

# TOWNSHIP OF McMURRICH/MONTEITH

## OFFICIAL PLAN

**Adopted August 5, 2003**

Approved with modifications by  
the Ministry of Municipal Affairs and Housing  
on January 15, 2007

In effect February 6, 2007



**PLANSCAPE**  
Building Community Through Planning  
Bracebridge, Ontario

Consolidated October 31, 2007



# TOWNSHIP OF McMURRICH/MONTEITH

## OFFICIAL PLAN

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 "Update subtitle 5.3.8"  
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# TOWNSHIP OF McMURRICH/MONTEITH

## OFFICIAL PLAN

August 5, 2003

As approved with Ministry of Municipal Affairs and Housing modifications January 15, 2007

### **Section 1 INTRODUCTION AND STRUCTURE OF THE PLAN**

This document shall be known as the "Official Plan of the Township of McMurrich/Monteith".

The Plan provides a policy framework to reflect the conditions of growth and development that are expected to occur over the next twenty years. It is intended that the policies of the Plan will be reviewed at least every five years, and changes made as appropriate.

This Plan consists of the text and the Schedules attached hereto, and shall include any future amendments that may be adopted. The text and Schedules are inter-related and should be read in conjunction with one another.

Schedule A - Land Use Designations and Schedules B1 and B2 - Natural Features, illustrate areas where the various policies apply, and form part of this Official Plan.

### **Section 2 FOUNDATION OF THE PLAN**

The purpose of this Official Plan is to establish policies to guide the physical development of the Township while having regard for its social, environmental, and economic needs. The Official Plan will provide a framework for the review and evaluation of development applications, and assist Council in determining future policies and actions in all municipal matters.

A Community Profile (available at the Township Offices, but not included as part of this document) was prepared to provide background information on the population, development patterns and available services in the Township. The findings of the profile provided the evidence required to determine areas of strength and concern to be addressed by the Official Plan.

#### **2.1 Basis**

The Township of McMurrich/Monteith is located in the southeast section of the District of Parry Sound. Interest in the area began with the fur trade in the 1600's. The Township of McMurrich was originally incorporated in 1891; the Township of McMurrich/Monteith, as it is currently configured, was incorporated in 1998. Population growth patterns in the Municipality are



similar to those in other resource rich areas: slow growth in permanent population levels with increasing pressures for seasonal development, especially along the shorelines of the many lakes in the area.

The Plan is based on the assumption that the local permanent population will not grow significantly in the near future, but that the total number of households will continue to increase slowly. Based on an analysis of historical population data, it can be expected that the Township's population will grow from approximately 700 persons in 2002 to around 850 by the year 2022.

The demand for permanent dwellings in the Township is not expected to change in the foreseeable future, however, due to a number of local and Provincial initiatives, pressures for seasonal residential and tourist commercial development are expected to increase.

The Township has three settlement areas: Sprucedale, Bear Lake and Whitehall. These areas have been identified based on existing development patterns and are recognized for their historic roles in the development of the Township. Residential and commercial development will continue to be permitted in these areas at a level that is more intense than that permitted in the Rural and Shoreline designations, however, the potential for additional residential and commercial development in these locations is limited (primarily due to servicing constraints).

MMAH  
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The Township is interested in expanding its planning program to prepare for anticipated development pressures to ensure that its rural character is maintained, while at the same time encouraging growth and diversification of local economic/employment opportunities that are currently based primarily on natural resources and tourism. The intent of this Plan is to provide for a settlement pattern that encourages additional development in the identified settlement areas, focusing primarily on Sprucedale, while recognizing that there are servicing constraints to the potential for development in these areas. Limited low density rural and seasonal residential development may be allowed in the Rural and Shoreline designations.

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This Plan reflects the principles of managing change and promoting development to stimulate economic growth, while protecting resources and public health.

MMAH  
Mod. No. 4





## 2.2 Goals

The goals of the Plan are inter-related statements of the Township's long term vision, and provide a foundation for the more detailed land use policies contained in this Plan. The goals are:

- i) to maintain and enhance the existing features of the rural community, which include a mix of natural resource uses and low density, randomly located dwellings in a predominantly rustic setting;
- ii) to provide adequate housing for current and future, permanent and seasonal, populations;
- iii) to promote an orderly and sustainable pattern of development;
- iv) to preserve and protect important water resources, natural features and sensitive areas from incompatible land uses and activities;
- v) to recognize constraints to development and direct development away from features such as low lying areas that are subject to flooding, areas of significant wildlife habitat areas of archaeological significance, and mineral resources;
- vi) to provide a level of municipal services consistent with the basic needs and financial resources of the Township and its aging population; and,
- vii) to encourage growth and diversification of the economic base of the Township to increase employment opportunities, and to increase land values and the tax base.

## 2.3 Objectives

### 2.3.1 Population and Household Growth

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The permanent population in the Township of McMurrich/Monteith will continue to grow slowly and be distributed between the Settlement Area of Sprucedale and the Rural and Shoreline designations.

Household growth will primarily be a result of an increase in the seasonal population.

The Township will accommodate the expected population and household growth while maintaining the rural character of the area.

### 2.3.2 Economy

Growth and diversification of the local economy is desirable, and will be accomplished by:

- i) expanding tourism and tourism-related businesses, as well as other complementary and non-intrusive commercial and industrial ventures;



- ii) directing tourist commercial activities to appropriate locations in the Shoreline areas;
- iii) directing land extensive commercial, recreational and industrial uses to appropriate sites in the Rural designation; and,
- iv) improving the number and variety of home based businesses.

### 2.3.3 Housing

Single detached residential housing will remain the dominant housing type.

Existing residential development may be augmented by smaller or accessory units appropriate to house seniors and young families.

### 2.3.4 Community Services

Services will be provided at a level that is appropriate to the needs and rural nature of the Township, and consistent with the Township's financial resources. Joint use agreements, with other municipalities and with the private sector, may be used to secure a variety of services.

### 2.3.5 Infrastructure

Significant expansion of municipal infrastructure is not anticipated.

All development shall have private on-site water and sewage disposal systems. Confirmation that a suitable water supply exists and that an adequate sewage disposal system may be or has been installed is required. Development of more than five (5) lots will require the preparation of a Servicing Options Statement.

Municipal or communal water or sewer services will not be developed.

The improvement of infrastructure (roads, parks, and other facilities) to better service the existing population will be encouraged.

Improved public access to Township water resources is encouraged and will be considered as part of the review of development applications.

### 2.3.6 Natural Environment

Protection and enhancement of the natural environment will be an important consideration in making land use decisions.

New development will be directed away from significant natural heritage features and natural and man-made hazards including but not limited to flood plains, unstable slopes, aggregate resources, significant portions of



the habitat of threatened and endangered species, fish habitat, provincially significant wetlands, significant wildlife habitat, Areas of Natural and Scientific Interest and abandoned mine sites.

### Section 3 GENERAL POLICIES

#### 3.1 Accessibility

MMAH  
Mod. No. 6

All recreational and community facilities shall provide a suitable means of access for persons with disabilities. All new private development should also be encouraged to provide similar access.

#### 3.2 Accessory Uses

Wherever a use is permitted in a land use designation, it is intended that uses of land, buildings or structures normally incidental, accessory and essential to that use shall also be permitted.

#### 3.3 Backlot Development

Development on any property within 300 metres (1000 feet) of a waterbody will be deemed to have an impact on said waterbody. A second tier of development (backlot development) will only be considered if all of the following conditions apply:

- i) The minimum lot frontage on a publicly owned and maintained road shall be 90 metres (300 feet);
- ii) The minimum lot area shall be 2.0 hectares (5 acres); and,
- iii) There shall be a public right-of-way with a minimum width of 20 metres (66 feet), leading from the road to the water, within 1000 metres (3300 feet) of the lot.

#### 3.4 Bed and Breakfast Establishments

Bed and breakfast establishments may be permitted as an accessory use within a single detached dwelling provided that:

- i) the physical character of the dwelling is not substantially altered;
- ii) the use does not have a negative impact on the privacy and enjoyment of neighbouring properties;
- iii) the number of rooms available for rent does not exceed three (3); and,
- iv) adequate water, sewage disposal, parking facilities and access are provided on the site.

The Zoning By-law shall further define a bed and breakfast use and contain other appropriate provisions.



