a maintenance and liability agreement to the satisfaction of the Municipality.

8.2.2.8 Any private water supplies may require treatment or disinfection to render the water potable or aesthetically pleasing.

8.2.3 Stormwater Management

8.2.3.1 Stormwater management will be required for any significant development including some shoreline development in order to protect and enhance water quality and quantity.

8.2.3.2 Stormwater shall be managed and any remedial drainage work shall not adversely affect any adjacent lands.

8.2.3.3 Proponents should use best management practices including Low Impact Design (LIDs) for stormwater management and construction mitigation for all development and address the effect of stormwater upon receiving waterbodies.

8.2.3.4 Natural streams, watercourses, 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.

8.3 Wildland Fire

8.3.1 This Plan recognizes that wildland fire risk has an impact on land use planning. In accordance with the wildland fire risk assessment information provided by the Province, development will be directed away from these areas. In areas identified on Appendix 'B' as having a hazardous forest types, development application must be supported by a risk assessment that identifies mitigation measures.

SECTION 9 ~~SECTION 9.0~~—ROADS AND TRANSPORTATION

9.1 Provincial Highways

- 9.1.1 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.
- 9.1.2 By-passed sections of former Highway 69 are owned by the Province and are maintained by 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.
- 9.1.3 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.
- 9.1.4 Development adjacent to a Provincial highway may be required to undertake various operational and safety studies, subject to confirmation from the Ministry of Transportation.
- 9.1.5 Early consultation is recommended and encouraged prior to any development on or adjacent to a Provincial highway with the Ministry of Transportation.

9.2 Municipal Roads

- 9.2.1 Municipal roads move people within the Municipality by providing connections between destinations within the Municipality.
- 9.2.2 The service level of Municipal roads may vary from year-round maintained to seasonally maintained.
- 9.2.3 New development must front upon a year round, publicly maintained road except in the following circumstances:
- e) Municipal or Provincial road standards (i.e. Ministry of Transportation's minimum maintenance subsidy standards) and adequate storm drainage will be a minimum requirement for any private road before it is assumed by a public agency and for any new road set out in a plan of subdivision.

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

9.3 Private and Non-Maintained Public Roads

9.3.1 The Municipality does not support development on lands that do not have lot frontage directly on a publicly maintained year round road except in accordance with the policies contained in Sections 8.01.6 and 9.03.

9.3.2 There are a large number of existing properties, particularly along the shorelines of recreational waterbodies 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 cannot ensure the delivery of emergency services along these private roads.

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

9.3.4 Unless it is clearly in the public interest for the Municipality, it is not intended that existing private roads will be assumed by any public agency and no responsibility for access, snow removal, maintenance or use by school buses is acknowledged.

9.3.5 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.

9.3.6 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.

9.3.7 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.

9.4 Seasonal Roads

9.4.1 It is not the intent of Council to provide or allow winter maintenance on roads which are not presently maintained in the winter months as indicated on Schedule A. Dwellings which are served by such roads will not receive year round services such as road maintenance and emergency service by virtue of being located in an area which cannot be readily accessed by these services throughout the year. Prior to

considering changing the level of maintenance of a road, Council shall be satisfied that:

- a) The road meets the municipal standards;
- b) The costs for upgrading the road to such a standard are the responsibility of the residents on the road;
- c) The annual property assessment generated by the properties on the road shall off-set the cost of providing winter maintenance on the road; and,
- d) The re-designation of the road is appropriate from a land use planning perspective.

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9.49.5 Colonization and Deviation Roads

9.4.19.5.1 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.

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

9.59.6 Municipal Road Allowance

9.5.19.6.1 Improvements to unmaintained municipal road allowances shall not be permitted unless the following occurs:

- a) 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;
- b) The road is brought up to a municipal standard and assumed by the Municipality for maintenance purposes;
- c) 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,
- d) It has been demonstrated that the proposed improvement will have no negative impacts on natural heritage features or on their ecological function.

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

9.69.7 Shore Road Allowances/Crown Reserves

9.6.19.7.1 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:

- a) The lands are necessary for existing access to private property owners or the public;
- b) Where there are important environmental features including Type 1 Fish Habitat; or,
- c) All or a portion of the shore road allowance is flooded land.

9.6.29.7.2 The configuration of shore road allowance in terms of the extension of side lot lines to the water's edge must not prejudice or negatively affect neighbouring properties.

9.6.39.7.3 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.

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9.79.8 Roads Over Crown Land

9.7.19.8.1 ~~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 Northern Development, Mines, Natural Resources and Forestry and so long as it is understood that the Municipality has no responsibility for the maintenance of the road.

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9.89.9 Recreational Trails

9.8.19.9.1 The Municipality supports the continued program of recreational trails in the region as important components of the areas recreational attractions, economy and transportation system.

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9.8.29.9.2 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.

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

9.99.10 Railways

9.9.49.10.1 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.

9.9.29.10.2 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.

9.9.39.10.3 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.

9.9.49.10.4 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.

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SECTION 10 – PARKLAND POLICY

10.1 Council will avail itself of the parkland dedication provisions of the Planning Act.

10.2 The Municipality may take land or cash-in-lieu as a condition of development in accordance with the Planning Act. .

10.3 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.

10.4 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.

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SECTION 11 – WATERFRONT POLICIES

11.1 Definition

11.1.1 The waterfront area shall consist of all lands adjacent to the recreational waterbodies in the Municipality that are available for waterfront development, with the exception of those lands that are constrained by significant ecological, environmental or physical constraints. Generally, these lands are designated as Waterfront on Schedule A – Land Use Plan.

11.1.2 The depth of the lands adjacent to recreational waterbodies varies but generally these lands are intended to be those lands within the first 300 metres.

11.2 Form of Development

11.2.1 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.

11.3 Principles of Waterfront Development

11.3.1 The principles of waterfront development are based upon the relevant objectives of this Plan.

11.3.2 These principles include maintaining the low density residential shoreline density together with occasional tourist commercial uses.

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11.3.3 The character of the waterfront areas shall be preserved.

11.3.4 Waterfront development shall not exceed the carrying capacity of the waterbody.

11.3.5 Natural heritage features and their ecological functions shall be protected.

11.3.6 Waterfront development shall protect and improve water quality.

11.3.7 The Municipality shall consider the scale and visual impact of new development or redevelopment to ensure the new development or redevelopment is in keeping with the character of the waterfront designation.

11.3.8 The Municipality shall ensure that all development is evaluated for risks in terms of traffic, navigation, natural or man-made hazards.

11.4 Water Quality Protection

11.4.1 The preservation of water quality of recreational waterbodies is paramount to the Municipality. The Municipality shall utilize the guidelines set out in the Lakeshore Capacity Assessment Handbook as well as the former Provincial water quality objectives.

11.4.2 The Municipality of McDougall has three types of waterbodies:

- a) Most are warm water lakes that have limited potential for additional development.
- b) There are two coldwater lakes that are deemed to be at capacity, and
- c) The Municipality has several islands and coastal areas along the shore of Georgian Bay.

11.4.3 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.

11.4.4 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, for the purposes of mitigating against the potential of phosphorus loading of the waterbody. 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.

11.4.5 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 sleeping cabins.

11.4.6 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 down gradient surface waters.

11.4.7 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 down gradient from the proposed site disturbances and construction activities.

11.4.8 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.

11.5 New Waterfront Commercial Development

11.5.1 This Plan recognizes that there is a varied but limited number of existing commercial land uses along the shores of recreational waterbodies. These include marinas, cottage rentals, campgrounds and isolated historical businesses.

