

KLPIC 2002 (Kahshe Lake Plan Implementation Committee)

The Kahshe Lake Plan

Proposed Official Plan Amendment Town of Gravenhurst Official Plan

September, 2003

PROPOSED POLICIES	
	Sections B. 10.3.2 and B.10.3.12 to the existing Gravenhurst Official Plan are to be replaced with the policies in this Section.
B.11	LAKE COMMUNITY PLANS
	Lake Community Plans provide more detailed policy direction for specific lakes in the Town, and are intended to go beyond the more general policy framework of both the Town of Gravenhurst Official Plan and District Municipality of Muskoka Official Plan. Such plans are intended to identify, reflect and respond to the character and physical capabilities of particular lakes. A plan for a particular lake is expected to be developed by or with the local community.
B.11.1	KAHSHE AND BASS LAKES COMMUNITY PLAN
B.11.1.1	LANDS IN THE KAHSHE AND BASS LAKE COMMUNITY PLAN AREA
1.1	The lands affected by the provisions of this Section are identified on Schedule B-___ to the Town of Gravenhurst Official Plan. see www.kahshelake.ca/maps/officialplanmap.pdf
1.2	Development of lands within 300 metres (1000 ft) of the shoreline of Kahshe Lake that are located within the boundaries of the Communities of Kluey's Bay and Kilworthy as defined in Schedule E, Maps 11 and 12 shall have regard to the policies of this section. Shoreline lots within the Communities shall be subject to the requirements of this section, particularly in relation to lot development and redevelopment standards.
2	VISION
2.1	Kahshe and Bass Lakes are composed of a number of residential neighbourhoods distributed along their extensive shoreline.
2.2	The aesthetic and environmental quality of the lakes shall be maintained and enhanced through land use planning and lake stewardship initiatives.
2.3	The natural qualities that help define the character of the lakes include their topography and landscape, their shorelines with a natural and undeveloped appearance and their significant natural areas and habitats. The cultural features of the lakes also define the character of the lakes, from the clustering of development in Kluey's Bay and Kilworthy, and the historic resorts and marinas that have been the focus of community activities, to the large number of multi-generational family owned properties, remaining large family owned properties and the significant number of water access properties. The lakes are characterized by smaller cottages/dwellings that tend to blend in with the surrounding natural features. Shoreline structures tend to be modest in size and do not dominate their shorelines. These natural and cultural features will be protected and enhanced while allowing a limited amount of new development and careful redevelopment of

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	existing properties, consistent with the lakes' ability to sustain additional development.
2.4	New development and the redevelopment of existing properties will maintain a low profile with limited visual impact. Naturalized shorelines will be maintained and such activities that do occur at the shoreline will be minimally obtrusive, and have limited impact on the natural and aesthetic environment.
2.5	The open space, natural character of the lakes will be enhanced through efforts by the Town and by lake residents to increase the amount of land that is either in public ownership or is permanently preserved for conservation purposes.
3	BASIS
3.1	Kahshe Lake has a surface area of approximately 750 hectares. The lake contains over 86 kilometres of shoreline. The lake supports a significant amount of residential development, much of which has occurred over the past 60 years. The irregular shape of the lake has resulted in a somewhat patchy distribution of development. Most development on the lake is residential, with a mixture of permanent and seasonal residences. Consistent with land use changes in other areas, there is an ongoing conversion of seasonal use cottages to more extended use and permanent homes. Two principal areas of more intensive residential development occurred at Kilworthy and Kluey's Bay, where small existing communities are now located. Less than 15% of the total shoreline area is in public ownership.
3.2	Bass Lake has a surface area of approximately 41 hectares. The lake contains over 4.5 kilometres of shoreline. Most of the development on the lake is residential. Less than 2% of the total shoreline area is in public ownership.
3.3	The policies in this section are intended to deal with development issues on the lakes. These policies build on planning in both the District of Muskoka Official Plan and the Gravenhurst Official Plan. The District of Muskoka Official Plan has focused on such issues as Water Quality and Lake Carrying Capacity. Policies related to carrying capacity, including the establishment of the water quality objectives for Kahshe and Bass Lakes are provided in the District of Muskoka Official Plan, and will therefore not be repeated here.
4	PRINCIPLES
4.1	The character of Kahshe and Bass Lakes is of a predominantly residential community composed of distinct neighbourhoods distributed throughout the various embayments of the lakes, often occurring on long, narrow channels. Kahshe Lake consists of many island and mainland uses, with a variety of access needs. Bass Lake is composed primarily of a single tier of residential lots, with the exception of some backlot development along the Barkway Road. This character shall be maintained and enhanced through careful land use and site planning.
4.2	Kahshe Lake's character is further defined through its extensive rocky shorelines and moderately steep slopes, contrasted with its very extensive areas of shallow water, particularly along its south shores. A significant number of additional water access properties without road access could adversely affect the nature of the use on the lake. Water access cottagers must be assured of continued access to their property. The Lake is surrounded by and potentially impacted by conservation lands, including the

