
SECTION F – IMPLEMENTATION

1 Zoning By-laws

1.1 General

- 1.1.1 All development shall proceed in conformity with the provisions of an implementing zoning by-law.
- 1.1.2 Several zones may be utilized to implement the policies and provisions of the various land use designations in this Plan.
- 1.1.3 Existing lots of record which do not meet the lot or site compliance provisions of this Plan may be recognized as building lots in a zoning by-law provided that the general intent of this Plan is maintained. An Environmental Impact Study may be required before any lot is so recognized in a zoning by-law.
- 1.1.4 Where setbacks would not meet the provisions of this Plan, established building lines may be recognized in an implementing zoning by-law in an Urban Centre or a Community provided that the general intent of this Plan is maintained. An Environmental Impact Study may be required before any established building line is so recognized in a zoning by-law.
- 1.1.5 Exceptions to minimum lot size requirements as detailed in this plan may be considered when more than one primary, substantive, structurally sound building legally exists and the severed / retained lots and use would be in character with the area and generally in compliance with the policies of this plan.

1.2 Holding By-laws

- 1.2.1 In areas of the Township where development is anticipated, but certain conditions, such as financial or servicing requirements have not been met, the lands may be placed in a Holding Zone category, as provided in the Planning Act, RS0 1990.
- 1.2.2 The objective is to prevent or limit the use of land in order to achieve orderly, phased development and to ensure that the servicing and design criteria established in the Plan have been met prior to removing the Holding symbol.
- 1.2.3 The removal of the Holding symbol would be contingent upon the developer satisfying certain municipal conditions which might include, but not be limited to, execution and registration of site plan or development agreements, meeting the financial and servicing requirements of the Township or the District. Such financial and servicing requirements may be specified in a subdivision or

development agreement entered into between the developer and the municipality.

- 1.2.4 Prior to removal of any Holding symbol, Council shall be satisfied that any and all conditions have been or will be met, and that the policies of this Plan have been fulfilled such as amenity and design, schools, parks and open space. Prior to the removal of Holding symbol, where servicing capacity is the reason for the Holding category, the District Engineer or his designate shall confirm the availability of services and the servicing capacity.
- 1.2.5 Holding By-laws shall be implemented by use of the Symbol "H" in conjunction with the land use zones of the implementing zoning by-law. The Holding zone category which is applied to lands, may include provisions for interim permitted uses of the land while the Holding zone is in effect. Such uses may include existing uses of land and minor extension thereto, as well as other uses which are deemed compatible with surrounding land and will not adversely affect the future development potential of the land.

1.3 Temporary Use By-laws

- 1.3.1 The Planning Act authorizes use of Temporary Use By-laws where Council may permit a use for specific periods of time, and where the use must be discontinued when the by-law expires. Provision is made for the extension of temporary use by-laws.
- 1.3.2 The following guidelines may be used in determining the appropriateness of using temporary use zoning on a particular property:
- a) confirmation that the use is, in fact, temporary;
 - b) the use is compatible with the surrounding area and its impact will not adversely affect surrounding properties; and
 - c) the use is in general conformity with the Official Plan.
- 1.3.3 Temporary use by-laws may be used in the case of additional single detached dwelling units, commonly referred to as granny flats or garden suites, where permitted by this plan and the implementing zoning by-law.

1.4 Interim Control By-laws

- 1.4.1 The Planning Act permits the passing of a By-law to prohibit the use of land, buildings or structures within the Township or within a defined area for, or except for, such purposes as may be set out in the By-law. The purpose of such a by-law is to prevent development or redevelopment until a review or study can be undertaken in respect of the land use planning merits of any use or proposal. Such a by-law shall set an expiry date for the by-law no more than one year

from the date of passing thereof.

- 1.4.2 Council may pass subsequent by-law granting extensions to the interim control by-law period provided that the total period of time does not exceed 2 years from the date of passing of the original interim by-law.
- 1.4.3 No notice or hearing is required prior to the passing of an interim control by-law, however, the Clerk shall provide notice of the passing of the by-law in the manner prescribed in the appropriate provincial regulations.

1.5 *Conditional Zoning*

- 1.5.1 Council may impose zoning by-laws with conditions in accordance with Section 34(16) of the Planning Act and implementing regulations, where it can be demonstrated that a proposed land use will not result in any adverse effects and the conditions can be fulfilled.
- 1.5.2 Conditional zoning shall only be used in accordance with Provincial regulations notwithstanding any other provision in this Plan.
- 1.5.3 A zoning bylaw amendment may be approved with conditions addressing, but not necessarily limited to, the following matters:
- Submission of a satisfactory site plan;
 - The provision of municipal water and sewer services;
 - Timing/phasing of development;
 - Submission of securities to ensure completion of works of a public interest;
 - Appropriate access or access improvements; and
 - Registration of municipal development agreements.

