

# OFFICIAL PLAN FOR THE MUNICIPALITY OF MAGNETAWAN



Prepared by



Revised with Ministry Comments June 27, 2012  
Final Modifications  
Adopted by Council July 11, 2012

MINISTERS APPROVAL

OFFICIAL PLAN  
FOR THE  
MUNICIPALITY OF MAGNETAWAN

The Official Plan for the Municipality of Magnetawan which was adopted by the Council of the Corporation of the Municipality of Magnetawan, on the 11th day of July 2012, by By-law No. 2012-16 is hereby approved in accordance with Section 17 of The Planning Act, R.S.O., 1990, c.P.13, as amended, as the Official Plan for the Municipality of Magnetawan.

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DATE

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THE CORPORATION  
OF THE  
MUNICIPALITY OF MAGNETAWAN  
BY-LAW NO. 2012-16

The Council of the Corporation of the Municipality of Magnetawan in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P.13, as amended, hereby ENACTS as follows:

1. THAT the Official Plan for the Municipality of Magnetawan, being the attached text and Schedules "A1", "A2", "A3", "B" and "C" are hereby adopted.
2. THAT the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of the aforementioned Official Plan for the Municipality of Magnetawan and to provide such information as required by Section 17 (7) of The Planning Act, R.S.O., 1990, c.P.13, as amended.
3. This By-law shall rescind the current Official Plan (2002) upon final approval of this Official Plan by the Minister.

Enacted and passed this 11<sup>th</sup> day of July, 2012.

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MAYOR

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CLERK (SEAL)

Certified that the above is a true copy of By-law No. 2012-16 as enacted and passed by the Council to the Corporation of the Municipality of Magnetawan on the 11<sup>th</sup> day of July, 2012.

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CLERK

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## 1.0 INTRODUCTION

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### 1.1 INTENT OF THE PLAN

This Official Plan is intended to form the foundation for decisions that are to be made by Council, members of the public and government agencies with respect to future land use in the Municipality of Magnetawan. The guidelines contained in this Plan are intended to assist Council in the decision making process while providing members of the public with a sense of assurance as to the future development of their lands and the lands around them.

The basic intent of this Plan is to guide future development to areas where it is most suited and to protect the physical and natural resources of the Municipality in order to allow for their continued use and enjoyment.

### 1.2 STRUCTURE OF THE PLAN

This Plan contains four distinct levels of policies. They are as follows:

#### **The Basis**

The Basis describes the primary facts and issues that were considered when the Plan was prepared. This section is included in the Plan to provide an understanding of the circumstances that the policies in the Plan are intended to address.

#### **Objectives**

The Objectives of the Plan form the foundation for the more detailed land use policies provided for each designation in Section 5. The Objectives describe, in very general terms, what the Municipality intends to accomplish as the result of its planning program over the lifetime of this Plan. Where uncertainty exists as to the intent of specific policies in the Plan, reference should be made to the Objectives.

#### **General Development Policies**

The General Development Policies act as the primary guidelines to be used in considering all development proposals and public works projects. This section of the Plan establishes criteria or tests, which must be

considered prior to the Municipality or the Planning Board approving any development proposal. The criteria relate to environmental, cultural and physical features in the Municipality. Schedule B to the Official Plan illustrates the lands where specific policies (for example wetlands or significant habitat) may apply.

### **Land Use Designations**

Schedule A, the land use map, sets out a number of land use designations in the Municipality. The designations on Schedule A relate specifically to corresponding policies in Section 5 of the Plan. The policies establish the form of development that may occur on lands and lands to be protected from development within different parts of the Municipality according to the land use designations on Schedule A.

### **Implementation**

The Implementation section describes the actions that will be taken to put the policies of this Plan into effect. It outlines how the planning process in the Municipality will work and what forms of regulation may be used to ensure that development occurs in a manner consistent with the policies of the Plan.



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## 2.0 BASIS OF THE PLAN

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**This section of the Plan identifies the primary factors that have been considered during the preparation of the Plan. Should any of these factors change this Plan should be reviewed to determine whether major policy or land use designation changes are warranted.**

**2.1** The first Official Plan for the Municipality of Magnetawan was adopted by Council in July 2003 and was approved by the Minister of Municipal Affairs and Housing in June 2005. It replaced the former Township of Chapman Official Plan and also covers the former Village of Magnetawan, the former Township of Croft and the former Township of Spence. This Plan is an update of Magnetawan's first Official Plan and contains many of the original policies that have guided development in the Municipality since that time.

**2.2** This Plan has been based in part on data collected in detailed background studies of the Municipality of Magnetawan. Sources of this information include, Provincial Ministries, Statistics Canada, existing municipal information and on-site review of land use and physical conditions. As the conditions and information on which this Plan has been formulated change, there will need to be changes to the policies contained in the Plan. The Plan will therefore be reviewed every five years or earlier should economic, social or environmental conditions dictate. It is intended that the life of this plan is 20 years, covering the years from 2011 to 2031.

This Plan is also based, in part, on a series of public consultation meetings and workshops that started in August 2010 and concluded in October 2011. Public sessions were held at strategic times to enable consultation with the significant seasonal population.

**2.3** The permanent population of the Municipality is projected to remain relatively constant over the life of this Plan. It is anticipated that residential growth including recreational as well as resident and non-resident housing will occur at about 20 units per year. This development will be evenly divided between resident and non-resident dwellings.

**2.4** The Municipality of Magnetawan is experiencing development pressures primarily in the form of shoreline development and to a lesser extent, for rural residential development along municipal roads. Council wishes to

guide residential development to ensure that development does not result in an undue financial burden to the Municipality or adverse environmental effects.

- 2.5** There is little industrial development in the Municipality. Commercial development, which has been previously established along the shorelines of lakes in the Municipality, has not significantly increased in recent years. In an effort to improve employment conditions and the economic situation of the residents as well as broaden the municipal assessment base, Council wishes to encourage new industrial and commercial development provided that it is compatible with the environment and surrounding land uses. Much of this development is likely to occur in the form of home-based business, agricultural and tourist operations.
- 2.6** There are significant areas of the Municipality of Magnetawan, which contain non-renewable resources such as aggregates and peat. These resources as well as existing aggregate operations shall be protected so that they will continue to be available for future use.
- 2.7** There are significant areas in the Municipality that are environmentally sensitive and need to be protected from incompatible land uses and activities. As the identification of environmentally sensitive areas improves, the most current mapping available will be incorporated into this Plan by Official Plan Amendment.
- 2.8** In preparing this Plan, regard has been had for the Provincial Policy Statement (2005) of the Province of Ontario (PPS). This Plan does not replicate the wording of that document. However, it is consistent with and implements the policies of the PPS as they relate to the Municipality of Magnetawan.
- 2.9** Historically much of the development in the Municipality has been comprised of seasonal residential and commercial development along the shorelines of the larger lakes. There is a recognized need to maintain the environmental quality of these lakes when considering new development. There is an increasing need to assess the cumulative impact of this development throughout the Magnetawan River System as well as other water bodies throughout the municipality.
- 2.10** There are significant areas in the Municipality that are being used for agricultural purposes. The protection of ongoing agricultural operations is important to the economy of the area and the well being of its residents.

- 2.11** New public works within the Municipality will be guided by the policies of this Plan and will be planned and implemented, where applicable, in accordance with Municipal Class Environmental Assessment under the Environmental Assessment Act. It is not Council's intent to provide a significantly broader range of services than what are presently being provided by the Municipality at the present time. Development in the urban areas of Magnetawan Village and Ahmic Harbour will occur at a density that will preclude the need to develop a municipal sewage treatment or water supply system. Development in the urban areas of Magnetawan Village and Ahmic Harbour will continue to occur on private water and sewage services at a sustainable density, which will support them.
- 2.12** In order to prevent loss of life, property damage and social disruption, new development will not be permitted where it would be subject to erosion hazards and/or the regulatory flood or where it would result in increased flood-related hazards on other properties.

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### 3.0 OBJECTIVES

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**This Section of the Plan establishes the fundamental policies that will guide future development in the Municipality of Magnetawan. The policies and land use designations contained in the Plan are based on achieving these objectives. In the event that clarification of the intent of the policies in this Plan is required, these Objectives shall be considered.**

The Objectives of this Plan are as follows:

- 1) To maintain or enhance the natural environment in the Municipality as an ecosystem comprised of many related components and linkages between these areas
- 2) To encourage economic development and provide opportunities for economic growth and diversification in a manner that fosters a positive business environment in the Municipality and that is compatible with the character and environment of the Municipality.
- 3) To provide opportunities for growth in the settlement areas of Magnetawan and Ahmic Harbour that will strengthen the function of the settlement areas as complete communities.
- 4) To control the density and intensity of development on the lakes in the Municipality in order to protect the natural features and visual qualities of the shoreline and to ensure development on the lake does not exceed the biological or recreational capacity of any water body.
- 5) To ensure that natural resource activities, including forestry, mineral exploration, aggregate extraction, hunting and fishing and other recreational activities can continue in a manner that is sustainable and to protect the quality and quantity of surface and ground water resources.
- 6) To avoid land use conflicts and premature development that may limit appropriate and desirable development in the future.

- 7) To protect agricultural uses and ensure that non-agricultural uses that may have an adverse impact on existing farm operations are not permitted.
- 8) To support the reclamation of former agricultural land and encourage sustainable agricultural activities and promote value added agricultural products and local consumption of those products
- 9) To recognize, conserve and enhance the cultural heritage resources of the Municipality, which include archaeological resources, built heritage resources and cultural heritage landscapes, as an important element in preserving the character of the Municipality.
- 10) To establish a level of service in the Municipality that recognizes the limited financial resources of the Municipality and the seasonal nature of many of its residents.
- 11) To prevent loss of life, property damage and social disruption by preventing development in floodplains and erosion hazard areas.