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	Queen Elizabeth II Wildlands Provincial Park, the Kahshe Barrens and the Jevins and Silver Lake Conservation Reserves.
4.3	Water quality on the lakes shall be regularly monitored. Water quality, including trophic state and bio-physical quality will be enhanced through land use regulations affecting both new and existing development, as well as appropriate stewardship initiatives.
4.4	This Plan endorses a stewardship ethic for shore lands that will include landscape naturalization improved on-site retention and treatment of pollutants, improved compatibility with the natural environment, where development will co-exist with the surrounding natural environment.
4.5	The shallow near shore area in the water in front of lots is a significant component of the "ribbon of life" around the lakes, and is a key component in preserving the health of the lakes. The shallow near shore area is generally located within 20 metres of the shoreline, or on shallow areas that are generally less than 2 metres in depth. Development within and adjacent to the near shore areas shall be restricted and shall have minimum impact on the near shore.
4.6	When viewed from the water, the visual impact of development from the water is an important consideration in maintaining the character of the lake. The natural environment is intended to be the dominant landscape feature around the lake. Disturbance on lots should be limited and minimized and the maximum amount of vegetation should be retained on a lot. Vegetation should be maintained on skylines, ridge lines or adjacent to the top of rock cliffs. Additional natural screening should be provided to supplement existing vegetation along the shoreline. In general, structural development that would be seen above the tree line should not be permitted.
4.7	New development will be considered within the context of sound environmental planning. The redevelopment of existing properties should adhere to current environmental, stewardship and planning standards, with a commitment to the use of "best available technology".
4.8	The merging of vacant undersized lots of record with neighbouring lots is encouraged, where appropriate. This would help preserve the character of the lake, and reduce the overall amount of development on the lakes.
4.9	Over the planning period, efforts are required to increase the amount of lake front land that is permanently conserved in its natural state or is in public ownership, through parkland acquisition, establishment of conservation easements and acquisition through land trusts.
5	FORMS OF DEVELOPMENT & PERMITTED USES
5.1	The predominant use around the lakes is single detached residential, with a limited amount of tourist and marine commercial activity. Legally existing non residential uses are recognized. The predominant form of development is linear development around the shoreline of the lakes, with the exception of the existing Communities of Kilworthy and Kluey's Bay, and in the vicinity of Housey's Rapids.
5.2	New residential development will continue on the basis of a linear form of development.
5.3	Public and private open space and conservation uses are encouraged.
5.4	New cluster residential development is not permitted, unless the cluster concept is utilized to focus development in one area while leaving significant areas of the shoreline permanently protected from development. While an official plan amendment would not