### 3.5 Contaminated Sites and Abandoned Mines/Mine Hazards

MMAH  
Mod. Nos.  
7 and 8

Contaminated sites are lands where there is an adverse effect, or the likelihood of an adverse effect, associated with the presence of discharge of a contaminant.

Development applications for contaminated sites shall be accompanied by a Ministry of the Environment acknowledged Record of Site Condition, and, if necessary, a site remediation plan prepared in accordance with the “Guidelines for the Decommissioning and Clean-up of Sites in Ontario.”

Contaminated sites may be placed in a Holding Zone, which may be removed when the site has been acceptably decommissioned or cleaned up to the satisfaction of the Township and in accordance with a site remediation plan and subject to the submission of a Provincially recognized Record of Site Condition.

Development on, abutting or adjacent to abandoned mines/mine hazards will be permitted only if rehabilitation measures to address and mitigate mine hazards are underway or have been completed. The Ministry of Northern Development and Mines shall be consulted when development is proposed in the vicinity (1,000 metres) of an abandoned mine/mine hazard.

### 3.6 Crown Lands

The policies of this Plan are not binding on undertakings carried out on Crown Land by the Crown or its agents, but the policies of this Plan will be binding on any lands that cease to be Crown lands. Council will encourage all levels of government to have regard to the policies of the Plan wherever possible.

### 3.7 Design Considerations

Basic design principles will be applied to guide development and preserve the Rural character of the area:

- i) setbacks will be varied from surrounding development;
- ii) buildings will be sited in relation to natural features rather than the road;
- iii) natural vegetation will be retained wherever possible;
- iv) development adjacent to Municipal roads must have adequate sight lines; and,
- v) adverse effects of proposed changes to land uses shall be mitigated, as described in the Ministry of the Environment D Series Guidelines.



### 3.8 Energy Conservation

The wise management and conservation of energy resources may be promoted by the Township through various activities. Consideration will be given site plan controls that encourage energy conservation through methods such as the use of landscaping and building orientation to reduce energy costs, and the use of alternative energy sources.

### 3.9 Garden Suites

Garden suites are temporary self-contained accommodation units for elderly, sick or disabled family members, designed to meet the housing needs of elderly parents, handicapped family member or other similar individual(s) who may require some support from an occupant of the primary dwelling.

Garden suites may be permitted on lands with frontage on a publicly maintained year round road where residential development is permitted, subject to compliance with the standards of the Zoning By-law and enactment of a Temporary Use Zoning By-law that may be passed for a period up to 10 years, with the ability to extend the period beyond 10 years.

The following criteria shall be considered when evaluating a proposal for a garden or secondary suite:

- i) the need for the unit;
- ii) the lot size and layout in terms of accommodating the unit without unreasonable loss of private outdoor amenity area;
- iii) the compatibility with adjacent properties in terms of aesthetics, privacy and noise; and,
- iv) the adequacy of water, sewage disposal, and parking facilities on the site.

Garden suites will be subject to an agreement with the owner, executed under the provisions of the Municipal Act and will:

- i) address the condition under which the garden suite will be installed, maintained and removed from the property;
- ii) identify the period of occupancy;
- iii) require that the suite not be used as a rental dwelling for profit or gain;
- iv) require that the suite meets all health, safety, servicing and building code standards;
- v) address the provision of securities to ensure that the conditions of the agreement will be satisfied; and,
- vi) include any other condition that the Township deems necessary.



### 3.10 Group Homes

Group homes may be permitted in all designations which permit residential development, subject to the provisions of the Zoning By-law. The Zoning By-law may differentiate between open custody and closed custody group homes, and shall establish locational and size criteria for group homes.

In general, a group home shall be a licensed single housekeeping unit with residents who, by reason of emotional, mental, social, physical or other conditions, require a group living arrangement. The group home should complement and fit in with the character of the surrounding residential community, and may provide accommodation for up to six (6) residents at any one time.

### 3.11 Cultural Heritage and Archaeological Resources

The Ontario Heritage Act provides the framework for the conservation of cultural, heritage and archaeological resources within communities in Ontario. The Heritage Act may be utilized to conserve, protect and enhance the cultural heritage resources in the municipality through the designation by-law of individual properties, conservation districts and heritage areas, and archaeological sites.

The Township recognizes that there may be archaeological remnants of prehistoric and early historic habitation within the Township, as well as areas exhibiting archaeological potential. Archaeological potential areas are determined through the use of provincial screening criteria, or criteria developed based on the known archaeological record within the Township and developed by a licensed archaeologist. This criteria includes features such as proximity to water, current of ancient shorelines, rolling topography, unusual landforms, and any locally significant heritage areas such as portage routes or other places of past human settlements.

The Township's heritage and archaeological resources should be conserved and enhanced wherever practical. Heritage resources include archaeological sites, cemeteries and burials, buildings and structural remains of historical and architectural value, heritage landscapes, and areas of historic and scenic interest.

Council shall, in cooperation with the Ministry of Citizenship, Culture and Recreation and by licensed archaeologists, require archaeological impact assessments, surveys and/or the preservation on site or rescue excavation of significant archaeological resources that might be affected by any future development.



Council shall have regard for cultural heritage resources in the undertaking of municipal public works. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant heritage resources.

### 3.12 Home Occupation and Home Industry

Home businesses are an increasingly important component of the local economy. Privately operated legal businesses may be permitted as a secondary use in residential dwellings (home occupation) and accessory buildings (home industry), provided they maintain the integrity and character of the neighbourhood and are compatible with surrounding uses.

The Zoning By-law may incorporate appropriate standards for home occupations and industries through:

- i) identification of the zones which shall permit or regulate various forms of home occupation or home industry;
- ii) restrictions on the number of people who may be employed in the home business;
- iii) limiting maximum floor area of the business;
- iv) requiring continuation of the residential appearance of the building;
- v) regulating of signs; and,
- vi) parking standards.

The standards will take into consideration the adequacy of lot size, on-site services and separation distances to ensure compatibility with adjacent land uses.

### 3.13 Institutional Development

Institutional development includes the land, building, structure or part thereof used by a government agency, an organization, or a group, for the promotion of benevolent objectives or public services, and which is not operated for profit or gain. Institutional uses may be permitted in any land use designation, with the exception of lands designated Environmental Protection, provided they are compatible with surrounding uses.

### 3.14 Land Use Compatibility

Land use compatibility shall be assured by planning so that major facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

Development shall occur in a manner which ensures compatibility with surrounding areas and uses, and shall consider:



- i) minimizing the impact on adjacent residential uses with regard to noise, traffic, emissions and visual appearance when considering the development of off-street parking, loading areas, and garbage disposal facilities; and,
- ii) the use of fencing, screening and/or separation distances to minimize potential adverse impacts between uses.

When a change in land use places, or is likely to plan a major facility of sensitive land use within the area of influence of another less sensitive use, the policies contained within the MOE D Series Guidelines shall be applied to minimize or prevent the exposure of any person, property, plant or animal life to adverse effects associated with the operation of specified facilities.

### 3.15 Mitigation of Adverse Effects of Development

Uses, which by their nature are offensive, shall be restricted to those locations removed from areas that are predominantly developed for residential purposes or other sensitive land uses. Situations shall be avoided where development may have an adverse effect on adjacent land uses as a result of smoke, noise, odour, dust or other such nuisances.

The MOE D series guidelines will be used to determine the appropriate mitigating measures to be taken, including minimum distance separations.

### 3.16 Mobile Homes

New mobile home parks are prohibited in the Township.

### 3.17 Municipal Parks

Existing municipal parks will be maintained. New municipal parks will be established, through the provisions of the Planning Act and Municipal purchases, on the shores of waterbodies and for the preservation of unique natural features.

### 3.18 Recreational Amenities

Existing open space and recreational facilities should be integrated into the overall system so they are effectively used. Significant natural features will be part of the recreational network in the Township.

### 3.19 Recreational Trails

Recreational trails play a role in the health and economy of the community. Council will encourage the maintenance of existing, and the establishment of new, public recreational trails in the Township.





### 3.20 Services and Utilities

Water and sewage disposal services in the Township are currently provided on a private basis. Any development requiring Municipal and/or communal water and sewer services will be considered premature; this position may be reconsidered in the next Official Plan Review. Public utility authorities may be permitted to locate all work defined by Provincial Statute in any land use designation provided the use meets the appropriate requirements of the Zoning By-law and conforms to this Official Plan. Such works include roads, buildings, structures or utilities. Public services and utilities will be planned and implemented in accordance with the requirements of the Environmental Assessment Act. The Township shall be advised of plans for new public works before any applications for permits are made.