11.5.2 In considering new commercial uses along the waterfront, the Municipality will require a number of studies to ensure that a proposed development is compatible and appropriate in terms of need, impacts and any mitigation measures. These studies may include, but are not limited to:

- a) Servicing;
- b) Traffic;
- c) Environmental; and,
- d) Site plan.

11.6 Shoreline Structures and Modifications

11.6.1 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.

11.6.2 There are a range of accessory buildings and structures that can be expected to be developed along the shoreline of the recreational waterbodies. 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.

11.6.3 Boathouses and boatports are waterfront structures that have significant impacts on the natural landscape of the shorelines along the recreational waterbodies. It is the policy of this Plan not to permit boathouses.

11.6.4 Municipalities presently do not have jurisdiction over surface water usage. As a statement of policy, the Municipality does not support the use of live aboard boats as dwelling units; and will not permit floating dwellings or similar structures which are substantially unpowered and supported by a barge type hull or piers capable of remaining in the water year round and which are used for either Residential or Commercial purposes.

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~~41.6.4~~11.6.5 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 impacts on navigation;
- f) Safety;
- g) Restricting and prohibiting any structures placed on a dock; and
- h) Limiting lighting.

~~41.6.5~~11.6.6 Any proposed shoreline structure must obtain the necessary approvals or authorities from any relevant government organization.

11.7 Georgian Bay

11.7.1 General

11.7.1.1 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.

~~41.7.2~~11.7.1.2 Harmonized Planning

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~~41.7.2.4~~11.7.1.3 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.

~~41.7.2.2~~11.7.1.4 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.

~~41.7.2.3~~11.7.1.5 The Municipality of McDougall supports a shared policy approach towards a common vision for the Georgian Bay coastline.

~~41.7.2.4~~11.7.1.6 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.

~~41.7.2.5~~11.7.1.7 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.

~~41.7.2.6~~11.7.1.8 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.

~~41.7.2.7~~11.7.1.9 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.

~~41.7.2.8~~11.7.1.10 The linked integrity of coastal, terrestrial and aquatic ecosystems will be recognized, preserved, maintained and enhanced.

~~41.7.2.9~~11.7.1.11 Cultural heritage values are an important component of the coastline.

~~41.7.2.10~~11.7.1.12 Aesthetic qualities and scenic features will be preserved.

~~41.7.2.41~~11.7.1.13 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.

~~41.7.2.42~~11.7.1.14 Water quality will be preserved in terms of natural cycles.

~~41.7.2.43~~11.7.1.15 The protection of night skies from unnecessary light will be a priority in the region.

~~41.7.2.44~~11.7.1.16 Access to coastal waterways is an important community and economic value.

~~41.7.2.45~~11.7.1.17 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.

~~41.7.2.46~~11.7.1.18 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.

~~41.7.2.47~~11.7.1.19 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.

~~41.7.2.48~~11.7.1.20 It is recognized that there is a shortage of marinas in the ~~Township~~Municipality that provide access to Georgian Bay. Opportunities to consider new marinas will be encouraged, but are subject to an Official Plan Amendment and must demonstrate compatibility with nearby uses

~~41.7.2.49~~11.7.1.21 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.

~~41.7.2.20~~11.7.1.22 A traditional mix of uses (residential, tourist commercial and open space uses) along the Georgian Bay Coast should continue.

~~41.7.2.24~~11.7.1.23 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.

~~41.7.2.2~~11.7.1.24 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.

~~41.7.3~~11.7.2 Water levels

~~41.7.3.4~~11.7.2.1 The water levels of Georgian Bay have historically fluctuated over an irregular cycle between ten to twenty years. The Municipality recognizes that the water levels can present challenges for shoreline development and navigation.

~~41.7.3.2~~11.7.2.2 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.

~~41.7.3.3~~11.7.2.3 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 Northern Development, Mines, Natural Resources and Forestry and the Department of Fisheries and Oceans.

~~41.7.4~~11.7.3 Georgian Bay Flood Protection Policy

~~41.7.4.4~~11.7.3.1 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.

~~41.7.4.2~~11.7.3.2 In order to minimize risks to new development from flooding no structures shall be constructed below the 178.3 metre contour elevation GSC, on Georgian Bay, except where acceptable flood damage reduction measures are incorporated into building design and approved by Council.

~~41.7.4.3~~11.7.3.3 Furthermore, development may be permitted below the 178.3 metre elevation to the 1:100 year still water flood level (177.8 metre 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.

~~41.7.4.4~~11.7.3.4 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 contour elevation GSC, on Georgian Bay, and shall ensure that development does not occur below this elevation;

- b) Will identify the 178.3 metre contour elevation GSC, on Georgian Bay as the minimum elevation level below which no building openings will be permitted in the Zoning By-law;
- c) 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
- d) Road access to new development along Georgian Bay must have a minimum elevation of 177.5 metres above Canadian Geodetic Datum.

11.8 Public Access to Water

11.8.1 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.

11.8.2 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.

SECTION 12– COMMERCIAL OR INDUSTRIAL DEVELOPMENT (NON-WATERFRONT)

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- 12.1** 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.
- 12.2** A Planning Justification 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 Ministry of the Environment, Conservation and Parks D – Series and Noise Guidelines.
- 12.3** All commercial and industrial uses are subject to site plan control.
- 12.4** 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.
- 12.5** Where new commercial and industrial uses are proposed on the basis of private services, a Servicing Options Study 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.
- 12.6** 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.
- 12.7** Consultation with the 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 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

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13.1 General

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13.1 General

- 13.1.1 The primary form of residential development in the Municipality is the detached dwelling whether these are occupied on a year round or seasonal basis. It is likely that future residences will continue to be detached dwellings. Other form of residential development will be considered in accordance with the policies of this Plan.
- 13.1.2 Except as otherwise provided, only one dwelling unit is permitted on each lot of record.
- 13.1.3 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.
- 13.1.4 The Municipality shall encourage the development of affordable housing and shall target 10% for all residential development to be affordable housing.

13.2 Additional Units

- 13.2.1 The Planning Act requires municipalities to permit additional units in detached, semi-detached and row house dwellings as well as in accessory building. An additional unit is a separate and self-contained dwelling unit that is subordinate to the primary dwelling and located within the same building or within a detached accessory building on the same lot as a primary dwelling. It is the policy of this Plan to recognize this type of permission subject to the following:
- 13.2.2 Additional 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 lot of record.
- 13.2.3 An additional unit(s) must demonstrate that the septic system is capable of accommodating the additional units.
- 13.2.4 The character of the detached, semi-detached or row house should be preserved when establishing an additional unit(s).
- 13.2.5 Appropriate standards and provisions shall be established in the Zoning By-law in accordance with the following:

- a) Establish the lots where a additional dwelling unit(s) is permitted

- within the principal dwelling units and within an accessory building;
- b) The use is subordinate in scale and function to the primary dwelling on the lot;
 - c) The use can be integrated into its surroundings with negligible visual impact to the streetscape;
 - d) The use is compatible in design and scale with the built form of the primary dwelling;
 - e) No more than one parking space will be required for a secondary dwelling unit;
 - f) The addition of an additional dwelling unit shall not cause an encroachment into any required yard or height restriction imposed by the Zoning By-law. In the case where an existing dwelling is legally non-complying such addition shall not cause a further encroachment; and,
 - g) The secondary dwelling unit will comply with the Ontario Building Code, Ontario Fire Code, and all other applicable requirements.

