

**THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
INFORMATION REPORT**

**TO:** Mayor Glover and Members of Council  
**FROM:** Melissa Markham, Director of Planning  
**DATE:** December 22, 2020  
**RE:** Community Planning Permit System By-law Review  
Public Meeting #2  
Municipally Initiated - Township wide  
Township of Lake of Bays

**REPORT HIGHLIGHTS:**

- as per Section 26(9) of the Planning Act, the Township is required to amend all zoning by-laws to ensure conformance with the updated Official Plan
- Open Houses and the first Public Meeting were held in October 2019
- feedback and comments received to date have been included in this report and incorporated into the updated by-law
- no decision on the by-law is being made at this time

**RECOMMENDATION:**

**WHEREAS** the Council (Planning Matters) for the Corporation of the Township of Lake of Bays hereby receives the staff report “Community Planning Permit System By-law Review, Public Meeting #2, Municipally Initiated – Township wide” dated December 22, 2020.

**AND WHEREAS** the Township held Open Houses and the first Public Meeting in October 2019.

**AND FURTHER THAT** the by-law has been updated to include feedback and comments received and that this Public Meeting is being held to provide an additional opportunity for the public and agencies to comment on the by-law.

**BE IT RESOLVED THAT** Council (Planning Matters) receive this report for information purposes only.

**ORIGIN:**

On January 12, 2016, the Township of Lake of Bays Official Plan was adopted by By-law. In accordance with Section 26(9) of the Planning Act, council is required to amend all zoning by-laws that are in effect in the municipality to ensure conformance with the official plan.

Consultants, retained by the Township, have prepared a draft CPPS By-law, which has been made available to the public.

Notice of Open Houses and the first statutory Public Meeting for this By-law held in October 2019.

Township staff worked with the consultants to further update the By-law based on comments received. As the proposed by-law has changed from the previous version staff scheduled a second Public Meeting in accordance with the Planning Act.

### **PURPOSE OF THIS REPORT:**

The purpose of this report is to provide an overview of the proposed by-law changes and input received from the public and stakeholders.

Council (Planning Matters) will hear public delegations on the proposed changes to the by-law, ask questions of clarification and identify any planning issues. This report is for information and no decision on the by-law is being made at this time. Staff will bring forward a recommendation report for consideration by Council (Planning Matters) following this Public Meeting.

### **ANALYSIS**

#### **Policy Framework**

Since the original draft of the CPPS By-law the following documents have been revised:

- Provincial Policy Statement, 2014 is now 2020 (PPS);

An overview of the proposed changes to Comprehensive Zoning By-law 2004-181 and Development Permit By-law 2004-180 has been included as Attachment 2.

#### **Public Comments Received**

In addition to the 63 comments made at the October 2019 Open Houses and 8 written submissions that were included in the previous staff report, 15 additional written comments were submitted. A Comment and Response Matrix has been prepared, and updated, by the consultants. The chart is included as Attachment 2.

The following is a summary of all concerns/comments that have been received to date:

- why is the by-law being reviewed and why rural and waterfront area in the same by-law
- timing of the final by-law and to ensure all residents can attend
- character of neighbourhoods should be considered, i.e. established building line, not build to minimum standards but be reflective of surrounding area

- dwellings too large on the waterfront and being constructed from lot line to lot line to maximize development
- changes to non-complying dwellings should be easier, less restrictive
- length of docks and shallow water depths, should this be less restrictive for applicants
- maximum size of a dwelling, gross floor area
- affordability – should allow for secondary suites and garden suites in the waterfront
- staff vs council variations, public process and appeal rights
- MNRF input into shoreline applications
- Setbacks to environmentally sensitive areas and watercourses should be increased
- condition of approval to include planting native vegetation or an improvement to the environment
- review lot frontage requirements in rural areas
- should be less government involvement on private land; however, want to ensure “mansions” on the waterfront are not permitted
- all development should maintain the vision for the Township
- ensure appropriate setbacks from septic to shorelines
- eliminate minimum dwelling sizes in the by-law
- shoreline is most important asset in the Township
- ensure an appropriate scale of development for dwellings and boathouses in relation to a property
- address affordable housing and implement appropriate development standards to allow for this in the Township
- ensure that the natural environment is maintained
- review ability to “age in place”, currently no place for seniors after the detached dwelling
- allowing garden suites and second dwellings would assist with seniors
- how are short term rentals dealt with in the Township
- review possibility of mixed-use development in Baysville
- request the Township review Community Improvement Plan policies and potential application in Baysville for grants and incentives for development and dealing with brownfields
- request for sinks in boathouses and boatports
- request clarity on parking requirements for certain uses
- request site specific zone for Bigwin Island Subdivision lots to implement reports prepared for the development with no variations permitted
- question re: building height
- impose maximum gross floor area restrictions on dwellings, just like commercial properties
- review the proposed shoreline structure setbacks to lot line projection into water
- review changes to height of plantings in shoreline, decreased from Development Permit System (DPS)
- review increase to Shoreline Activity Area Coverage
- review potential for climate change requirements in the CPPS
- when is a planning permit required