1.6 *By-law Administration*

- 1.6.1 Applications to amend the Township's Comprehensive Zoning By-law shall take the form of zoning changes and exemptions to the by-law, or minor variances.
- 1.6.2 A zoning amendment may result in a change in zone category and appropriate zone schedule.
- 1.6.3 An exemption to the by-law may include:
- Additions to permitted uses,
 - Defining two separate parcels as one lot,
 - Additions/alterations to non-complying dwellings and sleeping cabins,
 - Setbacks and height variations which are not minor variances,
 - Change definitions as they apply to a specific property,

- Width of shoreline structures.
- 1.6.4 In considering applications, the potential impact of similar approvals will be considered. The cumulative impact of amendments on this and other lands will be considered to have greater weight than site specific considerations.
- 1.6.5 In considering exemptions/minor variances to the Comprehensive Zoning By-law, Council shall consider, among others, the following matters:
- Cumulative impact on such matters as the environmental, visual/aesthetics, and lake character,
 - Impact of decisions on future development in the Township,
 - Habitable vs. non-habitable space,
 - Setback from the lake,
 - Size of building not in compliance with by-law (subject to the application),
 - Whether the structure contains walls (ie. Boatports, carports),
 - Buffering from lake,
 - Buffering from neighbouring properties,
 - Terrain and possible building locations,
 - Location of buildings on neighbouring properties,
 - Visual impact,
 - Impact on the natural shoreline.
- 1.6.6 When considering alterations/additions to non-complying structures which require a by-law exemption/variance, the structure shall be brought into compliance with the by-law as much as possible.
- 1.6.7 When considering an application for exemptions, the application may be accompanied by a brief report outlining the reasons for the application. Such planning reasons may include: terrain, location of buildings, tree retention, water depth, drainage, slope, architecture, tile bed location and requirements.
- 1.6.8 Due to carefully planned origins of certain provisions of the zoning by-law, exemptions may not be granted for lot coverage, oversized sleeping cabins, additions to second dwellings/sleeping cabins, front yard setbacks for non-complying structures, reduced side yard setbacks for two storey boathouses or sundecks on a boathouse, and shoreline structure widths. These origins must be considered in relation to any such application.

2 Electric Power Facilities

- 2.1 All existing electric power facilities and the development of any new electric power facilities, including all works as defined in the Power Corporation Act, such as transmission lines, transformer stations and distribution stations, shall be permitted within all land use designations throughout the Township of

Muskoka Lakes provided that such development satisfies the provisions of the Environmental Assessment Act, including regulations made under the Act, and any other relevant statutes.

2.2 *Public Uses*

Public uses and related infrastructure, which are public services, facilities, or utilities provided by a government authority or utility company may be permitted in any land use designation, subject to the environmental policies of this Plan.

3 **Previous Official Plan Amendments**

- 3.1 All Official Plan Amendments approved prior to the update of the Official Plan remain in effect. Where there is a direct conflict between the Official Plan and the previously approved Official Plan Amendment, the provisions of the Official Plan Amendment shall prevail.

The previous Official Plan Amendments are listed in Appendix “E”.

4 **Service Limitations**

Basis

Municipalities within the District of Muskoka make available or provide a wide variety of hard and soft services to property owners such as but not necessarily inclusive of sanitary sewer, storm, potable water, and road maintenance, amongst others. Although municipalities attempt to provide the highest level of services to all locales, it is recognized that the delivery of services outside of Urban Centres and Community designations may not generally be provided on the same level, if at all, as within such designations.

Implementation

Municipalities generally attempt to provide the optimum level of such services within approved financial constraints. When considering the provision of such services, the municipality will have regard to the long term maintenance implications and costs associated therewith. This policy shall be implemented through the utilization of various by-laws or other mechanisms as authorized by statute, Regulations made thereto, or other general authority. Examples of such mechanisms include, amongst others, urban service areas, road programs and implementing capital budgeting, development plans, and Section 24 of the Planning Act, R.S.O. 1990, c.P.13, as amended. The Municipality shall include

for the purposes of public information, as part of its zoning by-law, a preamble to a zone or zones or through the general provisions of the by-law reference to service limitations as provided herein. In addition, service limitation policies shall be implemented in accordance with the appropriate following policy detailed herein.

4.1 *Roads*

4.1.1 Assumption of Private Roads

4.1.1.1 The Municipality shall discourage the assumption of private roads for public road purposes. However, if Township Council deems it advisable to assume any private road or portion thereof, the following conditions shall apply to such assumption:

- a) **Conduct Survey** - The Municipality may require the subject lands to be surveyed by a registered Ontario Land Surveyor. The Surveyor shall prepare a plan, suitable for registration, showing the land to be acquired for public road purposes. The advice of a Professional Engineer may be required to verify that a public road, acceptable to current municipal standards, can be provided on the lands to be acquired. A minimum right-of-way width of 20 metres shall normally be required.
- b) **Obtain Title** - The Municipality shall be granted title, free and clear of all encumbrances to the satisfaction of the Municipal Solicitor, to those lands required for public road purposes as shown on the survey plan. If any affected landowner refuses to grant such title, the Municipality may refuse to assume the private road.
- c) **Recover Cost of Improvements** - If any reconstruction or other improvements to a private road are required to permit said road to be acquired by the Municipality, the Municipality shall obtain appropriate agreements wherein the affected landowners agree to reimburse the Municipality for the costs of the improvement. Alternatively, where a number of landowners are involved, the Municipality may proceed by way of local improvement by-laws.

4.1.2 Full Maintenance of Seasonally Maintained Public Roads

4.1.2.1 The Municipality shall discourage the year-round maintenance of seasonally maintained public roads. However, if Township Council deems it advisable to provide year-round maintenance, the following condition shall apply:

- a) Recover Cost of Improvements - If any reconstruction or other improvements to an existing seasonally maintained public road are required to permit said road to be maintained year-round to current municipal standards, the Municipality shall obtain appropriate agreements wherein the affected landowners agree to reimburse the Municipality for the entire costs of the improvement. Alternatively, where a number of landowners are involved, the Municipality may proceed by way of local improvement by-laws.