### 3.21 Sleeping Cabins

One sleeping cabin, not to exceed 18.5 metres square (200 square feet), may be permitted on any lot provided there exists a dwelling already located on the lot.

### 3.22 Transportation

Transportation in the Township is dependant on a network of roads supplemented by a system of recreational trails. It is the intent of Council to ensure that the transportation needs of the Township are accommodated, within the financial capabilities of the Township, through the maintenance of a safe and efficient transportation system.

The Township road system consists of one Secondary Provincial highway and a local road system. The Municipality recognizes the importance of Highway 518, and supports the development and land division policies of the Ministry of Transportation. Any development proposed adjacent to a provincial highway will be subject to the requirements and permit control of the Ministry of Transportation.

No unopened road allowances will be opened by the Township, unless an individual requests that a road allowance be opened and the road is opened at the individual's expense.

By-laws may be passed to stop up and sell road allowances to abutting owners provided that:

- i) the portion of the road allowance to be closed has no present or foreseeable future municipal use for public travel, public waterfront area, public access and portage, or any other Municipal purpose;



- ii) the portion of the road allowance to be closed does not abut or provide access to significant fish spawning areas, wildlife habitat or other environmentally significant features as identified by the Ministry of Natural Resources;
- iii) the portion of the road allowance to be closed does not contain significant historical or cultural features; and,
- iv) only the portion of the road allowance above the controlled or normal high water mark is conveyed out of public ownership.

Road allowances leading to water should not be conveyed out of public ownership. Exceptions may be considered where appropriate lands are available as alternative access to the water or the road allowance to be closed cannot provide reasonable access to the water.

The following policies will apply to the road network of the Township:

- i) minimum building setbacks will be set out in the Zoning By-law to allow for adequate right-of-way for all public roads;
- ii) unless it is clearly in the public interest, it is not intended that existing private roads be assumed by any public agency and no responsibility for access, snow removal, maintenance or use by school buses is acknowledged;
- iii) year-round maintenance will be provided only on roads identified by Council as year round roads; and,
- iv) summer road maintenance only will be provided on roads identified by Council as seasonal.

All new or existing roads dedicated to the Municipality must be brought up to current Municipal standards prior to being assumed by the Township. Existing seasonally maintained roads must be brought up to an appropriate standard at the cost of the property owners before they will be considered for year-round service.

### 3.23 Waste Management and Contaminated Sites

All waste management sites operating in the Township, whether publicly or privately owned, shall be operated in a manner that safeguards the environment and protects nearby residents and sensitive land uses from undue impact. No residential use is permitted in conjunction with a licensed waste management site.

All operating waste management sites shall be covered by a current Certificate of Approval issued by the Ministry of Environment under the provisions of the Environmental Protection Act.



MMAH  
Mod. No. 8

If a new waste management site is proposed to be opened in the Township, an amendment to this Plan will be required. The proponent will be required to submit complete documentation to support the proposal prior to the application being considered by Council.

### 3.24 Wayside Pits, Wayside Quarries, and Portable Asphalt Plants

A wayside pit or wayside quarry means a temporary pit or quarry opened and used by or for a public authority or its agent, solely for the purpose of a particular project or contract of road construction. For the purposes of this Plan, portable asphalt plant means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, which is designed to be dismantled and moved to another location as required.

Wayside pits, wayside quarries and portable asphalt plants are permitted throughout the Township without an amendment to this Plan or the Zoning By-law except in areas of existing development or environmental concern.

Plans submitted by applicants for wayside pits, wayside quarries, or portable asphalt plants will be reviewed by the appropriate Provincial agencies. No asphalt plant or aggregate processing equipment shall be permitted without a valid Certificate of Approval under the Environmental Protection Act and a location approval issued by the Ministry of the Environment and Energy.

Discontinued sites will be rehabilitated back to their former use, and any physical plant shall be removed from the site upon completion of the public project.

## Section 4 LAND USE POLICIES

Land use designations are the tools that link policies to the development that occurs on the ground. Assigning a designation to an area determines how it may be developed over the planning period by defining certain requirements and prohibitions that implement the Official Plan policies. A full range of policies apply to these designations, and reference should also be made to Sections 3 and 5 of this Plan.

Five land use designations are identified on Schedule A:

**Rural  
Shoreline  
Settlement Area  
Environmental Protection  
Areas of Natural and Scientific Interest**



## 4.1 Rural

### 4.1.1 Identification

The Rural designation applies to most of the land in the Township and generally includes all lands that are not designated Shoreline, Settlement Area or Environmental Protection.

### 4.1.2 Principles

The preservation and promotion of the rural character of the Township and the maintenance of the open countryside are basic principles applicable to all development in the Rural designation.

To reinforce the impression of an open and natural landscape, the development pattern will continue to be characterized by large wide lots with varying setbacks.

The dominant consideration in addressing Rural development proposals will be the impact on the rural character of the Township. Preservation of the open, natural appearance of the countryside will be a priority.

MMAH  
Mod. No. 9

### 4.1.3 Permitted Uses

Permitted uses include:

- i) a single detached dwelling;
- ii) a semi-detached or duplex dwelling;
- iii) a hunt camp;
- iv) accessory businesses including home occupations, home industries, and bed and breakfast establishments;
- v) agricultural uses and agriculture-related and secondary agriculture uses including uses that produce value added agricultural products from the farm operation on the property;
- vi) forestry uses;
- vii) existing extractive operations;
- viii) uses in connection with government utilities or departments; and,
- ix) resource management uses.

MMAH  
Mod. No. 10

MMAH  
Mod. No. 11

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.

Certain other uses may be appropriate on land in the Rural designation, however, their potential for off-site impacts cannot be determined in advance and should be reviewed on a site-by-site basis. Uses such as commercial and industrial ventures, country estate subdivisions, garden suites, institutional developments, major recreation uses, multiple unit



dwellings or resource based operations including peat harvesting, may be allowed by site specific zoning amendment but will not require an amendment to this Plan so long as the general intent of the Plan is maintained.

#### 4.1.4 Development Policies

Lot areas and frontages will be sufficient to retain the traditional development pattern and character of the area in which the development is proposed. In this regard, the following provisions apply:

- i) lot frontages will not be less than 60 metres (200 feet) nor lot areas less than 1.0 hectare (2.5 acres); and,
- ii) a variety of larger lot areas and frontages will be encouraged in any development proposal to enhance the rural character of the Township.

Variable setbacks, rights-of-way, larger or smaller frontages, and/or limits to building heights or building envelopes, may be implemented through the Zoning By-law, in order to further the rural design principles of this Plan.

In general, applications for new lot creation will be subject to the following criteria:

- i) a maximum of 4 lots (including severed and retained parcels) may be created per original 40 hectare (100 acre) parcel, provided that the average lot area is 10 hectares (25 acres), the average lot frontage is 100 metres (330 feet) and the minimum lot area is not less than 1.0 hectares (2.5 acres);
- ii) on parcels of land that are smaller than 40 hectare (100 acres), the maximum number of lots created shall be determined on the basis of an average lot area of 10 hectares (25 acres) and an average lot frontage of 100 metres (330 feet);
- iii) lots may be considered on smaller parcels of land provided the lot frontage is not less than the average frontage of lots on the same side of the road as the proposal; and,
- iv) any lot in existence at the time of the passage of this By-law that fronts on a year round municipally maintained road may be severed at least once, so long as minimum frontages and areas can be met.

Lot creation should incorporate the following design considerations:

- i) the lots will maintain the character of the area in which they are being developed;
- ii) the physical features of the property will be maintained and major earth moving projects will be discouraged;



- iii) if the property subject to a consent application is located partially or completely within a Natural Feature area shown on Schedule B1 or B2, or in another natural feature discussed in Section 5, specific measures may be required to protect the natural feature(s) on, or in the vicinity of, the site;
- iv) the lots shall have sufficient area to accommodate an on-site sewage disposal system and a potable water supply;
- v) entrances shall not create a traffic hazard; and,
- vi) the appearance of a continuous row of residential development will be discouraged.

When residential development is proposed, Zoning amendment, subdivision, consent, and site plan control processes may be used to ensure that the proposed development is in keeping with the rural character of the area.

Accessory home businesses are expected to occur either as home occupations or as home industries as defined in the Zoning By-law. Such uses may be recognized where they would be at a scale consistent with existing uses, and where there would be no nuisance effects on surrounding properties, no significant environmental impacts, and no significant increase in traffic. Site plan control may be used in cases where a home business is recognized by Council.

