

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Samantha Hastings, Director of Policy and Programs, District of Muskoka
DATE: October 27, 2009
RE: Development Permit By-law Update

RECOMMENDATION:

THAT staff be authorized to proceed with the drafting of by-law amendments in accordance with the direction provided at the October 27, 2009 Council meeting.

BACKGROUND:

On September 22nd, Council endorsed the initiation of a joint project to update By-law 04-180 (the Development Permit By-law).

ANALYSIS:

Following initial discussions with the Manager of Planning Services, it appears that the following changes to the Township's Development Permit By-law are desirable:

a) Clarifications

The wording of general provisions related to sequence of development, permitted extent of shoreline structures, and vegetation removal and site alteration has led to different interpretations of these provisions through a number of development applications and requires clarification. Clarifications would also be beneficial to the definitions of storey and floor area in order to provide direction to architects and builders when designing buildings with dormers and other architectural features.

b) Simplifications

Township staff have noted considerable difficulty implementing the current lot coverage and shoreline activity area provisions. A more straight-forward, more easily understandable set of provisions would appear to be necessary to reduce confusion and streamline the review of development applications. In addition, streamlining the processing of applications for modest height variances for legal non-complying uses is suggested. The inclusion of septic system setbacks that are consistent with the Building Code would also reduce confusion.

c) New Provisions


The by-law currently implements the older lake capacity approach to recreational water quality. Staff would recommend that new provisions to implement the Lake System Health program should be incorporated at this time.

Staff propose to facilitate a discussion with Council on October 27th, to confirm whether Council agrees in principle with sections to be updated, to determine any additional areas of the by-law that need to be amended and to share some initial ideas about how to address the above noted issues. Following this discussion, draft by-law amendments would be prepared for the review of Council at its next meeting.

Respectfully submitted by:

Reviewed by:



 Samantha Hastings, BES, MCIP, RPP
Director of Policy and Programs



Don Chevalier
CAO/Treasurer