- concerns with restricting the maximum gross floor area of a dwelling, should not be included
- request to add landscape architect to list of professionals that can provide a report for revegetation
- height permissions in rural industrial area should have staff variation
- request to increase SAA to 50%
- clarification requested for vegetation removal in a sustainable manner
- comments on notice requirements, Staff variations should require notice and circulation
- review home-based business provisions for consistency with the new Official Plan
- questions regarding site inspection wording
- question why a “best practice” review was conducted, Lake of Bays is unique
- discretionary uses are too broad, should be more specific
- question where forestry operations are permitted
- request to permit multiple sleeping cabins on a property
- review of parking standards, specifically waterfront landings
- technical comments and errors and omissions were also provided

#### **Agency Comments:**

- No additional comments received as of the date of the posting of the report.

#### **Planning Comments:**

Planning Staff will conclude its position on the by-law after it has received and assessed comments from the circulated departments, agencies and public.

#### **Procedural Information**

##### **General**

- written comments regarding the by-law should be directed to Planning Services
- oral comments may be made at the Public Information Meeting
- all comments received will be noted and used as input to a Planning Report prepared by Planning Services for a subsequent meeting of Council (Planning Matters)
- any member of the public who wishes to reserve the option to appeal Council's decision must provide comments to the Township before Council adopts the CPPS By-law
- any member of the public who wishes to be notified of Council's decision regarding the by-law must request such in writing to the Clerk

#### **LINKAGE TO THE COMMUNITY-BASED STRATEGIC PLAN:**

This report represents the following strategic priorities:

- Engage and communicate openly with the community;
- Develop a sustainable local economy that supports our vision;
- Ensure sound, innovative, transparent financial planning;
- Develop long-term land and community plans that are balanced and adaptive;
- Protect, preserve and promote our healthy natural environment; and
- Work in collaborative partnerships.

Date of Report: December 15, 2020

Prepared by,

**Melissa Markham, MCIP, RPP**  
Director of Planning Services

#### **ATTACHMENTS:**

- 1 Summary of Proposed Changes – between CPPS By-law and Comprehensive Zoning By-law 2004-181 / Development Permit By-law 2004-180
- 2 Comment and Response Matrix – prepared by Skelton Brumwell & Associates, dated December 15, 2020
- 3 Tracked Change version of the CPPS By-law – prepared by Skelton Brumwell & Associates, dated December 2020

#### **REFERENCES:**

- 2020 Provincial Policy Statement
- The Official Plan of the Muskoka District Area
- Township of Lake of Bays Official Plan, as adopted on January 12, 2016 by By-laws 2016-005 & 2016-049
- By-law 2004-180, being the Development Permit By-law
- By-law 2004-181, being the Comprehensive Zoning By-law
- Official Plan Amendment No. 16 – 5 Year Official Plan Review (Resolution #5(d)(ii)(a)/11/10/15)
- Staff Report “Community Planning Permit System By-law Review, Municipally Initiated – Township wide” dated October 29, 2019.

**ATTACHMENT 1  
SUMMARY OF PROPOSED CHANGES  
BETWEEN CPPS BY-LAW AND COMPREHENSIVE ZONING BY-LAW 2004-181 /  
DEVELOPMENT PERMIT BY-LAW 2004-180**

The following provides a brief synopsis of some of the items in the draft By-law:

**Consolidation with Current Municipal By-laws (passed following last consolidation)**

- Housekeeping Update #5 By-law 2012-014 (throughout document)
- Dark Sky By-law 2013-131 (throughout document)
- Backyard Hens By-law 2013-161 (throughout document)
- Second Dwelling Units By-law 2017-014 (throughout document)

**SECTION 1 - INTRODUCTION**

- new section

**SECTION 2 – ADMINISTRATION**

**Provisional Approvals Timeframe**

- reduction in the timeframe for provisional approval from 2 years to 1 year, with the ability to apply for extensions in 1-year intervals

**Class 1 Permits**

- inclusion of planning permit requirement to recognize, expand or add to a legal non-complying building or structure