13.3 Trailers and Mobile Homes

- 13.3.1 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.
- 13.3.2 Mobile homes and Park Model Trailers are not permitted as single detached dwellings. However, modular homes are allowed so long as they are placed on permanent foundations.
- 13.3.3 Trailer parks and mobile home parks may be permitted on properties with commercial zoning and regulated by a by-law under the Municipal Act.
- 13.3.4 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.

13.4 Home Occupations and Home Industries

- 13.4.1 Home occupations 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.
- 13.4.2 Home occupations and home industries are permitted in all designations and subject to the following:

- a) The business must satisfy all statutory requirements for emissions and waste management;
- b) The business will clearly be secondary and incidental to the residential use;
- c) The business will be conducted by those persons who occupy the dwelling on a permanent basis. A home industry may have up to two additional employees that do not reside in the principal dwelling on the lot;
- d) Sufficient lot area must exist to accommodate a residence, the associated business and any parking;
- e) Only a limited portion of the dwelling will be used for the business when a home occupation;
- f) 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;
- g) The residential character and appearance of the property and the neighbourhood will be maintained;
- h) 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;
- i) The business will be compatible with adjacent residences and the neighbourhood;
- j) The business will have no negative environmental impacts or adverse effects;
- k) The business will not be a high traffic generator;
- l) The business traffic will not impact negatively upon a Provincial highway;
- m) The business will be a low water user and sewage effluent producer;
- n) There will be no outdoor storage or display;
- o) 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
- p) For home industry, an accessory building or shop does not generally exceed 300 square metres.

13.4.3 The implementing Zoning By-law may establish the uses allowed for each residential-type zone and operational criteria for each type of home business.

13.5 Bed and Breakfasts

13.5.1 Bed and breakfasts are permitted in any residential designation.

13.5.2 Bed and breakfasts are not permitted within the Waterfront designation.

13.6 Group Homes

13.6.1 Group homes are permitted in the Nobel Settlement Area Designation and the Rural Designation.

13.7 Garden Suites

13.7.1 Garden Suites as defined in the Planning Act may be permitted in any Rural, Rural Residential designation, and the Nobel Settlement Area designation.

13.8 Rental Accommodations

13.8.1 This Plan recognizes that there are a variety of rental 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 rental 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.

13.8.2 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.

13.8.3 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)~~ ninety (90) 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.

13.8.4 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 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.

13.8.5 The Municipality may pass a By-law requiring a license for any permitted short-term accommodation uses.

SECTION 14 – NATURAL HERITAGE

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SECTION 14 – ENVIRONMENT

14.1 General

14.11.1 General

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14.1.1 The Municipality of McDougall recognizes that there are a number of known, as well as unknown natural heritage features and areas, which are linked by natural corridors in the Municipality. Together, these areas comprise the ~~Township's~~Municipality's Natural Heritage System. It is also understood that there is legislation, regulations, Provincial policies, guidelines and manuals prescribing measures to recognize, protect and preserve 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.

14.1.2 The diversity and connectivity of natural features and the long-term ecological function and biodiversity of the Municipality's Natural Heritage Systems shall be maintained, restored, or improved, recognizing linkages between and among natural heritage features and areas, surface water features, and ground water features.

14.1.3 Natural heritage features and areas come from the Provincial Policy Statement include the following elements:

- Fish habitat;
- Habitat of endangered species and threatened species;
- Provincially Significant Wetland;
- Significant Wildlife Habitat;
- Areas of Natural and Scientific Interest;
- Nesting Sites;
- Moose Calving Sites;
- Moose Aquatic Feedings Areas; and,

- 14.1.4 Moose Wintering Areas. Due to the sensitivity of some of the features listed above, all features may not be identified on Schedule B of the Plan. Although this information is not available to the public, prior to and during the review of development proposals, the internal data is utilized by Municipal staff for screening purposes.
- 14.1.5 Important habitat and natural values are constantly changing. As these habitats and values change, the Schedules of this Plan will be updated. As these changes are usually minor in nature, formal amendments will not be required.
- 14.1.6 Prior to development and/or site alteration, the Municipality may require a site-specific impact assessment to confirm the location or presence of natural heritage features.
- 14.1.7 The Province has provided information on known natural heritage features and this data has been compiled and added as Schedule B to this Plan.
- 14.1.8 The Municipality and Planning Board and Municipality will use this data to determine the need for an Environmental Impact Study.

14.2 Provincially Significant Wetlands

- 14.2.1 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.
- 14.2.2 The Ministry of Northern Development, Mines, Natural Resources and Forestry evaluates the biological, social, hydrological and special features of wetlands to determine their relative significance in Ontario and identifies certain areas as Provincially Significant Wetland.

14.2.3 No development or site alteration is permitted within Provincially Significant Wetlands or Significant Coastal Wetlands.

14.2.4 Where development and/or site alteration is proposed within 120 metres of the boundary of a Provincially Significant Wetland, the proponent shall provide the Municipality with an Environmental Impact Study, which demonstrates that there will be no negative impacts on the wetland or its ecological function. Where warranted by site and species-specific factors, development proposals further than 120 metres the Provincially Significant Wetland may also require an Environmental Impact Statement.

14.2.5 Changes to the boundaries of a Provincially Significant Wetland shall not require an amendment to the Official Plan. The approval of the Ministry of Northern Development, Mines, Natural Resources and Forestry is required for any refinements to the boundary of a Provincially Significant Wetland.

14.3 Other Wetlands

14.3.1 Development and/or site alteration shall not be permitted within an ~~unevaluated wetland or within 120 metres of an unevaluated wetland~~ Other Wetland unless an Environmental Impact Statement demonstrates that there will be no negative impact on the ~~Provincially Significant Wetland~~ wetland or its ecological function.

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14.4 Significant Wildlife Habitat

14.4.1 Significant wildlife habitat is described in four general categories:

- Habitats of seasonally concentrated animals;
- Rare vegetation communities or specialized habitat for wildlife;
- Habitat of species of conservation concern; and,
- Animal movement corridors.

14.4.2 Development and site alteration shall not be permitted within areas identified as significant wildlife habitat unless an Environmental Impact Statement demonstrates that there will be no negative impact on the natural features or their ecological function.

14.4.3 Where development and site alteration is proposed within 120 metres of significant wildlife habitat, the Municipality shall require the proponent to prepare an Environmental Impact Statement in accordance with the policies of this Plan. It must be demonstrated that there will be no negative impacts on the natural features or their ecological functions.

14.4.4 These policies shall apply to Moose Aquatic Feedings Areas, Nesting Sites and Moose Wintering Areas.

14.5 Fish Habitat

- 14.5.1 The Municipality supports the management of fisheries. Such management has important economic, social and environmental benefits. It is also recognized that it is the mandate of the Department of Fisheries and Oceans to protect and preserve fish habitat under the Federal Fisheries Act. Under this Act, fish habitat is defined as spawning grounds and nurseries, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes.
- 14.5.2 Only development and site alteration in accordance with Provincial and Federal regulations shall be permitted within Fish Habitat. Other development and site alteration shall not be permitted within fish habitat unless an Environmental Impact Study demonstrates that there will be no negative impact on the fish habitat or its ecological function.
- 14.5.3 Where development and site alteration is proposed within 120 metres of fish habitat, the development should be designed to ensure that there are no negative impacts on the natural features or their ecological functions. The Municipality may require the proponent to prepare an Environmental Impact Statement in accordance with the policies of this Plan.
- 14.5.4 Development and site alteration shall not be permitted within Fish Habitat unless an Environmental Impact Study demonstrates that there will be no negative impact to the fish habitat or its ecological function. ~~that there will be no negative impact on the fish habitat Ministry of Northern Development, Mines, Natural Resources and Forestry or its ecological function.~~
- 14.5.5 This Plan directs the Zoning By-law to establish a minimum 15 metre setback for structures along warm water streams and a minimum of 30 metres setback for cool or cold water streams, in order to protect fish habitat. -
- 14.5.6 The Municipality may include increased setbacks and requirements for vegetative buffers along sensitive shorelines of creeks, rivers and cool or cold watercourses.

