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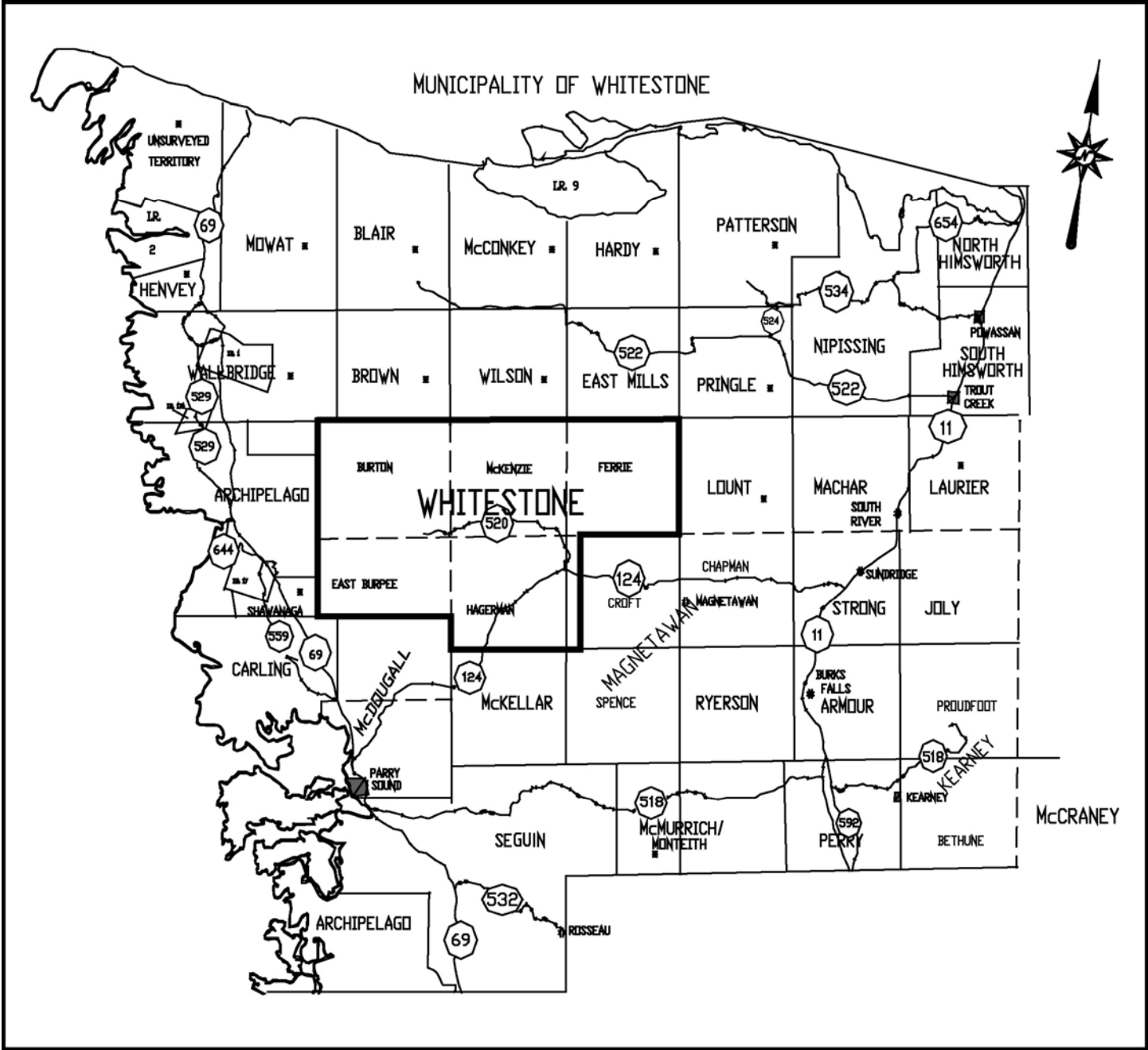
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OFFICIAL PLAN

FOR THE

MUNICIPALITY OF WHITESTONE

November 26, 2003



OFFICIAL PLAN FOR THE MUNICIPALITY
 OF WHITESTONE
 November 26, 2003

TABLE OF CONTENTS

SECTION	PAGE
1.0 TITLE AND COMPONENTS OF THE PLAN	1
2.0 PURPOSE OF THE PLAN	2
3.0 GOAL OF THE PLAN	2
4.0 BASIS OF THE PLAN	2
5.0 OBJECTIVES OF THE PLAN	5
6.0 GROWTH AND SETTLEMENT PATTERN	6
6.01 General	6
6.02 Year Round Population	7
6.03 Seasonal or Waterfront Development	7
7.0 GENERAL ECONOMIC POLICY	8
8.0 GENERAL DEVELOPMENT POLICY	8
8.01 Land Division Policy	8
8.02 New Lot Standards	9
8.03 Subdivisions	10
8.03.1 Sewage Disposal	10
8.03.2 Water Supply	10
8.03.3 Drainage	11
8.03.4 Traffic and Highways	11
8.03.5 Waste Disposal For Water Access Subdivisions	11
8.04 Plans to Accommodate Handicapped	11
9.0 ROADS AND TRANSPORTATION	12
9.01 Provincial Highways	12
9.02 Municipal Roads	12
9.03 Major Roads	13
9.04 Municipal Road Allowance	13
9.05 Municipal Road Standards	13
9.06 Private Roads	14
9.07 Colonization and Deviation Roads	14
9.08 Shore Road Allowances	15
9.09 Roads Over Crown Land	15
9.10 Recreational Trails	15
9.11 Float Planes	15
9.12 Railways	16
10.0 GENERAL PARKS AND OPEN SPACE	16
10.01 Parkland Policy	16
10.02 Golf Course Policy	17

SECTION	PAGE
11.0 HOUSING AND SPECIAL LAND USES	17
11.01 General	17
11.02 Trailers	18
11.03 Mobile Homes	19
11.04 Group Homes	19
11.05 Home Occupations	19
11.06 Bed and Breakfasts	20
11.07 Residential Conversions	20
11.08 Garden Suites	21
11.09 Hunt Camps	21
12.0 NATURAL RESOURCES	22
12.01 Crown Land and the Ministry of Natural Resources and the Ministry of Northern Development and Mines	22
12.02 Wildlife	22
12.03 Fish Habitat	23
12.04 Pits and Quarries	24
12.05 Wetlands	26
12.06 Hazard Lands	27
13.0 ENVIRONMENT	29
13.01 Environment	29
14.0 COMMERCIAL OR INDUSTRIAL DEVELOPMENT	31
15.0 HERITAGE	32
15.01 Heritage Policies	32
15.02 Cultural Heritage and Archaeological Resources	32
16.0 – LAND USE POLICY AREAS	32
16.01 Rural	32
16.02 Waterfront	33
17.0 LAKE SPECIFIC POLICIES	35
17.01 Bolger/Kashegaba Lakes	35
17.02 Gooseneck Lake	35
17.03 Magnetawan River	35
17.04 Fairholme Lake	36
17.05 Limestone Lake	36
17.06 Lorimer Lake	36
17.07 Manson Lake	38
17.08 Shawanaga Lake	38
17.09 Whitestone Lake	39
17.10 Wahwashkesh Lake	39
17.11 Trout Lake	40
17.12 Labrash Lake	40
17.13 Other Recreational Waterbodies	41

SECTION	PAGE
18.0 – COMMUNITY AREAS	41
19.0 – COMMUNITY IMPROVEMENT POLICIES	42
19.01 Goal	42
19.02 Objective	42
19.03 Improvement Criteria	42
19.04 Phasing	43
19.05 Community Improvement Area	43
19.06 Implementation	43
20.0 - PROPERTY STANDARDS	44
21.0 - IMPLEMENTATION	45
21.01 Accessory Uses	45
21.02 Boundaries	45
21.03 Numerical Interpretation	45
21.04 Deeming By-laws	45
21.05 Site Plan Control	45
21.06 Existing Development Applications	45
21.07 Special Exceptions For Existing Uses	46
21.08 Holding Provisions	46
21.09 Zoning	47
21.10 Non-Conforming Uses	47
21.11 Special Notices	48
21.12 Plan Review	48
21.13 Amendments	49
21.14 Amenities Policies	50
22.0 – SPECIAL POLICIES	50
22.01 Exceptions	50
22.02 Water Use	50
22.03 Signs	51
22.04 Lights	51
22.05 Sleeping Cabins	51
22.06 Channels	52
22.07 Second Cottages	52
22.08 Navigability	52
22.09 Common Docks	52
22.10 Derelict Vehicles	52
22.11 Boathouses	52
22.12 Noise/Vibration/Land Use Compatibility	53
22.13 Crown Lakebed	53
22.14 Narrow Waterbodies	54
GLOSSARY	54

**THE OFFICIAL PLAN FOR
THE
MUNICIPALITY OF WHITESTONE**

SECTION 1.0 – TITLE AND COMPONENTS OF THE PLAN

This Plan, when approved by the Ministry of Municipal Affairs and Housing will be known as the:

"OFFICIAL PLAN OF THE MUNICIPALITY OF WHITESTONE"

This Plan applies to the Municipality of Whitestone, a member municipality of the Parry Sound Area Planning Area. Whitestone consists of:

the Township of **Hagerman**; and
the geographic townships of **Burton, East Burpee, McKenzie, Ferrie** and the westerly five lots of **Croft**
herein after referred to as the "Municipality".

The Parry Sound Area Planning Area includes Whitestone, McDougall, Carling, McKellar and the Town of Parry Sound. McDougall and Carling have a combined Official Plan document and McKellar and Parry Sound have individual Official Plans.

This Plan includes the following components:

- Title and Components of the Plan
- Purpose of the Plan
- Goal of the Plan
- Basis of the Plan
- Objectives of the Plan
- Growth and Settlement Pattern
- General Economic Policy
- General Development Policy
- Road and Transportation
- General Parks and Open Space
- Housing and Special Land Uses
- Natural Resources
- Other Provincial Agencies
- Commercial or Industrial Development
- Heritage/Amenities
- Land Use Policy Areas
- Lake Specific Policies
- Community Areas
- Community Improvement Policies
- Property Standards
- Implementation
- Special Policies

SECTION 2.0 – PURPOSE OF THE PLAN

The purpose of this Official Plan is to set forth the general policies concerned with the shaping and guiding of the physical growth of the Municipality of Whitestone and to promote sustainable economic development in a healthy natural environment within the municipality.

This plan is intended to provide the basis for a land use planning program that will guide Council and the citizens of Whitestone with a clear and understandable set of guidelines for making land use decisions.

The plan incorporates those matters of provincial interest as articulated in the Provincial Policy Statements in order to eliminate conflicts and provide for local land use planning decisions led by provincial policy.

SECTION 3.0 – GOAL OF THE PLAN

The goal of the Official Plan for the Municipality of Whitestone is to preserve the high quality of life in the Municipality and to enhance that quality through preserving the natural environment while encouraging sustainable growth in all sectors to attract new citizens and visitors to the community.

SECTION 4.0 – BASIS OF THE PLAN

- 4.01 The Municipality of Whitestone was formed on January 1, 2000 as a result of the Central Parry Sound District Restructuring Commission. The Restructuring Commission was part of the province's program to consolidate and strengthen local governments. The formation of the Municipality of Whitestone united Hagerman Township with the geographic townships of Burton, East Burpee, McKenzie, Ferrie and part of the geographic township of Croft all located in the central area of the Parry Sound District.
- 4.02 The Municipality of Whitestone is characterized by a large, lake strewn area with sparse populations. The Canadian Shield produces a rugged appearance with rocky shorelines dominated by white pine trees. These features, together with its proximity to southern Ontario make the area an appealing recreation and retirement community.
- 4.03 There are two north-south highway corridors in Parry Sound District that create two distinct communities of interest. The Highway 11 corridor services those municipalities along the east side of the District while Highway 69 serves the west. Whitestone is located half way between these trans-provincial highways on Highway 124, the only major east-west highway in the District. Because of its location in the middle of the District, it shares a combined influence between east and west.