4.1.3. Opening and Assumption of Public Road Allowances

4.1.3.1 If the Municipality deems it advisable to open and improve any portion of a road allowance to permit its use by public vehicular traffic, the following conditions shall apply:

- a) Payment for Improvements - The Municipality shall obtain appropriate agreements from owners having lands abutting that portion of the road allowance to be improved wherein the affected landowners to carry out, at their sole expense, all improvements on the road allowance required to provide a road which is acceptable to the Province for subsidy purposes. Such agreements may also require the affected landowners to post financial securities to ensure the proper and timely completion of the work. The Municipality may utilize local improvement by-laws instead of agreements if a number of landowners are involved.
- b) Enact By-laws - Once all necessary improvements have been accepted by the Municipality, Township Council shall enact the necessary by-law to open the newly improved portion of the road allowance for public vehicular traffic.

4.1.3.2 Nothing in this section shall limit the right of the Municipality to open, improve or maintain any roadway as part of its capital works program(s).

5 Community Improvement

5.1 Goal

5.1.1 Through the ongoing maintenance, rehabilitation, redevelopment, upgrading and improvement of the physical environment of the Urban Centres and Communities in the Township, and within a framework of sound fiscal management, it is the goal of the Township to:

- a) recognize the diversity of the communities and to build on that diversity;
- b) provide more attractive, safe and efficient communities;
- c) provide for enhanced social and economic viability of the communities; and
- d) provide an environment for a new investment in the communities.

5.2 Objectives

- 5.2.1 Each Community and Urban Centre shall be identified as Community Improvement Policy Areas.
- 5.2.2 Development and redevelopment activities will reflect the character of the community in which it occurs.
- 5.2.3 Mixed land uses and land use intensification are recognized as means of encouraging community improvement.
- 5.2.4 Public social, cultural and recreational facilities will be upgraded in response to perceived community needs and desires.
- 5.2.5 The physical attractiveness of the communities will be increased through an appropriate mix of public and private investment, and an appropriate regulatory framework.
- 5.2.6 Access to upgraded uses of the major natural resources in communities, particularly the lakes and river shorelines will be provided.
- 5.2.7 Safety hazards will be reduced, particularly with respect to the railways, roadways and pedestrian routes.
- 5.2.8 Private redevelopment that improves public access to and through the shoreline and waterfront areas will be encouraged.
- 5.2.9 Area of land use incompatibility will be reduced in order to increase the public's enjoyment of their properties and neighbourhoods.

5.2.10 Various redevelopment activities that will generate increased tax revenues and employment opportunities will be encouraged.

5.2.11 The construction and improvement of energy efficient structures will be encouraged.

5.3 *Criteria for Delineating Areas in Need of Community Improvement*

5.3.1 Areas requiring, or potentially able to benefit from, community improvement include any areas;

- a) that show deficiencies in public services (either hard or soft services);
- b) that no longer meets current development standards;
- c) that may be characterized as inefficient from a service delivery perspective or for a desired use;
- d) that have inappropriate uses in a particular area; and
- e) that exhibit certain features of ageing and dilapidation.

5.3.2 All of the Urban Centres and Communities have been identified as potential areas for community improvement because of deficiencies and opportunities in public services, social and recreational services, and the private physical environment. These deficiencies and opportunities apply to varying degrees in each of the communities, and may include any of the following.

- a) Public (hard services)
 - deficiencies in sewer and water services, storm drainage, roads, sidewalks, street-lighting and fire hydrants
 - desired streetscape improvements, boulevard conditions, streetscape definition
 - impediments to pedestrian movement
- b) Social / Recreational Services
 - lack of recreational facilities, such as parks, open space and public facilities, playgrounds and beaches
 - under utilized public recreational facilities
 - architectural or historical significance of sites or entire areas
 - public access to the waterfront
 - opportunities for identifying a character of the community
- c) Private Physical Environment
 - presence of conflicting or encroaching land use
 - general aesthetics of the use / area
 - availability and suitability of parking facilities

- under utilization of land / blocks
- building condition (upgrading required to meet current standards)
- availability of lands and areas for reasonable expansion of uses in the area
- construction/improvement of energy efficient structure

5.3.3 Additional detail on the community improvement requirements of the various Urban Centres and Communities are found in Sections C.18, C.19 and D.20 to D.24 of this Plan.

5.3.4 Public notice is required for adoption of all community improvement plans.

5.4 *Phasing of Improvements and Implementation Tools.*

5.4.1 Community Improvement is expected to be an ongoing activity. It is important for the Township to maintain the flexibility to respond to various improvement opportunities as they arise. For this reason, it is not appropriate for the Official Plan to consider phasing of improvements.

5.4.2 There are a variety of planning tools available to implement community improvement objectives for the individual Urban Centres or Communities. These include:

- a) Community Improvement Plans (Section 28 of the Planning Act);
- b) Participation in Provincial and Federal Programs;
- c) Use of Full range of Legislative Authority, including the Planning Act, Municipal Act, Heritage Act, etc;
- d) Property Acquisition (Section 28 of the Planning Act);
- e) Property Standards By-law;
- f) Business Improvements Areas;
- g) Capital Budgets;
- h) Modifying zoning regulations;
- i) use of temporary use by-laws;
- j) Site Plan Control;
- k) working with community groups;
- l) Heritage Conservation; and
- m) working with inter municipal communities.

6 **Park Dedication Considerations**

6.1 Council may, by By-law, establish policies and procedures for the acquisition of parkland or the payment of cash-in-lieu of parkland dedication as conditions of development approval, in accordance with the provisions of the Planning Act.

6.2 The Township recognizes that the creation of new lots by consent or plan of subdivision adds to the parkland needs of the Municipality. The Township will

endeavour to acquire additional parkland to service the new development and to upgrade existing facilities to meet the new demands.