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No. 12

Existing extractive operations include known public or private pits or quarries where extraction or harvesting has occurred in the last ten (10) years.

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No. 13

New aggregate operations and expansion of existing operations will require site plan control and a rehabilitation program, and will not be permitted without confirmation that environmentally sensitive or Shoreline designation areas will not be negatively impacted. All development will comply with MOE D Series Guidelines.

#### 4.1.4.1 Mineral Aggregates

Sand and gravel are recognized as important resources in the Township and should be protected from encroachment of incompatible uses. The Zoning By-law will identify and zone all existing pits and quarries for protection, however, it is difficult to identify all locations that may include deposits of mineral aggregates.

MMAH Mod.  
No. 14

It is the policy of the Township to discourage new incompatible land uses and activities adjacent to existing pits and quarries, and vice versa. Extractive operations are generally considered comparable to Class III industrial facilities and therefore sensitive land uses should be situated according to Ministry of the Environment's D Series Guidelines on Land Use Compatibility, particularly D-6 – Compatibility between Industrial



Facilities and Sensitive Land Uses. Studies may be required to establish a new sensitive land use within the potential influence area of an existing industrial facility or a new industrial use whose potential influence area will impact an existing sensitive land use.

When considering applications for development, regard shall be had for the protection of land for future extraction of mineral aggregate resources.

Non-aggregate uses in areas of known mineral aggregate deposits, will only be considered when extraction of the resource will not be feasible, the proposed use serves a greater public interest than aggregate extraction and/or the proposed use does not preclude future extraction.

New or expanded pits and quarries will not require an amendment to this Plan, however, will require an amendment to the Zoning By-law and will require an environmental impact assessment be completed by the applicant and site plan and rehabilitation agreements to be entered into with the Township.

#### 4.1.4.2 Country Estate Subdivision

A Country Estate Subdivision is a cluster of no more than 20 lots for single detached dwellings located on an internal road system, created by Plan of Subdivision. Lot sizes will vary to reflect the terrain and natural features of the site, and will average 5 acres in size with a minimum lot size of 1.0 hectare (2.5 acres) and 90 metres (300 feet) of frontage.

#### 4.1.4.3 Hunt Camps

A building or structure which is used on a temporary basis for hunting, trapping, fishing or other recreational activities, may be permitted within the Rural designation. A hunt camp shall not be required to front on a public road and may be serviced by any type of sewage disposal system approvable under the Building Code Act.

#### 4.1.4.4 Major Recreation Use

Prior to considering amending the Zoning By-law for a major recreation use, such as a golf course, Council shall be satisfied that:

- i) the development can be designed and sited to blend in with the rural character of the area and adequately buffered from adjacent residential development;
- ii) appropriate guarantees are in place to ensure that the impacts of private on-site water and sewage disposal systems on surrounding properties are monitored and that sufficient financial



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securities are available to correct negative on-site and off-site impacts on the quality or quantity of the groundwater, surface waters, fish and wildlife habitat, and other natural heritage and/or environmental values; and,

- iii) the proposed use is accessed by a publicly maintained year round road that can accommodate the additional traffic generated by the proposed development.

#### 4.1.4.5 Resource Based Operations

Resource based operations include mineral resource and mineral aggregate extraction, agriculture uses, aquaculture uses, forestry uses and peat harvesting.

#### 4.1.4.6 Commercial and Industrial Ventures

Examples of commercial and industrial ventures that may be appropriate in the Rural area include restaurants, retail stores and accommodation facilities so long as Council can be satisfied that:

- i) the proposed use is compatible with the character of the area;
- ii) adequate water, sewer, parking, loading facilities and landscaping can be provided on-site and applicable approvals can be obtained;
- iii) the use shall not have a negative impact on the enjoyment and privacy of neighbouring properties; and
- iv) the proposed use is accessed by a publicly maintained year round road that can accommodate the additional traffic generated by the proposed development.

#### 4.1.4.7 Waste Disposal Sites

The Township will continue to use the existing waste disposal site located at Lot 12, Concession 10 in the geographic Township of McMurrich. Arrangements for the disposal of solid wastes will be reviewed, from time to time, by Council.

The establishment of new waste disposal or waste treatment facilities including landfill or recycling facilities, salvage yards, sewage lagoons, or sites used for the disposal of wastes from septic or holding tanks, shall require an amendment to the Official Plan, in order to address feasibility, site suitability, traffic, and haul routes, and to assess and prevent adverse impacts from odour, noise and other contamination. No such facility will be located within 500 metres (1640 feet) of development other than compatible uses such as an aggregate operation, a forestry use or a suitable industrial use where it can be demonstrated that ground water is





potable for domestic uses in the long term and there is no potential for adverse impacts from gas or leachate migration.

No reuse of a closed waste disposal site or a site used for the disposal of wastes may be undertaken for a period of 25 years without the consent of the MOEE under Section 46 of the Environmental Protection Act.

## 4.2 Shoreline

### 4.2.1 Identification

Lands that abut and extend 150 metres (500 feet) inland from recreational waterbodies, and all islands, are designated Shoreline.

### 4.2.2 Principles

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No. 16

The development of Shoreline property for residential, tourist commercial, and public open space uses will be permitted.

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No. 16

Development is permitted in locations where demands on public services will be minimized, and where development will most effectively use or help pay for existing services. No development will be approved on lakes rated at development capacity.

### 4.2.3 Permitted Uses

Permitted uses include:

- i) a single detached dwelling;
- ii) waterfront landings;
- iii) commercial facilities for tourists that include accommodations, recreational facilities, marinas;
- iv) institutional uses; and,
- v) open space and conservation uses.

Accessory uses such as home occupations and bed and breakfast establishments, may be permitted in conjunction with permitted principal uses, provided they are located on a year round municipally maintained road.

Non-residential uses will be located in separate zones in the Zoning By-law. Other uses, including home industry, commercial or industrial developments, will require an amendment to this Plan.

### 4.2.4 Development Policies

Shoreline lots should be of sufficient dimension and size to accommodate the use proposed, related structures, and on-site water and sewage disposal systems. All surface water supplies used for domestic drinking



purposes should be filtered and treated to Provincial standards.

The minimum lot area shall be one (1) acre with a minimum water frontage of 60 metres (200 feet) for the creation of new residential lots; minimum standards for commercial uses will be established in the Zoning By-law.

Buildings and structures shall be located a minimum of 20 metres (66 feet) from the normal or controlled high water mark of a waterbody, except:

- i) minor accessory buildings or structures and marine related facilities, which shall be located as detailed in a Zoning By-law;
- ii) septic tile beds and mantles, which shall be located a minimum of 30 metres (100 feet) from the high water mark of a waterbody; and,
- iii) where terrain constraints make such setbacks impossible and where a lesser setback will be in keeping with the general intent of the Plan.

Proper and adequate means of access shall be provided to all new lots. Development shall not be permitted where it would contribute to the demand for public services that are uneconomic to provide, improve, or maintain or that could otherwise be located in a Settlement Area. Where access is restricted due to a lack of frontage on a year round publicly maintained road, services may be limited. Areas of limited servicing will be recognized in the accompanying Zoning By-law.

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No. 17

Development is required to front upon and have direct access to a year round publicly maintained road, except as noted below:

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No. 18

- i) on an existing privately maintained road with the capacity to handle the additional traffic, where demand for additional municipal services would not be created and where legal right-of-way or access can be determined, and where the establishment of a public road would not be practical or feasible;
- ii) on a minor extension of a privately maintained road, with the capacity to handle the additional traffic, where demand for additional municipal services would not be created, where legal right-of-way or access can be determined, and where the alternative of a public road is not environmentally or economically viable; or,
- iii) via water access provided that adequate long term waste disposal arrangements, parking, and docking facilities are secured to the satisfaction of the Township.

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No. 18

All owners of properties that will be accessed by a private road, or an access road over Crown Land, or extensions to existing roads, enter into an agreement with the Township, to be registered on the title of all of these affected properties, to indemnify the Township and all other public bodies of all responsibility for any maintenance of the road and all liability



for any use 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.

The construction and/or maintenance of any roads not in existence at the time of adoption of this Plan will not be the responsibility of the Township.