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## 4.0 GENERAL DEVELOPMENT POLICIES

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**These policies apply to all development in the Municipality. When considering proposals for development, Official Plan Amendments, Zoning By-law Amendments, Consents, Subdivision or any other form of development requiring approval, the following policies will, where applicable, be considered.**

### 4.1 LAND USE COMPATIBILITY

Whenever a change in land use is proposed, consideration shall be given to the effect of the proposed use on existing land uses and features. Where there are potential compatibility concerns, Council will assess the proposal for consistency with the Provincial Policy Statement and Provincial Guidelines, including the Ministry of Environment D Series Guidelines. Consideration shall be given to the extent to which increased setbacks and other zoning regulations and/or site plan requirements can reduce the potential impacts where applicable.

### 4.2 HAZARDOUS LANDS

Hazardous lands shall not be developed unless it can be demonstrated to the satisfaction of the Municipality and/or the approval authority, and in accordance with the Provincial guidelines, that the hazard or contamination no longer exists or that development can occur without potential threat to life, property or the environment. Studies may be required to be completed by qualified professionals to ensure the appropriateness for development.

#### 4.2.1 Stability Hazards

Lands that have steep slopes, are prone to flooding, have erosion susceptibility or contain organic soils are all considered to be hazardous lands. The various types of hazardous lands listed above are also mapped in the Schedules forming part of this Plan. Other hazardous lands include lands where contaminants may have been spilled or placed and filled lands.

#### **4.2.2 Flood Hazards**

In the case of flood plains, a study by a qualified hydrological engineer to determine potential impact of new development on the flood elevation and flow velocities shall be required.

Specifically for lakes like Ahmic and Cecebe the floodplain is defined by the following elevations:

Lake Cecebe    284.67 CGD

Ahmic Lake    281.97 CGD

The Municipality will not support the placement or removal of fill below such elevations unless a site-specific report by a qualified engineer has demonstrated to Council's satisfaction that there will not be significant impacts on up-stream or down-stream lands.

The implementing Zoning By-law will identify specific floodplain elevations in the Municipality through comprehensive mapping where this information is available. In addition, conditions may be placed on the creation of new lots requiring site-specific zones to provide elevations and setbacks to ensure adequate flood protection utilizing a one-zone floodway in which no new development shall be permitted.

#### **4.2.3 Mine Hazards**

For mine hazards, site evaluations by a qualified geotechnical professional must be completed.

#### **4.2.4 Brownfields**

Prior to any development approval on lands known to be contaminated, a Phase I, and if necessary, a Phase II Environmental Site Assessment shall be completed and a record of site condition must be obtained.

Where applications for the development or redevelopment of sites that are identified as being contaminated or potentially contaminated have been submitted, approval or condition of final approval will require the proponent to file a Record of Site Condition on the Environmental Site Registry to show that the site has been assessed and if necessary, remediated in accordance with the requirements of Ontario Regulation 153.04 such that the site is suitable for the intended future use. Mandatory filing of a Record of Site Condition on the Registry is required

for any change to a more sensitive land use such as a change of use from industrial to residential or parkland.

### **4.3 SURFACE WATER QUALITY**

Preservation of water quality is a significant consideration in reviewing any development proposal adjacent to a watercourse or lake. Septic systems shall be located at least 30 metres from a watercourse or waterbody, and in the case of lakes at or near capacity, including Horn Lake, lot creation and land uses changes which would result in a more intensive use will not be permitted except under one of the following special circumstances:

- 1) to separate existing habitable dwellings, each of which is on a lot that is capable of supporting a class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorus loading to the lake;
- 2) where all new tile fields would be located such that they would drain into a drainage basin which is not at capacity;
- 3) where all new tile fields would be set back at least 300 metres from the shoreline of lakes, or such that drainage from the tile fields would flow at least 300 metres to the lake; and,
- 4) where the proposed site can meet the additional site-specific soils criteria in the Lake Capacity Assessment Handbook and where certain municipal planning tools and agreements are in place such as a Development Permit System under the Planning Act, and/or site plan control under the Planning Act, and site alteration and tree-cutting by-laws under the Municipal Act to implement those criteria.
- 5) There is an additional criterion accepted by MOE for situations where there are deep soils native to the site (undisturbed and over 3m depth), meeting a specified chemical composition and hydrologic condition. This approach requires site-specific soils investigations by a qualified professional and, if meeting the criteria, would require long-term monitoring and use of planning tools that would ensure long-term maintenance of specified conditions. The MNR and MOE will be consulted if this criterion is considered for Horn Lake.

As a condition of development approval, a natural shoreline vegetation buffer shall be preserved within at least 20 metres of all water courses and



water bodies wherever possible except for the removal of hazardous trees and a narrow area to allow a pathway to the shoreline. Council may require a wider buffer depending on site-specific conditions and the sensitivity of the adjacent natural heritage features.

Where development would result in a significant increase in storm water run-off, the Municipality shall require the proponent to complete storm water management works that will ensure that off-site surface water quality and quantity is not adversely impacted by the development. Direct outfalls to surface waters should be avoided and wherever possible developments shall utilize infiltration as a method for storm water management.

#### **4.4 NATURAL HERITAGE AND RESOURCE MANAGEMENT**

Natural heritage features will be protected in the Municipality consistent with the Provincial Policy Statement to provide long term and sustainable environmental, economic and social benefits. This goal will be achieved by:

- a) Identifying a continuous natural heritage system throughout the Municipality. This system will provide for preservation of important ecological functions and features;
- b) Protecting groundwater resources, as they are a vital component of the ecosystem and a source of drinking water. Land use related decisions of Council will maintain and enhance surface and groundwater resources in sufficient quality and quantity to meet existing and future uses on a sustainable basis, promote water conservation and support the efficient use of water resources on a watershed and subwatershed basis; and,
- c) Permitting commercial logging of woodlands only in accordance with sustainable forestry practices.

New development or alterations shall have no negative impact on the natural features or ecological functions of significant habitat of endangered or threatened species, other significant wildlife habitat, fish habitat, a provincially significant wetland or other significant natural heritage feature or function. Where development is proposed within or adjacent to these areas, the approval authority shall require the submission of an Environmental Impact Assessment.

## **4.5 WETLANDS**

There are two Provincially significant wetlands within the Municipality, the Distress River wetland and the Bear Lake wetland. These areas are to be protected and maintained in a natural state. While existing agricultural uses are permitted within Provincially significant wetlands, the preservation of existing vegetation and the maintenance of the natural drainage of these wetlands should be given priority when considering any uses. Peat extraction will not be permitted in Provincially significant wetlands. Development and site alteration will not be permitted in the Distress River Wetland or the Bear Lake Wetland or any wetlands that are determined to be provincially significant in the future.

The boundaries of wetland areas shall be determined in the field. Where development is proposed in or within 120 metres of any Provincially significant wetlands shown on Schedule B, the proponent shall submit an Environmental Impact Assessment Report. Council will permit site alteration or development in or within the 120 metre buffer area only where it has been demonstrated that there will be no negative impact on the ecological features and functions of the wetland.

Where studies support the identification of additional Provincially significant wetlands after this Plan is adopted, Schedule B will be modified to illustrate those wetlands without an amendment to this Plan.

Locally significant wetlands are shown as Locally Significant Wetlands on Schedule B. Wherever possible these areas should be left in their natural state. Where it can be demonstrated to the satisfaction of Council that there is no reasonable alternative for the logical development of lands other than to develop a portion of a locally significant wetland, the Municipality will impose site plan control to ensure that the appropriate mitigation measures are employed to minimize the impact on the wetland. No development or site alteration will be permitted in or within 120 metres of any areas identified as potential provincially significant wetlands until an evaluation is completed by a qualified wetland evaluator using the Ontario Wetland Evaluation System: Northern Manual to conform its significance, as well as to address any significant impacts through completion of an Environmental Impact Assessment.

## **4.6 DEER HABITAT**

The Ministry of Natural Resources has identified large portions of the Municipality as significant deer habitat area. These areas are generally shown on Schedule B. It is recognized that these areas may change over

time. Development in these areas must be sensitive to the impact of the development on deer wintering areas. These areas are generally described as areas having dense conifer cover and lands having woody deciduous vegetation within 30 metres of dense conifer vegetation. The removal of vegetation in these areas will be minimized.

Within the significant deer habitat areas shown on Schedule B new lots should avoid areas of dense conifer cover or be of a sufficient size to provide a suitable development area including access and services, outside the most significant deer wintering habitat areas described above. The minimum lot size shall be 90 metres frontage and 90 metres depth.

Exceptions to the minimum lot size requirements may be considered by the Municipality where more than one legal detached dwelling that is structurally sound exists as of the approval of this Plan, it is demonstrated to the appropriate approval authority that each dwelling can be adequately serviced, and a site evaluation has been completed by a qualified biologist that documents habitat conditions and demonstrates that winter deer habitat is not present on the property.

In shoreline areas, development shall be situated in locations that will not result in the removal of significant amounts of shoreline vegetation or affect shoreline habitat. Site-specific zoning and site plan control will be used to site development in the most appropriate areas to ensure minimal impact on the natural habitat.