- 6.3 The Township may, as a condition of development, or redevelopment of land, require the dedication of lands for park purposes. Development or redevelopment includes: zoning amendments, zoning exemptions, minor variances, site plan or building permit.
- 6.4 In addition, parkland dedications may be used to ensure the development of a recreational trail system through specific areas of the Township, or to acquire area of land that have particular environmental or scenic features that the Township wishes to protect.
- 6.5 Council may identify areas of the Township that are deficient in parkland, in which case efforts will be directed toward the acquisition of parkland of suitable size and location to rectify that deficiency.
- 6.6 Similarly, Council may identify areas of the Township that are currently well served with parkland facilities or there is little demand, or the resultant parkland dedication would be very small, in which case Council will encourage the payment of cash-in-lieu of the parkland dedication.
- 6.7 Notwithstanding Section 6.6, above, Council's initial consideration will be to determine whether a dedication of land is appropriate.
- 6.8 Council may establish different procedures for the acquisition of parkland or cash-in-lieu contributions depending on whether development occurs by consent or by plan of subdivision, zoning by-law amendment, zoning exemption, minor variance, site plan or building permit.
- 6.9 No building shall be constructed on land for development or redevelopment purposes until payment in lieu is made.

7 Site Plan Control

7.1 Goal

- 7.1.1 To ensure safe, orderly and functional development throughout the Township, with respect to both the man-made and natural environments.

7.2 Objectives

- 7.2.1 To improve the implementation of site plan control and maintain a consistent municipal standard in a site plan control area.

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- 7.2.2 To ensure safety and efficiency of vehicular, marine and pedestrian access.
 - 7.2.3 To optimize land use compatibility between new and existing development.
 - 7.2.4 To provide functional and attractive on-site amenities and facilities such as landscaping, fencing and lighting.
 - 7.2.5 To control the placement and provision of required services such as driveways, parking, loading facilities and garbage storage and collection.
 - 7.2.6 To secure easements or grading and alterations necessary to provide for public utilities and site drainage.
 - 7.2.7 To ensure that the development proposed is built and maintained as approved.
 - 7.2.8 To ensure compatibility of the exterior design of development with the surrounding buildings and area.
 - 7.2.9 To preserve and restore natural features and vegetation where required. In the case of waterfront residential lots this shall include an undisturbed Shoreline Vegetative Buffer across the entire frontage of the subject lot for the protection of the lake system health. Minor accessory structures are permitted.
 - 7.2.10 To implement the requirements of a stormwater management plan including sediment retention.
 - 7.2.11 To provide for measures which will reduce the environmental impact of development.
 - 7.2.12 To regulate external building design details related to sustainable design, character and appearance that address such items as colour, texture and type of materials, window detail, construction details, and architectural detail of buildings.
 - 7.2.13 To provide sustainable design elements on adjoining roads under the jurisdiction of the Township including but not limited to trees, shrubs, hedges, plantings or ground cover, permeable paving materials, street furniture, curb ramps, and waste and recycling containers.
- 7.3 *Site Plan Control Areas*
- 7.3.1 The total land area within the corporate limits of the Township is described as being proposed Site Plan Control Areas.
 - 7.3.2 All major development, all development within the Waterfront designation, and all medium and high density residential development shall be subject to site

plan control. Council may require elevation and cross section drawings for such development anywhere within the corporate limits of the Township. Council may consider public input prior to approving a site plan for a particular development.

7.4 *General Policies*

- 7.4.1 It is noted that Site Plans under Section 41 of the Planning Act, as amended, constitute “applicable law” under the Building Code Act. As such, a building permit cannot be issued until site plan approval has been granted and the Agreement is executed.
- 7.4.2 Site Plan Agreements entered into prior to January 1, 1986 shall remain valid and binding as authorized by Section 41 of the Planning Act, RSO 1990.
- 7.4.3 In areas described as being proposed Site Plan Control Areas and where a by-law defines an area or use as being subject to site plan control, the following provisions shall apply where they are reasonable and related to the application:
- a) Drawings showing the plan, elevations and cross-section view of buildings to be erected may be required for all residential buildings containing less than 25 dwelling units where:
 - development constitutes multiple unit residential development;
 - development constitutes single detached residential development on environmentally sensitive terrain or in flood prone areas; or
 - development constitutes single detached residential development in the Waterfront designation.
 - b) The Township shall not approve a site plan agreement until the District Engineer, or his designate, has been advised by the Township and afforded a reasonable opportunity to require the owner of the land to meet District requirements where District interests would be affected for sewer or waterworks easements or for District Roads.
 - c) Where a proposed development is within a site plan control area, the dedication free of all charge and encumbrance to the appropriate authority of the following may be required.
 - A widening of the road allowance to the Township or District standards may be required along the abutting lot line or part thereof. The road allowance standards of any highway under the jurisdiction of the District may be widened, as required, to a width of 26.0 metres (85.3 feet). The road

allowance standards of any highway under the jurisdiction of the Township may be widened, as required, to a width of 20.1 metres (66 feet).

- A dedication for sight triangles and turning lanes may be required, primarily at the intersection of public roads, to meet engineering standards as described in the site plan control or other road related by-laws, or as required to meet applicable provincial standards where such dedication would extend beyond the road allowance widths noted above.
- A dedication for an area necessary to construct grade improvements or separations may be required where the proposed development requires such improvements respecting traffic volume or hazards to the respective District or local road onto which the development abuts, which extends beyond the road allowance widths noted above. Such dedication may only be to the requirements prescribed in the road related by-law, or as required to meet applicable provincial standards.