The restoration, preservation and protection of the natural shoreline shall be encouraged. Tree cover and vegetation should be retained wherever possible, to maintain the visual and environmental integrity of the Shoreline. Where development is proposed, a natural undisturbed buffer is recommended at the water's edge to:

- i) a minimum distance inland of 7.5 metres (25 feet) from the shoreline; and,
- ii) a minimum coverage of three-quarters of the water frontage.

Construction mitigation measures and stormwater management techniques may be required to minimize impacts on water quality.

The height of any structure should be appropriate to its setting and terrain, including slope, tree cover, setbacks, and architecture, and generally shall not exceed the height of the tree canopy.

Subdued exterior lighting is encouraged so as not to interfere with the privacy and night vision of those using the waterways, and the habitat of nocturnal animals.

Where a public road passes through the Shoreline designation approximately parallel to a waterbody, not more than a single-tier of building lots may be permitted between the shoreline and such road.

Commercial development in Shoreline areas shall generally take one of the following forms:

- i) tourism development consisting of those commercial uses which provide lodging, accommodation, and recreational facilities for the vacationing public;
- ii) marina development, as regulated under the Environmental Protection Act, consisting of facilities located on a waterway which provides services such as docking, storage for boats and boat accessories, services, and repairs, and may include accessory uses that are complementary to the primary marina use (including snowmobile sales and service facilities); and,
- iii) institutional uses consisting of lodging and accommodation facilities for members or clients.



Limited expansion, enlargement, or redevelopment of existing commercial establishments may be permitted.

New tourism related commercial development may be allowed by a site specific Zoning amendment but will not require an Official Plan amendment so long as the general intent of the Plan is maintained.

The following guidelines will be used in the evaluation of tourism related commercial proposals:

- i) the property shall be large enough to accommodate the proposal;
- ii) the proposal shall blend in with the existing waterfront setting and terrain, taking into account slope, vegetative cover, aesthetics, compatibility, and access;
- iii) on-site water and sewage disposal systems shall have the capacity to properly service the proposal; and,
- iv) access routes shall be able to accommodate the additional traffic that will be generated.

Integrated on-site recreation facilities shall be a component of any resort commercial development. Public use of resort facilities, particularly recreational and docking facilities, is encouraged. Joint use agreements may be considered as part of any commercial development or redevelopment proposal.

#### 4.2.4.1 Boathouses

A boathouse will be permitted as an accessory structure within the Shoreline areas of the Township. The use of a boathouse for residential purposes is prohibited. These structures must comply with the policies and regulations of the Township, the Department of Fisheries and Oceans, the Ministry of Natural Resources and the Ministry of the Environment. Specific regulations for boathouse structures will be established in the Township's Zoning By-law.

#### 4.2.4.2 Islands

All islands are part of the Shoreline designation, and new lots on islands will be required to meet the minimum standards for Shoreline residential development.

No development will be permitted on islands less than 0.8 hectares (2.0 acres) in size unless:

- i) the island is greater than 0.4 hectare (1.0 acre) in area;



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- ii) it can be demonstrated that the shape, size, soil and tree cover, and surrounding environmental characteristics make it suitable for the proposed development;
- iii) it can be demonstrated that the property can accommodate a private on-site sewage disposal system;
- iv) the visual impact of the development can be minimized; and,
- v) Waste disposal, mainland parking, and docking facilities are available to the satisfaction of Council.

#### 4.2.4.3 Tourist Commercial

Tourist commercial establishments consist of a full range of commercial facilities operated by a central management to provide lodging, accommodation, recreation facilities and/or related services for the traveling public.

#### 4.2.4.4 Waterfront Landings

Waterfront landings are privately owned parcels of land that provide alternative long-term access for water access properties. They are not intended for use as large storage facilities, marina(s), or commercial use(s). New waterfront landings shall remain small in scale and shall provide:

- i) parking facilities that are accessory to the principal water access use;
- ii) sufficient docking facilities to service associated water access property(s); and,
- iii) natural buffering of parking facilities from adjacent uses and from the water.

Other Waterfront Landings criteria will be provided in the Zoning By-law.

### 4.3 Settlement Areas

#### 4.3.1 Identification

Settlement Areas have been designated on the basis of historic development and include Sprucedale, Bear Lake, and Whitehall, as identified on Schedule A to this Plan. These areas have been developed predominantly for residential purposes, with some commercial, institutional and other community uses. Due to servicing constraints, limited development is anticipated in these areas; they have been identified as nodes of existing development and are recognized for their historic



significance and as areas with the potential for smaller lot sizes than required elsewhere in the Township.

#### 4.3.2 Principles

The maintenance of the residential character and promotion of an efficient residential development pattern are basic principles for the Settlement Areas.

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No. 20

Community oriented institutional, commercial and retail establishments, which complement the residential character of the built up areas, will also be encouraged to locate within the Settlement Area designations.

The development of an efficient residential pattern is encouraged through residential intensification and infilling, although development that would require municipal water and sewer services will be considered premature.

Regardless of a property's identification in a settlement area, the Shoreline policies of this Plan shall apply to any lot with frontage on a shoreline located within an identified settlement area.

#### 4.3.3 Permitted Uses

- i) a single detached dwelling;
- ii) a semi-detached or duplex dwelling;
- iii) an apartment dwelling;
- iv) small scale commercial businesses including home occupations, home industries, and bed and breakfast establishments;
- v) community institutional, commercial and retail establishments;
- vi) tourist commercial and retail establishments;
- vii) recreational uses; and,
- viii) any use in connection with government utilities or departments.

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No. 21

Certain other uses may be appropriate on land in the Settlement Area designations, however, their potential for off-site impacts cannot be determined in advance and should be reviewed on a site-by-site basis. Uses such as four-plex dwellings, garden suites, institutional developments or small scale industrial operations will be allowed by site specific zoning amendment but will not require an amendment to this Plan so long as municipal water and sewer services would not be required and the general intent of the Plan is maintained.

#### 4.3.4 Development Policies

Settlement Area boundaries, as shown on Schedule A, are based on natural and man-made features and shall be considered general in nature.



If a development proposal is submitted which is largely within the boundaries of the Settlement Area, the boundaries shall be interpreted to include the whole of the development without requiring an amendment to this Plan.

Settlement Area lots should be of sufficient dimension and size to accommodate the use proposed, related structures, and on-site water and sewage disposal systems.

The minimum lot area shall be 0.2 hectare (0.5 acre) with a minimum frontage of 30 metres (100 feet) for the creation of new residential lots; minimum standards for commercial uses will be established in the Zoning By-law.

Growth should be encouraged in depth, rather than in linear strips along existing roads.

Consents may be permitted within a Settlement Area provided the proposed development intensifies or expands existing development and the lot is suitable for the use proposed. Where a consent is proposed in an area which has not previously been developed, it shall promote the orderly development of the area; a plan indicating potential future development patterns for the area may be requested.

Duplex dwellings, semi-detached dwellings and apartment dwellings that can be serviced with private on-site water and sewage disposal systems will be permitted in the Settlement Areas, provided servicing approval has been obtained from the appropriate authority(s). A Servicing Options Statement and/or hydrogeological study will be required prior to the development of 5 or more lots or dwelling units.

Commercial development includes uses which are economically dependent on or associated with vehicular traffic, uses that cater to the rural and/or local economy, and uses that cater to the tourist industry. Commercial uses should be encouraged to locate in the Settlement Areas in compact nodes, at major road intersections, and grouped in such a manner that the surrounding rural landscape and scenic views are retained. An adequate buffer shall be provided where a commercial use(s) abuts a residential use(s), to protect the amenities of the residential use. Access to commercial properties should be restricted in number and limited to safe locations; adequate off-street parking shall be provided.

Development of a scale which would require additional municipal services or change the character of the Settlement Area shall require an amendment to this Plan.

The installation of a municipal water supply and sewer system will not be considered for the life of this Plan, and will only be considered in a Settlement Area for reasons of public health and safety and when the

density of development is sufficient to economically permit the construction of such systems.

#### 4.4 Environmental Protection

##### 4.4.1 Identification

Lands designated Environmental Protection include property that is environmentally sensitive to development and areas where development may pose a risk to public health and safety. Areas designated for Environmental Protection include wetlands, flood plains, sites selected for resource conservation, natural heritage features, natural hazards and human-made hazards related to contaminated sites and mine hazards.

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##### 4.4.2 Principles

The preservation and enhancement of environmentally significant features and recognition of development constraints will be key to any development in areas identified for Environmental Protection.