Where deer wintering habitat is restricted to a narrow fringe along the lakeshore there should be a minimum of 120 metres shoreline frontage as per Section 5.3.2. Where any development is proposed within significant deer wintering habitat Council will require the submission of an Environmental Impact Assessment Report including a wildlife habitat assessment prepared by a qualified biologist. The recommendations of that report will be implemented through site-specific zoning and site plan control to ensure that no negative impacts will occur.

#### **4.7 SIGNIFICANT FISH HABITAT**

Schedule B outlines areas that have been identified as Type 1 fish habitat. These areas are important feeding, spawning and nursery areas and must be protected to ensure a healthy population of sports fish in the Municipality and in the watershed.

New lots fronting onto Type 1 fish habitat areas shown on Schedule B shall be sufficiently large to provide an area of at least 10 metres of

frontage that is outside of the significant habitat area. Larger scale Fish Habitat Classification mapping is available at the Municipal Offices for all properties within or adjacent to a shoreline and shall be consulted when development applications are being considered. Where the Ministry of Natural Resources has not evaluated the shoreline in terms of fish habitat, it shall be treated as Type 1 Fish Habitat, pending further assessment. Setbacks of 30 metres from cool or cold-water streams and 15 metres from other streams are required. Where there is no reasonable alternative to locating waterfront activity areas outside of the identified fish habitat areas or areas of unknown fish habitat or where setbacks cannot be met, development may only be permitted where it is demonstrated to the satisfaction of the approval authority that there will be no negative impact on significant fish habitat. The only exception would be where the Department of Fisheries and Oceans has previously authorized a “Harmful Alteration, Disruption or Destruction” of fish habitat as provided for under the federal Fisheries Act. Proponents of development in these areas shall be required to submit an Environmental Impact Assessment report from a qualified professional identifying the nature of the fish habitat and limits of the fish habitat areas and providing recommendations regarding preservation of the habitat.

#### **4.8 HABITAT OF THREATENED AND ENDANGERED SPECIES**

Development and site alteration should preserve, enhance and restore endangered terrestrial and aquatic habitat where appropriate and feasible.

The Endangered Species Act requires the protection of Habitat of Endangered or Threatened Species. Large portions of the Municipality are potential habitat for Species at Risk. The Municipality recognizes the importance and value of the endangered and threatened species and supports their protection. There are two threatened species known to occur within the Municipality, these are Blanding’s turtle and the Eastern Hog-nosed Snake. There are also two threatened species that are suspected to occur within the municipality, these are the Bobolink and the Chimney Swift.

No development or site alteration shall be permitted in significant Habitat of Endangered or Threatened Species. Where development is proposed adjacent to significant Habitat of Endangered or Threatened Species an Environmental Impact Assessment shall be required in accordance with Section 4.9 and it shall be demonstrated by a qualified professional that the proposed development will have no negative impact on the Habitat of Endangered or Threatened Species or on the natural features or the ecological functions of the area as identified. The Environmental Impact

Assessment shall also make recommendations with respect to appropriate performance standards and mitigation techniques.

Where residential subdivision, major commercial or industrial developments are proposed in the Municipality, a preliminary evaluation to determine if there is any habitat of significant wildlife, threatened or endangered species in the area will be required. Should additional sensitive sites be identified in the Municipality, the Ministry of Natural Resources will be contacted for technical advice and Schedule B will be revised to include those areas by amendment to this Plan.

#### **4.9 SIGNIFICANT WILDLIFE HABITAT**

Where significant wildlife habitat is identified and confirmed by the Ministry of Natural Resources through a development application, such development may be permitted in proximity to the habitat if it can be demonstrated through an EIS that such development will have no negative impact on the feature or its ecological functions.

#### **4.10 ADJACENT LANDS**

Adjacent lands are the lands adjacent to a natural heritage feature within which potential impacts of a development proposal must be considered. For the purposes of this Official Plan, adjacent lands are defined as all lands within:

- 120 metres of the boundary of a Provincially Significant Wetland or unclassified wetland in excess of 0.8 ha;
- 50 metres of the boundary of other wetlands;
- 30 metres of any watercourse;
- 50 metres from the boundary of a Provincially or Regionally Significant Area of Natural and Scientific Interest;
- 120 metres from a significant habitat of an endangered or threatened species;
- 120 metres from the boundary of a significant fish habitat area; and
- 120 metres from the boundary of a significant wildlife habitat.

Linkages between natural heritage features include much of the undeveloped rural landscape in the Municipality. For this reason they are not shown on the Schedules to this Plan. Given the limited development

planned for the rural areas these linkages should continue to function. Where development is proposed in the Municipality linkages that may extend beyond the adjacent lands described above shall be considered.

#### **4.11 ENVIRONMENTAL IMPACT ASSESSMENTS**

Environmental Impact Studies shall employ the most current and acceptable techniques and reflect a watershed approach for the determination of developmental impacts on the lake(s) and surrounding ecosystem and shall include or address the following matters:

- i) provide a description of the proposed undertaking or development objective;
- ii) describe the natural features and ecological functions of the area potentially affected directly and/or indirectly by the undertaking, and their sensitivity to development;
- iii) identify lands that support environmental attributes and/or functions that may qualify the lands for designation within the Environmental Protection designation;
- iv) identify the direct and indirect effects to the ecosystem that might be caused by the undertaking;
- v) identify any environmental hazards (i.e. slope, flooding, contaminants) that need to be addressed or protected;
- vi) identify any monitoring that may be required to ensure that mitigating measures are achieving the intended goals;
- vii) in the case of development within 300 metres of a lake , the EIS shall also provide a Lake Impact Assessment prepared to the satisfaction of the Municipality in consultation with the Ministry of Environment and the Ministry of Natural Resources. The purpose of the Assessment is to demonstrate that the proposed development will not impair the water quality of the lake or compromise MOE water quality objectives.
- viii) prepare a Management Plan (MP) identifying how the adverse effects will be avoided or minimized over the construction period and life of the undertaking and how environmental features and functions will be enhanced where appropriate and describing the net effect of the undertaking after implementation of the MP. The

MP shall also establish drainage infiltration systems as well as buffers and setbacks adjacent to watercourses, lakes, valleys, wetlands and vegetation to protect the natural feature and its attributes and/or function from the effect of development

## **4.12 ARCHEOLOGICAL AND CULTURAL HERITAGE RESOURCES**

### **4.12.1 Archeological Resources**

The Magnetawan River was a major transportation link between the Ottawa Valley and Georgian Bay, used by aboriginal peoples, early European settlers and the original seasonal residents in the area. While few identified archeological sites have been identified throughout the river valley, there is a high probability that these sites exist. When development is proposed within the river valley in areas where there is an identifiable rise in elevation, at the outlet of major streams or where there are falls or rapids in the waterway, Council may require the submission of an archeological study.

Archaeological assessment reports shall be conducted by archaeologists licensed by the Ontario Heritage Act and in compliance with guidelines set out by the Ministry of Tourism, Culture and Sport and the Ministry of Consumer Services. Where assessments identify previously unknown archeological resources, the municipality shall archive the information as part of a heritage resource information base. Only a licensed archaeologist will conduct site alterations.

Where archeological sites are found in the Municipality they shall be reported to the appropriate Provincial agency. Based on the extent and significance of the findings, Council may:

- i) require the site to be preserved in-situ;
- ii) require that portions of the site remain preserved through the development process; or
- iii) require that artifacts found on the site be removed by a licensed archeologist and preserved for public education.

Council shall consult appropriate government agencies, including the Ministry of Tourism, Culture and Tourism and the Ministry of Consumer and Commercial Relations when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions under The Heritage Act and The Cemeteries Act shall apply.

Council recognizes that there exist archaeological remains of prehistoric and historic habitation, and areas containing archaeological potential within the boundaries of the municipality.

Areas of archaeological potential 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. Such criteria include features such as proximity to water such as current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement.

Council recognizes that, within the boundaries of the Municipality, there may be marine archaeological remains from the prehistoric period through the modern era up to the last 50 years. These marine archaeological resources may include the remains of ships, boats, vessels, artifacts from the contents of boats and belongings of crew or passengers, weaponry, parts of ship construction, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value. The remains may currently be under water or were, at one time, under water but are no longer submerged.

The Municipality may require a marine archaeological assessment to be conducted by a licensed marine archaeologist pursuant to the Ontario Heritage Act if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and impacted by shoreline and waterfront developments.

For the purposes of heritage conservation planning, the Municipality will obtain available archaeological site data locations from the provincial archaeological database of the Ministry of Tourism and Culture under the provisions of a municipal-provincial data sharing agreement.

#### **4.12.2 Built Heritage Resources**

The Municipality recognizes that the maintenance of the Municipality's cultural and built heritage resources will contribute to the preservation of the Municipality's character. To help conserve and protect the built heritage of the Municipality, Council shall consult and seek the advice of a Municipal Heritage Committee or other heritage organizations when making decisions regarding the conservation of cultural heritage resources in the Municipality.



Council will require a heritage impact assessment to be conducted by a qualified professional whenever a development has the potential to affect a built heritage resource.

#### **4.12.3 Designation under the Ontario Heritage Act**

Council may, by By-law, designate resources of cultural heritage, such as individual buildings and conservation districts pursuant to the Ontario Heritage Act and the policies of this section. Prior to the passage of such a By-law, Council shall be satisfied that, in addition to the provincial criteria listed in Ontario Regulations 9/06:

- i) the building or property is strongly associated with the life of a person who played an integral role in the development of the Municipality and/or is recognized locally, nationally or internationally;
- ii) the building or property is the location of, or is associated in a significant way, with a significant local, national or international event;
- iii) the building has an architectural style that is distinctive and representative of a period of history and/or is the work of a recognized architect;
- iv) the building or property is considered to be an easily recognizable landmark in the Municipality and contributes to the character of the community.