~~14.6 AREAS OF NATURAL AND SCIENTIFIC INTEREST~~

~~14.6 Areas of Natural and Scientific Interest~~

- 14.6.1 There are two types of Areas of Natural and Scientific Interest (ANSI). These include earth science ANSI's and Life Science ANSI's. ANSI's are areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education. ANSI's are identified on Schedule B.

14.6.2 Prior to Development and Site Alteration occurring within an ANSI, an Environmental Impact Study shall be submitted to the satisfaction of the Municipality or applicable agency demonstrating that there will be no Negative Impact on the natural features or ecological function of the ANSI.

14.6.3 Prior to Development or Site Alteration occurring on lands adjacent to an ANSI, an EIS shall be submitted to the satisfaction of the ~~Township~~Municipality or applicable agency demonstrating that there will be no Negative Impact on the natural features or ecological function of the ANSI. An Environmental Impact Study may be required by the ~~Township~~Municipality for Development of lands which are beyond the adjacent lot where it is deemed appropriate in a site specific case but shall generally not be required for single unit residential dwelling Development beyond the adjacent lot.

14.7 HABITAT OF ENDANGERED OR THREATENED SPECIES

14.7.1 The Municipality recognizes the importance and value of protecting the habitat of endangered or threatened species. The exact location of habitat for these species is considered sensitive information and cannot be shown on Schedule B but will be used by the ~~Township~~Municipality when development or site alteration is proposed. The ~~Township~~Municipality may consult with Ministry of Northern Development, Mines, Natural Resources and Forestry on matters related endangered or threatened species.

14.7.2 The Endangered Species Act requires that the habitat of species listed on the Species at Risk in Ontario List as an endangered or threatened species, shall not be damaged or destroyed, except in the accordance with provincial and federal standards.

14.7.3 All development must ensure that the habitat of threatened or endangered, species is protected. No development or site alteration shall be permitted in the habitat of endangered or threatened species.

14.7.4 Where development is proposed adjacent to the habitat of endangered or threatened species an environmental impact study may be required to ensure development and site alteration does not occur within habitat except in accordance with provincial and federal standards.

14.7.5 Where development is proposed in areas that have the potential to contain habitat of endangered or threatened species, an Environmental Impact Study shall be required.

14.7.6 Where an Environmental Impact Study has been prepared, prior to approving any development the ~~Township~~Municipality shall ensure, through land use planning controls, that the appropriate measures are in place to mitigate potential negative impacts to the habitat of endangered and threatened species. If an Environmental Impact Study identifies species-at-risk habitat the Environmental Impact Study shall be circulated to the Ministry of Northern Development, Mines, Natural Resources and Forestry. As a condition of an approval under the Planning Act, the proponent may be required to obtain an authorization from the Ministry of Northern Development, Mines, Natural Resources and Forestry, or a written indication from Ministry of Northern Development, Mines, Natural Resources and Forestry that an application under the Endangered Species Act is complete and will likely meet the legislated requirements of the Act.

14.8 Adjacent Lands

14.8.1 Adjacent lands are the lands relevant to which impacts of a development must be considered. Development and site alteration on adjacent lands is not permitted unless it has been demonstrated through the completion of an Environmental Impact Study that there will be no negative impacts on the natural features and their ecological functions. The effect of a development proposal on features must be considered when the proposed development is within:

- a) 120 metres of the boundary of a Provincially Significant Wetland or unclassified wetland in excess of 2 hectares;
- b) 50 metres from the boundary of a Provincially or regionally significant Area of Natural and Scientific Interest (earth science);
- a) 120 metres from the boundary of a Provincially or regionally significant Area of Natural and Scientific Interest (life science); and,
- c) 300 metres of at-capacity inland lake trout lakes on the Canadian Shield.

14.9 Crown Land

14.9.1 There is a significant amount of Crown Land in the Municipality of McDougall. The geographic Township of Ferguson has approximately 65 percent of its land base as Crown Land while the geographic Township of McDougall is approximately 22 percent Crown Land.

14.9.2 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 Mine, Natural Resources and Forestry issues mining leases, Exploratory Licenses of Occupation, mining claims and other forms of land tenure on Crown Land.

14.9.3 Parks and Conservation Reserves are identified on Schedule B. Crown Land is identified on Schedule A to the Official Plan and identified in the implementing Zoning By-law.

14.9.4 The Municipality supports the Ministry of Northern Development, Mines, Natural Resources and Forestry and its management programs for Crown Land.

14.9.5 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.

14.10 Forestry

14.10.1 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.

14.10.2 The Municipality will require adequate setback for development from for developed area to forestry uses and from waterbodies to minimize environmental impact.

14.10.3 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.

14.10.4 The Municipality may pass a tree cutting by-laws to regulated the removal of trees.

14.10.5 Development on land adjacent to Crown Land must be compatible with any forestry operations or management plans.

14.11 Hazard Lands

14.11.1 There are a number of natural hazards that occur in the Municipality of McDougall. These include the regulatory flood elevations (floodplain) for Mill [Lake](#), [Portage Lake](#), Georgian Bay and other rivers and lakes within the Municipality. Steep slopes and erosion hazards adjacent to waterbodies and watercourses are also natural hazards

14.11.2 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. The regulatory floodplain- 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.

14.11.3 In 1995, the Ministry of Northern Development, Mines, Natural Resources and Forestry provided regulatory flood elevation information for the comprehensive Zoning By-law of the Township of McDougall. The Ministry of Northern Development, Mines, Natural Resources and Forestry identified a regulatory floodplain on Mill Lake and Portage Lake, upstream of the Mill Lake Dam and east of Nobel Road (former Highway 69) of 195.0 metres above Canadian Geodetic Datum.

14.11.4 All floodplains (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, including the placement of fill. An exception could be made for Georgian Bay, as discussed above (except for at the mouth of inflowing streams and rivers).

14.11.5 New development or site alteration, including the placement of fill, is generally not appropriate on Mill Lake and Portage floodplain lands. However, there could be an exception for Georgian Bay where new development or site alteration within the floodplain 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.

14.11.6 The expansion of existing non-conforming uses will not be permitted within floodplains, except in those circumstances where the minor addition will not contribute to flood flows.

14.11.7 New lots will not be created where there is no adequate building envelope outside of the floodplain or where safe access/egress is not available during times of flooding.

14.11.8 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 — MINERALS AND MINERAL AGGREGATE RESOURCES

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15.1 Mineral Extraction

- 15.1.1 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.
- 15.1.2 Mineral resources will be protected for long-term use and mining operations will be protected from activities that would preclude or hinder their expansion or continued use or 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 and activities 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; or
 - b) The proposed land use or development serves a greater long-term public interest; and
 - c) Issues of public health, public safety and environmental impact are addressed.
- 15.1.3 Sensitive uses will be separated and/or buffered from mining operations in accordance with provincial legislation, policies and guidelines.
- 15.1.4 Rehabilitation will be required when mining operations have ceased. Progressive rehabilitation should be undertaken wherever feasible.