##### 4.4.3 Permitted Uses

Uses generally permitted in the Environmental Protection designation exclude any new building or structure, but do include passive uses such as:

- i) wildlife management areas;
- ii) public parks or recreation trails;
- iii) conservation uses; and,
- iv) agricultural uses.

Peat harvesting may be allowed by a site specific zoning amendment but will not require an amendment to this Plan so long as the general intent of the Plan is maintained.

##### 4.4.4 Development Policies

Development on lands with environmental constraints will be limited in order to minimize risks to life, property damage, social disruption and adverse environmental impacts, as well as to minimize terrain alteration.

It will be a policy of this Plan to discourage the expansion of existing residential and commercial uses within the Environmental Protection areas.

Development may be permitted in the Environmental Protection area under limited circumstances if such development:





- i) cannot be located on another portion of the lot that is not within the Environmental protection area;
- ii) is essential in the location proposed;
- iii) is set back as far as possible from any watercourse, slope lands, hazard lands and/or environmentally significant features; and,
- iv) the Ministry of the Environment's guidelines for managing and reusing contaminated sites are complied with.

Although wetland areas in the Township requiring Environmental Protection have been delineated, existing wetland information is general in nature and has been presented on a large scale. Thus, development may be permitted in limited circumstances if the development proposal can be supported by evidence that the wetland area is not as extensive as current information suggests. Each development proposal must demonstrate, to the satisfaction of Council, that:

- i) the vegetation type and cover indicate that the property is not seasonally or permanently under water nor does it have a water table close to or at the surface;
- ii) the elevation of the development site varies significantly from the surrounding property;
- iii) the soil is stable;
- iv) the area being considered for development does not contain any slopes over 20%; and
- v) the nature and scale of the proposed development will not have a negative impact on existing drainage patterns, nor on fish and wildlife that may be present.

#### 4.4.4.1 Flood Plain

The Township recognizes the importance of effective flood plain management in order to prevent loss of life, property damage, and social disruption in the event of a regulatory flood. The regulatory flood elevation (flood plain) is based on the higher of the 1:100 year flood and the level of flooding that would occur under a storm modeled on the Timmins (1961) storm. Development will be directed to areas outside of lands recognized as flood plains.

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No. 24

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No. 25

New development and site alteration (including buildings, structures, removal or placing of fill) will be prohibited in all flood plains, except for minor expansions of existing non-conforming uses (such as a deck), structures necessary for flood or erosion control or development that, by its nature, is required to be located adjacent to water.



Any development proposed adjacent to a floodplain will require a study by a qualified specialist, to be conducted at the expense of the developer, to definitively determine the elevation and extent of the flood plain before approval for the development will be considered.

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No. 26

The regulatory flood levels include Doe Lake, at 296.91 metres GCD (including a 1.0m wave uprush in storm events).

There is currently no engineered flood plain information available for the Township. Until such information is developed and incorporated into the Environmental Protection policies, marginal refinements to flood plain boundaries may be made without an amendment to the Official Plan, provided they are in keeping with the original intent of the Environmental Protection policies.

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No. 27

New lots may be created by consent or plan of subdivision along a flood plain boundary where there is adequate development area outside the flood plain in each proposed lot and where there would be safe access during times of flooding.

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The Zoning By-law implementing this policy will zone flood plains in a separate restrictive land use category.

#### 4.4.4.2 Peat Harvesting

The impact of peat harvesting on the environment shall be evaluated prior to harvesting being permitted, and the harvesting of peat deposits shall be controlled. The harvesting of peat will be prohibited in wetlands identified as Provincially Significant.

### 4.5 Areas of Natural and Scientific Interest

#### 4.5.1 Identification

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No. 28

The areas around Axe Lake contain provincially significant vegetation and other natural features, and are shown as an ANSI or Environmental Protection (EP) designation on Schedule A.

#### 4.5.2 Principles

The vegetation in the vicinity of Axe Lake is of coastal plain origin, which is rare in Ontario. For this reason, the Axe Lake ANSI requires full protection of its natural features.

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#### 4.5.3 Permitted Uses

Uses permitted in an ANSI or other significant natural feature are limited to:

- i) conservation uses; and,
- ii) sustainable forestry uses.

#### 4.5.4 Development Policies

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It is the policy of this Plan to encourage the protection of the area in and around Axe Lake as an area of Provincial significance.

Development shall be managed in order to protect the natural features of the area.

Development and site alterations may be permitted in or on adjacent lands to the Axe Lake ANSI if it has been demonstrated through appropriate studies that there will be no negative impacts on the natural features or ecological functions for which the area is identified.

The creation of any new lot in an ANSI shall not be permitted.

### Section 5 NATURAL FEATURES POLICIES

#### 5.1 Identification

The areas affected by this section of the Plan are lands where constraints to development and/or significant natural features that require protection are found, and include:

- i) wetlands;
- ii) hazardous slopes;
- iii) fish habitat;
- iv) deer wintering yards;
- v) significant forests;
- vi) habitat of endangered and threatened species;
- vii) potential mineral aggregate resources;
- viii) Crown land conservation reserves; and
- ix) other significant wildlife habitat, including habitats of species of special concern and habitats of species of conservation concern (including significant flora).

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No. 32

Where sufficient information exists, these elements have been indicated on Schedule B, which is intended to supplement Schedule A. The location of these features is general in nature and may change from time to time as



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additional information become available. Some features, such as steep slopes and fish habitat, will require confirmation on a site-by-site basis.

## 5.2 Principles

Environmental protection and resource management are important to the future of the Township. The Township must manage its resources to retain its undeveloped appearance and natural qualities while at the same time encourage development and growth of employment opportunities.

Development and site alteration should be directed away from areas that may contain significant natural features, environmental constraints and/or other hazards. It is not intended that all areas identified as Natural Areas would necessarily be excluded from development with the exception of habitat of endangered and threatened species, rather that the protection and enhancement of natural features and public safety be primary considerations for any development proposal on or near these lands.

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## 5.3 Development Policies

Development on land identified as containing a Natural Feature(s) will be accomplished in such a way as to protect the environment while preventing hazardous conditions from developing.

In cases where the impact of a development proposal cannot be sufficiently mitigated, uses may be limited to conservation and hazard protection.

Development may occur on lands identified as Natural Features where the Township and other appropriate agencies are satisfied that such development will not cause the deterioration of the environment nor create a hazard, or where potential obstacles can be overcome in a manner consistent with accepted engineering practices and resource management techniques.

It is intended that site plan control, subdivision agreement, Zoning, and other By-laws will establish further requirements for development in areas identified as containing Natural Features.

### 5.3.1 Wetlands

Wetlands mean land that is seasonally or permanently covered by shallow water, as well as land where the water table is close to or at the surface, including swamps, bogs, marshes and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition. Limited and compatible development may be permitted adjacent to wetlands where the integrity of the wetland can be preserved,

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however, wetlands should not be viewed as development impediments to be overcome by filling and alteration but rather must be preserved for their values and benefits. Where development or site alteration is proposed in or within 120 metres of a Provincially Significant Wetland, the Township will require a study by a qualified wetland specialist to demonstrate that there will be no negative impacts on the natural features or on the ecological functions of the Provincially Significant Wetland. The costs of such study are to be borne by the applicant and completed prior to approval. It is the intent of the Township that when new areas are evaluated and confirmed as Provincially Significant Wetlands, they will be subject to these policies.

Although wetland areas in the Township requiring Environmental Protection have been delineated, existing wetland information is general in nature and has been presented on a large scale. Thus, development may be permitted in limited circumstances if the development proposal can be supported by evidence that the wetland area is not as extensive as current information suggests. Each development proposal must demonstrate, to the satisfaction of Council, that:

- i) the vegetation type and cover indicate that the property is not seasonally or permanently covered by shallow water nor does it have a water table close to or at the surface;
- ii) the elevation of the development site varies significantly from the surrounding property;
- iii) the soil is stable;
- iv) the area considered for development does not contain slopes over 20%; and,
- v) the nature and scale of the proposed development will not have a negative impact on existing drainage patterns, nor on fish and wildlife that may be present.

### 5.3.2 Hazardous Slopes

Development will be set back from areas exhibiting slopes greater than 20% and/or active erosion. The setback distance will be determined on-site, in consultation with an engineer, whose fees will be borne by the applicant. A reduction of the setback distance will be considered only when accompanied by a geotechnical investigation prepared by a soils expert, to the satisfaction of the Township.