Council shall encourage the retention of buildings of architectural and/or historical significance in their original locations whenever possible. All options for on-site retention shall be considered before approval is given for relocation to another site. These options include: integration within new development areas, adaptive re-use of the building in its original location (e.g. use as a community centre within a residential subdivision), and relocation of the building on the development site.

#### **4.13 CULTURAL LANDSCAPES**

Cultural landscapes include natural and man-made features that define the character of the Municipality. Examples include Knoepfli Falls and the locks at Magnetawan Village. Many of the older buildings in the village and some of the oldest structures on Ahmic Lake reflect a history that defines the culture of the community.

All development shall be designed in a manner that is sensitive to the cultural landscapes in the Municipality. Historic buildings, trails and roadways shall be preserved wherever possible. New structures developing in the area of these features shall be designed to reflect the surrounding landscape and built form. Council will use site plan control to ensure that new development is sited and designed to complement the historic and natural character of the Municipality.

Council will encourage the preservation of the Magnetawan Waterway and the Nipissing Road to promote the history of the area and attract additional investment in tourism in the region.

Council will require a heritage impact assessment to be conducted by a qualified professional whenever a development has the potential to impact a cultural heritage landscape.

#### **4.14 AGGREGATE AND MINERAL RESOURCES**

##### **4.14.1 Resource Areas**

Areas having high aggregate or mineral resource potential are identified on Schedule A. Development of these areas for purposes other than resource extraction will not be permitted except where it can be shown that the proposed development has a greater public interest than the extraction of the resource and will not adversely affect the availability of the resource and long-term viability of the aggregate industry in the future.

Where development is proposed in or adjacent to an area of known mineral or aggregate resources, the development shall be set back and buffered sufficiently to ensure that it would not preclude or hinder the establishment of new operations, expansion of existing operations or access to the resources, except where the following conditions are met:

- 1) the resource use would not be feasible;
- 2) the proposed land used or development serves a greater long term public interest; and,
- 3) issues of public health, public safety and environmental impact are addressed.

Adjacent is considered to be minimum of 300 metres for existing pits and aggregate reserves and a minimum of 500 metres for quarries.

#### **4.15 SEWAGE DISPOSAL AND WATER SYSTEMS**

No development shall be permitted unless it can be shown to the satisfaction of the Municipality that there is an adequate water supply and sewage disposal system to service the development. In addition, no development shall be permitted unless Council is satisfied that the development will not have an adverse impact on neighbouring wells and sewage disposal systems and on surface and groundwater quality.

Generally throughout the Municipality the minimum servicing requirement shall be a private sewage treatment system on an individual lot basis. Private sewage treatment systems shall be approved by the appropriate agency pursuant to the Ontario Building Code Act or the Ontario Water Resources Act. It is a goal of this Plan that new private sewage systems utilize the most current technologies available.

Prior to the approval of all new development, the proponent shall provide confirmation that arrangements can or have been made for the treatment of the hauled sewage generated from the development at a duly licensed facility

In considering impacts on ground water quality and quantity, the Municipality shall consider the cumulative impacts of development on the sustainability of ground water resources.

Where a new development of five or more residential units is proposed, the applicant shall provide a report on the servicing options, including communal services, to the satisfaction of the Municipality and the Ministry of Environment or its designate. The Communal services become the responsibility of the municipality for all aspects of maintenance and operation and become municipal services. Where the communal system is to service a condominium development, a “responsibility agreement” must be entered into between the Municipality and the developer. Partial services will not be permitted.

Where a new residential development of five or more units, or commercial, industrial or institutional development generating more than 10,000 litres of effluent per day is proposed, the applicant may be required to undertake a report, prepared in accordance with the requirements of the Ministry of the Environment’s D-5 Guideline: Planning for Sewage and Water Services, for the review and approval of the Ministry of the Environment addressing the following:

- i) groundwater quantity and quality;

- ii) potential interference with other wells;
- iii) site and soil suitability for sewage disposal; and,
- iv) the most appropriate type of services for the project.

There are no municipal sewage treatment or water supply systems in the Municipality. In order to avoid the need to provide municipal sanitary and water systems the Municipality will consider the cumulative impact of development on ground water and will require studies to assess ground water impacts for development of three or more residential units.

#### **4.16 CROWN LANDS**

This Plan recognizes that the Province has the ultimate jurisdiction for determining the use of Crown land. Council encourages the preservation of Crown lands in the Municipality for the use and enjoyment of residents and tourists. The use of lands within the Conservation Reserves is governed by plans for these areas prepared by the Ministry of Natural Resources.

Where resource activities on Crown Lands have off-site impacts on municipal roads and services the Municipality will make efforts to ensure that the impact is minimized and that those who benefit from the services offset additional municipal costs. For example, the Municipality may pass by-laws to prohibit the use of municipal roads as haul routes unless an agreement respecting the maintenance and repair of the municipal road is completed.

When forest management plans are being prepared, they should recognize the impacts of forestry operations on the tourism industry and visual amenities of the Municipality.

#### **4.17 MINIMUM DISTANCE SEPARATION FORMULA**

Any development requiring planning approval shall meet the requirements of the Minimum Distance Separation Formulae (MDS). The MDS formulae will be incorporated into the Municipality's comprehensive Zoning By-law. The MDS formulae will not be applied to development occurring on an existing lot of record or after a catastrophe.

Livestock operations in excess of 4 nutrient units and defined by the Nutrient Management Act shall be required to prepare a Nutrient Management Plan prior to expanding.

Where new residential lots are proposed on lands where existing or former agricultural lands may have had an impact on the groundwater supply, the approval authority shall require a water supply assessment to demonstrate that the water supply has not been contaminated from agricultural use.

#### **4.18 STEEP SLOPES**

Where new lots are proposed in the Shoreline Areas and other visually prominent areas of the Municipality, Council may require larger lot sizes and greater setbacks to ensure that the development of the lands does not change the visual character of the area and does not pose a danger to the future inhabitants.

When considering applications for lot creation or rezoning in these areas an on-site review and/or an engineering report may be required to determine the severity of the slope and the suitability of the lands for development.

Blasting of steep slopes in the Shoreline Areas will not be permitted unless it will be done to lower the profile of a building with approval of the Municipality.

#### **4.19 GARDEN SUITES AND ACCESSORY APARTMENTS**

Garden suites and accessory apartment shall be permitted in all designations that permit residential uses without amendment to this Plan provided there is adequate sewage disposal and water service capacity available to service the units acceptable to the appropriate approval agency and the roads are of a standard that can accommodate the increased use;

#### **4.20 DARK SKIES**

Through the use of Site Plan Control, the Municipality may regulate lighting in an effort to preserve the dark sky in Magnetawan. Lighting shall be designed so that it is sensitive to the dark sky, surrounding uses and wildlife. The use of low wattage lights with full cut-off fixtures that prevent light trespass will be required where site plan control is applied and where the Municipality utilizes lighting.

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## 5.0 LAND USE DESIGNATIONS

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**The policies in this Section of the Plan should be read in conjunction with Schedule A, the Land Use and Transportation Plan. These policies apply to specific designations of lands and roads shown on Schedule A. The land use designations shown on Schedule A include:**

- Community;
- Environmental Protection;
- Rural; and,
- Shoreline

**Prior to the lands being used in accordance with the policies in this Section of the Plan, consideration shall be given to the General Development Policies in Section 4.**

### 5.1 MAGNETAWAN VILLAGE AND AHMIC HARBOUR COMMUNITIES

Magnetawan Village and Ahmic Harbour are historic settlement nodes that have developed as permanent communities and are identified on Schedule A as Community. The permitted uses within this designation are residential, commercial, small-scale industrial and open space. This Plan encourages a revitalization of these communities through infilling of residential opportunities and through the development of commercial uses that support the community and adjacent surrounding seasonal and rural uses. Magnetawan Village and Ahmic Harbour will develop according to the following policies.

- 5.1.1** Magnetawan Village and Ahmic Harbour will develop on the basis of private sewage and water services. New lots shall be a minimum of 1.0 ha (2.47 acres) unless an assessment has been conducted to determine that smaller lot sizes will not affect the long-term ability of the aquifer to sustain future development. Notwithstanding this provision, the reconfiguration of lots forming part of the original village surveys can occur through consent, lot additions and deeming by-laws in a manner that will provide for sustainable private servicing and intensification of these communities. Partial services will not be permitted.

**5.1.2** A mix of residential, commercial, light industrial and open space uses is encouraged within the Communities. The Zoning By-law will provide detailed regulations for such uses located in this area. In considering applications to permit new uses, Council shall be satisfied that the proposed use:

- i) is compatible with surrounding land uses;
- ii) will not result in traffic or noise problems; and,
- iii) will not adversely affect adjacent private sewage or water systems.

**5.1.3** New lots shall only occur on roads that are publicly maintained year round or within a plan of condominium having access onto a publicly maintained road.

**5.1.4** Small-scale commercial uses that service the immediate community and the tourism industry are encouraged to locate in the Communities. Council will encourage the redevelopment of the waterfront lands within the communities for larger scale tourist facilities including accommodation and retail uses where the lots are of an adequate size to accommodate the appropriate servicing and they comply with the policies in Section 4.0.

**5.1.5** New roads developed in the Communities shall be hard surfaced according to standards established by the Municipality. Council may consider reduced road standards within the original village plan areas in order to encourage sustainable intensification and affordable housing.