**Criteria for Variations**

- inclusion of:
  - built form, massing, density, height and setbacks contribute to urban character compatible with surrounding land uses and character
  - environmental hazards or constraints
  - evaluation with respect to adverse impacts

**Conditions**

- inclusion of “where more than 65% of the shoreline frontage is cleared, a report from an ecologist for the reestablishment of a buffer and sign-off on required plantings will be required” (Section 2.11.2)
- additional conditions were added that could be included as a condition of approval (Section 2.11.2)

**Notice Requirements**

- inclusion of the requirement for a sign on both the road and shoreline yard, if applicable (Section 2.15.5.2)

- the Township shall issue notice of decision to the Owner within 15 days of the date of decision, currently no timing requirement stated in By-law (Section 2.15.7.1)

### **Site Inspection**

- removed requirement for giving notice to owner, occupant to enter the property, in accordance with By-law Enforcement protocol (Section 2.19.1)

## **SECTION 3 - GENERAL PROVISIONS**

### **Additional Provisions**

- Additional Dwelling Units (Section 3.2.2)
- Bed & Breakfast Establishments (Section 3.3)
- Child Care (Section 3.4)
- Group Homes (Section 3.8)
- Outdoor Storage (Section 3.16)
- Barrier-Free Parking (Section 3.17.2)
- Loading Spaces (Section 3.17.3)
- Prohibited Uses (Section 3.19)
- Shipping Containers (Section 3.22)
- Fill Placement, Fill Excavation & Removal and Lot Grading (Section 3.26.3)
- Waste Transfer Sites (Section 3.27)

### **Access**

- included access requirements as stated in the Official Plan (Section 3.1)

### **Maximum Number of Accessory Uses**

- only one of either an additional dwelling unit, garden suite, sleeping cabin (bunkie) or hunt camp is permitted on a lot (Section 3.2.2.1)

### **Sequence of Development**

- provides for a maximum size for a dock constructed in advance of a principal dwelling (Section 3.2.3.1)

### **Stairs within the Required Shoreline Yard**

- includes that stairs that are within 1.5 m (5 ft) of a building are considered part of the building and not permitted to project within the shoreline yard (Section 3.2.4.1)

### **Sleeping Cabins (Bunkies)**

- increase in maximum size (Section 3.2.5.1)

### **Retaining Walls**

- clarification on types of retaining walls exempt from yard and setback provisions (Section 3.2.7.3)

### **Bed & Breakfast Establishments**

- removed the requirement for a Planning Permit for this use to be established (Section 3.3.1)

### **Dwelling Size**

- minimum size has been reduced in accordance with the OBC (Section 3.5.1.1)
- maximum gross floor area size has been added, along with a maximum width (Section 3.5.1.2 & 3)

### **Flood Prone Lands**

- provided clarification to the size of an addition permitted (Section 3.7.2)

### **Home Based Business**

- removed provision that restricted the conducting of business by a person residing in a unit and not more than one person at a time residing in dwelling, as per Official Plan
- increased size to be consistent with other uses, ie. sleeping cabins (Section 3.11 – h)
- included that a maximum of two home-based businesses are permitted, as per the Official Plan (Section 3.9.1 I)

### **Legal Non-complying Buildings and Structure**

- allows for minor changes to the footprint with no increase in floor area (Section 3.14.3)
- included that the provision for additions may only be applied for once following the passage of the by-law (Section 3.16 – 5)
- included that additions within the required shoreline yard with no increase in gross floor area and no increase in storeys will require a Class 1 Permit, any increase in floor area and/or storeys will require a Class 2 Permit (Section 3.14.4 and 5)
- clarification added that additions in the SAA are also restricted to the permitted SAA frontage (Section 3.14.5)

### **Legal Non-Conforming Uses**

- includes that any expansions require a Class 2 permit (Section 3.15.1)

### **Prohibited Uses**

- uses have been added to Section 3.19

### **Shoreline Structures**

- includes inclinators (Section 3.23.1.1)
- clarifies that fireplaces are not permitted shoreline structures
- includes maximum size of free-standing deck (Section 3.23.1.3 e)
- clarifies that stairs, patio and landings constructed from permeable materials are permitted (Section 3.23.1.3 f)
- includes maximum size of patios (Section 3.23.1.3 f)
- includes that no building, accessory building or structure, except a boathouse or boatport can extend out from the shoreline (Section 3.23.1.3 g)



- clarifies height of a boathouse (Section 3.23.1.3 i)