- 4.04 In many ways, the Municipality of Whitestone reflects the character of much of the District of Parry Sound. It has a small year round population, a large proportion of seasonal residents and a small assessment.

Whitestone Population	853
Permanent Dwellings	371
Seasonal Dwellings	1238
2001 Assessment (1998 market value)	\$163,392,505
Crown land (80% of land area)	56,783 hectares
Parks (includes Conservation Reserves)	16,321 hectares
Water	12.014 hectares
Patented Land	18,833 hectares
Total Land Area	91,937 hectares
Municipal Roads	106.45 km

Source: Statistics Canada, Assessment Records, MTIG

- 4.05 The local economy for the Municipality of Whitestone is largely* derived from its seasonal land owners. There are other components of the Municipality's economy that are important including resource extraction, service, retail and construction. The Municipality is interested in promoting additional development and diversifying the local economy. In both cases, however, the ratepayers have indicated that the emphasis must be on sustainability and compatibility with the natural environment.
- 4.06 The year round population of less than 1000 persons is spread over 106.45 kilometres of road in 91,937 hectares. The limited assessment base is a challenge to provide an efficient level of services and carefully considered development to limit any increase in costs for providing basic services.
- 4.07 The Municipality of Whitestone has a significant Crown land base. Eighty percent of Whitestone is Crown land. There are two provincial parks and several conservation reserves. The Official Plan must recognize the relationship between the differing types of crown land and the expression of policy contained in the Ontario Living Legacy and the private land holdings in the Municipality.
- 4.08 The Municipality of Whitestone covers a large region in the central part of the District of Parry Sound. The delivery of local service over this broad region is a challenge which requires new, sustainable development to offset any increasing local government costs.
- 4.09 The Municipality has undertaken an extensive electronic mapping program including a geographic information system. This new mapping system will be used as part of the Official Plan and zoning by-law documents and the information system will assist in the delivery of the land use planning and other municipal programs. Land use data has been added to this electronic mapping to be used in the Official Plan and Zoning Study.

* approximately 80% of tax income is derived from seasonal population.

- 4.10 A survey of Whitestone residents was undertaken to determine facts, issues, problems and attitudes of development throughout the Municipality. Most respondents want to see the Municipality grow and develop subject to proper controls that protect the environment. A significant portion of the seasonal residents of Whitestone have indicated a desire to retire in the Municipality.
- 4.11 As part of the Official Plan Study, relevant agencies and organizations have been invited to make submissions respecting the new Official Plan for the Municipality of Whitestone. There are numerous submissions that have been reviewed and incorporated into the policy formulation of this plan.
- 4.12 Development activity in the region has been tracked and quantified. The amount of development has been limited over the past ten years. This is partly due to the economy, the isolation of the region and the competing investment economies. As the real estate market becomes more competitive, as the number of recreational property opportunities diminishes in the southern parts of the district and as the economy for rural recreational properties increases, growth in Whitestone is anticipated to be steady. This is not anticipated to be a large growth that impairs the Municipality's ability to deliver services.
- 4.13 There are a number of businesses and resorts in the Municipality that will need to be recognized and supported in the Official Plan. The success and survival of these businesses are vital to the long term health of Whitestone.
- 4.14 The population of Whitestone is made up of year round and seasonal residents. The seasonal residents outnumber the year round residents about five to one. The proportionate differences between seasonal and year round residents is not likely to change dramatically as the strongest growth will continue to be for new cottages. Notwithstanding this general trend, it is anticipated that there will be a steady number of retirees considering their cottages for future year round use.
- 4.15 The Council of the Municipality of Whitestone, with this plan and other strategies of the Municipality, will attempt to attract growth in all sectors of the population by encouraging settlement, development and business opportunities.
- 4.16 The conversion of cottages to year round use is encouraged by this Official Plan. However, policies need to be carefully prepared that recognize the servicing limitations that may apply to some converted properties.
- 4.17 The Council of the Municipality of Whitestone has held a number of public meetings, has established a special section on its website to advertise planning activities including the new Official Plan program and has set up a planning advisory committee consisting of representatives of citizens throughout the Municipality to review and contribute to the construction of the new Official Plan.

- 4.18 The numerous freshwater lakes and the rivers are the lifeblood of the Municipality of Whitestone. Policies will need to be carefully constructed to ensure the continued maintenance of the quality of these waters while responding to the inevitable demand for additional waterfront recreational land. There are a variety of lake and river conditions that may require lake or river specific policies to properly respond to neighbourhood policy needs.
- 4.19 Despite its recent incorporation, Whitestone is an area that is rich in history having been part of the original Free Land Grant Act of 1879. There have been multiple generations of area families that have contributed to the character and past history of the Municipality and contributions will continue with present and future generations. The policy of this Official Plan will be sensitive to the preservation of this heritage and character.
- 4.20 All of Whitestone's development and future development will be serviced by private systems for water supply and sewage treatment. The policy of this plan does not expect any change to this arrangement so that new development will always be expected to be on private services.
- 4.21 The plan provides policies for community improvement pursuant to the Planning Act.

SECTION 5.0 – OBJECTIVES OF THE PLAN

The objectives necessary to fulfill the Official Plan include:

- 5.01 Maintaining, protecting and improving the natural environment within the Municipality and region;
- 5.02 Providing a level of service that is consistent with the basic needs and financial resources of the local government and maintains fiscal responsibility and encourages development;
- 5.03 Promoting additional growth in the recreational and residential areas that is sustainable, responsible and appropriate to meet a growing demand for such development in the Municipality;
- 5.04 Encouraging the orderly development of commercial and light industrial activities to diversify the economic base in the community and generate job opportunities within the community;
- 5.05 Ensuring the compatibility of land uses but not to the degree that new uses are denied an opportunity in the Municipality;
- 5.06 Requiring new development to be responsible for all costs directly associated with that development so that the Municipality does not assume any costs beyond normal maintenance and service;
- 5.07 Encouraging the principles of energy and resource conservation, recycling and maintaining the supply of renewable resources;

- 5.08 Encourage an efficient transportation system that allows for the safe convenient movements of traffic within the Municipality. Require an appropriate standard for access and road design for all new recreational and residential development;
- 5.09 Preserving elements of the rural character of the Municipality along the major roads and highways;
- 5.10 Ensuring an adequate supply of land for new residential development and supporting those housing programs that preserve housing stocks and introduce affordable housing;
- 5.11 Maintaining, expanding and supporting recreational facilities, programs and open space areas throughout the Municipality;
- 5.12 Encouraging community improvements in built-up areas of the Municipality in both private and public sectors for the rehabilitation maintenance and preservation of these important neighbourhoods;
- 5.13 Ensure that new structural development will occur in a manner that will minimize the potential for loss of life, property damage, social disruption and the need for emergency evacuation under flood or fire conditions;
- 5.14 Ensure that new development considers the importance of indigenous sand and gravel and other mineral resources to the Municipality;
- 5.15 Encourage development that strengthens the communities of Dunchurch, Maple Island, Whitestone and Ardbeg;
- 5.16 To ensure that water supply and sewage services are planned and utilized in accordance with long-term planning and growth management objectives; and
- 5.17 To identify potentially contaminated sites to avoid unanticipated impacts, costs and delays in land use planning.
- 5.18 Preserving and enhancing the wilderness or semi wilderness character of the numerous recreational waterbodies in the Municipality.

SECTION 6.0 – GROWTH AND SETTLEMENT PATTERN

6.01 General

Whitestone is a rural-recreational Municipality with a large number of fresh water lakes. Most of the areas growth occurs along the shoreline of its lakes. Apart from the shoreline of the larger lakes, the Municipality is sparsely populated covering a large area within the District of Parry Sound. A large portion of the interior area of Whitestone is Crown land.

The composition of the Municipality's population is not expected to change over the period of this plan. There will be a continual, but small amount of growth in both year round and seasonal populations as demand increases and as the supply of rural-recreational opportunities diminishes elsewhere in the Parry Sound District.

The Council of the Municipality of Whitestone, with this Plan and other strategies, will attempt to attract growth in all sectors of the population by encouraging settlement, development and business opportunities.

6.02 Year Round Population

The year round population in Whitestone includes a large proportion of retirees and those that cater to the tourist sector. Some residents are employed in the larger centres on Highway No. 69 or 11. While there is not anticipated to be significant growth in the year round population of Whitestone, Council will support development or redevelopment that attracts additional population in the Municipality. It is hoped that any additional population will bolster the local economy and introduce new business opportunities.

The Municipality of Whitestone is too young to identify the existing growth rates and to determine the issues that may emerge as a function of its growth. In the interim, Whitestone residents have indicated that they are not opposed to growth so long as the character, heritage, and the natural landscapes of the Municipality are preserved.

Generally, year round growth will be directed to the communities in the Municipality and away from the rural areas. The rural areas are away from the shoreline of recreational lakes in the interior of the Municipality and outside of Dunchurch, Maple Island, Whitestone or Ardbeg.

The Municipality is cognizant of current limitations imposed by its small population and assessment and it is currently exploring compatible economic and community development programs through its relationship with other municipalities, varied ministries and area strategic planning initiatives.

6.03 Seasonal or Waterfront Development

The Municipality encourages new waterfront development. Any new growth along the waterfront will be required to be sustainable in terms of minimizing its impacts on the social, physical and financial environments of the Municipality.

There are a number of general and lake specific policies contained in this plan that recognize the ability of some waterbodies to withstand additional development. These policies should be reviewed in conjunction with provincial policies when assessing lake carrying capacities.

SECTION 7.0 – GENERAL ECONOMIC POLICY

- 7.01 Whitestone supports local economic pursuits that do not have a significant adverse affect of the natural environment.
- 7.02 The Municipality wishes to attract new businesses to create new employment opportunities, to diversify the economic base and to convenience its inhabitants with local services.
- 7.03 Any economic activity that complements the local character of Whitestone and can be shown to be reasonably cost efficient will be supported in principle by the Municipality.
- 7.04 The resource sector provides a number of local businesses particularly in the timber and construction industries. Existing resource industries and new businesses will be encouraged in appropriate locations within the rural area and in isolated instances along the waterfront and in community areas. These industries are supported so long as they are carried out in a responsible environmental manner and so that no serious adverse impacts are created on any adjacent sensitive land uses.
- 7.05 Council will develop an economic development strategy, including the provisions of this Plan, to aggressively attract new business and enhance or expand the opportunities for existing businesses.
- 7.06 It is recognized that there are a large number of persons that have established businesses in their homes, cottages or shops that provide an important component of the local economy. This Plan supports those businesses based within a residential property so long as the business use is secondary to the residential use and there are no adverse impacts on adjoining residential uses.
- 7.07 Council supports development and activities that seek to strengthen the local economy, attract tourists and visitors to the area and add to the potential employment base. These may include expanding the trail system, assisting businesses with government agencies to improve local business opportunities or joining organizations with programs or projects that are intended to enhance the local economy.

SECTION 8.0 – GENERAL DEVELOPMENT POLICY

8.01 Land Division Policy

- 8.01.1 Land division may proceed by either plan of subdivision or consent in accordance with the Planning Act and the policies contained in this plan.
- 8.01.2 Plans of subdivisions will be required for those multiple lot developments where there are extensions to municipal services, where there is a need for special studies to determine service issues and needs, or where an entirely new development pattern is being established in an area of the Municipality.

- 8.01.3 Consents for the creation of a limited number of new lots will continue to be the most used land division procedure. Consents will be permitted where it can be demonstrated that a plan of subdivision is unnecessary for the proper development of the land and where the consent conforms to the general development pattern of the area or adjacent plans of subdivision. Consent proposing to create lots in the waterfront areas may be subject to the principles set out in Section 8.03 for subdivisions.
- 8.01.4 The land division authority would generally interpret the consent policy to limit the creation of 3 new lots on a parcel that itself was not created by consent. Any exceptions to this practise, up or down, may be made in special circumstances where the purpose and intent of the above policy is maintained and the land division authority is satisfied that there is no need, benefit or public interest in proceeding by registered plan of subdivision.