**5.1.6** New commercial uses may be established through redevelopment of existing residential uses fronting onto Highway 520 in Magnetawan Village and George Street in Ahmic Harbour.

**5.1.7** Small Scale industrial uses that serve the community and surrounding areas will be permitted in the Communities by Zoning By-law amendment provided the use is conducted in an enclosed building and does not emit noise, smoke or odours that would be incompatible with the residential and tourist commercial uses in the community and comply with the MOE D-Series Guidelines for land use compatibility.

**5.1.8** Council will support the revitalization and enhancement of the villages of Magnetawan and Ahmic Harbour. The Municipality will work with the community and property owners to continually improve the appearance and historic character of these communities. Improvements to municipal

infrastructure such as sidewalks and parklands will occur as funding becomes available. Council may also prepare Community Improvement Plans for these areas that will encourage revitalization through municipal incentives.

- 5.1.9** Council will seek opportunities to participate in future Federal and Provincial affordable housing programs for low to moderate income households and, through partnership with the Parry Sound District Social Services Administration Board engage in stakeholder consultations on the development of Local Housing and Homelessness plans

## **5.2 RURAL AREAS**

### **5.2.1 Permitted Uses**

Permitted uses include agriculture, farm related uses and uses that produce value added agricultural products from the farm operation, forest management, conservation, parkland, fishery resource management, mineral exploration and mining, residential dwellings, group homes, home occupations, home industries, pits and quarries, wayside pits and quarries and portable asphalt plants, commercial fur harvesting, hunt camps, small scale industrial and commercial developments, waste disposal sites and accessory uses.

### **5.2.2 Residential**

Limited new permanent residential development shall be permitted in the Rural Areas, preferably in close proximity to other residential uses as infilling on existing roadways where school busing and municipal winter maintenance is presently being provided. Scattered or isolated development that would result in an increase in municipal servicing costs shall be discouraged. Residential subdivisions are not permitted in the Rural Areas

New lots should have a minimum lot size of 1.0 hectares (2.47 acres).

### **5.2.3 Agriculture**

Due to the importance of farmland in the Municipality existing agricultural operations shall be preserved and promoted.

Agricultural uses are encouraged to incorporate value-added operations along with rural related commercial and industrial uses, operated in conjunction with agricultural operations.



Development of agricultural lands for non-farm uses shall only occur where the following criteria have been satisfied:

- i) the lands have not been used for agricultural purposes for a period of 10 years;
- ii) the lands do not contain farm buildings in good condition;
- iii) new dwellings and other non agricultural developments shall comply with the Minimum Distance Separation Formulae I except where they are located on existing lots of record; and,
- iv) development in the vicinity of agricultural operations shall not adversely affect neighbouring farming operations.

#### **5.2.4 Industrial Development**

New industrial development may be permitted in the Rural area through the process of rezoning and will be subject to Site Plan Control. This type of development will be limited to those uses that:

- i) require extensive amounts of space;
- ii) do not constitute a threat to groundwater resources in the event of a leak or spill;
- iii) are considered incompatible in the more developed areas and the shoreline areas of the Municipality;
- iv) can operate on private sewage and water systems; and,
- v) are considered dry industries. Dry industries are defined as those in which the disposal of less than 10,000 litres per day of the domestic waste of employees is permitted and treated within septic systems and into which the discharge of industrial liquid wastes, wash or cooling water or process wastes is prohibited.

Industrial uses permitted within the Rural area shall include agriculturally and resource related industrial uses, processing and storage of agricultural commodities, including light manufacturing, processing of semi-manufactured goods, assembly of manufactured goods, warehousing, wholesale distribution centres, transportation terminals,

professional or business offices, servicing and storing of goods and raw materials and research facilities. Limited retail sales of products manufactured on the same premises may be permitted as an accessory use.

Accessory commercial uses will be permitted subject to appropriate provisions in the implementing Zoning By-law. An essential residence for the owner, caretaker or security officials may be permitted subject to the inclusion of appropriate provisions in the implementing Zoning By-law.

Industrial uses shall have frontage on a maintained municipal roadway or Provincial Highway and shall be located so as to conform to the Ministry of the Environment's D-Series Guidelines for separation distances related to the land use compatibility and sensitive land uses. Council shall ensure that noise and visual impacts associated with industrial uses do not adversely impact on the Shoreline areas in accordance with Section 4.1. Preference will be given to locations in close proximity to other industrial uses in the Municipality.

Outside storage should be screened from view. In addition, buffering and setbacks of the industrial development may be required as a condition of approval from Council.

The development of pits and quarries for commercial purposes is permitted in areas designated as Rural and may be permitted subject to rezoning and the related policies of this Plan. Wayside pits and quarries will not require rezoning but shall meet the General Development Policies in Section 4 of this Plan. Applications for new pits or quarries will require the submission of an Environmental Impact Assessment in accordance with Section 4.9 of this Plan.

### **5.2.5 Commercial Tourist Camps**

Commercial Tourist Camps may be permitted in Rural areas subject to rezoning and Site Plan approval. Council shall ensure that such uses are well screened from surrounding lands and roadways and at least 1000 metres from shoreline areas. These uses shall include sufficient on-site recreational facilities.

Tourist operations focused on the remote wilderness may be permitted to develop in remote areas without road access subject to Council being satisfied that appropriate safety and environmental measures are secured.

### **5.2.6 Highway Commercial Development**

Commercial uses directly related to the traveling or vacationing public shall be permitted in Rural areas adjacent to Provincial Highways. These uses will be subject to an amendment to the Zoning By-law and Site Plan Control and the prior approval of the Ministry of Transportation.

### **5.2.7 Waste Disposal Sites**

Only those sites approved by the Ministry of the Environment and the Municipality shall be used for the disposal or storage of solid or liquid waste. All such sites shall be operated according to the standards established by the Ministry of the Environment and the Municipality's approved Waste Management Master Plan.

New developments utilizing private sewage disposal and water supplies shall not locate within 500 metres of the perimeter of the fill area of an existing or former waste disposal site unless it has been demonstrated through the preparation of technical studies that there are no potential impacts associated with gas migration and ground water contamination.

### **5.2.8 Aggregate Extraction**

Wayside pits and quarries and portable asphalt plants used on public authority contracts are permitted without an amendment to this Plan or the implementing Zoning By-law except in areas of existing sensitive development and in accordance with the policies of the Environmental Protection designation and the other General Development policies as they relate to Environmental Features shown on Schedule B.

All new mineral aggregate operations and/or expansions to existing mineral aggregate operations onto lands that are not zoned to permit the use shall require an Amendment to the Zoning By-law. Similarly, lands currently licensed for extraction but not zoned shall not be permitted to expand their licensed area or construct any accessory building without first obtaining a zoning amendment. All such applications shall be supported by studies that address the effect of the operation of the mineral aggregate resource use on:

- i) the natural heritage features and ecological functions on the site and in the area;
- ii) nearby communities and residential uses;
- iii) agricultural resources and activities;
- iv) the character of the area;

- v) the quality and quantity of groundwater and surface water;
- vi) the built or cultural heritage resources in the area;
- vii) significant geologic formations on the site and in the area;
- viii) nearby wells used for drinking water purposes;
- ix) ground water recharge areas;
- x) the effect of the increased truck traffic on the natural environment and the residences in the area;
- xi) the suitability of the proposed haul routes;
- xii) the effect of the noise, odour, dust and vibration generated by the proposed use and the use of the haul route on adjacent land uses;
- xiii) how the natural features and functions on the site and in the area can be protected and/or enhanced as part of the design of the pit or quarry and/or after the pit or quarry has been progressively rehabilitated;
- xiv) how the impacts from the proposed pit or quarry will be mitigated in order to lessen those impacts; and,
- xv) how the site will be progressively rehabilitated to accommodate subsequent land uses after the extraction is completed.

The required information shall be contained in an Environmental Impact Assessment as outlined in Section 4.9 of this Plan or other study as required by this Plan. The required studies shall assess the impacts of the proposed quarry on all lands within 1000 metres of the site or as determined by the Municipality.

It is recognized that new or expanding aggregate operations require the approval of the Minister of Natural Resources pursuant to the Aggregate Resources Act. Where an application under that Act has been forwarded to the Municipality for review and comment, Council will consider the application only after it has held the required public meeting pursuant to the Planning Act.

## **5.3 ENVIRONMENTAL PROTECTION AREAS**

### **5.3.1 Permitted Uses**

The Environmental Protection designation as shown on Schedule A, applies to lands, which possess physical characteristics, which would cause severe property damage or loss of life if development were permitted. The physical characteristics include flood and erosion susceptibility, organic soils and extreme slopes. The areas also include important natural heritage features such as wildlife habitat, fish spawning areas and wetlands. The uses and activities permitted within areas designated as Environmental Protection shall be limited to conservation, forestry, wildlife areas, fishery resource management, public or private parks, and outdoor recreational activities which can be developed without adverse environmental impacts.

### **5.3.2 Construction Restrictions**

No buildings or structures, nor the placing or removal of fill of any kind whether it originates on site or elsewhere shall be permitted in Environmental Protection areas except for structures or fill are to be used in flood or erosion control and have been approved by Council or senior levels of government.

### **5.3.3 Setbacks**

Building setbacks may be imposed from the boundaries of Environmental Protection areas as found in the implementing Zoning By-law or otherwise as the result of an approved Environmental Impact Assessment. The severity of the hazard or the sensitivity of the environment shall be the determining factor.