15.2 Mineral Aggregate Resources

- 15.2.1 The Municipality of McDougall is 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.
- 15.2.2 Existing active and inactive sites are shown on Schedule B of the Official Plan.
- 15.2.3 The aggregate resource potential mapping is included in Appendix 3 of the Official Plan.

- 15.2.4 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.
- 15.2.5 Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations.
- 15.2.6 In order to protect legally existing pits and quarries or areas of significant aggregate reserves, incompatible land uses and activities will generally not be permitted adjacent to these areas. Where site specific studies have not been undertaken the Ministry of Environment, Conservation and Parks D Series Guidelines shall apply. 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.
- 15.2.7 The Province has provided mapping of existing sand and gravel deposits in the municipality. This mapping is attached as Appendix 3 to this Plan. Mineral aggregate resources will be protected for long-term use and 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.
- 15.2.8 In or adjacent to areas of known mineral aggregate resources no development and activities 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; or
 - b) The proposed land use or development serves a greater long-term public interest; and
 - c) Issues of public health, public safety and environmental impact are addressed.
- 15.2.9 A study may be required to address each of the above criteria prior to any change in land use where a development is proposed in significant aggregate reserves or adjacent areas.
- 15.2.10 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 or rezoning 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.

15.2.11 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.

15.2.12 Aggregate recycling facilities that are accessory to a pit or quarry are permitted within a licensed site as a secondary use.

15.2.13 Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.

~~15.2.13~~

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SECTION 16 – ENVIRONMENT

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16.1 General

16.1.1 All levels of government have jurisdiction over water quality, soil contamination, waste management and air quality.

16.1.2 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.

16.1.3 This Plan recognizes that the Ministry of the Environment, Conservation and Parks 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.

16.1.4 All proposed development in the Municipality of McDougall shall meet Provincial standards for air, ground, light, noise and water pollution control.

16.1.5 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, Conservation and Parks acknowledged Record of Site Condition, and, if necessary, a site remediation plan prepared in accordance with the Ministry's Guidelines for the Decommissioning and Clean-Up of Sites in Ontario.

16.1.6 A proponent is responsible for hiring a qualified consultant to conduct Phase 1 and Phase 2 studies on any potentially contaminated sites.

16.1.7 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.

16.2 Landfill Impact Area Overlay

16.2.1 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.

16.2.2 It is recognized that the lands within approximately 500 metres of the McDougall Road Landfill Site may be impacted by leachate migrating therefrom.

16.2.3 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 administered by the Ministry of the Environment, Conservation and Parks as soon as practicable.

16.2.4 The lands within the McDougall Road Landfill Impact Area are designated Rural on Schedule A to this Plan. While the Rural designation represents 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.

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

16.2.6 A D-4 Study shall be completed prior to development occurring within the McDougall Road Landfill Impact Area Overlay.

SECTION 17 – CULTURAL HERITAGE RESOURCES
SECTION 17.

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17.1 General

- 17.1.1 For the purpose of this Plan, cultural heritage resources include archaeological resources, built heritage resources and cultural heritage landscapes. The conservation of significant cultural heritage resources is encouraged.
- 17.1.2 Council may designate individual properties 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.
- 17.1.3 The Municipality shall make every effort to conserve significant cultural heritage resources when undertaking of municipal public works or environmental assessment projects. When necessary, technical cultural heritage studies (e.g. archaeological assessment, conservation plan 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.
- 17.1.4 Council will require technical cultural heritage studies (e.g. conservation plan, heritage impact assessment and/or archaeological assessment) to be conducted by a qualified professional whenever a development or site alteration has the potential to affect a protected heritage property or a property with potential cultural heritage value or interest.

17.2 Archaeological Resources

- 17.2.1 The Municipality recognizes that there may be areas of archaeological potential in McDougall. Areas of archaeological potential are identified through the application of criteria established by the Province or an Archaeological Management Plan.
- 17.2.2 The Municipality shall require an archaeological impact assessment prepared by an archaeologist licensed under the Ontario Heritage Act as a condition of any development proposal affecting:
- a) An area containing archaeological sites;
 - b) In areas in close proximity to an identified archaeological site; and,
 - c) In or adjacent to areas exhibiting archaeological potential.
- 17.2.3 Development and site alteration will be permitted on lands containing archaeological resources or areas of archaeological potential only where the archaeological resources have been assessed, documented and conserved. Any alterations to known archaeological sites will only be performed by licensed archaeologists.

17.2.4 Council shall require an archaeological assessment and when an identified marked or unmarked cemetery or burial site is affected by land use development. The provisions under the Ontario Heritage Act and the Funeral Burial and Cremation Services Act shall apply. Development shall be guided by this legislation and any direction from the Ministry of Government and Consumer Services.

17.3 Built Heritage Resources and Cultural Heritage Landscapes

17.3.1 Pursuant to the Ontario Heritage Act Council may by by-law, and in consultation with the municipal heritage committee, if one has been established:

- a) Designate properties to be of cultural heritage value or interest;
- b) Define the municipality, or any area or areas within the municipality as an area to be examined for designation as a heritage conservation district; and
- c) Designate the municipality, or any area or areas within the municipality, as a heritage conservation district.

17.3.2 Council shall protect and enhance the distinguishing qualities and character of cultural heritage landscapes.

17.3.3 The municipal clerk shall maintain a register heritage properties which will include properties that have been designated under Part IV and Part V of the Ontario Heritage Act, and properties that have not been or cannot be designated but municipal council considers to be of cultural heritage value or interest.

17.3.4 Pursuant to Section 28 of the Ontario Heritage Act the municipality may establish a Municipal Heritage Committee to advise and assist council on matters related to Parts IV or Part V of the Act. Council may wish to expand the role of the committee to advise and assist Council on other matters of cultural heritage conservation.

17.3.5 Council shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

17.3.6 Council shall encourage the protection of public views and sightlines to significant cultural heritage resources, through the development of area-specific community design guidelines.

17.3.7 Council may designate, under the Ontario Heritage Act, one or more heritage conservation districts within the municipality.

17.3.8 Prior to the designation of a heritage conservation district(s), Council:

- a) Must have provisions and policies in an official plan pertaining to the establishment of heritage conservation districts;
- b) Should pass a by-law defining an area or areas to be examined for future designation as a heritage conservation district(s); and,

- c) Should prepare a study for the area or areas to determine the feasibility of designation, the delineation of the district boundaries, an evaluation of the area's heritage character, and guidelines for future conservation and planning.

SECTION 18 -- PUBLIC USES

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18.1 Public Parkland

- 18.1.1 Public parkland is a permitted use in any designation on Schedule A including any accessory uses thereto.

18.2 Public Utilities

- 18.2.1 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.

18.3 Energy

- 18.3.1 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 regulations, and is carried out having regard to the provisions of this Plan.

- 18.3.2 Where energy or communication facilities or utilities are proposed, they will be designed and located 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 waterbodies 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.

- 18.3.3 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.