8.02 New Lot Standards

New lot standards will be set out in the implementing zoning by-law based upon the policy provisions for the various waterfront, rural and community neighbourhoods. The lot standards will reflect the appropriate minimum standards for new lots. These minimum standards will not necessarily be the maximum dimension or areas of any proposed new lots. New lots proposed to be created will be expected to comply with the policies of this plan, the criteria under the Planning Act, applicable provincial policies and sound planning practises.

Exceptions to the strict minimum standards for new lots as set out in the comprehensive zoning by-law may be made under one or more of the following conditions:

- (a) where a deed or title correction is required; or
- (b) where there are existing buildings on the severed and retained lands so that there would essentially be no additional development; or
- (c) where lots have inadvertently merged and re-separation of said lots would be consistent with the existing lot pattern, and so long as there is sufficient merit respecting the physical suitability of recreating said lot; or
- (d) where the shortfall in the standard of the proposed lot is so minor that it does not conflict with the purpose and intent of the policies of this plan.

8.03 Subdivisions

8.03.1 Sewage Disposal

Where a subdivision proposes individual septic systems for new development on shoreline properties, the proposed lots must be assessed for suitability for said individual services. There must be at least two sites identified on each lot capable of servicing a minimum three bedroom dwelling or alternatively the proponent provide a report by a qualified engineer demonstrating the appropriateness of a single septic system site.

Shoreline development will be assessed for its effect on the trophic status of lakes. A clearance may be required demonstrating capacity for the development from the province or other qualified information source. This assessment should include the impact of any surface drainage for the proposed development, where applicable.

Where a subdivision proposes individual septic systems on lands not fronting on the shoreline, a septic impact study must be undertaken demonstrating the suitability of said lands for individual services having regard to impacts on ground water and adjoining surface waters as set out by provincial guidelines. There must be at least two sites identified on each lot capable of servicing a minimum three bedroom dwelling or alternatively the proponent provide a report by a qualified engineer demonstrating the appropriateness of a single septic system site.

Residential subdivision proposals on communal sewage services must provide sufficient details confirming the impact, suitability, municipal acceptability and compliance with the required provincial approvals.

8.03.2 Water Supply

Shoreline subdivision development may rely on surface water supplies and property owners will be responsible for individual water treatment.

Where more than five lots are proposed on nonwaterfront properties, or where an applicant proposes drilled or dug wells on waterfront properties, a hydrogeological report shall be undertaken demonstrating that there is a suitable quality and quantity of groundwater. Criteria for undertaking hydrogeological investigations shall follow the guidelines of the provincial government. A clearance will be required in support of the development from the appropriate agency.

The subdivision agreement between the owner and the Municipality will include a clause that indicates that private water supplies may require treatment or disinfection to render the water potable or aesthetically pleasing and that the Municipality or the Parry Sound Area Planning Board have no responsibility or liability concerning the quantity or quality of the water supply.

8.03.3 Drainage

A preliminary storm water management or drainage report shall be included with the subdivision application or a statement from the applicant how drainage will be managed on the lands.

A storm water management plan shall include:

- (i) how the drainage complies with a storm water management policy; or
- (ii) an analysis of the watershed drainage including the identification of floodplains, an analysis and an evaluation on the management of storm water, its impact on the proposed development including recommendations to the Municipality.

8.03.4 Traffic and Highways

If a proposed plan of subdivision is within 400 metres of a provincial highway, it requires a statement or a permit, where applicable from the Ministry of Transportation that it has no objection to the development.

The application must be accompanied by preliminary comments from the local road authority as to how the proposed plan will impact on public roads and a Traffic Impact Study, as required.

8.03.5 Waste Disposal For Water Access Subdivisions

Any water access subdivisions will be required to ensure that waste disposal facilities are available at a mainland facility to accommodate the development.

8.04 Plans to Accommodate Handicapped

Where applicable any plans or decisions respecting plans or programs within the Municipality of Whitestone shall have regard for the needs of the physically challenged to ensure that access is available to all segments of the population.

The Municipality may establish an accessibility advisory committee pursuant to the Ontarians with Disabilities Act to provide a long term strategy to ensure compliance with this Act.

SECTION 9.0 – ROADS AND TRANSPORTATION

TRANSPORTATION POLICY

9.01 Provincial Highways

9.01.1 There are two provincial highways in the Municipality. Council supports the continued maintenance and upgrading of Highways 124 and 520 as provincial highways serving the Municipality. In order to preserve the function and efficiencies of these provincial highways, the number of new entrances should be limited. Any entrances that are proposed on a provincial highway will require a permit from the Ministry of Transportation.

9.01.2 New development proposed to have an entrance directly on to a provincial highway outside of any community will be required to have a minimum frontage that is twice the standard for a rural lot unless it can be demonstrated that the rural standard will not impair the functional qualities of the highway.

Building and land use permits along with entrance and sign permits are required prior to any construction and/or grading on sites adjacent to any provincial highway. New lot frontages may be determined by the Ministry of Transportation.

Any development within a specified distance of a provincial highway may be required to undertake noise studies to the satisfaction of the Municipality in consultation with the Ministry of Transportation.

9.01.3 The Municipality supports the continued expansions of Highways No. 69 and No. 11 through the District of Parry Sound to promote safe and convenient travel into and out of the District.

9.02 Municipal Roads

New development must front upon a year round road or a year round cottage road. The road must be publicly maintained except in the following circumstances:

9.02.1 new lots created by a consent where the lot(s) front upon a recreational waterbody with an appropriate private right-of-way as determined by all other policies of this Plan;

9.02.2 water access lots provided that Council is satisfied that appropriate facilities for car parking and docking are available exclusively for the proposed waterfront access development;

9.02.3 camps used in connection with hunting, fish or maple syrup operations so long as there is a legal means of access to a given property; and

- 9.02.4 a business, industrial or resource use so long as there is a legal right-of-way to the property from a publicly maintained, year round road.

9.03 Major Roads

- 9.03.1 In order to maintain the rural character as far as possible, and to preserve the efficiency of the highways and major rural roads, new development that requires direct access on to a provincial highway or arterial road will be discouraged.
- 9.03.2 For the purposes of this Plan, arterial roads in Whitestone include The Bunny Trail, Lorimer Lake Road and Balsam Road.

9.04 Municipal Road Allowance

It is the Council's preference to not allow improvements to municipal road allowances that are not maintained unless the following occurs:

- 9.04.1 the Municipality declares the road allowance surplus and the municipal road allowance is stopped up and sold in accordance with the provisions of the Municipal Act; or
- 9.04.2 the road is brought up to a municipal standard and assumed by the Municipality for maintenance purposes; or
- 9.04.3 the proponents of the road allowance improvements enter into legal agreement with the Municipality that includes provisions for indemnification of liability, signage and liability insurance; and
- 9.04.4 that any wetland crossings are the subject of an assessment by a qualified biologist to demonstrate that there are no adverse environmental impacts.
- 9.04.5 The above policy applies to any crossing of an unopened road allowance.

9.05 Municipal Road Standards

- 9.05.1 The Municipality may only assume and maintain new roads or existing private roads if the road is brought up to the standards of the Municipality.
- 9.05.2 The Municipality must be convinced that the assumption of a new road or an upgraded road is in the public interest before it commits to the assumption of the road.
- 9.05.3 Over the long term, the Municipality hopes to achieve a uniform standard for year round, cottage and seasonal municipal roads. Council will adopt a program of prioritizing these improvements as need and funds permit.

- 9.05.4 The Municipality may consider waterfront development on a private road in accordance with the above policies where it may be demonstrated that a publicly assumed and maintained road is not necessary for the appropriate development of the Municipality.
- 9.05.5 The Municipality may consider seasonal or cottage road standards where it is deemed appropriate for development that is designed for seasonal or cottage use only. Year round road service will not be provided on seasonal roads until such roads are upgraded to year round standards, at the expense of the benefiting property owners.

9.06 Private Roads

- 9.06.1 Private roads are the principal means of access for a large number of waterfront property owners. The Municipality has no jurisdiction over private roads. With the shift to market value assessment, the shoreline tax base pays a significantly larger portion of the Municipality's tax base. There will be pressure placed on Council to assume some of these private roads. Council may only assume these roads if they are upgraded to the appropriate standard.
- 9.06.2 New private roads may be considered to access new shoreline development so long as it is clearly understood that the Municipality has no responsibility for the maintenance or standards of the road and is not responsible for the delivery of services to the same extent as would be the case for lands directly abutting a year round, publicly maintained road.
- 9.06.3 In considering the establishment or extension of new private roads, Council will have regard for the purpose of the road, its length, the number of users, the anticipated changing status of the road, minimizing any negative impact on the natural environment and any relevant construction or operational standards including safety and entrances.
- 9.06. The Municipality may consider roads under the Condominium Act where deemed appropriate.

9.07 Colonization and Deviation Roads

- 9.07.1 The Municipality will not recognize any former colonization road or deviation road as a publicly maintained road for the purpose of this plan notwithstanding that it retains ownership of the roadbed. The Municipality must have been maintaining a roadway on a regular basis for the road to be recognized as a year round publicly maintained road.
- 9.07.2 Where the Municipality realigns an existing road, the former roadbed will be conveyed to the abutting land owners in accordance with the Municipal Act.

9.08 Shore Road Allowances

- 9.08.1 Shore road allowances are present on a number of lakes in the Municipality. The Municipality is prepared to stop and sell these shore road allowances to the riparian land owners.
- 9.08.2 That part of the shore road allowance below the controlled high water mark will be retained by the Municipality.
- 9.08.3 That part of the shore road allowance identified as having any environmental feature will be retained by the Municipality.
- 9.08.4 No shore road allowance will be stopped up and sold to the riparian land owner where it is used for access by an adjoining property owner or where the sale will have a negative impact on an adjoining property owner.

9.09 Roads Over Crown Land

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

9.10 Recreational Trails

- 9.10.1 The Municipality supports the continued program of recreational trails in the region as important components of the areas recreational attractions, economy and transportation system. The Municipality will co-operate as far as possible to preserve and improve upon the existing system of trails.
- 9.10.2 The Municipality supports the establishment of trans-provincial trail efforts and will participate in the construction of these trails as far as possible.

9.11 Float Planes

- 9.11.1 The use of float planes in the Municipality is an important form of access to camps and cottages both inside and outside the Municipality.
- 9.11.2 New float plane depots or staging areas will be required to be zoned commercial in the Municipality's comprehensive zoning by-laws to recognize the attendant land based activities and structures.
- 9.11.3 Any floating hangers or storage buildings alleged to be used in conjunction with private or commercial float planes will be considered boathouses or land-based storage buildings for the purposes of the Ontario Building Code Act.

9.12 Railways

- 9.12.1 All proposed development within 120 metres of a railway right-of-way may be required to undertake noise studies, to the satisfaction of the Municipality in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.
- 9.12.2 All proposed development within 75 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the Municipality in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.
- 9.12.3 All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Municipality in consultation with the appropriate railway.

SECTION 10.0 – GENERAL PARKS AND OPEN SPACE

10.01 Parkland Policy

Council will encourage the preservation and expansion of its existing parks and lake access points throughout the Municipality provided that such expansions do not overload existing lake neighbourhoods by introducing excessive traffic on any given waterbody.

It will be the preference of the Council to require a parkland dedication as a condition of land division or development under the Planning Act. In cases where the development proposal is too small to be practical for parkland use, Council may consider cash-in-lieu of a land dedication.

As a condition of development or redevelopment on one of the Municipality's waterbodies, Council will attempt to preserve or expand upon public access to that lake.

Council will generally discourage the stopping up and transferring of road allowances that lead to a recreational waterbody unless the use of the road allowance, either now or in the future could not feasibly serve as a public access. Alternatively, an applicant interested in acquiring a particular road allowance leading to water, could provide an alternative access to replace the road allowance.

Council supports the existing recreational trail system throughout the Municipality and encourages the maintenance and expansion of this system to meet growing demands. Council endorses the ongoing partnerships of governments, organizations and individuals to continue to operate and enhance the trail system.