### **5.3.4 Mineral Extraction**

While generally not acceptable, there may be site-specific circumstances, under which the removal or placement of mineral aggregate material in conjunction with lands designated, as Environmental Protection will be considered. Approval would be granted through the Aggregate Resources Act and a rezoning to permit mineral aggregate extraction, after Council has determined that the operation will not alter the floodplain or any environmentally sensitive area so as to cause detrimental impacts.

### **5.3.5 Non-Conforming Uses**

The expansion of existing non-conforming uses located within areas designated, as Environmental Protection shall generally not be permitted. However, Council may consider allowing expansion or replacement if it is satisfactorily demonstrated that this would not result in increased flood hazards, or adverse impacts on wetlands, or other significant environmental values. In such circumstances, Council may require flood proofing measures or mitigation measures to preclude adverse environmental impacts.

### **5.3.6 Floodplains**

Floodplains are identified as those lands that are susceptible to flooding during the regulatory flood. In the Municipality of Magnetawan, the regulatory flood is the higher of:

- a) that area that would be flooded with an average frequency of once in 100 years or for which there is a 1% change of occurrence in any given year; and,
- b) that area that would be flooded under a storm-centered event modeled on a particularly intense storm that occurred in Timmins and which could occur within this area.
- c) The floodplain area for Lake Cecebe and Ahmic Lake as stated in Section 4.2 of this Plan.

If engineered floodplain mapping becomes available, it will be incorporated into the Official Plan and Zoning By-law by amendment to each document.

When there is doubt that the Environmental Protection mapping adequately reflects the flood hazard, an applicant for new development may be required to obtain a detailed engineering study to more accurately determine the level and extent of the regulatory flood. Such a study must consider the cumulative impacts of the development on the flood plain upstream and downstream from the development. Where such studies result in changes to mapping, an Official Plan Amendment will not be required.

New development is not generally permitted within areas subject to regulatory flood except for flood erosion control structures, or structures, like docks, which by their nature must be located on a shoreline.

## **5.4 SHORELINE**

### **5.4.1 Permitted Uses**

Permitted uses in areas designated Shoreline on Schedule 'A' shall include detached dwellings, commercial tourist resorts with associated commercial uses, lodges, motels, hotels, marinas, and recreational activities.

All of the shoreline areas in the Municipality are designated as Shoreline with the exception of those within the Community Designation. This designation is not intended to anticipate that all of the shoreline will become developed for permitted uses. Rather, it is intended to reflect that the shoreline areas are an ecological unit that must be considered in its entirety.

### **5.4.2 Development Standards**

Unless otherwise specified, new lots should be no smaller than 1.0 ha (2.5 acres) in area with 90 metres (300 feet) of water frontage. Larger lots may be required in areas where environmental or physical constraints exist on the lands and on narrow channels (less than 120 metres (400 ft.)) or small water bodies less than 40 ha (100 acres), in deer wintering or in or adjacent to sensitive fish habitat. Lot lines should follow existing features and terrain and should be configured so that conflicts between abutting properties will be avoided.

Horn Lake has been identified as a lake trout lake that is at capacity. New development including additional lot creation or redevelopment of existing developed lots that would result in more intensive use, shall generally not be permitted except as provided for in Section 4.3.

It is a policy of this Plan to permit one additional cottage and accessory buildings where the parcel may otherwise be eligible for a severance and the additional buildings are located in conformity with the provisions of the Plan as if the lots were separated. Site specific zoning may be used to enable the additional dwelling and prevent the further division of the lands.

**5.4.3** Tourist commercial developments may be permitted on the basis of 2 metres (6.6 feet) frontage per person that can be accommodated on the property and a maximum density that does not exceed 10 units per hectare (4 units per acre) where a unit is defined as a rental cottage or a camp site, or room in a hotel, motel or lodge. The minimum lot frontage shall be 180 metres and the minimum area 2.0 ha.

Densities up to 25 per cent in excess of these requirements may be permitted through an amendment to the zoning by-law subject to the developer entering into a Site Plan Agreement with the Municipality, wherein additional facilities such as a golf course, swimming pools or other land based recreational facilities are provided.

Densities permitted for developments based on fractional ownership shall be based on the nature and built form of the development. Developments in the form of individual cottages shall meet the frontage and density requirements for residential uses. Developments in the form of tourist resorts with communal facilities and commercial services shall be based on the policies for tourist commercial developments.

- 5.4.4** Tourist commercial activities shall have frontage on a maintained municipal roadway or Provincial Highway and be buffered from dwellings on neighbouring properties.

New tourist commercial developments will require an amendment to the Zoning By-law. Notice of such applications shall be given to property owners within 400 metres (1000 ft) of the subject lands and affected Cottage Owners Associations. Public meetings for these proposals shall only be held during the summer season, between Victoria Day and Thanksgiving.

- 5.4.5** No development should be permitted which would result in a waterbody being developed to a point of being over capacity as estimated by the Ministry of the Environment or Ministry of Natural Resources or as demonstrated by a Lakeshore Capacity Assessment completed in accordance with the Lakeshore Capacity Assessment Handbook . Any development within 300 metres of a waterbody shall be deemed to have an impact on the waterbody.

The assimilative capacity of lakes in the Municipality according to the biological carrying capacity is shown in Appendix No.1 to this Plan. This Appendix will be updated without amendment to this Plan as more current studies are completed.

Should development be proposed which may bring a lake near the estimated capacity, Council shall only consider such a proposal after the developer has submitted an impact report prepared by a qualified professional to satisfy the concerns of Council. In such instances approval of the development may be subject to additional requirements contained in the Zoning By-law, site plan approval or subdivision agreements.



In no case shall any development exceed the capacity of the waterbody to sustain additional development from either a biological and a recreational perspective. For the purpose of this Plan, development shall include new lot creation or additions to commercial operations. These policies shall not restrict residential development on existing lots of record.

Recreational Carrying Capacity shall be based on 1.6 hectares (4 acres) of lake surface area per unit of lakes having a surface area of 40 ha or greater. Where lakes have less than 40 ha of surface area, development densities shall be based on 4 ha (10 acres) of surface area per unit unless limitations on the power of boats are imposed by the Department of Transport.

Biological Carrying Capacity shall be based on development that does not result in the lake reaching its capacity to accommodate additional development. This will be determined using the principles and methodology in the Lakeshore Capacity Assessment Handbook or any successor document..

Once the capacity of a lake is established in accordance with this Plan, no more than 20 per cent of that remaining capacity shall be permitted in any calendar year on lakes that can still accommodate development.

**5.4.6** Development in Shoreline areas shall generally occur as a single tier of development adjacent to the shoreline.

A limited amount of second tier development in the form of residential back lots may occur in areas where there is public access to the waterfront by means of a shoreline reserve, a public access or park area, or boat launch facility. Public access should be physically suitable and of adequate size to meet the needs of the development and should be provided within 300 metres of the proposed lots. Where such lots are approved, they should have a minimum frontage of 100 metres and a minimum lot area of 1.0 ha (2.5 acres).

The effect of any proposed second tier development shall be considered with respect to both the recreational and biological carrying capacity of the adjacent waterbody and therefore no second tier development would be permitted on lakes at or near capacity, which would not meet one of the special circumstances listed in 5.4.2.

**5.4.7** Residential development may take the form of cluster developments where the residential development is set back from the waterfront and the waterfront area is maintained as open space for the use of abutting

landowners. In such instances the density of the development shall not exceed 10 metres (33 feet) of frontage on the waterbody per unit or 2.5 units per gross hectare (1 unit per acre). This development shall occur by plan of subdivision or condominium.

**5.4.8** It is the intent of this Plan that new development in the Shoreline Area be directed to lands that are physically suitable for development in their natural state in an effort to maintain the area's unique character. Creating lands that are suitable for development by blasting or filling the natural landscape or dredging the lake bottom shall not be permitted.

**5.4.9** Council supports the preparation of Lake Management Plans and Strategies that assess issues such as recreational carrying capacity, water quality, shoreline development, vegetation retention and health, shoreline erosion, cottage conversion and septic system maintenance and inspection and other issues important to lake communities. Such Plans are also encouraged to establish monitoring programs and/or remediation programs to be primarily implemented by local residents and stakeholders such as the Municipality, the County and the Province.

**5.4.10** Council will consider amendments to the Official Plan or zoning by-law where Lake Management Plans or Strategies formulate policies to reveal new planning issues not already addressed by this Plan. Where all or part of a Lake Management Plan or Strategy is proposed to be incorporated by an amendment to this Plan and/or the zoning by-law, the following requirements must be met:

- i) It must be prepared by a qualified professional(s);
- ii) It must demonstrate that an extensive program of public consultation has been facilitated;
- iii) It must be consistent with the Provincial Policy Statement, as well as applicable Provincial guidelines and regulations; and,
- iv) It must be consistent with the Vision and Principles of the Magnetawan Official Plan as well as the Objectives for the Shoreline designation.

As part of the assessment of a proposed amendment to the Official Plan and/or zoning by-law, Council may undertake peer reviews of Lake Management Plans or Strategies and their associated background or technical studies. Costs incurred as a result of a third party peer review of the Lake Management Plan will be borne by the proponent.

**5.4.11** In considering applications for waterfront development Council shall ensure that cultural heritage resources both on shore and in the water are not adversely affected. When necessary, Council will require satisfactory measures to mitigate any negative impacts on cultural heritage resources. These measures will be addressed in archaeological assessment (land or marine) reports.

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## 6.0 TRANSPORTATION

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### 6.1 PROVINCIAL HIGHWAYS

Council will encourage the continued upgrading of Highways 124, 510 and 520 through the Municipality. Development adjacent to these roads should not reduce the effectiveness of these routes by reducing existing speed limits or creating traffic hazards. Properties must qualify for an entrance and sign permits, building and land use permits, and meet the minimum geometric and safety requirements of the Ministry of Transportation for access prior to any site development.