18.4 Waste Disposal/Transfer Stations

- 18.4.1 New public transfer stations or public sanitary landfill sites are permitted, subject to a Zoning By-law Amendment.
- 18.4.2 In developing any area for waste 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 waste 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; and,
 - f) All waste management systems are subject to approval under the Environmental Assessment Act. Environmental assessments may be required.
- 18.4.3 All waste management sites shall be covered by current Ministry of the Environment, Conservation and Parks Certificates of Approval under the Environmental Protection Act.
- 18.4.4 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

The provisions of this part of this Plan shall apply to those areas designated on

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19.1 Rural

19.1.1 This designation will generally apply to most of the inland areas of the Municipality which do not front on recreational waterbodies. Land uses permitted in this category shall include:

- a) Residential
- b) Forestry
- c) Rural commercial uses
- d) Rural industrial use
- e) Tourist commercial uses
- f) Conservation uses
- g) Agricultural uses, agriculture-related uses and on-farm diversified uses
- h) Other rural land uses
- i) Market gardening uses
- j) Raising of fur bearing animals
- k) Churches
- l) Schools
- m) Hospitals
- n) Institutions
- o) Cemeteries
- p) Country clubs
- q) Open air recreational uses; and
- r) Any uses connected with government utilities or departments.

19.1.2 Pits and expansions to existing quarries are permitted in the Rural designation subject to all other policies of this Plan. New Quarries shall require an Official Plan Amendment.

19.1.3 It is a basic objective of this Plan to require larger lot ~~lot~~ area and lot frontages in the rural areas and along the major public roads.

19.1.4 Where it is determined a Plan of Subdivision is not required to ensure proper and orderly development, the land to be developed may be divided by Consent. Consents to create new lots in the Rural designation will be subject to the following:

- a) the resulting development will not contribute to an unreasonable demand for the enlargement of municipal services;
- b) the lot sizes are generally greater than 1.0 hectares and road frontages are approximately 100 metres.

~~c) A maximum of four three severed lots and one retained lot are~~

- ~~permitted on a lot having a lot area of 40 hectares or greater, as existed on _____.~~
- ~~d) A maximum of two severed lots and one retained lot are permitted on a lot having a lot area of between 20 and 40 hectares, as existed on _____.~~
- ~~e) A maximum of one severed lot and one retained lot are permitted on a lot having a lot area of less than 20 hectares, as existing on _____.~~
- ~~f)c) The lots should not adversely affect areas of mineral aggregate or forestry production, recreational uses or environmentally sensitive areas.~~
- ~~g)d) New lot creation must provide confirmation that sufficient capacity exists for treatment capacity for hauled sewage.~~
- ~~h)e) New lots having a lot area less than 0.8 hectares shall only be permitted if supported by a hydrogeological study demonstrating that a smaller lot area is appropriate.-~~
- f) Where multiple lot creation is proposed following the adoption of this Plan, supporting studies such as hydrogeological, traffic environmental or other studies referenced in this Plan may be required by the Municipality in order to confirm conformity of the proposed lots with this policies of this Plan.

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19.2 Rural Subdivisions

- 19.2.1 It shall be the policy of the Municipality only to recommend to the approval authority those Plan of Subdivisions which comply with the policies of this Plan. Before recommending a Plan of Subdivision to the Planning Board, Council will ensure that the area to be subdivided can be provided with the necessary services and amenities, and that the proposed development will not adversely affect the economy of the ~~Township~~Municipality. Council will also consult with relevant government agencies. All Plan of Subdivision shall include a Subdivision Agreement between the Municipality and the developer. Subdivisions shall not be permitted on a private road.
- 19.2.2 Special attention will be given to proposals for the development of lands, which are located on, or adjacent to lake front land, in order to provide opportunity to obtain and preserve both private and public open space. Further concerns will be met in regard to the environmental impact which the development of such lands may have on the quality of the water bodies within the Municipality.
- 19.2.3 It is the intent of this Plan to encourage new residential development to locate primarily within the Settlement Areas, and secondarily as infilling within existing "built-up areas", and "waterfront areas". Locally appropriate new residential Plan of Subdivisions, however, may establish outside of these areas in accordance with the policies of this Plan, and subject to the following:
- a) A Planning Justification Report which addresses the need for the development, in light of projected demand and available opportunities for development within the Settlement Areas;

- b) An Official Plan Amendment and Zoning By-law Amendment;

19.2.4 In determining the appropriateness of proposed rural subdivision development, Council shall consider:

- a) The proximity of the development to major roads;
- b) The proximity of the development to community facilities, schools and other services;
- c) The impact of the proposed development on the financial and environmental resources of the ~~Township~~Municipality;
- d) The cumulative impact of rural residential development on the financial and environmental resources of the ~~Township~~Municipality; and,
- e) All applications for new development shall be accompanied by the supporting studies that are deemed to be appropriate through pre-consultation or required by the policies of this Plan;

19.2.5 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.

19.2.6 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.

19.3 Communication Towers

- 19.3.1 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.
- 19.3.2 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.
- 19.3.3 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.
- 19.3.4 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.

19.4 Rural Commercial and Institutional Uses

19.4.1 This Plan anticipates that rural commercial and institutional uses which primarily serve the needs to the rural area or the travelling public may seek to establish in the Rural designation. Such uses include but shall not be limited to the following:

- a) Farm implement dealers and agricultural service uses;
- b) Automobile service stations;
- c) Private clubs;
- d) Tourist commercial uses;
- e) Churches;
- f) Schools; and,
- g) An accessory dwelling unit for the resident owner/operator either as a single unit detached dwelling or in the second storey of the commercial use (with the exception of automobile service stations).

19.4.2 In considering proposals for new rural commercial uses, Council shall have regard for potential impacts on adjacent residential uses, and appropriate conditions regarding setbacks, buffering and limitations on road access. Council shall consider the following when evaluating new rural commercial uses:

- a) The use primarily serves the needs of the rural area or the travelling public;
- b) Any lighting and other surface utilities shall be carefully sited and advertisements shall be in keeping with good design and highway safety practices in order to maintain the appearance and safety of the area;
- c) Adequacy of off-street parking and off-street loading facilities shall be provided;
- d) Adequate buffering shall be provided between the proposed commercial use and any adjacent residential uses. Such buffering in the form of a strip of land shall be devoted to no other purpose than landscaping;
- e) Adequate supply of potable water and an acceptable method of sewage disposal can be provided;
- f) Has lot frontage on a public road which is maintained on a year round basis by a public authority;
- g) Access points to and from the road shall be limited in number; and,
- h) Environmentally sensitive and resource areas are not adversely affected.

19.5 Rural Industrial Uses

19.5.1 There may be industrial uses that do not require the provision of municipal urban services and which are compatible with existing rural uses and are related to and support rural uses are permitted. Such uses may include but shall not be limited to the following:

- a) Servicing of agricultural and forestry equipment;
- b) Sawmills;
- c) Contractors storage yard; and,
- d) an accessory dwelling unit for the resident owner/operator either as a single unit detached dwelling or in the second story of the industrial building.