Development of lands containing slopes in the 10% to 20% range will only be considered when accompanied by an engineers report containing site specific recommendations for development.

### 5.3.3 Fish Habitat

Fish habitat is recognized as a valuable resource in the Township from

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recreation, economic, environmental and aesthetic perspectives. Development and site alteration will only be permitted in fish habitat areas if it has been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which the area has been identified.

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No. 36

Proposals for the development of lands in or adjacent to fish habitat will require an impact assessment that will consider the effect that the proposal will have on fish habitat, and methods by which negative impacts on the habitat can be eliminated or minimized. Council shall discourage development where it cannot be demonstrated that the

anticipated negative environmental impacts can be eliminated or sufficiently minimized.

Notwithstanding any applicable flood proofing or floodplain elevations, all new waterfront buildings or structures, except docks, boathouses or those intended for flood or erosion control, shall be setback 30 lineal metres measures horizontally from the water's edge.

Setbacks may be decreased by means of a Zoning amendment without an amendment to this Plan subject to submission of an environmental impact report and approval of the Department of Fisheries and Oceans.

#### 5.3.4 Deer Wintering Yards

It is the intent of the Plan to protect areas identified as winter deer habitat. Proposals for the development of lands within or adjacent to a deer yard will be reviewed on a site specific basis.

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New lot creation in deer wintering areas will only occur if each new lot has a minimum lot size of 90 metres of frontage and 90 metres of depth. Where deer wintering habitat is restricted to a narrow fringe along the lakeshore, a minimum of 120 metres of frontage will be required for new shoreline lots. Alternate lot sizes may be appropriate if an evaluation prepared by a qualified specialist indicates that winter deer habitat does not exist on the site or that the proposed lot sizes will not adversely impact the deer habitat, with the costs of such evaluation to be borne by the applicant. In deer wintering areas, the removal of vegetation should be minimized. Wildlife habitat assessment may be required to properly locate new development and site alteration (buildings, driveways) to ensure that no negative impacts occur.

An impact assessment may be required to be prepared by the applicant to determine if the proposal will result in an adverse impact on the deer population. Upon completion of said assessment, special provisions such as larger lot sizes, increased frontages, restrictions on the removal of vegetation and/or reduced building envelopes may be considered and



implemented through site plan control.

### 5.3.5 Significant Forests

Forest management will be encouraged on both public and private lands in order to assist forest based industry in the Township. The restoration of forest cover, on stream and riverbanks and along lakeshores, will be encouraged.

### 5.3.6 Habitat of Endangered and Threatened Species

Council recognizes the importance and value of the endangered and threatened species in the municipality and supports their protection. In the Township, there is habitat of endangered and threatened species. New development will not be permitted in the significant portions of such habitat, and development shall only be considered in portions of the habitat not considered significant after a site assessment (including an up to date inventory of current habitat conditions) has been completed and mitigation measures, where appropriate, have been indicated.

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### 5.3.7 Potential Mineral Aggregate Resources

Potential mineral aggregate resource areas are lands that have been identified as having deposits of aggregates with potential for extraction. It is the Township's policy to encourage the protection of these resources to ensure that an adequate supply of mineral aggregates is available to meet future local and regional needs.

### 5.3.8 Crown Land Conservation Reserves

The Bear Lake Peatland Conservation Reserve is located north of the Bear Lake Settlement Area and west of the Sprucedale Settlement Area. The site consists of approximately 4050 hectares (10,000 acres) of Crown land located mainly within the geographic townships of Monteith and Spence, with small portions in McMurrich and Ryerson townships.

The Reserve is an extensive peat land and bog habitat. It is a Provincially significant wetland that includes areas of treeless bogs similar to those found in Ontario's far north. The Reserve also contains a variety of significant plants and birds, and provides excellent moose habitat.

This Plan recognizes the importance of the Bear Lake Peatland Conservation Reserve and encourages the protection of this area.

The Monteith Forest Conservation Reserve and Axe Lake Wetland Conservation Reserve are also recognized by this Plan.

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## **Section 6 IMPLEMENTATION & INTERPRETATION**

### **6.1 Interpretation of Numbers and Boundaries**

Numbers in the Plan should not be interpreted as absolute and rigid. Plan requirements are provided in metric, and imperial conversions have been included for information purposes only. Minor variations from them will be tolerated provided the intent and purpose of the Plan are maintained.

The boundaries between land uses designated on Schedule “A” are approximate except where they coincide with major roads, rivers, transmission lines or other clearly defined features.

Similarly, the location of the Natural Features indicated on Schedules B1 and B2 are approximate and supplement the information shown on Schedule A.

Where the general intent of the Plan is maintained, minor adjustments to boundaries will not require amendment to this Plan.

### **6.2 Existing Land Uses**

Certain uses of land that do not conform with the specific policies of this Plan may be zoned specifically in accordance with their present use and performance standards, provided:

- i) the zoning will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;
- ii) the uses are located outside the flood way portion of a river or stream system’s flood plain;
- iii) the uses do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic they generate;
- iv) the uses do not pollute air or water to the extent of interfering with the ordinary enjoyment of property; and,
- v) the uses do not interfere with the desirable development or enjoyment of the adjacent area.

Any land use existing at the date of the approval of the Zoning By-law that does not conform with the land use designations shown on the Schedules to this Plan, should cease to exist in the long term. In special instances, however, it may be desirable to permit the extension or enlargement of such non-conforming use in order to prevent unnecessary hardship. Such extensions or enlargements will require the approval of the Committee of Adjustment under Section 45 of the Planning Act.





Any land use which is illegal under the existing approved By-laws of the Township does not become legal by virtue of the adoption of this Plan.

### 6.3 Existing Development Applications

The policies contained in this Plan will not apply to complete applications for subdivision, consent or zoning that predate the adoption date of this document. However, the applications must be in compliance with current Township standards for land use development, and should maintain the general intent and purpose of the Official Plan as far as possible.

### 6.4 Deeming

Council may deem any Plan of subdivision, or part thereof, that has been registered for eight years or more, not to be a registered Plan of subdivision pursuant to Section 50 of the Planning Act, where the lots cannot meet minimal standards for construction purposes.

### 6.5 Studies

Reports and studies which may be requested as part of the review of a development application requiring an amendment to this Plan, an amendment to the Zoning By-law or a plan of subdivision; may include:

- i) need/demand analysis
- ii) stormwater management plan
- iii) site evaluation report
- iv) archaeological assessment
- v) environmental impact report
- vi) traffic impact study
- vii) hydrogeological report
- viii) noise report
- ix) gas migration report
- x) servicing options report
- xi) fisheries habitat impact assessment
- xii) wetland impact assessment
- xiii) wildlife habitat impact assessment
- xiv) water quality assessment
- xv) biological carrying capacity (lake) report
- xvi) recreational carrying capacity (lake) report
- xvii) soils analysis
- xviii) constraints/opportunities mapping

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All required technical reports or studies shall be completed by a specialist qualified in the particular field being investigated. Professional services and studies required for the review of any development application will be provided at the expense of the applicant, and will be provided in such a



manner as to allow Council to make an appropriate decision or recommendation in regard to any application.

## 6.6 Official Plan Amendments and Review

### 6.6.1 Amendments

While the Plan is intended to provide direction for development, there is recognition that an Official Plan cannot anticipate all forms of development that may be appropriate and desirable in the Township. As such, amendments to the Official Plan may be initiated by the Township at any time, to ensure that the Plan remains current and relevant.

Requests for site specific changes to the Official Plan may be considered by Council upon application, and will be evaluated on the basis of the following criteria:

- i) Regard to the principles and policies of the Provincial Policy Statement;
- ii) conformity with the overall intent, goals, objectives and policies of the Official Plan;
- iii) suitability of the site for the proposed land use;
- iv) compatibility of the proposed land use with surrounding uses;
- v) the need for and feasibility of the use, where considered appropriate;
- vi) the impact of the proposal on Municipal services/infrastructure; and,
- vii) the economic benefits and financial implications to the Township.

### 6.6.2 Review

The Official Plan is not a static document and shall be amended periodically to reflect changing conditions and to serve the overall public interest.

Council will review the need for changes to the Official Plan at least every five years as dictated by the Planning Act. The five year review will consist of an assessment of:

- i) the relevance of the goals and objectives that form the foundation of this Plan;
- ii) the extent to which the anticipated development pressures have occurred;
- iii) the suitability of the policies applicable to the various land use designations; and,
- iv) the need for revised or new policy initiatives.