10.02 Golf Course Policy

Golf courses are permitted uses in all land use designations. A rezoning will be required for the establishment of any new golf course(s) or the extension or expansion of any existing golf course. A condition of a rezoning will include:

- (a) an environmental report that examines the environmental impacts of the golf course development;
- (b) an inventory of natural features and wildlife;
- (c) a hydrogeology study;
- (d) an environmental management plan that ensures best business management practices;
- (e) the implementation of a monitoring program;
- (f) site plan approval;
- (g) approval of any relevant agency; and
- (h) an agreement to ensure the long-term maintenance responsibilities of the golf course use.

SECTION 11.0 – HOUSING AND SPECIAL LAND USES

11.01 General

- 11.01.1 The primary type of residential use in the Municipality is a single detached dwelling unit or seasonal residential dwelling unit. It is the policy of the Municipality of Whitestone to maintain the single detached dwelling unit or seasonal residential unit as the primary permitted housing form in the Municipality. A single detached dwelling unit may be converted to more than one dwelling unit in accordance with the provisions of the Zoning By-law. Other forms of multi-unit residential dwellings are not expected to be considered in the Municipality of Whitestone. Multi-unit dwellings may be permitted in any policy area by rezoning and subject to all other applicable policies of this Plan.
- 11.01.2 Higher density residential housing development including medium density housing may be considered in the communities where it may be demonstrated that adequate services are available for such development and subject to rezoning to consider any land use implications.
- 11.01.3 The Municipality of Whitestone supports the continued use of rehabilitation and subsidized housing programs sponsored by the Provincial or Federal Governments where applicable in the Municipality. If required under any such program, the Municipality will produce and implement a Property Standards by-law.

- 11.01.4 An acceptable standard of housing design will be established in the Municipality through zoning, property maintenance and occupancy standards, and where necessary, through site plan control. In general new housing design shall not detract from the rural character already established in the Municipality.
- 11.01.5 The Municipality of Whitestone supports subsidized housing programs within the Municipality and will take active steps to pursue sponsoring these programs where eligible under current Provincial and Federal Government criteria.
- 11.01.6 It will be the policy of this plan that unless otherwise provided, only one dwelling is permitted on any separate parcel of land subject to all other applicable policies of this Plan.

11.02 Trailers

- 11.02.1 The Municipality of Whitestone does not permit the use of travel trailers in place of conventionally built single detached dwellings. This restriction does not apply to the placement of travel trailers on a property that has an existing single detached dwelling where the trailer functions as an accessory building or where a trailer is placed on a property for storage or for sale. In addition, a trailer may be a permitted accessory building or structure where such a building or structure is a permitted use.
- 11.02.2 It is the policy of the Council of the Municipality of Whitestone to place all lawful, existing trailers in a legal non-conforming status with the hopes that over a number of years these legal non-conforming uses will be converted to conventional dwellings permitted by the zoning by-law.
- 11.02.3 Where trailers are being used as lawful single detached dwellings or seasonal residences and where these trailers are not assessed for taxation purposes, the Municipality will enact a licensing by-law to collect a fee in lieu of lost taxes for these trailers.
- 11.02.4 The Municipality may arrange for a temporary use of a trailer on a property where a building permit has been issued for a main dwelling and such trailer may be located on the subject property for the period required to construct the main dwelling so long as this period does not exceed three years.
- 11.02.5 A trailer camp, tourist camp or motel is a commercial use. The Municipality may enact by-laws to regulate, license or govern tourist camps, trailer camps or motels.
- 11.02.6 The number of trailer sites allowed, tourist camp sites or motel units will be prescribed in the implementing zoning by-law.

11.03 Mobile Homes

- 11.03.1 Any policy restricting the use of travel trailers is not intended to apply to mobile or modular homes on permanent foundations.
- 11.03.2 Mobile or modular homes are permitted in all designations so long as they are placed upon permanent foundations and comply with the minimum standards contained in the Municipality's zoning by-law.
- 11.03.3 Mobile home parks are to be zoned as commercial uses and will be subject to site plan control.

11.04 Group Homes

- 11.04.1 Group homes will be permitted in accordance with the applicable policies of this Plan.

11.05 Home Occupations

- 11.05.1 Home occupations are businesses that are conducted entirely within a residential dwelling or in an accessory building on a residential property and such businesses are considered to be secondary to the principal residential use of the property.
- 11.05.2 Home occupations are permitted in all designations and subject to the following:
 - a) the business must satisfy all statutory requirements for emissions and waste management;
 - b) the business will clearly be secondary and incidental to the residential use;
 - c) the business will be conducted by those persons who occupy the dwelling on a permanent basis with not more than two additional employees;
 - d) there will be sufficient lot area to accommodate a residence, the associated business and any parking;
 - e) only a limited portion of the dwelling will be used for the business;
 - f) where the business is located in an accessory building, the size of the building will be limited and lot coverage provisions will not be exceeded;
 - g) the residential character and appearance of the property and the neighbourhood will be maintained;

- h) the external residential appearance of the dwelling will be maintained and exterior signs restricted in size;
 - i) the business will be compatible with adjacent residences and the neighbourhood;
 - j) the business will have no negative environmental impacts or adverse effects;
 - k) the business will not be a high traffic generator;
 - l) the business will be a low water user and sewage effluent producer;
 - m) there will be no outdoor storage or display;
 - n) no more than 50% of the total floor area of the dwelling including the basement, shall be used for the business; and
 - o) an accessory building or shop does not exceed 300 square metres.
- 11.05.3 The implementing zoning by-law may make a distinction between home industries in contrast to home occupations where the location and operational criteria may be more permissive.

11.06 Bed and Breakfasts

- 11.06.1 Bed and breakfasts are permitted in any designation.
- 11.06.2 Bed and breakfasts must be a minimum of 0.5 kilometres from an existing bed and breakfast in the waterfront designation.
- 11.06.3 A bed and breakfast is to be considered a home occupation and the provisions of 11.05 shall apply.
- 11.06.4 No more than three rental bedrooms or guestrooms are permitted in a single bed and breakfast.

11.07 Residential Conversions

- 11.07.1 There is a substantial proportion of the population of the Municipality of Whitestone that is identified as seasonal given that their principal residence is located elsewhere. While these second home owners generally continue to use their Whitestone dwellings in a part-time basis and principally in the summer season, there are a small number interested in locating in the Municipality at their part-time residence on a full-time basis (June 2001 survey).

While it is anticipated that the number of actual seasonal residential conversions to year-round use will be low, there may be some land use implications that arise as a result of this action.

- 11.07.2 Seasonal residential conversions will be supported by the Municipality.
- 11.07.3 The conversions of seasonal dwellings to year-round use may require proof that an approved sewage system has been installed in accordance with the most recent standards.
- 11.07.4 An important distinction between the type of residential development, year-round versus seasonal, relates to the impact upon the additional nutrient loading as measured by phosphorous as part of the Ministry of the Environment lake quality guidelines. It is the position of the Municipality that the provincial authority includes whatever distinction is necessary for types of residential use for the appropriate assessment of the impact of that development on the environment. The establishment of an appropriate distinction may require detailed analysis of a particular waterbody.
- 11.07.5 Residents intending to convert their seasonal dwellings into year round homes shall be aware that such conversions do not necessarily entitle that property to any additional services and that the Municipality may pass by-laws clearly identifying how such properties may be subject to limited services.
- 11.07.6 The conversion of a seasonal dwelling into a year-round home is insufficient, by itself, to encourage upgrading of municipal services to the home. The Municipality must evaluate all factors, including the costs to other taxpayers, before proceeding with any service upgrades.

11.08 Garden Suites

- 11.08.1 Notwithstanding the provisions of this plan, a "garden suite" or "granny flat" may be authorized in any community or rural designation of this Plan by temporary use by-law for a period not exceeding ten years and provided that the land owner enter into an agreement with the Municipality.

11.09 Hunt Camps

- 11.09.1 The Municipality of Whitestone is an area with a significant number of camps used for hunting and fishing. This plan recognizes that these camps are important to the recreational and economic base of the municipality. These uses often have special considerations that allow some flexibility in terms of access, building and related services. The Council of the Municipality of Whitestone may make specific provisions for hunt camps and fishing camps in any by-law implementing this Official Plan.

SECTION 12.0 – NATURAL RESOURCES

12.01 Crown Land and the Ministry of Natural Resources and Ministry of Northern Development and Mines

12.01.1 General

A significant portion of the Municipality of Whitestone's land base is Crown land. The policies of the Official Plan and zoning by-law are not binding on Crown land activities. The use of Crown lands will be determined by the province with regard for the established planning policies of the Municipality. The Ministry of Northern Development and Mines issues mining leases, Exploratory Licenses of Occupation, mining claims and other forms of land tenure on Crown Land.

12.01.2 If Crown land should be patented or leased to private land owners, the Municipality's planning documents will be applied to these lands.

12.01.3 Crown lands including parks and conservation reserves will be identified on the land use plan.

12.01.4 While the Municipality supports the Ministry of Natural Resources and its management programs for Crown land, there may be a number of opportunities to dispose of Crown lands not identified as protected areas, that could be developed in a sustainable manner and that would contribute to the economic base of Whitestone without compromising the environment or the quiet enjoyment of the inhabitants of the area. Council supports Crown land dispositions in these instances.

12.01.5 Council may be concerned over conflicts that occur between parks, conservation reserves and historical uses that are permitted in these protected areas. Council will support whatever measures are available to resolve these conflicts in favour of historical land use activities.

12.02 Wildlife

12.02.1 Council is aware that there may be a number of significant wildlife habitat features that are not known and have not been identified on Schedule A. If it is determined that there may be some potential for significant wildlife habitat through local knowledge, anecdotal or any other evidence. Council will require an environmental site assessment prior to approving any land division applications or rezonings. The Ministry of Natural Resources may be contacted for technical advice.

12.02.2 In the Municipality of Whitestone, there are three known types of significant wildlife habitats; habitats of vulnerable species, deer yards; and habitats of species of conservation concern.

12.02.3 Council considers deer wintering areas as significant wildlife habitat. The deer yards are shown on the attached land use plan.

- 12.02.4 New lot creation in deer wintering areas will only occur if each new lot constitutes a minimum lot size of 90 metres wide by 90 metres deep. Council may require a wildlife habitat assessment, at the applicant's expense, to properly locate new development and site alteration (i.e. buildings, driveways) to ensure that no negative impact occurs. Alternate lot sizes may be permitted pending and evaluation by a qualified specialist indicating that winter deer habitat does not exist, the costs of such study to be borne by the applicant.
- 12.02.5 In addition to minimum lot size requirements, Council may introduce site plan and other controls to protect the vegetative cover that is important habitat for deer during the winter.
- 12.02.6 The general location of known habitat of vulnerable species and species of conservation concern are identified on a resource map and when any development or site alteration is proposed near these sites the Ministry of Natural Resources should be contacted for technical advice.
- 12.02.7 Nesting sites for vulnerable species of conservation concern will be protected by a 150 metre reserve and no construction activity is to be permitted in these reserve areas between March 1 and July 31.
- 12.02.8 Council will require an assessment of potential significant wildlife habitat values before any development is proposed within or adjacent to any identified sites or indicated on the resource maps.

12.03 Fish Habitat

- 12.03.1 The Municipality recognizes the importance and value of the sports fishery including the protection of fish habitats. New development will only be permitted where it can be carried out without negative impact on fish habitat. The Ontario Ministry of Natural Resources has provided the Municipality with fish habitat mapping and other data for all of the recreational waterbodies in Whitestone. This data and mapping will be used by the Council and all other agencies when reviewing development applications.

12.03.1.1 (a) Land Division on Shoreline with Type 1 Fish Habitat

All severed and retained lots must have a minimum of 15 metres of their respective shorelines free of Type 1 Fish Habitat;

- (i) where a severed or retained lot does not include a minimum of 15 metres of non-Type 1 Fish Habitat, it may be re-inspected for errors or omissions respecting the mapping;
- (ii) if the re-inspection reveals an accuracy issue, a revised Type 1 Fish Habitat mapping is to be confirmed by the Ministry of Natural Resources; or

- (b) the Parry Sound Area Planning Board may obtain a report by a qualified biologist to indicate how the development can comply with the Provincial Policy Statements. The costs of such a study will be the expense of the proponent; or
- (c) authorization for a dock and/or boathouse must be received from the Department of Fisheries and Oceans.