- 7.4.4 Site Plans shall be drawn to an appropriate scale and shall include the following information: building location, access, location of services (water source, sewer/septic system), lighting, landscaping, drainage, stormwater management, shoreline vegetative buffer (with labelling indicating preservation of such), parking and other features as required by the Township.
- 7.4.5 Before consideration of a site visit and site plan approval, the Township must be in receipt of a completed application. See Subsection F.15.
- 7.4.6 Where a commercial property is undergoing significant redevelopment or increased development (e.g. removal and replacement of over ¼ of the existing buildings or an increase in gross floor area of over ¼ of that which is existing) which does not require an amendment to the Official Plan and zoning by-law, council may require that the public be notified of the proposal in a manner similar to a zoning by-law amendment.
- 7.4.7 Site Plan Agreements shall be entered into by the landowner with the Township to implement the site plans. Such Agreements may contain, where applicable, clauses which lead to the completion of the site plan in a manner acceptable to the Township. The provisions of such Agreements may apply to:
- a) requirements for registration on title;
 - b) phasing of development;
 - c) landscaping and retention of vegetation;
 - d) stormwater management works;
 - e) sediment control during and after construction;
 - f) maintenance of emergency vehicle access routes and signing of fire routes (along with related works, e.g. fire hydrant);
 - g) building elevations;

- h) parking area surface, dust control, and access;
- i) lighting and signage;
- j) garbage storage;
- k) location of buildings and structures, including septic envelopes;
- l) financial securities to ensure those items of a public interest are completed;
and
- m) penalties for unsatisfactory completion of the terms of the Agreement.

7.4.8 During review of a site plan, peer review may be necessary to consider proposals for stormwater management, fish habitat assessments, hydrogeology, erosion control/construction mitigation, among other items. Alternatively, the Township may hire a consultant to evaluate these matters, where appropriate. In all cases, the costs for such evaluations is borne by the applicant/landowner.

7.4.9 Where appropriate, securities shall be held by the Township, until the necessary works are completed. Securities may be required for storm drainage works, stormwater management works (including sediment control), landscaping, paving of parking areas. Upon satisfactory completion of the works, the security shall be returned. In the case of a shoreline vegetative buffer, a holdback of some or all of the securities may be retained by the Township to ensure survival of the buffer and/or tree plantings for a period not to exceed five years.

7.5 *Exterior Design*

7.5.1 The exterior design of such buildings shall be compatible with buildings in the area especially those of historic significance.

7.5.2 All exterior finishes shall be of a natural appearance, primarily of wood, stone, or materials resembling such. Brick facing will be limited in the Waterfront and Core Commercial designations. Concrete block and steel finishes, will be discouraged except in certain industrial/commercial applications.

7.5.3 Architectural features such as dormers, covered porches, open rafter ends, and wooden shakes will be encouraged.

7.5.4 Maintaining a low profile of buildings will be encouraged within the height limitations established in the Comprehensive Zoning By-law. This includes upper storeys being contained within rooflines.

7.6 *Design Elements on Adjoining Highways*

7.6.1 Where site plan approval is required, design elements on the adjoining highway under the jurisdiction of the municipality may be required.

7.6.2 Such elements can include the planting of trees, shrubs, hedges, or other ground cover.

7.6.3 Such elements can also include permeable paving materials, street furnishings, curb ramps, waste and recycling containers, and bicycle parking facilities.

8 Environmental Impact Study

8.1 Where an Environmental Impact Study (EIS) is required, the following content and subject matter shall be addressed to the satisfaction of the Municipality and District:

8.1.1 Development Proposal and Site Description

- A description of the physical features on the subject land including buildings, structures, soils, vegetation, wildlife, topography, watercourses/bodies and other relevant features on the property.
- A general description of the physical features of the surrounding lands.
- A summary of the development proposal, including a detailed drawing of the proposal.
- A description of the general impacts of the development on the physical features of the site.
- A determination of the most appropriate form of the proposed development by a review of alternative development options and alternative methods of mitigating the impacts of the proposed development.
- Exploration of opportunities for environmental enhancement.
- An implementation and monitoring plan to ensure the recommended mitigative measures are completed/addressed.
- Identification and protection of significant habitat of Species at Risk.
- Review of fish, reptile, bird and amphibian habitat, significant wildlife, wetlands, slopes or other constraints, and watercourses.

8.1.2 *Impact of Development*

The subject matter of the EIS will vary with the scale and type of the development proposed. This shall be determined through a pre-consultation meeting with the appropriate approval authority prior to the EIS proceeding:

The following list may comprise the content of an EIS:

- Impact on recharge and discharge (water) functions of the site;
- Use and disposal of surface and groundwater;
- Impact on water quality, temperature, conveyance;
- Impact on aquatic habitat including spawning grounds;
- Impact on waterfowl and mammal habitat;
- Erosion and siltation impacts;
- Discharge of substances other than water (i.e. Salt, effluent, by-products);
- Noise, air emissions and odours;
- Wildlife Habitat;
- Management of the quality and quantity of stormwater run off;
- Loss of vegetation;
- Impacts of grading of terrain, especially topsoil; and
- Any and all other matters determined appropriate based on the location and characteristics of the site.