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	be required to consider a cluster development as contemplated herein, a zoning amendment would be required, as would subdivision, condominium or site plan approval, as appropriate. A site evaluation report and biophysical analysis will be required to identify the development area and the area to be preserved. In general, the standards for such cluster development will be established through the site evaluation report and biophysical analysis. The density of development will not exceed 1 dwelling for each 90 metres (300 ft.) of shoreline. In such instances, a shoreline development must include a docking component sufficient to provide continued and ongoing docking and parking facilities to meet the requirements of the development project as well as the existing water access properties using the property. Any change in zoning or property use must also recognize the above requirements to provide current and future access to water access properties. The total amount of shoreline development should be restricted to a maximum of one docking slip per unit.
5.5	The reasonable redevelopment of existing resort commercial properties catering to the vacationing public by providing rental accommodation, lodging, or marina facilities shall be encouraged. Their potential for expansion is encouraged provided the site and abutting water area has the physical capability to support the expanded use. Any such redevelopment will attempt to reduce the impact on abutting property owners through careful site planning. Due to the large number of water access properties on the Lake, the redevelopment of existing resort commercial properties must include a marina component sufficient to provide continued and ongoing docking and parking facilities to meet the requirements of the redevelopment project as well as the existing water access properties. Any change in zoning or property use must also recognize the above requirements to provide current and future access to water access properties.
5.6	The Town may request as part of the 2% parkland dedication for commercial development or 5% parkland dedication for residential development sufficient lands to provide for public recreational purposes, which may include parking and docking facilities for water access properties.
5.7	Where a change is proposed in the use of a resort commercial property which is designed to provide condominium, time sharing, leaseback or interval ownership, such change shall not require an official plan amendment where the use of the property remains resort commercial, except that an increase in density will require official plan approval, as will any use where there is more than one owner per unit. A site evaluation report and biophysical analysis supporting the redevelopment of the property is required.
5.8	Any patented (private) development on lands currently owned by the Crown will not be permitted. The only exceptions to this situation is where a limited amount of Crown Land is being transferred to the rear of existing developed lands for the purpose of a lot addition that would provide an area for sewage disposal facilities on the site, or that would allow for an increased setback of development from the shoreline, or where a portion of the Crown Land is to be conveyed to another public body for road or public recreational purposes. Where there are existing building encroachments onto abutting Crown land, the conveyance of a parcel of land large enough (at the side, front or rear of the property) to eliminate the encroachment may be permitted, but not in order to create a new lot.
5.9	Privately owned and maintained waterfront landings are encouraged in appropriate locations to provide permanent access to water access only properties. Waterfront landings are facilities which provide mainland docking and parking facilities required for

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	water access properties. They are not intended for large storage facilities, marina use or commercial use.
5.10	<p>Waterfront landings may be permitted or expanded provided the following matters are addressed:</p> <ul style="list-style-type: none"> • Approval will be subject to a zoning amendment and site plan agreement; • Such facilities may be secured through ownership or through a registered right-of-way; • An assessment of the current capacity, condition and tenure of existing facilities and confirmation of the need for such a facility; • The property has adequate area and frontage to accommodate the facilities, but should not be smaller than 1,393.5 square metres (15,000 sq ft) in area and 30 metres (100 ft) of water frontage; • Sufficient docking and parking facilities will be provided to serve the primary residential water access use(s); • The property, particularly the shoreline, is suitable for the use; • Access to and from the facility by both water and land is suitable; • The facility will not have a negative impact on fish habitat or other aspects of the natural environment; • The facility is designed in a manner that is compatible with abutting properties; natural buffering of the parking areas shall be maintained; • Parking facilities are setback at least 20 metres from the shoreline and a natural vegetative buffer is maintained within the setback area; • Generous side yards shall be maintained to provide for screening and buffering of neighbouring residential properties; • A minimum of 2 vehicle parking spaces and storage space for boat trailers for each boat slip; and • Storm water management and construction mitigation is addressed. <p>In general, the size of the waterfront landing and the number of properties it serves will depend on the suitability of the site and its impact on the abutting properties. Time share, leaseback or interval ownership shall be discouraged.</p>
5.11	The zoning by-law will establish specific standards regarding number of slips and parking requirements. In general, the waterfront landing would provide for a maximum of one docking slip for each 10 metres of shoreline.
5.12	Areas traditionally used as family cottage compounds, cooperative resorts, children's camps or other establishments providing common use of recreational or waterfront facilities are permitted to operate and be redeveloped for similar use provided the number of units is not increased and provided there is no negative impact on the property or surrounding lands. Such properties will not be regarded as commercial in nature.
5.13	Residential backlot development is permitted in accordance with the provisions of the Gravenhurst and Muskoka Official Plans, provided the minimum lot area for a new lot is 4 hectares (10 acres).
6	LOT REQUIREMENTS – NEW RESIDENTIAL LOT CREATION
6.1	The District of Muskoka Official Plan currently indicates that Bass Lake is at its development capacity, which means that no new lots can be created except where it