12.03.1.2 The properties may be rezoned to show the extent of fish habitat areas as a result of a change in the Ministry of Natural Resources fish habitat mapping.

12.03.1.3 The applicant must sign an acknowledgement form that they have received and read a copy of the information sheets on docks and shoreline development from the Ministry of Natural Resources and the Department of Fisheries and Oceans.

12.03.1.4 It is the policy of this Plan that in order to protect fish habitats along watercourses that there be a minimum 15 metre setback for structures along warm water streams and a minimum of 30 metres for cool or cold water streams. Staley's Creek and Jordan Creek and their tributaries may provide cool/cold water habitat and should have a 30 metre setback for buildings and structures.

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

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

12.03.1.7 The Municipality will include setbacks and buffers along sensitive shorelines of creeks, rivers and cool or cold watercourses.

12.04 Pits and Quarries

12.04.1 The Municipality of Whitestone is not designated as a municipality that is subject to the Aggregate Resources Act. The Municipality is not designated under this legislation because mineral aggregates in Whitestone are a relatively scarce resource. Because of the scarcity of this resource, the Municipality shares in the responsibility to ensure that the use of any mineral aggregate deposit is not impaired by inappropriate or conflicting land use development. Aggregate resource extraction should be considered an interim land use and if appropriate rehabilitation measures are applied, sites of former extraction can be returned to new uses that are compatible with surrounding land uses.

12.04.2 It will be the policy of the municipality to discourage new incompatible land uses and activities both on site and adjacent to existing pits and quarries, and deposits of mineral aggregates. 'Adjacent' is a minimum of 300 metres for existing pits and aggregate reserves, and a minimum of 500 metres for existing quarries, although the potential influences area for these uses on sensitive uses is considered to be 1000 metres. A recommended minimum separation distance of 300 metres or 500 metres, as applicable, must be supported by relevant studies as outlined in Ministry of Environment's D Series Guidelines on Land Use Compatibility (particularly D-6- Compatibility between Industrial Facilities and Sensitive Land Uses).

Existing pits and quarries will be identified in the Zoning By-law. In areas of or adjacent to known deposits of mineral significant aggregates, new development which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if:

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

Council may require a proponent of a development application to prepare a study to address each of the above criteria before approving the proposed change in land use.

12.04.3 While it is recognized that mineral aggregates are a scarce commodity in the Municipality, it is also recognized that such operations have a potential to create significant impacts on adjacent properties and on the environment. The implementing zoning by-law will recognize the need for special setbacks from roads, property lines, waterways and environmentally sensitive areas. The implementing by-law will specify what uses and activities may take place in the required yards in order to maximize a buffer between the pit use and adjoining properties. In the case of any recreational waterbody, no pit may be located closer than 150 metres to that waterway.

12.04.4 The Municipality will create an inventory of existing pits and quarries within the boundaries of the Municipality. It will zone pits and quarries in the implementing zoning by-law to allow for a pit use over the entire holdings of the pit operator or a portion thereof to recognize the need for additional limitations for any pit or quarry use on the subject property.

12.04.5 The pit owners/operators will be required to file annual operating plans with the Municipality to confirm that the pit use of any land property is within the property boundaries or within the area of the property zoned for a pit use. Any pit operation that fails to file an annual operating plan for two consecutive years, shall have the pit use deemed abandoned and the Municipal Council may remove the pit or quarry zoning, if applicable, and no legal nonconforming rights shall be conferred for such uses on affected properties.

- 12.04.6 The Municipality may enact a by-law to regulate the operation of a pit or quarry in accordance with the Municipal Act.
- 12.04.7 New pits and quarries may be established in the Municipality with a rezoning. A rezoning application for the establishment of a new pit should include sufficient information concerning the nature of the pit operation to allow Council to determine the impacts of the proposed new pit use.
- 12.04.8 Wayside pits and quarries will be a permitted use in any zone except the environmentally sensitive zones.
- 12.04.9 A portable asphalt plant used in connection with a public road authority contract may be permitted in any zone except environmentally sensitive zones.
- 12.04.10 Mineral Resources

Mineral resources and mining operations will be protected from activities that would be incompatible for reasons of public health, safety or environmental impact. In areas of known mineral resources or mining activity no development will be permitted that would preclude or hinder viable mining operations. Sensitive uses will be separated and/or buffered from mining operations in accordance with provincial legislation, policies and guidelines.

12.05 Wetlands

- 12.05.1 The Municipality recognizes the importance of wetlands for fish and wildlife preservation. It is the Municipality's intention to protect wetlands and restrict development on, in or adjacent to, wetlands unless it is demonstrated that there are no adverse impacts on the wetland.
- 12.05.2 The Municipality may place wetlands in an environmentally sensitive category in the Official Plan and identify these on the land use schedule or in the comprehensive zoning by-law. Development will be prohibited in these areas. Where there are wetlands that have not been designated or identified in the implementing zoning by-law, development should be directed away from these wetlands.
- 12.05.3 Where a consent is proposed within a Provincially Significant Wetland, the Parry Sound Area Planning Board will require a study by a qualified environmentalist to demonstrate that there will be no negative impacts on the natural features of the Provincially Significant Wetland, the costs of such study to be borne by the applicant and completed prior to the issuance of a provisional consent; and
- 12.05.4 Where a consent is proposed on lands within 120 metres of a Provincially Significant Wetland, the Parry Sound Area Planning Board requires a study by a qualified environmentalist to demonstrate:

- a) that there will be no negative impacts on the natural features of the Provincially Significant Wetland, the costs of such study to be borne by the applicant; or
- b) the consent will not create any new vacant lots.

12.05.5 Where development or site alterations other than a consent is proposed within a Provincially Significant Wetland, the Municipality will require a study by a qualified environmentalist to demonstrate that there will be no negative impacts on the natural features of the Provincially Significant Wetland, the costs of such study to be borne by the applicant and completed prior to the issuance of a provisional consent.

12.06 Hazard Lands

12.06.1 Historically, only Wahwashkesh Lake has been identified as having a potential flood hazard. Flooding on Wahwashkesh occurs annually during the spring freshet where fluctuations of 3 to 4 metres are natural because of the large numbers of inlets to the lake and the restriction at the outlet where the Magnetawan River is narrowed by a significant gorge. The summer level of Wahwashkesh is controlled by a fixed dam with an elevation of approximately 224 metres above sea level. The theoretical flood elevation based upon the 1:100 year storm is established as follows:

Still Water	229.14 metres
Wind upset	<u>0.43 metres</u>
	229.57 metres

In addition to the above theoretical flood elevation, it has been recommended that 0.5 metres be added to account for any uncertainties in the model to allow for a safety factor.

Property owners on Wahwashkesh have come to realize the impact of fluctuating waters of Wahwashkesh. They have responded with the obvious need to place structures well above the elevation of the rising waters of the lake that consistently can be nine or ten feet above the summer level. More recently, development has been regulated to the 229.44 level which is believed to be an additional four or five feet above any recorded level on the lake.

The Municipality will adopt the newly established theoretical flood elevation of 229.57 metres. This flood elevation will be implemented in the zoning by-law.

The regulatory flood levels for Kashegaba and Gooseneck Lakes are 1.44 metres and 1.45 metres above the top of the weir and the main spillway for these lakes respectively. No opening of any building intended for human habitation may be located below the theoretical flood elevation.

Construction on the flood plain established by this 100 year flood level will require design approval by a Professional Engineer or Architect. The flood hazard must be considered in addition to other naturally occurring hazards such as wind forces, seismic activity, etc. Habitation areas must be above the "regulated flood elevation". Sewage systems are to be located above the "regulated flood elevation" unless permission is obtained from the approval authority.

12.06.2 All other lakes and rivers susceptible to flooding will be subject to assessment and must comply with the Provincial Policy Statements and comply with the standards identified in 12.06.1.

12.06.3 Generally, new structural development on the flood plain must comply with the requirements expressed in 12.06.1. In the Municipality, flood plains are defined as those lands which are susceptible to flooding during the regulatory flood. Generally, new structural development will not be permitted in the flood susceptible areas. In the Municipality of Whitestone, the regulatory flood is the higher of:

- a) that area that would be flooded with an average frequency of once in one hundred years, or for which there is a one percent chance of occurrence in any given year; and
- b) that area that would be flooded under a storm centred event modelled on a particularly intense storm that occurred in Timmins and which could occur within this area.

12.06.4 Flood Plains may be identified on Schedule "A", and may also include Environmentally Sensitive Wetlands identified on Schedule "A". The boundaries of the Flood Plain areas may have been identified by aerial photography that has attempted to reflect the above regulatory flood prone area. These boundaries may be adjusted upon more detailed investigation of the local conditions or with the preparation of an engineering report to more specifically identify the boundary of a flood plain.

12.06.5 The erection of new buildings or structures on the flood plain must meet the requirements expressed in 12.06.1. An exception would be those structures or works which by their nature must be located adjacent to waterbodies (e.g. docks and boathouses).

The removal or placement of fill materials in/on the flood plain will be prohibited unless approval and a permit to do the work has been obtained from the Municipality. An exception would be those structures or works that are necessary for flood or erosion control.

- 12.06.6 Because there is no engineered mapping available for the Municipality of Whitestone and because the boundaries of the Flood Plain areas may be designated on Schedule 'A' through aerial photography, marginal refinements to the boundaries of the Flood Plain areas will not require an amendment to this Plan provided that any boundary adjustments are in keeping with the intent of the flood plain mapping and provided that the refinements are acceptable to both Council and the Ministry of Natural Resources and that the adjoining land use designation will apply.
- 12.06.7 The Official Plan will be amended to incorporate engineered flood plain mapping should this become available.
- 12.06.8 Under certain circumstances, within or near designated Flood Plains, an application for new development may be required to obtain a detailed engineering study to more accurately determine the level and extent of the regulatory flood.
- 12.06.9 The expansion of existing non-conforming uses, i.e. those uses below the current theoretical flood elevation, will also generally be subject to review and Municipal approval in the Flood Plain areas. However, minor additions to existing development may be permitted by rezoning.
- 12.06.10 New lots may be created by consent or plan of subdivision along a flood plain boundary where there is adequate development area outside the flood plain in each proposed lot and where there would be safe access under regulatory flood conditions.
- 12.06.11 The Zoning By-law implementing this policy will zone flood plains in a separate restrictive land use category.

SECTION 13.0 – ENVIRONMENT

13.01 Environment

- 13.01.1 The Ministry of the Environment has jurisdiction over water quality, soil contamination, waste management and air quality in the Municipality.
- 13.01.2 Any new or enlarged waste disposal or water supply systems must be approved in accordance with the Environmental Protection Act and/or the Environmental Assessment Act.
- 13.01.3 Communal services for permanent freehold residential uses must be owned by the Municipality and the maintenance and ongoing operating costs will be the responsibility of the users of the communal system.
- 13.01.4 Where communal services are for seasonal residential, commercial or industrial uses, the Municipality shall enter into an agreement with the owner, such that in the event of default, the Municipality may take over responsibility for the services.

- 13.01.5 The Ministry of the Environment has established water quality objectives in regard to recreational water quality. These objectives will not allow development that causes water quality impairment below current Ministry of the Environment criteria.
- 13.01.6 The Ministry of the Environment requires hydrogeological investigations and the application of "the reasonable use" policy for any development (subdivision) not fronting on a surface waterbody in the Municipality.
- 13.01.7 Where residential development has been proposed by plan of subdivision for more than 5 lots on individual private water and sewage systems, a report must be prepared in accordance with the technical guidelines of the Ministry of Environment. The report is to demonstrate the potable ground water quality, adequate ground water yield, negligible ground water quantity interference, soil suitability and sufficient area available for affluent treatment.
- 13.01.8 Where a private septic system is required that will handle more than 10,000 litres/day such as for highway commercial operations, tourist camps, or multi-unit dwellings, approval is required by the Ministry of Environment.
- 13.01.9 Where a subdivision with greater than 5 lots is proposed on a waterbody, using private sewage systems, the approval of the development will be subject to the assessment of the impact of the development on the waterbody.
- 13.01.10 New industrial developments are subject to the requirements of the Ministry of the Environment for water, sewage and air emissions. The Ministry of the Environment currently supports the development of industry which has municipal services including water and sewer. Industrial development that requires large amounts of water for cooling, washing, production or manufacturing relying on septic tanks may not be permitted.
- 13.01.11 All proposed development in the Municipality of Whitestone shall meet provincial standards for air, ground, light, noise and water pollution control.
- 13.01.12 Where a change in land use is proposed and the present use has the potential to have caused environmental contamination (e.g. industrial to residential), the site shall be decommissioned and/or cleaned up prior to receiving the Ministry of the Environment recommendation for approval of the new use. The decommissioning / clean-up shall be undertaken in accordance with the Ministry of the Environment Guideline for Use at Contaminated Sites in Ontario.