9 Alternate Notice Requirements

9.1 Official Plan Amendments

- 9.1.1 Council may provide by resolution that the setting of a public meeting date and the giving of notice thereof may be delegated to a Committee of Council or an appointed official.
- 9.1.2 Where Council proposed to convene any subsequent public meeting or meetings pursuant to Section 17(15) of the Planning Act, RSO 1990, such meetings shall be held not sooner than 10 days after the requirements for the giving of notice have been complied with.
- 9.1.3 Where it is found necessary to make a technical amendment to the plan which does not change the effect of the plan, such as correcting clerical, grammatical or typographical errors or the numbering of provisions, Council may forego the public meeting required pursuant to Section 17(15) of the Planning Act, RSO 1990.
- 9.1.4 A copy of all draft by-laws and official plan amendments shall be circulated to the District of Muskoka.

9.2 Zoning By-law Amendments

- 9.2.1 The public meeting required pursuant to Section 34(12) of the Planning Act, RSO 1990, shall be held not sooner than 20 days after compliance with the requirements for the giving of notice.

- 9.2.2 Council may provide by resolution that the setting of a public meeting date and the giving of notice thereof may be delegation to a Committee of Council or an appointed official.
- 9.2.3 Where Council proposes to convene a subsequent public meeting or meetings pursuant to Section 34(17), of the Planning Act, RSO 1990 such meeting shall be held not sooner than 10 days after the requirements for the giving of notice have been complied with.
- 9.2.4 Where it is found necessary to make a technical amendment to a by-law, such as correcting clerical, grammatical or typographical errors or the numbering of provisions, Council may forego the public meeting required pursuant to Section 34(12) of the Planning Act, RSO 1990.
- 9.2.5 Council may provide by resolution that the setting of a public meeting date and the giving of notice thereof may be delegated to a Committee of Council or an appointed official.
- 9.2.6 Council may expand the area of circulation of zoning by-law amendments.

9.3 *Community Improvement Plans and Amendments*

- 9.3.1 The public meeting required pursuant to Section 28(4) of the Planning Act, RSO 1990, shall be held not sooner than 20 days after compliance with the requirements for the giving of notice.
- 9.3.2 Where Council proposes to convene a subsequent public meeting or meetings pursuant to Section 28(4), such meetings shall be held not sooner than 10 days after the compliance requirements for the giving of notice have been met.

10 Tariff of Fees

- 10.1 The Township may establish, by by-law, a tariff of fees for the processing of applications made in respect of planning matters, as permitted under the Planning Act. These fees may be reviewed and adjusted as required to meet the anticipated cost of the processing of each type of application.

11 Subdivision Control

- 11.1 In general, a registered plan of subdivision will be required for development or redevelopment that requires the provision of new or expanded municipal services (e.g. roads, sewer or water facilities), or where development constraints on the property warrant particular review.

- 11.2 Subdivision of land shall proceed via registered plan of subdivision or registered condominium description except where:
- a) It is not necessary for the proper and orderly development of the parcel of land, the surrounding area or the municipality and, without limiting the generality of the foregoing:
 - Would not impair the ultimate development potential of the parcel of land or adjacent properties;
 - Generally would not result in the development of new roads or the significant upgrading of existing roads or the extension of services;
 - Would not generally be necessary to confer with an extensive number of agencies or individual departments within such agency, commissions, authorities, corporations, departments or persons;
 - Would not require the imposition of extensive or detailed implementation mechanisms;
 - For small scale development of fewer than five lots that will not require the expansion or provision of municipal services, or is not subject to particular development constraints, development may be considered by consent.
 - b) A significant number of lots would not be created or no potential exists to create a significant number of further lots on the lands subject to application or adjacent lands after approval.
 - c) An alternative procedure is appropriate under special circumstances such as part lot control or validation.

12 Disposition of Public Land

- 12.1 Council may, by by-law, establish policies and procedures for the disposal of public lands which it considers surplus to its requirements.

13 Stormwater Management and Sedimentation

- 13.1 In addition to a report outlining the stormwater management methodology, the report should contain:

Site Plans Showing:

- lot and road layout,
- minor drainage systems with catch basins, storm sewers, road grades,
- drainage system with overload flow rates,

- details of storage facilities,
- details of landscaping and / or vegetation to be retained,
- elevations of key points.

Tables and Figures Showing:

- imperviousness ratios for sub-drainage areas,
- post-development flows for the minor system design,
- controlled discharges for stormwater management facilities for a range of rainfall events compared to pre-development flows for the same events,
- anticipated loadings and pollutant removal rates for quality control pond if there is one,
- details of outfalls.

- 13.2 In addition to a report outlining the means of sediment control and rationale for the methods, the report should contain:

Site Plan and Figures Showing:

- soil profile,
- slope gradient and slope length,
- location of sediment control facility,
- vegetation to be retained,
- details of erosion control facility,
- elevations at key points,
- phasing of development.

- 13.3 The developer / landowner must monitor and maintain all facilities for stormwater management and sedimentation control both during and after construction. Regular monitoring reports must be supplied to the District and the Township.

- 13.4 The Township may require securities to ensure the construction and maintenance of stormwater management and sedimentation control facilities.

- 13.5 The Township shall also utilize Agreements under Sections 41 and 51(6) of the Planning Act to ensure the required facilities are installed and maintained.

- 13.6 The Township, at its discretion, can hire an engineer to review the plans at the expense of the developer / landowner. Alternatively, the Township could hire a consultant to complete the plans at the expense of the developer / landowner.

- 13.7 Certificate of Approval from the Ministry of the Environment shall be obtained, where required.

- 13.8 All plans shall be prepared by a qualified engineer.

- 13.9 All stormwater management plans must take into account any protocols as established in conjunction with the District of Muskoka and appropriate Provincial agencies.