19.5.2 In considering proposals for new rural industrial uses, Council shall have regard for potential impacts on adjacent residential uses, and appropriate conditions regarding setbacks, buffering and limitations on road access. Council shall consider the following when evaluating new rural industrial uses:

- a) It shall be clearly demonstrated to the satisfaction of the ~~Township~~Municipality that a rural rather than an urban location is necessary for the industrial operation;
- b) Adequate off-street parking shall be provided on any industrial site for employees and visitors;
- c) Any proposed industrial development shall not infringe upon lands with the potential for mineral aggregate, forestry, agricultural production and/or recreational development nor adversely affect environmentally sensitive areas;
- d) The proposed industrial use shall conform with Ministry of the Environment, Conservation and Parks Land Use Compatibility Guidelines;
- e) All industrial sites shall front on a public road which is maintained on a year round basis by a public authority and shall have a limited number of openings for vehicle exits and entrances;
- f) An adequate supply of potable water and an acceptable method of sewage disposal can be provided. Only low water industrial uses shall be permitted. For the purposes of this Section, low water usage shall be defined as 50,000 litres per day or less, but the following also applies for various assessment and approvals:
 - i. for industrial uses that have subsurface sewage disposal systems of greater than 10,000 litres per day, a Environmental Compliance Approval from MOECC will be required. For subsurface sewage disposal systems of 10,000 litres per day or less, a Building Code Act permit is required from the appropriate approval body.
- g) New Industrial Uses that will require more than 50,000 litres per day shall require an Amendment to this Plan and the Zoning By-law as well as a Permit to Take Water under the Ontario Water Resources Act.
- h) The amenity of the surrounding rural area is adequately protected;
- i) Adequate open space is provided around any industrial use so that a buffer of trees, shrubs or fencing is provided; and,
- j) Limited retail sales of products manufactured on the same premises may be permitted as an ancillary use.

19.6 Waterfront

- 19.6.1 The Waterfront designation generally includes those lands extending inland 300 metres from any recreational waterbody, 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 waterbody will also be deemed to be within the Waterfront designation.
- 19.6.2 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.
- 19.6.3 Permitted uses in the Waterfront designation include:
- a) Detached dwellings;
 - b) Existing tourist commercial uses;
 - c) Open spaces uses; and,
 - d) Existing commercial uses that serve the recreational community.
- 19.6.4 This plan recognizes the need for additional marinas on Georgian Bay, Lorimer Lake, Mill Lake and ManitouabingManitouwabing Lake. The establishment of marinas shall be subject to an Official Plan Amendment.
- 19.6.5 New lots created in the Waterfront area are subject to the Rural designation Consent criteria, however the lot frontage on a waterbody shall be at least 70 metres, and in accordance with the lake specific policies in regards to minimum lot areas and lot frontages.
- 19.6.6 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.
- 19.6.7 A sleeping 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.

19.6.8 Backlot or second tier development adjacent to waterfront areas shall be strongly discouraged and, shall only be considered as subdivisions subject to the rural subdivision policies of this Plan. All proposals for backlot development adjacent to waterfront areas will require an amendment to the Official Plan. Where such development is considered, the applicant shall demonstrate to the satisfaction of the Municipality that adequate public access to the waterbody can be provided.

19.6.9 Existing 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; and,
- d) Other existing permitted commercial uses that serve the recreational community including: retail service uses; marinas; contractors yards; boats and snowmobile sales, rental and servicing.

19.7 Expansion of Existing Tourist Commercial Uses

19.7.1 In considering applications for expansion of existing Tourist Commercial uses the following shall be considered:

- a) The expanded use can be appropriately serviced;
- b) The scale of the expansion is appropriate for the site;
- c) Sufficient parking exists (this includes lake access parking where applicable);
- d) The expansion is compatible with surrounding land uses;
- e) The expansion does not negatively impact the character of the area;
- f) The expansion does not negatively impact water quality or the natural environment;
- g) Where applicable, shoreline vegetation is maintained or improved; and,
- h) Site Plan Control is applied.

19.8 New Tourist Commercial Uses

19.8.1 New Tourist Commercial Uses shall demonstrate:

- a) The use can be appropriately serviced;
- b) The scale of the use is appropriate for the lot frontage and lot area;
- c) Sufficient parking exists (this includes lake access parking where applicable);
- d) The use is compatible with surrounding land uses;
- e) The use does not negatively impact the character of the area;

- f) The use does not negatively impact water quality or the natural environment;
- g) Where applicable, shoreline vegetation is maintained or improved;
- h) A suitable dock location exists, where applicable;
- i) A study which includes an inventory of all existing natural heritage features both on the site and in the water adjacent to the site, if applicable; and,
- j) Site Plan Control is applied.

19.9 Conversions of Tourist Commercial Uses to Residential Uses

19.9.1 The conversion of a legal Tourist Commercial use to a residential use is discouraged. Tourism has an important role to the local economy and the conversion of Tourist Commercial uses to residential use can negatively impact the tourism economy.

19.9.2 Where the conversion of a Tourist Commercial use is proposed, an amendment to the Official Plan shall be required. In support of the amendment, it must be demonstrated that there is a surplus supply of Tourist Commercial land over the short and long term in order to justify the conversion.

19.9.3 Any conversion shall also demonstrate:

- k) The use can be appropriately serviced;
- l) Sufficient parking exists (this includes lake access parking where applicable);
- m) The use is compatible with surrounding land uses;
- n) The use does not negatively impact the character of the area;
- o) The use does not negatively impact water quality or the natural environment;
- p) Where applicable, shoreline vegetation is maintained or improved;
- q) A suitable dock location exists, where applicable; and,
- r) Site Plan Control is applied.

19.9.4 Consideration of the conversion of part of a Tourist Commercial use to residential may be given if it can be demonstrated that the lands to be converted are surplus to the tourist commercial use and it can be demonstrated that the conversion does not negatively impact the ability of the lot to continue to be used for Tourist Commercial uses.

19.10 Lake Specific Policies

19.10.1 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.

19.11 Small Lakes

19.11.1 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.

19.11.2 The small lake policy is to ensure that development is limited on these often isolated waterbodies. A high development standard, including increased lot areas and lot frontages shall be applied to preserve the remote wilderness features of these waterbodies. 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.

19.11.3 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	

19.11.4 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	

19.11.5 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	

19.11.6 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 additional assessment or required studies. New lot creation in these lakes may not 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

19.12 Simmes Lake

19.12.1 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.

19.13 Trout and Lorimer Lakes

19.13.1 Trout and Lorimer Lakes are managed as Lake Trout Lakes and are at capacity in terms of 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.

19.13.2 In addition to the above policies for Lorimer Lake, only one new lot may be created by consent for a parcel that is eligible for consent in accordance with the policies of this Plan; and a maximum of five new lots may be created over a five-year period with a limit of one lot per landowner in any calendar period. Applications for new lots over the five-year period will be allotted on a first come, first serve basis and no repeat applications will be considered until the end of the five-year period. At the end of the five-year period, an additional five year period may be commenced using the same principles including a principle of fair share if any applications in the second period are repeat applicants. A minimum lot frontage of 150 metres and a minimum lot area of 2.25 hectares shall also be required.

19.14 Long Lake Estate

19.14.1 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 Subdivisions 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: deeming by-laws; consent; site plan control; and site specific Zoning By-laws.

19.15 The Nobel Settlement Area

19.15.1 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.

19.15.2 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.

19.15.3 Permitted uses in the Nobel Settlement Area include detached dwelling units on separate lots. In addition, permitted uses include local commercial uses, industrial uses, institutional 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.

19.16 Land Division

19.16.1 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) Residential development in this category will not be permitted to locate near existing sand and gravel operations or near existing intensive farming operations.
- b) All development must comply with the requirements of the Ministry of Transportation for entrances along Provincial highways.

19.16.2 Development of multiple lots within the Nobel Settlement Area is encouraged to take place by way of Plan of Subdivision. For Plan of Subdivisions, 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.

19.16.3 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 Consent process, and all applicable policies of this Plan will apply.

19.17 Servicing

19.17.1 Infill development within existing built-up areas of the Settlement Area will be encouraged, where the infill development is considered appropriate for available servicing.

19.17.2 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.

19.17.3 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 hydrogeological studies to demonstrate an appropriate, smaller lot size which is viable.