- 13.01.13 The control and management of stormwater is of concern to both the Ministries of the Environment and Natural Resources. Stormwater control and management encompasses flooding, erosion, fisheries, groundwater recharge and water quality. The mandates of the two ministries include the prevention of loss of life, minimization of community destruction and property damage due to erosion and flooding and the maintenance and enhancement of surface and groundwater resources sufficient for aquatic life, recreation and other uses. It is the objective of the Ministry of the Environment to protect predevelopment hydrologic and water quality regimes. Development proponents will be required to develop stormwater control /management systems that appropriately address water quality control where the natural drainage is being altered or has the potential to introduce contaminants into the environment.

- 13.01.14 The municipality has two approved landfill sites identified on Schedule 'A'. These sites are appropriate to accommodate present and future requirements of the municipality. Any development on, or adjacent to the closed landfill site shall be in accordance with requirements of the Ministry of Environment.

SECTION 14.0 – COMMERCIAL OR INDUSTRIAL DEVELOPMENT

- 14.01 The Council of the Municipality of Whitestone supports the establishment of new businesses in all areas to improve employment opportunities and to provide an increased commercial assessment base.

- 14.02 As it is difficult to predict where new industrial and commercial development may wish to locate, the designations of commercial and industrial have not yet been applied to any particular areas. Proposed businesses may locate in any designation subject to the following conditions:
 - 14.02.1 submission of a report by the applicant describing the use and what measures, if any, that are proposed to mitigate against any impacts: financial; environmental; social; or physical;
 - 14.02.2 an amendment to the zoning by-law;
 - 14.02.3 the filing and approval of a site plan;
 - 14.02.4 no new commercial or industrial use is to be permitted in an environmentally sensitive area; and
 - 14.02.5 consultation with any relevant agency.

SECTION 15 – HERITAGE

15.01 Heritage Policies

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

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

15.02 Cultural Heritage and Archaeological Resources

The Municipality recognizes that there may be sensitive archaeological potential areas in Whitestone. To date no such areas have been identified by the province or any agency. Should an area of cultural or archaeological significance become known, the municipality shall have regard for the provincial policy applying to the preservation of these resources.

SECTION 16.0 – LAND USE POLICY AREAS

The following land use policy areas are identified on Schedule 'A' – The Land Use Plan.

16.01 Rural

16.01.1 This designation will apply to the interior areas of the Municipality away from the recreational waterfront areas and beyond the communities of Dunchurch, Maple Island, Whitestone and Ardbeg.

16.01.2 Land uses in the Rural area include:

- resource extraction – pits by rezoning
- agricultural
- residential
- parks and recreation
- institutional
- utilities
- commercial/industrial by rezoning
- bed and breakfasts
- home occupations
- home industries

16.01.3 The Rural areas of the Municipality are a significant part of Whitestone's character. It is the intention of this Plan to preserve this character as far as possible.

16.01.4 New development in the rural area is most likely to proceed by consent. Consents should be limited in number and new lots should be at a larger standard to maintain the qualities of the Rural area.

16.01.5 To maintain the attractiveness of Whitestone's Rural character, the Municipality will require a high standard of property maintenance.

16.01.6 In accordance with the general policies of this Plan, travel trailers are not acceptable substitutes for conventional cottages or homes.

16.02 Waterfront

16.02.1 Lands that are physically and functionally located adjacent to recreational waterbodies have been designated in the Waterfront policy designation. A broad band around each lake has been identified on the Land Use Schedule intending to apply to a single depth of properties. Second tier or back lot development is not permitted in these areas.

16.02.2 The Waterfront policy category will include single residential dwellings and associated uses, seasonal residential dwellings and tourist commercial uses in accordance with all other policies of this Plan.

16.02.3 The base standard for new development in the Waterfront designation are set out in the Specific Lake Policies set out below.

16.02.4 No development will be permitted on the shoreline of area lakes that has the effect of altering the trophic status of the waterbody in accordance with the Ministry of the Environment surface water quality objectives.
The Ministry of the Environment will assess the effect of a development proposal on a particular waterbody, and development will be limited to that level which results in no change to the trophic category of the lake.

- 16.02.5 The standard for new or expanding tourist commercial facilities on the Municipality's lakes will be set out in the implementing zoning by-law. These standards will include a maximum density and minimum water front requirements.
- 16.02.6 Lakes or rivers not designated in the Waterfront Policy Area but that are considered as recreational waterbodies, may be developed provided the applicable policies of this Plan are met. Land division for these parcels will be at larger standards to reflect the more limited recreational qualities of these waterways.
- 16.02.7 Lakes that are at capacity may be considered for a land division if such development has no impact on the waterbody. Standards for non impact lots in these instances will meet the requirements of the Municipality's zoning by-law.
- 16.02.8 Any expansion of existing tourist commercial uses on lakes that are currently at capacity, must demonstrate, to the satisfaction of Council, that these facilities will not increase the nutrient concentration of the lake.
- 16.02.9 Type 1 Fish Habitats identified on Ontario Base Mapping will be identified in the Municipality's zoning by-law as environmentally sensitive, non-development zones.
- 16.02.10 It will be the policy of the Council of the Municipality to obtain public access to each of the recreational waterbodies where none currently exists and where available and appropriate.
- 16.02.11 Boathouses are a permitted use on the lakebed adjacent to waterfront designated lands subject to complying with all applicable policies of this Plan and the implementing zoning by-law.
- 16.02.12 Any permanently flooded lands that are privately owned should be conveyed to the Crown to form part of the Crown lakebed. Alternatively, should the Crown not be prepared to accept these flooded lands, the lands may be conveyed to the Municipality.
- 16.02.13 All lake development will be reviewed in respect of the biophysical features of the lake including slopes, sensitive areas, soils, tree cover, views and impacts on the natural landscape. Individual site constraints will be considered during the review of any development.
- 16.02.14 Recreational boating will be considered a parameter for the consideration of any lake development application. If a lake is believed to be at a recreational boating capacity, the Municipality may recommend against the creation of additional lots or discourage access to the lake.
- 16.02.15 All lands adjacent to or fronting recreational waterbodies will be considered as site plan control areas.

16.02.16 The Council of the Municipality of Whitestone recognizes the interest of a number of lake neighbourhoods to undertake planning programs for lakes. The results of these lake planning studies may form the basis for additional lake specific planning policies as set out in Section 17.0 below.

SECTION 17.0 – LAKE SPECIFIC POLICIES

17.01 Bolger/Kashegaba Lakes

Bolger and Kashegaba Lakes are located in Burton Township and straddle the CNR railway line. Historically, the railway was the primary access into these lakes. Access to the lakes remains poor. However, the inhabitants of these lakes understand the isolation and difficulty of access, often preferring float plane access. There are opportunities for a land division by consent where a limited number of lots are created. Only one new lot was created on these lakes in the last five years. The standard for new lots should reflect the pattern of existing development on the lakes.

17.02 Gooseneck Lake

- 17.02.1 Gooseneck Lake is located partly in Burton and partly in McKenzie Townships and empties into the south basin of Lake Wahwashkesh. Although the lake is small (217 ha) it has over 22.8 kilometres of shoreline.
- 17.02.2 Much of the lake is water access. There is a historical public access on the lake that the Municipality supports maintaining using proceeds of any cash-in-lieu of parkland collected as a condition of development or the sale of shore road allowances.
- 17.02.3 A large portion of the shoreline of Gooseneck Lake has been identified as Type 1 fish Habitat. Any development proposed along the shoreline will need to comply with the fish habitat protection policies of this Plan.

17.03 Magnetawan River

- 17.03.1 The Magnetawan River flows from one end of the Municipality westward eventually into the Georgian Bay. The River and its tributaries are a significant recreational waterbody in Whitestone and it has attracted considerable growth and development including communities like Maple Island. The Municipality supports additional development along the river but at a premium standard outside of the Maple Island community.
- 17.03.2 The Magnetawan River Basin Regulatory Flood Levels Study has examined the issue of water levels along the Magnetawan River and the lakes that it connects. This waterway and its associated lakes are subject to flooding particularly during the spring thaw. While few lakes and rivers have had a detailed engineering study to determine actual flood plain levels or potential floodways, any development along the river or its connecting waterbodies may need the determination of these flood levels by a qualified engineer.

- 17.03.3 The standard for new development along the Magnetawan River or its tributaries will require a minimum of 90 metres of river frontage.

17.04 Fairholme Lake

- 17.04.1 Fairholme Lake in Hagerman Township is a lake trout lake that is at capacity. Unless it can be demonstrated that a land division and its associated development will have no impact on the nutrient level of the lake, there shall be no new lots created on Fairholme Lake. These include consents to separate existing viable dwellings, new lots where the septic system has no impact on the lake because the sewage system, including gray water, is set back at least 300 metres from the shoreline or where the septic system drains at least 300 metres away from the lake. If development may occur on the lake, the minimum standards will be in the 90 metres frontage range unless a lesser or greater frontage is deemed to be adequate or more appropriate.
- 17.04.2 A historical subdivision development on Fairholme Lake being Plans M-430 and M-431 were designed so that few of the lots had direct frontage on the lake. Instead, two Blocks, A and G were designed to require any building to be off the lake and to limit or reduce the impact of human activity on the lake. Block A and G of Plans M-430 and M-431 may be used for shoreline structures including docks, decks, boathouses, saunas or pump houses so long as these structures are approved by the collective owners of these blocks and so long as any of these structures are authorized by any applicable government agency.

17.05 Limestone Lake

- 17.05.1 Limestone Lake is a small lake in Hagerman that abuts Highway No. 124 at Limestone Lake Lodge. A recent subdivision along the south shore has all but depleted any residual development capacity for the lake. Much of the balance of the undeveloped portion of the lake is water access and has Type 1 fish Habitat shoreline.
- 17.05.2 Additional development by consent may occur on Limestone Lake if it can be demonstrated that there is development capacity and in accordance with all other applicable policies of this Plan.

17.06 Lorimer Lake

- 17.06.1 Lorimer Lake is managed as a lake trout lake and the lake has been identified as being at capacity as far as the ability of the lake to withstand any additional nutrients associated with additional lot creation if the lake trout fishery is to be sustained. The dissolved oxygen in the lake would indicate that the fishery is at fatal stress levels, however, recent samplings indicate a continued trout population.

- 17.06.2 Lorimer Lake will continue to be considered a lake that is at capacity and no further land division will be permitted on the lake except where no additional impact will occur as a result of that land division. These include consents to separate existing viable dwellings, new lots where the septic system has no impact on the lake because the sewage system, including gray water, is set back at least 300 metres from the shoreline or where the septic system drains at least 300 metres away from the lake.
- 17.06.3 The standard for any new lots that may comply with the "no impact" policy above shall be at a premium so that frontages are at least 150 metres and lot areas are no less than 2.25 hectares.
- 17.06.4 The tourist resorts on the lake will also be limited to their size existing at the time of the adoption of this Plan. Any expansions proposed by the existing resorts will be required to demonstrate that there will be no additional nutrient loading to Lorimer Lake.
- 17.06.5 Waterfront areas of Lorimer Lake will be zoned in a Holding Zone allowing single family dwellings on existing lots of record. Land division of these lands would only be permitted subject to complying with the policies of this plan.
- 17.06.6 The "H" holding symbol will be removed for those lands eligible for a consent once an agreement has been executed ensuring the nutrient management of the newly created lot.
- 17.06.7 Only one new lot may be created by consent for a parcel that is eligible for consent in accordance with the policies of this Plan.
- 17.06.8 A maximum of five new lots may be created over a five year period with a limit of one lot per land owner in any calendar period. Applications for new lots over the five year period will be allotted on a first come, first serve basis and no repeat applications will be considered until the end of the five year period. At the end of the five year period, an additional five year period may be commenced using the same principles including a principle of fair share if any applications in the second period are repeat applicants.
- 17.06.9 For newly created lots, building permits will not be issued until proof of completion of sewage systems, including gray water, has been received by the Municipality as outlined above.
- 17.06.10 All of Lorimer Lake shall be identified as a site plan control area. Any new development will be subject to site plan control. Site plans will be required to ensure the protection and maintenance of a 15 metres natural vegetation buffer along and back from the controlled high water mark. Such site plans will be registered against the lands to which they apply.