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	<p>can be determined that the water quality of the lake will not be further impaired. New lot creation on Bass Lake will only be permitted where there will be no impact on the water quality of the Lake. The following identifies circumstances where there will be no impact on the water quality of the lake:</p> <ul style="list-style-type: none"> • Where it can be demonstrated that the leaching bed can be located in a separate watershed that is not at capacity or is located more than 300 metres (1000 ft) from the shoreline; or • Where improved septic system technology or lot layout and design can effectively eliminate nutrient impacts on water quality. <p>The recommendations shall be based on the findings of a Site Evaluation Report.</p>
6.2	In order to maintain sufficient depth for new lots, the minimum lot area for all new lots shall be 1 hectare (2.5 acres), with the exception of lots that are created to separate existing residential units, in which case the minimum lot area should be approximately 4000 square metres (1 acre).
6.3	The minimum lot frontage for all new lots shall be 90 metres (300 ft), with the exception of lots that are created to separate existing residential units, in which case the minimum lot frontage should be approximately 60 metres (200 ft) per lot.
6.4	In all areas designated as Shoreline Building Hazard Areas or adjacent to Boat Channel Protection Areas, the minimum lot frontage for new lot creation shall be 120 metres (400 ft).
6.5	The requirements of Sections 6.2 to 6.4 above are minimum requirements; the actual frontage and area of a new lot will be based on the recommendations of a site evaluation report that demonstrates that the lot size is adequate to protect the natural and aesthetic features of the site, and that demonstrates how the lot can satisfy the principles of this Plan.
6.6	Notwithstanding the requirements established in Section 6.3, where a property owner proposes to convey lakefront land for conservation purposes, shoreline lots with smaller frontages may be recognized, where in exchange a significant area of lakefront land is preserved in perpetuity for conservation purposes and conveyed to a public authority or private foundation. A minimum lot frontage of 45 metres (150 ft) would be required for any residential lot considered in this instance as long as an equal minimum 45 metres (150 ft) of lakefront is conveyed for conservation.
6.7	Circumstances may occur where smaller requirements are appropriate and desirable. Variances to these standards may be considered by zoning amendment or application to the Committee of Adjustment provided the intent of the Plan is maintained, that is, where the land has features that compensate for the deficiencies from the requirements. Situations in which variances may be considered include: a property with large frontage and a smaller lot area; or if a large lot area exists and the frontage is slightly less than the requirement. Increased building setbacks and landscaping measures that maintain or enhance the visual integrity of the area may be required as conditions of development in such instances. Any such request shall be accompanied by a site evaluation report and site plan that supports the proposed requirements.
6.8	New lot creation for water access only properties shall be required to have long term mainland docking and parking facilities.
7	STANDARDS FOR DEVELOPMENT OF EXISTING VACANT LOTS