## 6.7 Zoning

### 6.7.1 Zoning By-law

Council will enact a Zoning By-law to zone land in compliance with the provisions contained in this Plan, and to establish criteria to control the use of land and the character, location and use of buildings and structures.

### 6.7.2 Temporary Use By-laws

Council may pass Temporary Use Zoning By-laws permitting temporary housing, accommodation facilities, tourist uses and facilities, parking lots, events, industrial uses related to the resource base of the area, and other similar uses. Such a use may not conform to the Comprehensive Zoning By-law but may be appropriate for the use of the property for a set period of time.

The temporary use may be authorized for the time periods provided in the Planning Act. At the expiry of the time frame, provided the temporary use has not been extended by By-law, the use must cease.

In considering a temporary use, the following criteria apply:

- i) the proposed use is of a temporary nature that can cease without undue hardship;
- ii) the use is compatible with the surrounding area;
- iii) the use conforms with the overall intent, goals, objectives and policies of the Official Plan;
- iv) the use does not require the expansion of municipal services; and,
- v) the site is suitable for the use and will not have any adverse impacts on surrounding properties.

### 6.7.3 Holding By-laws

The Planning Act provides for the use of a Holding symbol (H) in conjunction with any land use zone found within the Zoning By-law.

Holding By-laws shall be implemented by use of the symbol "H" in conjunction with the land use zones of the Zoning By-law, and may include provisions for interim permitted uses such as existing uses and minor extensions thereto and other uses which are deemed compatible with surrounding land uses and will not adversely affect the future development potential of the land.



The purpose of the Holding zone is to:

- i) prevent or limit the use of land in order to achieve orderly development;
- ii) to ensure that any required studies have been completed;
- iii) to allow for the implementation of special design features; and,
- iv) to allow for the entering into of a site plan agreement, where this is a requirement of the development process.

Generally, the Holding symbol should be applied to vacant land which may eventually be developed, but which is now considered to be premature or inappropriate for immediate development or redevelopment, or may not have adequate infrastructure currently available.

Application to remove the Holding (H) symbol will be considered in accordance with the provisions of the Planning Act, and will include confirmation that the proposed development is no longer premature or inappropriate.

## 6.8 Alternative Notice Requirements

### 6.8.1 Official Plan Amendments

Council may provide, by resolution, that the setting of a public meeting date and the giving of notice thereof may be delegated to a Committee of Council or an appointed official.

Where Council proposes to convene subsequent public meeting(s) pursuant to Section 17(15) of the Planning Act, as amended, such meeting(s) shall be held not sooner than 10 days after compliance with the requirements for the giving of notice.

Where it is found necessary to make a technical amendment to the Plan which does not change the effect of the Plan, such as correcting clerical, grammatical or typographical errors or the numbering of provisions, Council may forego the public meeting required pursuant to Section 17(15) of the Planning Act, as amended.

### 6.8.2 Zoning By-law Amendments

Council may provide, by resolution, that the setting of a public meeting date and the giving of notice thereof may be delegated to a Committee of Council or an appointed official.



Where Council proposes to convene a subsequent public meeting or meetings pursuant to Section 34 (12), of the Planning Act, as amended, such meetings shall be held not sooner than 10 days after compliance with the requirements for the giving of notice.

Where it is found necessary to make a technical amendment to a by-law, such as correcting clerical, grammatical or typographical errors or the numbering of provisions, Council may forego the public meeting required pursuant to Section 34(12) of the Planning Act, as amended.

## 6.9 Lot Creation

The preferred method of land division in the Township will be by means of consent.

### 6.9.1 Consent

In addition to specific land use policies, the following criteria shall be applied to the creation of lots by consent:

- i) Council shall establish that a plan of subdivision is not required for the proper and orderly development of the land;
- ii) conformity with the overall intent, goals, objectives and policies of the Official Plan;
- iii) the lot should be reasonably well proportioned, of regular shape and dimension, and must be of sufficient size and configuration to be serviced by private on-site water and sewage disposal systems;
- iv) the lot must front on an existing year round publicly maintained Township road, except as otherwise permitted in the Shoreline designation;
- v) the lot shall not create a traffic hazard to sight lines, curves, or grades of existing development, as set out in accepted traffic engineering standards; and,
- vi) the lot shall meet Minimum Distance Separation requirements, as established in the Zoning By-law.

Exceptions to minimum lot size and access requirements may be considered by the Township where more than one primary, free standing, substantive and structurally sound building legally exists, subject to the general intent and policies of the plan being satisfied.

Severances will not be considered where the creation of a new lot may:



- i) be subject to the danger of flooding, erosion, steep slopes, high water tables or other physical hazard;
- ii) have a negative impact on natural features and environmentally sensitive areas of surrounding lands; or,
- iii) be in proximity to extractive industrial operations or areas identified as having aggregate resources.

Consent applications may be considered to:

- i) correct lot boundaries; or,
- ii) 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 irregularly shaped lot.

Any application for consent to sever for commercial or industrial purposes must also be accompanied by a storm water management report, prepared by a qualified professional to the satisfaction of the Township.

#### 6.9.2 Subdivision Development

The following apply to any proposal for the creation of 5 (five) or more lots:

- i) all applications must be accompanied by a hydrogeology report (which demonstrates that the water quality of the subject and surrounding properties will not be adversely affected and that the impact from the proposed sewage disposal systems will be acceptable), a servicing options report as stipulated in MOEE's D-5-3 Guideline, and a storm water management report (prepared by a qualified professional to the satisfaction of the Township);
- ii) an aquifer evaluation report will be required to confirm that a suitable water supply can be obtained for each proposed lot;
- iii) approval from the appropriate road authority for access to the development, and confirmation of road allowance widenings and reserves will be required at the time of application; and,
- iv) all areas of environmental constraint and significance, including but not limited to those indicated on Schedule B, shall be investigated and reported on by a qualified professional, the results and recommendations of which shall be implemented through conditions of draft plan approval.

#### 6.10 Site Plan Control

All areas of the Township are designated as Site Plan Control areas under the provisions of the Planning Act. All uses in the Township may fall under Site Plan Control.



Site Plan Control shall be utilized by the Township to ensure:

- i) safe, orderly and functional development;
- ii) safe and efficient vehicular and pedestrian access;
- iii) land use compatibility between new and existing development;
- iv) the provision of functional and appealing on-site amenities and facilities such as landscaping, fencing and lighting;
- v) the provision and appropriate placement of required services such as driveways, parking, loading facilities and garbage storage;
- vi) the provision of easements or grading and site alterations necessary for public utilities and site drainage; and,
- vii) the proposed development is built and maintained as approved.

As part of the Site Plan Control process, the dedication (free of all charge and encumbrance to the appropriate authority) for the following road improvements may be required:

- i) Land for a widening of the road allowance to Municipal standards. Any road widening obtained under this policy must be taken equally on both sides of the centre line of the existing traveled surface of the road. In circumstances where a road widening must be taken unequally, or in its entirety from one side of the road, only one-half will be taken through Site Plan Control.
- ii) A dedication for sight triangles and turning lanes at the intersection of public roads, to meet engineering standards as described in the Site Plan Control By-law, may be required to meet applicable Municipal standards where such dedication would extend beyond the road allowance widths stated above.
- iii) A dedication may be required for an area necessary to construct grade improvements or separations where the proposed development requires such improvements respecting traffic volume or hazards to the road onto which the proposed development abuts or is immediately adjacent to, which extends beyond the road allowance widths as stated above. Such dedication may only be required to the extent that the dedication meets applicable Municipal standards.

#### 6.11 Parkland Dedication

In considering land division, the Township may require the applicant to dedicate a portion of the gross area being developed for the provision of public open space other than roads.

Parkland dedication requirements will be established in a Municipal By-law, for lands not developed at the time of passage of this Plan.



## 6.12 Property Standards

The Township will encourage the participation of its citizens in achieving long range objectives of improving the quality, appearance and livability of existing residential development.

The Township may consider adopting a Maintenance or Occupancy By-law to prescribe requirements for such items as garbage disposal, building safety, and yard maintenance, to assist in implementing the policies of this Plan.

## Section 7 SCHEDULES

Schedule A – Land Use Designation: See Attached

Schedule B1– Natural Features: See Attached

Schedule B2– Natural Features: See Attached

Larger scale versions of these schedules can be viewed at the Municipal offices