17.06.11 It is understood that Lorimer Lake is only a marginal level one or oligotrophic waterbody and retains this status only until the lake becomes reclassified as a warm water fishery or mesotrophic lake. Regardless of this inevitable reclassification to a middle level lake, it will be the policy of this plan to preserve the highest water quality status of Lorimer Lake as possible, by ensuring that there is no deterioration in water quality. This will be accomplished by following the above restrictive land division policies even after the lake may be reclassified.

17.07 Manson Lake

17.07.1 Manson Lake is a small lake that is partly in Whitestone and partly in McKellar. The lake is subject to heavy fishing pressure partly because of the convenient landing at a nearby public road.

17.07.2 The Municipality will allow a limited number of consents on the lake to recognize the desire by some property owners to create a parcel for a family member. These land divisions should be subject to a large lot standard (90 metres) and be subject to all other policies of this Plan.

17.07.3 Because the lake is partly in McKellar, the Municipality encourages its neighbour to adopt similar policy and land regulations for this lake.

17.07.4 The Municipality may adopt a strategy that discourages heavy fishing on the lake by removing or limiting access to the lake.

17.08 Shawanaga Lake / Shawanaga River

17.08.1 Shawanaga Lake is a warm water lake with considerable shoreline in Hagerman, Ferguson and Burpee. There is potential for additional development along its shoreline.

17.08.2 Because of the long, narrow shape of Shawanaga Lake, it is heavily impacted by recreational boats. New development should be available on a limited basis to recognize the crowding that is occurring on the lake.

17.08.3 The Shawanaga Road on the north side of Shawanaga Lake is a seasonal road maintained on a seasonal basis by the Municipality. As a condition of development, Council may impose a fee for any new lots created on the north side of Shawanaga Lake that access Shawanaga Lake Road. These funds will be set aside to use in upgrading Shawanaga Lake Road.

17.08.4 The standard for any new lot on Shawanaga Lake will include a minimum frontage of 90 metres.

17.09 Whitestone Lake

- 17.09.1 Whitestone Lake is the second largest lake in the Municipality with a large number of homes and cottages. There is very little privately owned shoreline that is capable of being subdivided for additional lots on the lake. The water quality of Whitestone Lake is good and Council will take whatever measures are necessary and appropriate to protect this water quality.
- 17.09.2 New development may occur on Whitestone Lake at a standard not less than 90 metres of water frontage subject to all other policies of this Plan.
- 17.09.3 There is only one good public access located on Whitestone Lake in the village of Dunchurch. Council will attempt to secure additional access points for the public on Whitestone Lake.
- 17.09.4 Council is becoming increasingly aware of Whitestone Lake residents concerns over congestion on the lake and unsafe boating conditions. Council will undertake measures to impose speed limits and promote safety on Whitestone and other lakes in the Municipality.

17.10 Wahwashkesh Lake

- 17.10.1 Wahwashkesh Lake is the largest lake in the Parry Sound area with 1721 hectares of surface area. The lake is comprised of two distinct basins. The north basin is considered the smaller of the two, and the south basin is called "the Big Lake".

Wahwashkesh is part of the Magnetawan River System and while the lake has over a dozen inlets, there is only one outlet to the Magnetawan River. The lake is renowned for an extremely severe spring freshet with the lake levels often rising 3 to 4 metres above the control dam at the outlet of the river.

Wahwashkesh Lake is also well known for its diverse fishery. There are at least twelve species of sport fish in the lake. The south basin is a naturally producing lake trout lake while the top lake, also a good lake trout lake, is a high quality middle level lake. However, due to fishing pressures in the last few years, severe angling regulations, including closing Wahwashkesh to winter fishing, have been implemented.

- 17.10.2 The water quality of the north and south basins of Lake Wahwashkesh are sensitive to additional shoreline development. In order to respond to the need to protect and conserve the natural features of the lake, the minimum new standards for the creation of new lots for the entire lake will be 100 metres of frontage and 0.6 hectares of lot area. The residual development capacity will change in the future as more up-to-date scientific approaches are used to determine an appropriate level of development capacity.

- 17.10.3 A large number of property owners on Wahwashkesh Lake access their properties by water. There are only three public access points (all on the north basin) two marinas and a private landing. This plan generally requires that any new water access lots be required to provide a mainland access that is legally conveyed with the water access property in order not to put further pressures on the crowded public landings. Variances to this water access policy will be discouraged.
- 17.10.4 There are two marinas on Wahwahkesh Lake. The Municipality will support the continued operation of these marinas as far as possible to ensure the continuation of these important services on the lake.
- 17.10.5 The water levels of Wahwashkesh Lake rise dramatically during the spring causing potential flood hazards. It will be the policy of this Plan that the openings of any habitable buildings must be above the theoretical flood elevation as set out in Section 12.06.1. Foundations, footings and non-habitable structures should be adequately designed to recognize the potential for flooding at elevations lower than the flood elevation.
- 17.10.6 In order to properly respond to a diverse number of issues that may arise during the development of properties along the shoreline of Wahwashkesh Lake, these properties will be designated as a site plan control area. Site plan control is a necessary and valuable tool to protect the character of the shoreline of Lake Wahwashkesh and to provide vegetated buffers to mitigate the impacts of development on the natural environment and the lake.
- 17.10.7 Lake Wahwashkesh is known for its Atlantic Coastal Plain Flora. The lake is ranked in the top five of all lakes in Ontario for such flora. This has been extensively documented by the Natural Heritage League and the World Wildlife Fund in a 1989 study. Any development along the shores of Lake Wahwashkesh should have regard for its impact on this rare coastal flora environment and be directed away from Atlantic Coastal Plain Flora features.

17.11 Trout Lake

For Miskokway and Trout Lakes, the development capacity has not been determined. There are known coldwater lakes that support a coldwater fishery. No further consents or land division that results in the creation of new lot development within 300 metres of the lakes will be permitted unless studies have been undertaken to demonstrate that there is capacity without adversely impacting the habitat features of these lakes. The Ministry of Natural Resources should be contacted for technical advice.

17.12 Labrash Lake

- 17.12.1 Labrash Lake is a small lake that flows into the Magnetawan River. The lake is small with few cottages and the residents of the lake have expressed an interest in preserving the low density on the lake. New lot creation on Labrash Lake will require a minimum frontage of 150 metres.

17.12.2 All development on Labrash Lake will be subject to site plan control.

17.13 Other Recreational Waterbodies

17.13.1 Other waterbodies that fall within the definition of a recreational waterbody will be eligible for development subject to complying with all other applicable policies of this Plan for access, physical suitability, environmental protection and other relevant planning criteria.

17.13.2 The standard for new lots in the unspecified recreational waterbodies will be 90 metres of frontage and 0.6 hectares of land area unless a general pattern of development in a given area supports a variance to this standard.

SECTION 18.0 – COMMUNITY AREAS

18.01 The Municipality of Whitestone has four distinct communities. These include Dunchurch, Maple Island, Whitestone village and the village of Ardbeg. These communities vary in size but they all function similarly in terms of identifying a community of interest, provide a number of non residential service-type uses and having a concentration of smaller lot sizes distinct from the rural areas around the communities. In the case of Maple Island and Dunchurch, the communities are partly located on recreational waterbodies.

18.02 The predominant use for community areas will be single detached dwellings and local commercial uses, institutional uses including churches, schools and community centres. Home occupations and bed and breakfasts will be permitted in the Community designation.

18.03 In addition to the above, new commercial uses and industrial uses will be permitted in the Community designation subject to the other policies of this Plan and so long as these uses do not interfere with the existing residential dwellings.

18.04 The minimum lot size for new development in the residential areas will be 0.4 hectares (1 acre) with a minimum frontage of 45 metres on a year round municipal road.

18.05 No traffic hazards shall be created by the establishment of new driveways on major roadways due to increased traffic or limited sight lines on curves or grades.

18.06 Lots in the original surveys for the village of Dunchurch are approximately 20m X 40m. This density of development may potentially lead to a need for municipal sewer and water services. Wherever possible and appropriate, the Municipality will encourage these existing surveyed lots to be merged with adjoining lots to reduce the overall density in the village.

18.07 The extent of the areas identified as Community are shown on Schedule 'A'. These areas have been identified in the broadest way and the actual communities may consist of a much smaller area. Some of the above policies may not necessarily apply to lands on the perimeter of the lands designated Community.

18.08 The Municipality will support the establishment of committees from each community area to provide ongoing recommendations for the upgrading and rejuvenation of these communities including any specific plans or programs that may be delivered by the Municipality with the support of senior levels of government where available.

SECTION 19.0 – COMMUNITY IMPROVEMENT POLICIES

19.01 Goal

It is the goal of the Municipality of Whitestone to maintain and improve the physical living environment in the Municipality.

19.02 Objective

The objectives of the Municipality of Whitestone are to:

- (a) upgrade the present municipal services, utilities and facilities throughout the Municipality;
- (b) encourage the upgrading of existing private properties;
- (c) undertake a program of physical improvements which are fiscally responsible;
- (d) expand upon the number of services and facilities available in the Municipality where economically feasible;
- (e) encourage the expansion of commercial enterprises in the Municipality to improve the availability of local services and to improve the local economy;
- (f) upgrade the public services provided at the waterfront to increase the appearance and level of services offered to both Municipal visitors and residents; and
- (g) encourage the upgrading of private services at the waterfront.

19.03 Improvement Criteria

To achieve the community improvement objectives of this Plan, improvements will be identified based on one or more of the following criteria:

- (a) the deficiencies or inadequacies of recreational services and facilities;
- (b) street conditions;
- (c) the inadequacy of hydro-electric services;

- (d) absence of street lighting;
- (e) land use conflicts;
- (f) improved waterfront facilities;
- (g) the physical condition and age of buildings and structures;
- (h) need for increased fire protection services; and
- (i) proposed commercial developments.

19.04 Phasing

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

19.05 Community Improvement Area

The whole of the Municipality of Whitestone as outlined on Schedule 'A' to this Plan will henceforth be known as the Municipality of Whitestone Community Improvement Area.

19.06 Implementation

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

- (a) designating community improvement areas and prepare community improvement plans under the Planning Act;
- (b) the enforcement of Section 6 - Property Standards By-law, through a property standards by-law;
- (c) supporting the Municipal residents in rehabilitation programs;
- (d) participating in provincial and federal rehabilitation programs;
- (e) petitioning the relevant provincial agencies in order to apply for special assistance for new recreational facilities where available;
- (f) encouraging and supporting new development, particularly commercial development;
- (g) participating in any local improvements which support the community improvement objectives;

- (h) co-operation with local service clubs and organizations to undertake local improvements;
- (i) the sale of surplus municipal land may be applied to community improvements subject to the requirements of the Municipal Act; and
- (j) applying municipal reserve funds towards an eligible community improvement project.