New entrances to Highways 124, 510 and 520 will not be permitted where an alternative access to a side road is available. New entrances will be permitted where no alternative access exists and where safety and operational criteria can be met to the satisfaction of the Ministry of Transportation.

In addition to all the applicable municipal requirements, all proposed development located adjacent to and in vicinity of a provincial highway within the Ministry of Transportation's permit control area under the Public transportation and Highway Improvement Act will also be subject to Ministry of Transportation approval. Early consultation with the Ministry of Transportation is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning.

Any outdoor storage and loading areas associate with commercial and industrial uses that back onto provincial highways are to be visually screened or appropriately located so as to not be visible to the traveling public.

### 6.2 MUNICIPAL ROADS

It is not a policy of Council to maintain those roads that are not presently maintained municipal roads, nor will the Municipality necessarily assume them. The Municipality will assume, open and maintain new municipal roads only when:

- a) the roads have been constructed to the current standards of the Municipality; and,

- b) the benefits, financial and otherwise, of assuming and maintaining the road outweigh the municipal costs.

Where seasonal development is approved on the basis of seasonal road access or access over an unmaintained municipal road allowance, Council may permit the development only where the owner enters into an agreement that acknowledges that municipal services to the lands may not be available to the lands and that the Municipality assumes no liability to provide services to the development.

### **6.3 PRIVATE ROADS**

Existing private roads may continue to be used but shall not be extended.

Council will not permit the creation of new private roads in the Municipality unless those roads are created by plan of condominium.

New development of seasonal residences on existing private roads may be permitted where it is considered infilling between existing residential units. No new development of permanent residences may be permitted on existing private roads.

### **6.4 MAGNETAWAN RIVER WATERWAY**

Council recognizes the importance of maintaining navigation on the Magnetawan River system to the economy and culture in the Municipality. The Municipality will seek opportunities to protect and improve navigation and infrastructure supporting the waterway as a major transportation link in the community. Council will seek to ensure that existing portage routes remain in public ownership.

### **6.5 TRAILS**

The Municipality currently contains a number of portages, trail and corridor systems that support a wide range of linear recreational activities including canoeing, snowmobiling, ATV's, walking, biking, and skiing. The trail and portage systems and the activities that they support are significant components of the Municipality's tourism infrastructure. As such, it is a goal of this Plan to identify, protect, improve and expand the network of portages, trail and corridor systems for the Municipality and for the broader regional economic benefits. The existing trail systems, including the "Park to Park", Seguin, and the Nipissing Trails are shown on Schedule "B" to this Plan.

The Municipality is also the home of a number of TOPS snowmobile trails, which also provide a significant contribution to the local economy. It is a policy of this Plan that any proposed development abutting the trail systems shall be required to consider the impact of the development on the continued functioning of the trail and identify potential impacts and mitigation measures with respect to ensuring the continued operation of the trail. It is also a policy of this Plan that any proposed development adjacent to the trail systems shall consider possible linkages to the system.

Many of these routes are shown conceptually on Schedule A. The location of these routes may change without an amendment to this Plan. Crossings of Provincial Highways will require the approval of the Ministry of Transportation. Crossings of waterway may require the approval of the Ministry of Natural Resources, the Ministry of the Environment and/or the Department of Fisheries and Oceans.

## **6.6 HERITAGE ROUTES**

Council supports the development of Heritage Routes that weave through the Municipality, providing linkages for hiking, cycling, and car touring and highlighting cultural heritage resources. Selected Heritage Routes are identified and identified on Schedule C . At present, Nipissing Road is the only designated Heritage Route in the Municipality.

In support of developing the Heritage Routes, Council may :

- a) prepare guidelines or standards to protect cultural heritage features and resources along heritage routes. The design guidelines will provide protection for existing trees and landscape features, and will ensure that the general heritage appeal and viewscapes are protected and enhanced;
- b) coordinate clear and consistent signage along the Heritage Routes that may serve wayfinding and/or educational purposes;
- c) cooperate with the adjacent municipalities to ensure Heritage Route signage is coordinated with any other local signage.
- d) support the development of appropriate scenic lookouts and other complementary uses along Heritage Routes, provided that such uses:
  - are small in scale;

- are in keeping with, and complementary to the passive recreational character of the Route;
  - have minimal impact on the surrounding public and/or private land uses;
  - have no significant negative impacts on the natural environment or on cultural heritage resources; and
  - will not require the extension of the municipal water supply or sanitary sewage services; and,
- e) enhance cycling and driving conditions along the Heritage Route corridors. Wherever possible, linkages to other recreational driving routes and cycling/hiking trails in the Region should be achieved.

To support the tourism role of Heritage Routes, the Municipality will promote the Heritage Routes and include the Magnetawan Heritage Routes in its promotional materials and activities.

## **6.7 ROAD ALLOWANCES**

The Municipality will not stop up or sell unmaintained road allowances where there is any possibility that there is a potential future public use for the lands. Road allowances leading to water will not be sold to abutting property owners unless there is other public access to the water in the immediate area.

The sale of lakeshore road allowances may be permitted by the Municipality where there are no environmental, cultural, or other public interests that may be affected by the sale of these lands.

## **6.8 COMMUNICATION TOWERS**

While recognizing the authority of the Federal government with respect to communication facilities, Council will require public consultation and consideration of the visual impacts of communication towers prior to such facilities being located in the Municipality. Communication towers should avoid location that are visually prominent from lakeshore areas and areas that have historic or cultural significance.

## **6.9 UTILITY CORRIDORS**

The development of electric power facilities shall occur in an orderly manner to facilitate the efficient and reliable provision of adequate electric power. As such, electric power facilities are permitted in all land use designations without an amendment to the Plan.

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## 7.0 LAND DIVISION

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### 7.1 SEVERANCES

Applications for land division through the consent process shall only be considered if the proposal is minor in nature, does not result in unnecessary expansion of the present level of municipal services, is in compliance with the Objectives and General Development policies of this Plan and the applicable Land Use policies for the designation in which the land is located.

#### 7.1.1 Criteria

Every severance application received by Council for the purpose of creating a new lot shall meet the following criteria:

- a) a registered plan of subdivision is not necessary for the orderly development of the lands;
- b) the lot size and setback requirements will satisfy specific requirements of this Plan and meet the implementing zoning by-law requirements;
- c) the proposed lot must front on a publicly maintained road or, within the Shoreline designation, between existing lots on an existing private road with a registered right-of-way to a municipally maintained road or be a condominium unit, which may be created on private roads having access to a municipal year round road;
- d) lots for hunt camps, fishing camps, wilderness tourist camps or similar uses may be permitted on unmaintained municipal road allowances or on private right of ways to publicly maintained roads provided that the appropriate agreements are in place to ensure that the Municipality has no liability with respect to the use of these roads;
- e) the lot must have road access in a location where traffic hazards such as obstructions to sight lines, curves or grades are avoided;
- f) the lot size, soil and drainage conditions must allow for an adequate building site and to allow for the provision of an adequate means of sewage disposal and water supply, which meets the



requirements of the Building Code, the lot must have safe access and a building site that is outside of any flood plain or other hazard land;

- g) notwithstanding subsection c), lots created for seasonal or recreational purposes may be permitted where the access to the lot is by a navigable waterbody provided that Council is satisfied that there are sufficient facilities for mainland parking and docking;
- h) any lot for permanent residential use shall be located on a year round maintained municipal road or Provincial highway;
- i) in the Rural designation, new lots created by consent shall be limited to the following:
  - i) The Township will permit the creation of up to eight new lots per year. The new lots must comply with the regulations as set out in the implementing Zoning By-law.
  - ii) two lots per original hundred acre lot;
  - iii) one lot for each 50 acre parcel which existed as of the date of approval of this Plan; and
  - iv) infilling between existing residences within 300 metres of each other on the same side of a municipal road or Provincial highway.
- j) the creation of any lot will not have the effect of preventing access to or land locking any other parcel of land.
- k) any severance proposal on land adjacent to livestock operations shall meet the Minimum Distance Separation Formula I in accordance with the MDS Guidelines and shall demonstrate that the proposed water supply has not been contaminated from agricultural purposes.

## **7.2 SUBDIVISIONS AND CONDOMINIUMS**

- 7.2.1** Where three or more lots are to be created from a single parcel of land existing as of the date of adoption of this Plan, a plan of subdivision or vacant land condominium shall generally be required. Exceptions to this policy may be considered where there are no residual lands resulting from the development and there is no need to extend municipal services including roads.
- 7.2.2** In considering a proposed plan of subdivision or condominium, Council shall ensure that all costs associated with the development of the land are borne by the developer.
- 7.2.3** All roads within a plan of subdivision shall be constructed to Municipal standards and shall be dedicated to the Municipality. Subdivisions for permanent residential purposes within the Communities shall have hard surfaces. Road standards for vacant land condominium developments may be less than those required for municipal roads.
- 7.2.4** Prior to considering a plan of subdivision or condominium, Council and the approval authority shall require the applicant to submit professional reports addressing the Development Criteria in Section 4 of this Plan.
- 7.2.5** Subdivisions are not permitted in the Rural area, as stated in Section 5.2.2.