14 Official Plan Amendments

- 14.1 Upon application, Council will consider the merits of any request for an Official Plan Amendment, and shall be satisfied that the amendment is consistent with the goals and objectives of this plan prior to processing the application.
- 14.2 Applications representing a departure from the goals, objectives and policies of this plan will be discouraged. Site specific amendments applying to single unit residential development will be discouraged due to the desire for strict adherence to density of development policies.

15 Complete Application

- 15.1 When considering a development / redevelopment of land requiring an application under the Planning Act R.S.O. 1990, Council may require the following information / studies as part of a complete application package:
- i) Completed application form, including all necessary fees and deposits;
 - ii) Copies of the necessary plan or sketch, to scale, as prepared by a licensed professional where required;
 - iii) Evidence of ownership;
 - iv) Survey of the property, including legal description;
 - v) All necessary reports/studies/plans as discussed in your preconsultation meeting with the Municipality. Such reports/studies/plans may include:
 - Planning Justification Report
 - Stormwater management
 - Sediment control
 - Road / traffic impact
 - Solid waste
 - Parks / recreation impact
 - Social service impact
 - Fire protection
 - Boating impact
 - Biophysical concerns
 - Functional Servicing Report
 - Market Feasibility Analysis
 - Impact on Municipal Infrastructure

- Hydrogeological implications
- Municipal financial implications
- Economic spinoffs
- Environmental Impact Study
- Archaeological Assessment
- Lighting Plan
- Architectural Design Drawings
- Landscape Plans
- Renaturalization Plans
- Remedial Action Plans
- Water Quality Impact Assessments
- All necessary securities for matters of public interest

15.2 Upon application, staff will consider whether the package is complete and will notify the applicant within 15 days of receipt. It is strongly encouraged that each applicant meet with the Municipality prior to submitting an application package to ensure that all necessary information is included. If an application package is deemed not complete, the applicant will be asked to submit further information as requested.

16 Peer Reviews

16.1 Due to required specialized knowledge, Council may request that a peer review be conducted to consider proposals for official plan amendments, zoning by-law amendments, plans of subdivision, minor variances, applications for severance, site plan approval, among other items. In all cases, the cost for such evaluations is borne by the applicant/landowner.

17 Remedial Action Plans

17.1 The Township, in conjunction with the District of Muskoka, the lake community and other stakeholders, will assist in remedial action programs for lakes which are considered to be over threshold for phosphorus.

The purpose of the remedial action program is to identify the areas of degradation and sources of contamination in and around these lakes, and to develop a plan to remediate and improve the situation.

A remedial action plan may include the following, but is not limited to:

- A determination of the cause of the water quality impairment;
- Measures required to mitigate the impairment;
- Notification and public input required to address the situation;
- Educational requirements related to the issue;
- Proposed policy amendments directed to address the situation; and

- Future monitoring programs and early warning systems.

18 Non Conforming Uses/Non-Complying Structures

- 18.1 Land uses which legally exist on the date of adoption of this Plan, which do not conform to the policies of this Plan, should cease to exist over time so that the lands affected may revert to a permitted use in conformity with the provisions of the Official Plan and Zoning By-law.

Where a legally established use does not conform to the policies of this Plan, the use may be recognized as a permitted use in an Implementing Zoning By-law, provided Council is satisfied that:

- It is not feasible for the owner to relocate the use to another site.
- The use is compatible and will not adversely impact surrounding uses.
- The use will not preclude the ultimate use of the land for conforming uses.
- The zoning will not set a precedent to encourage similar uses in the area.
- Acquisition and disposition of non-conforming lands in accordance with Section 34(8) of the Planning Act is feasible.

In some instances, it may be desirable to permit the extension or enlargement of a legal non-conforming use/structure through the passage of a Zoning By-law Amendment, or by approval of the Committee of Adjustment.

Prior to approving an extension to a non-conforming use/structure which has not been appropriately zoned, Council or the Committee of Adjustment shall consider the following:

- The size and scale of the extension/enlargement shall not unduly aggravate the situation created by the existence of the use.
- Whether the proposed extension/enlargement would create land use compatibility conflicts.
- The characteristics of the non-conforming use, and the proposed extension or enlargement does not create issues relating to noise, vibrations, fumes, smoke, dust, odours, lighting, and traffic generation.
- The appropriate mechanisms are undertaken (possibly through site plan control) to ensure issues relating to buffering, landscaping, and servicing are undertaken to improve the prospects for land use compatibility.

- 18.2 When redevelopment is proposed of a non-complying structure(s), every effort shall be made to comply with the Comprehensive Zoning By-law.

19 Site Alteration By-law

- 19.1 All waterfront areas, including areas of scenic corridors and scenic areas as listed in Schedule F, and all areas zoned Environmental Protection One (EP1), are subject to the Site Alteration By-law as passed by Council, pursuant to Section 142 of the Ontario Municipal Act. This by-law contains provisions to deal with such matters as regulating the placing or dumping of fill, removal of topsoil, and the alteration of the grade of the land. The by-law further requires that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land. The permit may impose conditions relating to the rehabilitation of the site, and the use of best management practices.

20 Tree Preservation By-law

- 20.1 All waterfront areas, including areas of scenic corridors and scenic areas as listed in Schedule F, and all areas zoned Environmental Protection One (EP1), are subject to the Tree Preservation By-law as passed by Council, pursuant to Section 135 of the Ontario Municipal Act. This by-law allows the Township to prohibit or regulate the destruction or injuring of trees.