SECTION 20.0 – PROPERTY STANDARDS

20.01 Council may enact by-laws prescribing the minimum standards for maintenance and occupancy of all types of property and their enforcement. To protect the amenities of the natural environment and existing and future development, a Property Standards By-law will contain requirements with respect to:

- (a) garbage disposal;
- (b) pest prevention;
- (c) structural maintenance of buildings;
- (d) building safety;
- (e) cleanliness of buildings;
- (f) plumbing, heating and electricity (where applicable);
- (g) keeping lands and particularly waterfront properties free from rubbish, debris, abandoned vehicles, trailers, boats or materials;
- (h) maintaining yards, lands, parking and storage areas;
- (i) maintaining fences, accessory buildings and signs; and
- (j) occupancy standards.

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

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

20.03 Without sacrificing in any way the long term objective of the Property Standards Policy, it is the policy of this Plan that the Property Standards By-law may be administered at all times to assist the citizens of the Municipality who have low or fixed incomes. Orders issued by the Property Standards Officer under the By-law will clearly be in the public interest.

20.04 As an integral part of the Property Standards Policy, Council may support continued participation in any available home rehabilitation programmes to afford its residents the greatest opportunity possible to comply with property standards.

SECTION 21.0 – IMPLEMENTATION

21.01 Accessory Uses

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

21.02 Boundaries

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

21.03 Numerical Interpretation

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

21.04 Deeming By-laws

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

21.05 Site Plan Control

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

21.06 Existing Development Applications

There are a number of applications for subdivisions or consents that predate the adoption date of this Official Plan document. The new policies contained in this plan may not apply to these applications so long as they are in compliance with current Municipal Standards for land use development so long as they have been accepted as 'complete applications' per the prescribed information in the Planning Act and so long as the Council is satisfied that the general intent and purpose of the new Official Plan is maintained as far as possible.

21.07 Special Exceptions For Existing Uses

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

21.08 Holding Provisions

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

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

21.09 Zoning

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

21.10 Non-Conforming Uses

Certain uses of land which exist at the date of adoption of the implementing Zoning By-laws may be deemed to conform with the intent of this Plan. Such uses may be zoned specifically in accordance with their present use and performance standards, provided:

- i) the zoning will not permit any changes of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;
- ii) they do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or traffic they generate;
- iii) they do not pollute air or water to the extent of interfering with the ordinary enjoyment of property; or
- iv) they do not interfere with the desirable development or enjoyment of the adjacent area.

Alternatively, such uses may be placed in a holding zone in the Zoning By-law under which only the existing use is permitted. Any future change of use to one of compliance with this Plan will require the adoption by Council of an amendment to the Zoning By-law.

With the exception of the cases noted above, any land use existing at the date of the approval of the implementing Zoning By-laws that does not conform with land use designations shown on Schedule 'A' to this Plan can be expected to change to a conforming use in the future. In special instances, however, it may be desirable to permit the extension or enlargement of the non-conforming use on the property owned on the above-noted date, in order to prevent unnecessary hardship. Such extensions or enlargements will require the approval of the Committee of Adjustment under the Planning Act, or alternatively, a By-law under the Planning Act.

Note: Any non-compliance with the minimum standards set out in the Municipality's Zoning By-laws implementing this Plan such as side yard, areas or frontages shall not be interpreted as constituting a non-conforming use, and extensions or enlargements to such uses may be granted, depending on the severity of the inadequate standards, by demonstrating either that adjacent neighbours have no objections; or by applying for a minor variance or with a site specific rezoning.

21.11 Special Notices

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

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

21.12 Plan Review

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

The five year review shall consist of an assessment of:

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

21.13 Amendments

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

- i) the need for the proposed use;
- ii) the extent to which the existing areas which are designated for the use are developed, and the nature and adequacy of such existing development;
- iii) the physical suitability of the land for such proposed use;
- iv) the location of the areas under consideration with respect to:
 - the adequacy of the existing and proposed roadway system;
 - the convenience and accessibility of the site for vehicular and pedestrian traffic and traffic safety;
 - the adequacy of the water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports which Council shall request from the developer and subject to the approval authority having jurisdiction;
 - the compatibility of such proposed use with uses in the surrounding area;
 - the potential effect of the proposed use on the financial position of the Municipality;
 - the impacts of the proposed use on the natural environment; and

- v) the Provincial Policy Statements

21.14 Amenity Policies

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

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

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

21.14.2 All residential and non-residential uses including commercial, industrial or institutional uses are identified as site plan control areas. The Municipality may designate these areas by By-law as site plan control areas and require the proponents of such uses to file site plans and agreements as provided for under the Planning Act.

SECTION 22.0 – SPECIAL POLICIES

22.01 Exceptions

From time to time, the Council of the Municipality of Whitestone will find it appropriate and necessary to adopt a site specific exception to the policies of this plan to provide for a particular land use, development or to apply special provisions. These exceptions are set out below:

22.02 Water Use

The Council of the Municipality of Whitestone recognize the overlapping but limited jurisdiction over navigable waters. The Municipality will support and participate in any planning programs over water use with senior levels of government to manage such activities in accordance with the goals and objectives of this Official Plan.

22.02.1 It is the policy of the Municipality to support applications for new or expanded waterlot licenses for commercial uses subject to the following conditions:

- (a) approval of relevant agencies including Fisheries and Oceans and Ministry of Natural Resources;
- (b) ensuring that there is a buffer between the waterlot and any adjoining residential uses;
- (c) complying with any municipal standards governing setbacks from major or minor navigation channels;
- (d) where applicable, there is adequate car parking available to service boat docking rental customers and visitors;
- (e) the configuration and size of the waterlot has regard for orientation of adjoining property lines such that egress and ingress are considered and protected as far as possible;
- (f) the size of the waterlot does not exceed the size of the onshore lands including adjacent Crown reserves or shore road allowance;
- (g) there are adequate onshore services including sewage disposal, water treatment, hydro and solid waste disposal facilities to accommodate the use of the docking facility.

22.02.2 In addition to the Zoning By-law and site plan control, Council may implement other controls including the imposition of speed limits or special signage regulations in conjunction with lake associations.

22.03 Signs

The Municipality may enact a by-law to regulate against the proliferation of signs which conflict with the natural environment of the Municipality.

22.04 Lights

The Municipality will take whatever measures are necessary to restrict any offensive lighting away from adjacent residential lands and to restrict on-shore lighting that may be hazardous to navigation.

22.05 Sleeping Cabins

Sleeping or guest cabins are permitted accessory uses so long as they remain subordinate and incidental to the main dwelling subject to the requirements of the Zoning By-law implementing this Plan. The Zoning By-law will include regulations that ensure that sleeping cabins are: subordinate in size to any residential use; retained as an accessory function (i.e. no cooking facilities); and restricted in number so as to preserve the principal residential use.

22.06 Channels

No development will be permitted on a portion of the shoreline of any lot which is located on any customarily and regularly travelled channel or water course to which there is no convenient alternative where docks, wharves or other shoreline structures could be hazardous to navigation or where the passage of boats could be hazardous to the users of such shoreline facilities.

22.07 Second Cottages

Notwithstanding the principle that only one dwelling is permitted on any given residential parcel of land, a second dwelling is permitted on those parcels that are eligible for a land division so long as the proposed siting of the second dwelling will comply with all of the lot and yard requirements once divided.

22.08 Navigability

Development will only be permitted where the water frontage is deemed to be navigable. Navigability, in this context, refers to one's ability to gain convenient access to and from a proposed lot during all normal water level conditions without environmental degradation in an appropriate-sized runabout.

22.09 Common Docks

Access to and from certain existing lots of record may be gained by common dockage involving at least a right-of-way if suitable access as described in 22.08 is unattainable.

22.10 Derelict Vehicles

The Municipality may enact by-laws to control derelict motor vehicles.

22.11 Boathouses

Boathouses are permitted accessory uses in the Waterfront designation.

The use of structures to store boats along or at the shoreline of properties is a planning concern in the Municipality, particularly where the said structures are large and/or obtrusive on the natural landscape. Rather than prohibit such structures, the zoning by-law implementing this policy will provide for size limitations for such structures and appropriate setback and height regulations.

Boathouses that exceed the regulations set out in the zoning by-law will be reviewed and assessed in accordance with the following criteria:

- (a) the size of the structure relative to the shoreline frontage and area of the property;
- (b) the need for such a structure;

- (c) the visibility of the structure from adjoining channels and properties;
- (d) the public reaction to the oversized boathouse as determined in the processing of a zoning by-law amendment to allow for the structure;
- (e) the elevation of the boathouse and special design and locational features used to lessen its impact;
- (f) the location and size of the boathouse relative to existing buildings and structures on the adjoining land;
- (g) the proposed internal uses of the boathouse space; and,
- (h) the policies that may affect limits of boathouses.

All such oversized boathouses will be subject to site plan control.

22.12 Noise/Vibration/Land Use Compatibility

Residential areas and other uses of similar sensitivity, such as the sites of hospitals, nursing homes, and homes for the aged, will be protected from situations of undesirable air quality and excessive noise/vibration through good land use planning and site plan control.

Developers will be required to carry out noise and/or vibration assessments and determine control measures which are satisfactory to the Ministry of the Environment and the Municipality in meeting the Ministry's recommended sound and vibration limits.

There are additional land use compatibility matters that must be considered in the Official Plan. Long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants. Development and land use patterns which may cause environmental or public health and safety concerns will be avoided. When assessing land use compatibility issues, the Municipality shall have regard to the Ministry of Environment's D-Series Guidelines on Land Use Compatibility.

22.13 Crown Lakebed

As a condition of development or redevelopment, flooded land below the controlled high water mark may be conveyed to a public authority.

22.14 Narrow Waterbodies

Development on narrow waterbodies and channels will be discouraged, where the width of the channel or waterbody is less than 100 metres. Rather than prohibiting development in such instances, Council and Planning Board will apply a formula designed to increase minimum frontages for new development as the width of the waterbody decreases.

GLOSSARY

Agricultural Use and Related Uses means the growing of crops, including nursery and horticultural crops; raising of livestock and other animals for food, or fur, including poultry and fish; aquaculture; agro-forestry; maple syrup production; associated on-farm buildings and structures; and those farm related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

Garden Suites or Granny Flat is a small, portable, detached house originally conceived and designed to accommodate an elderly or disabled person(s) on the same lot as the home of the host family.

Group Home is a single housekeeping unit in a residential dwelling in which up to ten (10) persons, excluding staff or the receiving family, live as a household under responsible supervision consistent with the requirements of the residents and which is licenced or approved under Provincial Statute and in compliance with municipal by-laws.

Non Impact Lot is a parcel of land created by a land division authority that because of its location or servicing design will not contribute nutrients to the down gradient recreational waterbody.

Recreational Waterbody is a waterbody that is navigable, the bed of the waterbody is owned by the Crown and it is capable of sustaining normal recreational activities including swimming, boating and fishing.

Wayside Pit or Quarry means a temporary excavation from which sand, gravel or earth fill material is removed by:

- (a) a public authority for its own use in maintaining local roads and highways or for land fill sites;
- (b) by the owner of a lot having an area of an least two hectares for his own personal use; or,
- (c) by someone issued a quarry permit from the appropriate government authority to extract sand or gravel from Crown land.

Municipal Road Standards

Year Round Road Standards are as follows:

- right-of-way 20 metres
- clearing width 20 metres
- surface width 6 metres
- granular depth 150mm
- surface treatment tar and chip
- shoulder width 1 metre (each side)
- ditches 0.5 metres
- culverts 400mm
- cover over bedrock 450 metres
- maximum grade 12%
- dead ends 12 metres

Cottage Road Standards are as follows:

Minimum standards for subdivision roads and streets – Cottage Standard Roads for estimated volumes below 50 vehicles per day.

- right-of-way 20 metres
- clearing width 12 metres
- surface width 6 metres
- granular depth 150mm
- surface treatment tar and chip
- shoulder width 0.5 metres (each side)
- ditches 0.5 metres
- culverts 400mm
- cover over bedrock 450 metres
- maximum grade 12%
- dead ends 12 metres

Seasonal Road Standard

- right-of-way 20 metres
- clearing width 12 metres
- surface width 5 metres
- granular depth 150mm
- surface treatment granular
- shoulder width 0.5 metres
- ditches 0.5 metres
- culverts 400mm
- cover over bedrock 450 metres
- maximum grade 14%
- dead ends 10 metres

Caution: The above standards may be subject to change without notice.