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7.1	The Zoning by-law shall recognize existing vacant lots of record having 30 metres (100 ft) or greater frontage and .3 hectares (.75 acres) or greater of area as building lots.
7.2	Existing vacant lots of record that are below 30 metres (100 ft) of frontage and .3 hectares (.75 acres) in area may be considered for development subject to the processing of a zoning amendment or variance application which establishes site specific regulations. A site evaluation report shall be required by the Town, confirming the suitability of the lot for development and suggesting appropriate mitigation measures to reduce the impact of the development.
7.3	Small vacant lots are encouraged to be merged with abutting properties to enlarge the size of the lots, and may be divided to do so.
8	DEVELOPMENT STANDARDS FOR RESIDENTIAL LOTS
8.1	Setbacks are utilized to attenuate phosphorus loadings from storm water as well as to maintain the natural integrity of shorelines, including fish and wildlife habitat. Setbacks are also utilized to reduce or soften the visual impact of development on a lot. Vegetation within the setback should be disturbed as little as possible, and the soil mantle should not be altered.
8.2	The minimum setback for all structural development (including redevelopment on existing properties) except refurbishment or modernization of existing dwellings shall be 20 metres (66 ft), measured horizontally from the high water mark. This provision does not apply to docks or boathouses or other approved shoreline structures or to heritage structures.
8.3	An increased setback to a minimum of 30 metres (100 ft) shall be required on Bass Lake, on lands that abut a boat channel protection area or are on a shoreline building hazard area.
8.4	A lesser setback may be permitted only if: <ul style="list-style-type: none"> • it is not physically possible, due to terrain or lot depth features, to meet the required setback, or • in the case of redevelopment of a property, the imposition of the new setback would result in a more negative impact on the property than allowing reconstruction at the existing setback.
8.5	A site evaluation report and a site plan agreement shall be required by the Town in support of requests to reduce the setback beyond that which is established in the zoning by-law. The site evaluation report will identify the compensating features that justify the reduction in the setback and will propose mitigation measures to further reduce the impact of the development.
8.6	The size of a dwelling, combined with its location on a site, will have a direct effect on the visual impact of the development. As such, the zoning by-law shall provide standards to regulate dwelling size, to avoid overly large dwellings on the lake. Dwelling size may be regulated through a combination of restrictions on the total footprint, floor area, width, or height, combined with setback and landscaping considerations.
8.7	The standards on maximum size of a dwelling may vary depending on the size of the lot on which it is located, and will be detailed in the zoning by-law.
8.8	In general, the size of a dwelling should not exceed the following standards: <ul style="list-style-type: none"> • a maximum gross floor area of 375 square metres (4000 square feet); • a maximum height of 2 1/2 storeys, measured from the front or water side of the lot;

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	<ul style="list-style-type: none"> • a maximum width of 25% of the frontage of the lot; • no point of the roof line should be visible from the lake above the tree line.
8.9	<p>Variances to the established maximum size of a dwelling may be considered where the applicant provides evidence satisfactory to the Town that the visual impact of the dwelling will not be significant. Such variances may be considered where they are supported by a site evaluation report and architectural drawings that demonstrate how the visual impact will be managed; and are implemented through a site plan agreement. The provision of mitigation measures or compensating features such as increased setbacks, additional screening and buffering from the shoreline will be required.</p>
8.10	<p>Parking areas on a lot shall be located as far back as possible from the shoreline, and should not be located between the dwelling and the shorelines.</p>
9	SHORELINE STRUCTURES
9.1	<p>The size and location of shoreline structures, including docks, decks, gazebos, boat ports and boathouses have a direct effect on both the environmental and visual impact of development on a property. The zoning by-law shall provide standards to regulate the size and location of shoreline structures. These structures may be regulated through a combination of restrictions on the total footprint, floor area, width or height.</p>
9.2	<p>In general, shoreline structures should be located in such a manner as to minimize the visual impact on neighbouring properties, and should avoid sensitive environmental features, both on shore and in the water. The Zoning By-law may provide standards to require a minimum visibility triangle to regulate the visual impact of shoreline structures on neighbouring properties.</p>
9.3	<p>In general, the size of boathouses or boat ports should not exceed the following standards:</p> <ul style="list-style-type: none"> • a maximum width of 15% of the frontage of the lot or 8 metres (25 ft), whichever is lesser; • a maximum projection into the water of 10 metres (33 feet); • boathouses, boat ports and gazebos shall not exceed one storey in height, and shall not include an attic; • A boathouse shall not exceed 4.5 metres (15 ft) in height measured from the high water mark to the peak of the roof or the floor of an uncovered rooftop deck, as the case may be. The roof shall not exceed a 4/12 pitch; and • A boathouse may include an uncovered rooftop deck, <p>all of these, provided that there is no increase in the existing allowed density which these new forms of tenure and ownership could otherwise allow.</p>
9.4	<p>On lots with less than 30 metres (100 feet) of frontage, boathouses that project into the water are not permitted.</p>
9.5	<p>The zoning by-law will establish specific development standards for docks. In general, a maximum projection into the water of 12 metres (39.37 feet) shall apply to docks, except where the dock is constructed in a Boat Channel Protection Area as shown on Schedule B-____, in which case the projection should be limited to 7.5 metres (25 ft). Provided the combined width of watercraft mooring facilities fits within the zoning by-law requirements for maximum shoreline development, more than one dock may be permitted on a lot.</p>
9.6	<p>Free standing decks (i.e., not attached to another structure) may be permitted between the shoreline and the dwelling provided they do not exceed an area of 45 square metres</p>