19.18 Commercial/Industrial Nodes

19.18.1 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

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20.1 Nobel Condominium

20.1.1 Notwithstanding the policies of this Plan, a parcel of land approximately ~~402.15~~ 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.~~

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

20.2 Former Akzo Nobel Lands Special Policy Area

20.2.1 There is a large parcel of land in the geographic ~~township~~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".

20.2.2 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.

20.2.3 These lands shall be subject to the Rural policies of the Official Plan, however, it is anticipated that any site specific development proposal will be supported by and Official Plan Amendment.

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SECTION 21 – IMPLEMENTATION/ADMINISTRATION

21.1 Accessory Uses

21.1.1 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.

21.2 Boundaries

21.2.1 The boundaries illustrated on the Schedules to this 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 the Schedules.

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21.3 Numerical Interpretation

21.3.1 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.

21.4 Deeming By-laws

21.4.1 There are several older registered Plan of Subdivisions located within the Municipality of McDougall. Some of these registered plans contain lots that do not or cannot 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.

21.5 Site Plan Control

21.5.1 The Municipality shall enact a Site Plan Control By-law that recognizes all areas as being subject to Site Plan Control. The Site Plan Control By-law may establish uses or circumstances that do not require the execution of a Site Plan Control Agreement.

21.5.2 Prior to submitting an application for site plan approval, the applicant shall pre-consult with the Municipality.

21.5.3 Under Section 41 (7) of the Planning Act, and as a condition of granting Site Plan approval, Council may require the owner of a parcel of land to provide certain information, maintain certain works or facilities and enter into certain agreements with the Municipality. Some of the considerations that the municipality will have due regard for during the site approval process are:

- a) The preservation of the natural viewscape and landscape;
- b) The design of structures to ensure they are harmonious with the terrain and neighbourhood;
- c) That traffic areas and parking areas are safe and convenient; and,
- d) That surface water drainage will not negatively impact neighbouring properties.

21.5.4 The entire area covered by this Plan is hereby designated as a proposed site plan control area.

21.5.5 The Municipality may, by by-law, designate the whole or any part of the proposed site plan control area as a site plan control area.

21.5.6 In addition to detailing the location of buildings and structures, entrance locations, parking and loading spaces, the Site Plan Agreement shall address:

- e) The location of existing natural trees, shrubs and ground cover vegetation to be removed and retained;

- f) The re-vegetation plan to take place during the post-construction and the timing of such re-vegetation; and,
- g) The location of view/ventilation/access corridors from the shoreline to the buildings and structures on the site.

21.6 Development Guidelines

21.6.1 Through the application of site plan control by-laws the Municipality will attempt to:

- h) retain natural site features and shoreline areas in as natural a state as possible;
- i) implement recommendations with respect to specific properties which may be put forth by the Ministry of Northern Development, Mines, Natural Resources and Forestry or other applicable agencies;
- j) enhance the provision of services such as waste disposal, water supply, storm drainage and other utilities;
- k) provide access, both pedestrian and vehicular, as well as site parking and loading areas in appropriate locations;
- l) control lighting, landscaping and buffering;
- m) prevent or mitigate adverse effects from incompatible land uses;
- n) deal with development conditions which cannot be adequately controlled by the Zoning By-law or subdivision agreements;
- o) deal with matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings

21.7 Special Exceptions For Existing Uses

21.7.1 Where there are existing buildings 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 Amendment or a Minor Variance being obtained.

21.8 Holding Provisions

21.8.1 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.

21.8.2 The purpose of the holding zone is to prevent or limit the use of land until such time as Council is satisfied that further development may take place and the appropriate environmental studies and services have been reviewed and approved. The objectives and use of this symbol are set out herein.

21.8.3 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.

- 21.8.4 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.
- 21.8.5 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.
- 21.8.6 The Zoning By-law provisions relating to the use of the "H" suffix will specify what uses are permitted while the holding provision applies.
- 21.8.7 The holding symbol may be removed by by-law to allow development to proceed in accordance with the relevant zoning category as long as the following condition or conditions are met:
- a) extensions for services are approved by the appropriate authority;
 - b) site plans are approved in the case of commercial and industrial development;
 - c) approvals are received from the Provincial Ministries where applicable; and
 - d) the objectives of the Official Plan including development criteria are met.

21.9 Zoning

- 21.9.1 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.

21.10 Non-Conforming Uses

- 21.10.1 This Plan recognizes legal nonconforming uses in accordance with Section 34(9) of the Planning Act.
- 21.10.2 Legally existing uses that do not conform with the land use designations outlined in this Plan may be zoned to permit the continuation of the use and may provide for limited expansion provided that the development policies of this Plan are met.
- 21.10.3 Where a non-conforming use changes, the new use shall be in keeping with the intent of this Plan

21.11 Temporary Use By-law

21.11.1 Council may pass a By-law under the provisions of the Planning Act to allow the temporary use of lands that do not comply with the Land Use designations in this Plan provided that:

- a) the temporary use does not require major capital investment or alteration to the existing landscape;
- b) the proposed use is compatible with surrounding land uses;
- c) the proposed use does not require the extension of municipal services;
- d) the developer has entered into an agreement with the municipality specifying the conditions under which the use may be permitted; and,
- e) the By-law shall specify a maximum time period for the use to be permitted.

21.12 Special Notices

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

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

21.13 Plan Review

21.13.1 Following approval of this Plan by the Ministry of Municipal Affairs and Housing, the Basis, Objectives and Policies of the Plan shall be reviewed in accordance with the requirements of the Planning Act. The Official Plan Review shall consider the following:

- 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.

21.14 Amendments

21.14.1 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:

- a) the need for the proposed use;
- b) the extent to which the existing areas which are designated for the use are developed, and the nature and adequacy of such existing development;
- c) the physical suitability of the land for such proposed use;
- d) the location of the areas under consideration with respect to:
- e) the adequacy of the existing and proposed roadway system;
- f) the convenience and accessibility of the site for vehicular and pedestrian traffic and traffic safety;
- g) 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;
- h) the compatibility of such proposed use with uses in the surrounding area;
- i) the potential effect of the proposed use on the financial position of the Municipality;
- j) the impacts of the proposed use on the natural environment; and

21.15 Compatibility Between Land Uses

21.15.1 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

21.16.1 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 Conservation and Parks Guidelines.

21.17 Brownfield Development

21.17.1 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

21.18.1 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 Conservation and Parks Guidelines.

21.19 Phasing

21.19.1 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.

21.20 Community Improvement Area

21.20.1 The Municipality, may by By-law, designate land in the Municipality as a 'Community Improvement Project Area' and will prepare a plan for that project area. The following matters should be considered in the preparation of a community improvement project plan:

- p) The basis for the selection of the project area;
- q) The boundary of the area;
- r) The land use designations and intent of the Official Plan;
- s) The nature of existing land uses, the physical condition of the buildings and structures;
- t) The existing level of services and the nature of improvements proposed to municipal infrastructure, such as roads, water supply,

- sanitary and stormwater sewers, public utilities, and other community and recreational facilities;
- u) The identification of properties proposed for acquisition and/or rehabilitation;
 - v) The phasing of improvements to permit a logical sequence of events to occur without creating unnecessary hardship for area residents and/or businesses; and,
 - w) The estimated costs, means of financing, and the potential for stimulating private sector investment and an improved municipal tax base.

21.20.2 The whole of the Municipality of McDougall is a Community Improvement Policy Area.

21.21 Implementation

21.21.1 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 22 – PROPERTY STANDARDS

22.1.1 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.

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