### **Vegetation and Site Removal**

- inclusion of requirement for a planning permit for vegetation removal along a road (Section 3.26.1)
- inclusion that no planning permit is required for vegetation removal or site alteration in rural planning permit areas, outside of required roadside buffers (Section 3.26.1)
- inclusion of requirement for planning permit in areas within or adjacent to archaeological resources or in significant wildlife habitat (Section 3.26.1)

### **Revegetation/Replanting**

- height of plantings has been revised and density of plantings increased (Section 3.26.2.1)

### **Fill**

- revised to exempt fill for an approved septic system (Section 3.26.3)

### **Watercourses**

- revised to reflect the Official Plan wording regarding watercourses and setbacks (Section 3.29)

## **SECTION 4 – COMMUNITY PLANNING PERMIT AREAS**

### **Development Provisions**

- building height has been increased as the definition has been revised (throughout document)
- maximum council variation values have been included in the by-law
- individual access point revised from permitted use to discretionary use in Waterfront Residential
- lot abutting WEP1 – staff variation revised from 33% to 10% (Section 4.2.1 d)
- all other lakes – staff variation revised from 10% to 33% (Section 4.2.1 d)
- exterior side yard setback to unopened road allowance included (throughout document)
- Staff variations added to Waterfront Resort and Waterfront Service Planning Permit Areas (throughout sections) and Discretionary Uses have been revised
- SAA Coverage maximum added to Waterfront Environmental Protection Planning Permit Area (Section 4.2.8.4 c)
- Rural Planning Permit Area – permitted and discretionary uses have been revised (Section 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5)
- Staff and Council Variations permitted in Rural and Community Planning Permit Areas (throughout sections)
- Cemeteries and management or use of resources uses added in some Rural Areas (throughout sections)
- Community Settlement Areas – clarification that:

- additional dwelling units and group homes are not permitted on lots with water frontage
- garden suites are not permitted on lots with water frontage
- sleeping cabins are only permitted on lots with water frontage
- Community Areas - includes SAA Coverage and maximum coverage provisions (throughout sections)
- Community Areas - lot area for detached, duplex, converted or boarding houses reduced (throughout sections)
- Community Areas - include additional commercial uses (throughout sections)
- Open Space (Section 4.6.1) permitted uses have been revised

## SECTION 5 – DEFINITIONS

### **New Terms**

- Active Transportation
- Adult Entertainment Parlour
- Agriculture-Related Uses
- Animal Hospital
- Areas of Natural and Scientific Interest
- Attached
- Automobile Service Station
- Balcony
- Boatslip
- Breezeway
- Brewery
- Cannabis Production Facility
- Cannabis Production Facility, Medical
- Child Care Centre
- Commercial Dock
- Commercial Greenhouse or Nursery
- Community Centre
- Day Nursery
- Derelict Motor Vehicle Site
- Distillery
- Dwelling Unit, Additional
- Eating Establishment
- Equipment Storage Building
- Farm Implement Sales Outlet
- Fill
- Fish Habitat
- Flood-Proofing Standard
- Green Infrastructure
- Ground Water Feature
- Hens, Backyard
- Home Child Care
- Home Occupation
- Hotel
- Landscaped Open Space
- Library
- Light Equipment Rental Establishment
- Light Equipment Repair Shop
- Maintenance Garage, Accessory
- Manufacturing, Small-Scale
- Marine Sales, Rental and Service Establishment
- Marine Service Shop
- Minimum Distance Separation Formulae
- Negative Impact
- Office, Accessory
- On-Farm Diversified Uses
- Permeable Pathway
- Pervious Surface
- Public Service Facilities
- Recreational Vehicle Sales, Rental and Service Establishment
- Retaining Wall
- Shipping Container
- Surface Water Feature
- Tourist Commercial Retail
- Township Staff
- Vacant Lot
- Wildlife Habitat
- Winery

**Revised Terms**

- Boat or Recreational Vehicle Establishment
- Boathouse
- Boatport
- Buffer, Shoreline
- Development
- Dwelling
- Floor Area
- Group Home
- Height
- Hunt Camp
- Kennel
- Mobile Home
- Recreational Vehicle
- Revegetation
- Sewage
- Shoreline Activity Area
- Shoreline Activity Area Coverage
- Sleeping Cabin
- Structure
- Watercourse

**Removed Terms**

- Bed and Breakfast Establishment, Commercial
- Coldwater Stream
- Day Nursery
- Dry-Cleaning Establishment
- Duplicating Establishment
- Group Home, Residential
- Group Home, Institutional
- Private Home Daycare
- Solid Waste Disposal Site
- Suite, Secondary

\*this list does not include all changes proposed in the CPPS By-law, please refer to Attachment 3 – Tracked Change version of the CPPS By-law for detailed changes