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	(485 square feet), and provided they are part of the maximum shoreline development.
9.8	Variations to the general standards for the size and location of shoreline structures should only be considered where it is not possible to meet the requirement (e.g., increased length into the water to accommodate shallow water). Requests for such variations shall be accompanied by a Site Evaluation Report.
9.9	Where existing shoreline structures do not meet the requirements of this plan, they may be rebuilt or replaced provided they are no larger than the existing structures that they replace.
10	HOME OCCUPATIONS
10.1	Home occupations may be permitted on shoreline properties as an accessory use to a permitted residential use on a site specific basis provided they do not have an adverse impact on the lake or surrounding properties. The zoning by-law shall provide an appropriate range of uses and development standards to regulate home occupations. Such home occupations shall not include any automotive or marine related uses or uses using chemicals, toxic substances or those burning toxic wastes.
10.2	Bed and Breakfast establishments are a form of home occupation that may be permitted on a site specific basis and provided an amendment to the zoning by-law is processed to recognize the use. A bed and breakfast establishment shall meet the following minimum criteria before a zoning amendment is processed: <ul style="list-style-type: none"> • limited to a maximum of three accommodation (bedroom) units, located in the main dwelling or in an approved sleeping cabin with no housekeeping facilities; • sufficient parking to accommodate the number of units shall be provided; • access to the property is adequate; • there is no adverse impact on neighbouring properties; • the lot has a minimum area of .4 hectares and a minimum frontage of 60 metres (200 ft); and • there are no housekeeping facilities in any unit other than the main residence where breakfast is prepared for guests.
11	SHORE ROAD ALLOWANCES, CROWN RESERVES, ROAD ALLOWANCES LEADING TO WATER, AND PUBLIC ACCESS POINTS
11.1	Shore road allowances and crown reserves that have no potential public use may be closed in front of existing privately owned properties provided they are not within or do not front on any significant environmental features, such as Class 1 Fish Habitat, or wetlands. In certain cases, portions of the shoreline road allowance or crown reserve could be closed to deal with existing building encroachments. In these instances, only a small building envelope should be closed.
11.2	The Town may consider, as a condition of closing and selling a shore road allowance, retaining a conservation easement over those parts of the road allowance that are to remain in their natural state, to ensure the long term protection of the shore lands.
11.3	Road allowances leading to water shall be retained in public ownership whether or not they have potential for access to the water, and shall remain as part of the open space/non development land base around the lake. Where there are existing building encroachments, the Town may consider leasing the area of the encroachment to the abutting property owner. When such a property is redeveloped, the encroachment