## **7.3 PARKLAND DEDICATION**

- 7.3.1** The minimum parkland dedication as part of a plan of subdivision or consent shall not include lands which are unsuitable for parkland development.
- 7.3.2** Where possible, parkland shall be taken on lands adjacent to a waterbody.
- 7.3.3** Where the Municipality takes cash in lieu of parkland, the Municipality shall base the amount of cash taken on 5 per cent of the value of the land immediately prior to draft plan approval. Alternatively, the Municipality may pass a by-law to establish standard parkland dedication fees that represent a reasonable estimate of 5 per cent of the value of certain lands prior to the date of draft approval.

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## 8.0 IMPLEMENTATION

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**The following policies are intended to provide direction for the decisions of Council and the use of By-laws, Regulations and Development Agreements that will implement policies outlined in this Plan.**

### 8.1 PRE-CONSULTATION

Prior to the submission of any development application for which the Municipality is the approval authority, applicants shall pre-consult with staff in the Municipality or a Planning Consultant retained by the Municipality in accordance with the provisions of this Plan and the Municipality's Pre-consultation By-law. The pre-consultation process is intended to address the requirements for a completed application and may require more than one pre-consultation meeting and involve other agencies and Municipal Departments. The Municipality is required to adopt a Pre-Consultation By-law.

In preparation for pre-consultation, prospective applicants shall have reviewed this Official Plan and Municipality's Zoning By-law with respect to their development proposal. Furthermore prospective applicants are expected to provide concept sketches of sufficient and reasonable detail to facilitate an effective pre-consultation meeting.

### 8.2 COMPLETE APPLICATION

In accordance with the provisions of subsection 22(6.1), 34(10.4) of the Planning Act, any application submitted to the Municipality of Magnetawan in support of a development proposal must be deemed to be a complete application and be accompanied by the appropriate fee, before any processing will begin. Any required background reports, studies documents and materials must be prepared and submitted to the satisfaction of the Municipality. Should it be determined that through the review process, that the submission is incomplete, inadequate or further issues need to be addressed, additional information may be required. The authority to deem an application complete may be delegated to the Clerk by by-law. A checklist may be utilized to assist in ensuring the appropriate reports and studies are submitted to deem an application complete.

### **8.3 ZONING BY-LAW**

The policies of this Plan will be implemented through a new comprehensive Zoning By-law adopted under Section 34 of the Planning Act.

#### **8.3.1 Non-Conforming Uses**

Legally existing uses that do not comply 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.

Where a non-conforming use changes, the new use shall be in keeping with the intent of this Plan.

#### **8.3.2 Temporary Uses**

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

- i) the temporary use does not require major capital investment or alteration to the existing landscape;
- ii) the proposed use is compatible with surrounding land uses;
- iii) the proposed use does not require the extension of municipal services;
- iv) the developer has entered into an agreement with the municipality specifying the conditions under which the use may be permitted;
- v) the By-law shall specify a maximum time period for the use to be permitted; and,
- vi) the proposed use will not have a negative impact on natural heritage features such as, but not limited to, wetlands, fish habitat and deer wintering areas.

#### **8.3.3 Archaeological Resources**

In the interest of conserving the integrity of archaeological resources, Council may adopt zoning by-laws to prohibit any land-use activities or the

erection of buildings and structures on a site that contains a significant archaeological resource as permitted under Section 43(1)(3.3) of the *Planning Act*.

#### **8.4 SITE PLAN CONTROL**

The Municipality may utilize Site Plan Control to ensure that development in the Municipality is attractive and compatible with adjacent uses. Site Plan Control will be applied to all commercial and industrial development in the Municipality. Where special environmental features are required to mitigate impacts of residential development, the Municipality may use Site Plan Control for residential developments. The entire Municipality shall be designated as a Site Plan Control Area.

Council may delegate Site Plan Approval to municipal staff in order to ensure that the process does not create undue delay or additional costs in the development process.

As a condition of Site Plan approval, Council may require the dedication of lands adjacent to existing roadways in order to ensure that the minimum road allowance of 20 metres is obtained.

#### **8.5 HOLDING PROVISIONS**

Council may utilize Holding provisions as provided for under Section 36 of the Planning Act in order to establish zoning provisions prior to completing technical, administrative, or financial aspects of a development. Where Council uses a Holding provision, the use of land may be restricted to existing uses until one or more of the following conditions have been fulfilled:

- i) a site plan agreement or subdivision agreement as may be required, has been executed between the municipality and the developer;
- ii) all engineering plans and arrangements with respect to municipal services have been completed; and,
- iii) the financial requirements of the municipality have been satisfied.

## **8.6 PUBLIC MEETINGS**

Council shall hold public meetings for planning applications in accordance with the requirements of the Planning Act. However, Council may eliminate the requirement for public Notice of a meeting for an Official Plan Amendment or Zoning By-law Amendment which:

- i) changes section numbers or the order of text but does not add or delete sections;
- ii) consolidates amendments, which have previously been approved;
- iii) corrects typographic, grammatical or mapping errors which do not effect the intent or application of the policies or provisions of the plan; and/or
- iv) rewords policies or re-illustrates mapping for the purpose of clarification only without changing the intent or purpose of the policies or mapping.

Council will establish administrative policies for ensuring that Notices of Public Meetings are given in a manner that recognizes the high proportion of seasonal residents in the Municipality.

## **8.7 MAINTENANCE AND OCCUPANCY BY-LAW**

The objective of implementing a Property Maintenance and Occupancy By-law is to maintain property values and the enjoyment of private property. Council may pass a By-law under the Building Code Act to establish minimum standards for:

- i) the physical condition of buildings and structures use;
- ii) the physical condition of lands; and
- iii) the adequacy of sanitary facilities.

## **8.8 SIGNS**

Council may pass a By-law under the Municipal Act to regulate the placement and design of signs in the Municipality. Council may appoint a Committee or a staff person to review proposals for signs and ensure that they meet a high level of design standard and placement in the

Municipality. Signs located adjacent to Provincial Highways require the approval of the Ministry of Transportation. The Municipality will seek cooperation from the Ministry of Transportation when dealing with signs adjacent to Provincial Highways.

## **8.9 SITE ALTERATION**

In order to protect the scenic characteristics and natural features of the shoreline areas Council may pass a Site Alteration By-law pursuant to the Section 142 of the Municipal Act. This By-law would require any blasting, placement or removal of fill or alteration of grade to be approved by the Municipality.

All applicants for permits to alter a site would be reviewed based on the policies of this Plan. Permits may contain conditions relating to preservation of vegetation, rehabilitation and the best management practices.

## **8.10 AMENDMENTS TO THE PLAN**

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 ensure that the following criteria are consistent with the Provincial Policy Statement (2005):

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

- the adequacy of the water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports which Council shall request from the developer and subject to the approval the Ministry of the Environment, the Medical Officer of Health and any other appropriate authority deemed advisable;
  - the compatibility of such proposed use with uses in the surrounding area;
  - the potential effect of the proposed use on the financial position of the Municipality; and,
- v) the impacts of the proposed use on the natural environment.
- vi) Provincial Legislation and regulations, including but not limited to Section 2 of the Planning Act, and provincial Policies implemented under Section 3 of the Planning Act, and other Provincial policies and guidelines issued from time to time.

### **8.11 TECHNICAL REPORTS**

Where this Plan requires the submission of any technical report such as a Hydrogeological Report or Environmental Impact Assessment, it is the responsibility of the proponent to prepare such reports at their own costs. All technical reports shall be prepared by professionals having the appropriate qualifications to complete the required studies. When Council or Planning Board is reviewing technical reports, they may retain independent experts to undertake a peer review of those reports. The costs of the peer review will be the responsibility of the proponent.

### **8.12 MONITORING**

Following adoption of this Plan, the Clerk shall prepare an annual report outlining how the Plan is being implemented. This report shall include:

- i) the number of lots created in each designation and the proportion of lots created in the Communities in relation to the Rural Areas and the Shoreline Development Areas;
- ii) the number of building permits issued for residential, industrial and commercial buildings;



- iii) a summary of applications for rezoning and amendments to this Plan;
- iv) population growth in the municipality; and
- v) the costs of any changes in the level of services provided by the Municipality as the result of development.

The Municipality will monitor water quality results obtained from all analysis received to determine if any significant changes to water quality as the result of development.

### **8.13 PLAN REVIEW**

Following approval of this Plan by the Ministry of Municipal Affairs and Housing, the Basis, Objectives and Policies of the Plan shall be reviewed at least once every five years at a meeting of Council in accordance with Section 26 of the *Planning Act*. Should economic or social changes occur which necessitate an earlier review, or should the monitoring of the Plan identify areas that need further consideration, Council may direct such a review to be undertaken.

The five year review shall consist of an assessment of:

- a) the continuing relevance of the assumptions used to develop this Plan as found in Section 2 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.

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## 9.0 INTERPRETATION

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### 9.1 LAND USE DESIGNATIONS

It is intended that the boundaries of the Land Use categories shown on Schedule 'A' of this Plan, shall be considered as general only, and are not intended to define the exact limits of such areas except in the case of roads, railways, and other physical barriers that provide definitive boundaries. Minor adjustments may be made to these boundaries for the purpose of any Zoning By-law without necessitating an amendment to this Plan. Other than minor adjustments, no areas or zones, except as provided in this Plan, shall be created that do not conform with this Plan.

### 9.2 USES

Examples of permitted uses as included in this Plan are intended to illustrate a range of activities in each respective land use designation. Specific uses and related regulations shall be defined for land use designations by the implementing Zoning By-law.

### 9.3 ACCESSORY USES

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

### 9.4 APPROVAL AUTHORITY

It is intended that wherever the words "Council" or "Municipality" appear with respect to being the approval authority that the policies apply if another authority, such as MMAH and the Planning Board, has that approval.