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	should be discontinued.
11.4	Existing public access points, which may include boat docking and launching facilities, shall be protected from encroachment by other uses. Such facilities shall be maintained to reduce the impact of the uses on the surrounding natural environment.
11.5	Existing portages shall be protected from encroachment by other land uses, and may be acquired by the Town or through the local land trust.
12	ENVIRONMENTAL MANAGEMENT
12.1	Land Management practices that reduce and minimize the use of chemicals, compounds, pesticides and nutrients for the treatment of land or vegetation will be promoted.
12.2	<p>For construction, or reconstruction activities, the Town shall require submission of a construction mitigation plan by the owner and/or its contractor. At a minimum, this shall include:</p> <ul style="list-style-type: none"> • delineation of riparian setbacks and buffers, and provisions to adequately protect these during construction (including measures to protect against mechanical damage to trees, and compaction of their roots; • plans to install and maintain sediment fencing, and other erosion and sedimentation controls as required, down gradient of all areas of site disturbance; • plans to manage soils and other materials, to prevent against sedimentation; and • plans to stabilize any disturbed areas as quickly as practical. <p>Where construction access to such properties is by water, plans are also to demonstrate how access is to be provided, and materials handled, so as not to negatively impact on the shoreline or near shore water quality.</p> <p>For existing development</p> <ul style="list-style-type: none"> • land management practices as described; and • In areas within 20 m of the shoreline, the replanting of cleared or partially cleared areas with appropriate native vegetation, and treatment of such areas as minimally managed riparian zones is to be encouraged.
13	NATURAL SHORELINES
13.1	Property owners are encouraged to maintain their shorelines and the area between the shoreline and any buildings in their natural state and as a vegetative buffer, to protect the visual and environmental integrity of the lake. The principle of development in the vegetative buffer shall be minimal disturbance of the ground, shrub and canopy layers.
13.2	Vegetation within the setback should be disturbed as little as possible, consistent with provision of a pathway, safety (i.e., removal of hazardous trees), and provision of view shed and ventilation windows.
13.3	Appropriate standards to encourage natural shorelines shall be established in the zoning by-law, and will be implemented through the use of site plan and development agreements.

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14	WETLANDS
14.1	Wetlands are defined as land that is seasonally or permanently covered by shallow water, as well as land where the water table is close to or at the surface, and where the presence of abundant water has caused the formation of hydric soils and favours the dominance of either hydrophytic plants or water tolerant plants. This includes swamps, marshes, bogs and fens. Wetlands have been identified on Schedule B-____, as Environmental Protection areas. Additional wetlands may exist and would be evaluated at the time of a request for development approval.
14.2	Wetlands shall be protected as natural areas, in accordance with applicable District regulations.
15	FISH HABITAT
15.1	Schedule B-___ identifies significant fish habitat (Type 1) on the Lake, as determined by the Ministry of Natural Resources. Type 1 habitat represents areas of significant fisheries habitat that are rare, or highly sensitive to the potential impacts of development, or limit fish productivity either directly or indirectly. Additional areas of sensitive or significant fish habitat may exist that are not identified on the Schedule.
15.2	Development may only be permitted in the vicinity of Type 1 habitat or in other areas where significant habitat has been identified provided approvals and permits are obtained from the relevant authority, and the integrity of the habitat is maintained. The submission of an environmental evaluation may be required to determine whether the habitat will be adversely affected or what remedial measures or development standards may be required to protect the habitat.
15.3	Where significant fish habitat is identified as part of the review of a development application, the provisions of this section will apply to that development.
16	DEVELOPMENT CONSTRAINTS
16.1	Boat Channel Protection Areas and Shoreline Building Hazard areas are shown on Schedule B-_____.
16.2	Shoreline structures erected on Boat Channel Protection Areas shall be encouraged to be located as close as possible to the shoreline and not to project into the water in order to maintain the channel width. The Coast Guard should be consulted with respect to their authority under the Navigable Waters Protection Act.
17	CROWN CONSERVATION RESERVES
17.1	There are two Conservation Reserves identified on Kahshe Lake: The Kahshe Lake Barrens Conservation Reserve and Jevins & Silver Lake Conservation Reserve. The Ministry of Natural Resources is encouraged to adopt management plans for these reserves that respect the character of the lake and limit active recreational use abutting the shoreline.
18	REQUIREMENTS FOR SEWAGE DISPOSAL SYSTEMS
18.1	New septic systems are encouraged to be located as far back from the shoreline as

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	possible, and shall be located a minimum of 30 metres (100 ft) from the shoreline, unless it is not physically possible (due to terrain features or lot depth) to locate the septic system at such a distance, in which case the system shall be located as far back as possible and in accordance with current legislated minimum setback requirements, and shall be based on the recommendations of a Site Evaluation Report.
18.2	Owners of existing properties are encouraged to upgrade their existing septic tank tile field systems to current standards if inspection suggests that those systems are not performing up to the levels achievable with new installed systems. Regular inspections of septic systems should be provided.
19	ROAD AND WATER ACCESS POLICIES
19.1	Kahshe Lake is composed of areas that have varying access opportunities, from year round maintained municipal roads to private seasonally maintained roads to water access only. There is recognition that the expansion of the private or public road network may not be feasible around specific parts of the lake.
19.2	Private Roads may be converted to public roads in accordance with the Town's established policies and procedures, and provided <ul style="list-style-type: none"> • they are to a standard acceptable to the Town; • the Town is prepared to accept the transfer; and • it is in the public interest to acquire and maintain the roadway.
19.3	Increasing maintenance of public roads from seasonal to year round maintenance will be dependent on such roads being at the minimum standards required under the Ontario Building Code, at a suitable standard to sustain winter maintenance, and it is determined by the Town to be in the public interest to extend such maintenance.
19.4	New public roads may be developed at a "cottage standard" to remain within the character of the surrounding area. New roads will require proper grades, site distances and drainage, but should not require complete clearing of a 20 metre (66 ft) wide right-of-way. The Town may establish specific standards for construction of new public roads, and shall, at minimum, meet the standards provided in the Ontario Building Code.
19.5	Roads and driveways should generally follow the contours of the land, fit into the landscape, and wherever possible, not run perpendicular directly to the water. Disturbance for the construction of roads and driveways and other services should be kept to a minimum.
19.6	The Town shall set adequate, specific standards for parking and docking before any further water access development takes place.
20	IMPLEMENTATION
20.1	Where required by the Town, and as a condition of development, or to demonstrate that development is suitable on a property, a site evaluation report, biophysical analysis or an environmental report shall be prepared to demonstrate whether the lot is suitable for the development and that shoreline protection measures have been incorporated into the design of the site. Any such report shall be to the satisfaction of the Town. The costs of preparing such reports and any necessary Town initiated peer review would be the responsibility of the applicant.

PROPOSED POLICIES	
20.2	Shoreline protection measures may be implemented and enforced through subdivision, consent or site plan agreements, or through conditions of approval imposed by the Committee of Adjustment.
20.3	The Town will encourage the use of innovative forms of tenure and ownership of properties to encourage their long term conservation. These may include conservation easements, property acquisition by a local land trust, use of available tax incentive programs, and potential use of cluster residential uses on smaller lots where large holdings can then be preserved.
20.4	A Site Evaluation Report will be required for any development in areas designated as Shoreline Building Hazard Areas or adjacent to Boat Channel Protection Areas and for development on existing vacant lots of record that do not meet the requirements of the Zoning By-law at the time of applications
20.5	In order to increase the amount of public or conservation lakefront lands around the lake, the Town will acquire lakefront land as the 5% parkland dedication rather than requiring a cash-in-lieu contribution. As an alternative to this requirement, particularly where more remote or very small parcels would be created, consideration may be given by the Town to taking a cash-in-lieu contribution together with a lake front conservation easement.
20.6	Management of storm water on site is an important component leading to shoreline protection. As a condition of approval, including the issuance of building permits, appropriate storm water controls shall be implemented; to ensure that increased run off does not reach the lake. Remedial drainage work will be designed so that such work will not negatively affect adjacent lands, habitat or water resources.
20.7	The implementation of dark sky lighting initiatives is encouraged on all properties.
20.8	Archeological impact assessments conducted by licensed archaeologists and undertaken in accordance with the requirements of the province of Ontario may be required as a condition of development when areas of moderate to very high potential, as identified in the Archeological Master Plan, would be affected. Such impact assessments will be completed and implemented to the satisfaction of the Ministry of Culture and the Town. Prior to an applicant submitting an application to the Town for lot creation, the District of Muskoka should be contacted to determine whether an archaeological assessment is required as identified in the District's Archeological Master Plan.