21 Servicing Reports

- 21.1 Where a Servicing Report is required, the following content and subject matter shall be addressed to the satisfaction of the Municipality and District, but is not necessarily limited to the following items:
- Identification of services required;
 - Method of servicing property including constraints;
 - Traffic;
 - Secondary Utilities;
 - Stormwater Management
 - Identify all drainage area affected by the development;
 - Indicate the methods of draining individual lots or blocks;
 - Identify the methods of controlling on-site and in-stream erosion and sedimentation during and after construction;
 - Identify the location and registration of easements for municipal drains;
 - Identify the methods of minimizing the impacts on water quality and quantity as it relates to fish, fish habitat, wetland areas, and overall stream health.

22 Water Quality Impact Assessments Terms of Reference Plan

22.1 Water Quality Impact Assessments will be carried out by a professional who can be qualified by the Ontario Municipal Board as an expert witness on these matters, if required, on the basis of education and experience in one or more of the following disciplines: soils science, hydrogeology, or limnology and with demonstrated experience working in Precambrian Shield environments. Water Quality Impact Assessments consist of three main steps. Firstly, a site condition analysis is required. Should this analysis determine that site conditions exist such that development can proceed without affecting water quality, the second step would involve the identification of a suitable building envelope and any required mitigation measures. As a third step, the final report will be reviewed by municipal staff and may also be subjected to a peer review.

22.1.1 Phase 1: Site Condition Analysis

A site condition analysis will be undertaken to determine if the required conditions exist on site so that development can occur in a manner that will ensure the protection of water quality. This analysis will include:

i. Site and Surrounding Area

A plan will be provided that identifies the physical features associated with the site and surrounding lands including land use, topographic features, watercourses, ponds, designated protected areas, and wetlands.

ii. Site Description

A Plan will be provided showing a detailed description of the site including:

- Lot size including frontage, depth, area and general shape;
- Location of public and private access roads;
- Location of significant features, both geological and man-made, including such features as wetlands, off-site streams and other surface water;
- Site contours at an interval not more than 5 metres (OBM);
- Areas of slope between 0 to 9%; 10 to 25%; and over 25%;
- The location of all depressions and gullies that will channel stormwater toward the lake;
- The location of all permanent and seasonal or intermittent streams as well as details concerning observations of the amount of flows experienced within the streams at various times of the year (minimum of spring freshet and summer drought periods) and an outline of the expected path of surface runoff from the development site to the lake of interest;

- Areas of aquatic vegetation and ecological description (dominant species, emergent/submergent/floating leaved); and
- A description of the terrestrial vegetation community – size, composition, age and general health, as detailed below.

iii. Soil Characteristics

The Impact Assessment will include a documentation and mapping of soil conditions in order to characterize the soils to be used in the construction of septic system leaching beds as well as the native soils in the mantle between the leaching beds and any surface water receptors.

The location of the proposed septic system leaching bed and the expected pathway of the subsurface nutrient flow (septic plume) in relation to the ultimate receptor (waterbody) of the nutrient flow must be delineated on the Plan submitted. The proponent will also:

- Undertake manual auguring to map soil depth along the flow path of each septic plume within 30 metres (100 feet) of the tile field, with soil depths inferred from a minimum of twenty points; or as many as required to ensure the integrity of the soil mantle;
- Document the location of sources of suitable soil to construct the partially or totally raised tile fields;
- Provide descriptions of soil characteristics-type, texture and colour for any soils (native or off site) used to construct the tile field and present in the mantle, as determined from soil profiles taken at the site of the tile field or source of the soil, as appropriate, and the mantle area;
- For lakes which are either highly sensitive or over the water quality threshold-provide an analysis of soil chemistry (lab analyses of phosphorus absorption capability, mineral content and particle size) for any soils proposed for use in the tile field, and from the native soil mantle; and
- Map the location of all on-site sample locations, and off-site locations of soils that area to be imported.

iv. Vegetation cover

The Impact Assessment will map the location and characteristics of shoreline and upland vegetation communities and provide an explanation of the site characteristics that will provide natural buffer protection for the adjacent waterbody from overland and subsurface flow of sediment, nutrient and other potential pollutants. The Impact Assessment will include a photographic documentation of the property showing vegetative cover. The record shall include the following photographs, at a minimum:

- The shoreline across the entire width of the lot as viewed from the lake;
- The tile field and mantle areas, along the direction of subsurface flow towards the lake;
- The building envelope, along the shortest distance between the envelope and the lake.

v. Findings

A determination of the suitability of the site conditions to ensure development will not adversely impact water quality will be provided.

22.1.2 Phase 2: Identification of Recommended Building and Septic Envelope and Mitigation Measures

Where a site has been determined to have the conditions required to permit development based on findings of the Site Condition Analysis, a Plan will be provided showing a detailed description of the manner in which development should occur to protect water quality, including:

- Building location, septic system location, paths, decks, accessory buildings, shoreline structures, parking areas and any other hard surfaces;
- Proximity to significant features, both geological and man-made, including such features as wetlands, off-site streams and other surface water; and
- The location of proposed leaching beds in relation to permanent and intermittent streams or other drainage courses.

Specific mitigation measures necessary for the effective elimination of the impacts of nutrient and sediment loading on water quality should also be identified, including:

- Detailed construction mitigation plans including methods to deal with sediment and nutrient loading. Map the proposed location of all proposed facilities;
- Detail and map stormwater mitigation measures including methods to deal with sediments and nutrient loading during construction and occupation;
- The location, design and construction of septic systems and leaching beds;
- Shoreline setbacks and buffer areas;
- The delineation of building envelopes for proposed building structures and uses, including septic systems for each lot. Building envelopes are defined as the area bounded by the minimum setback from the shoreline and minimum yard setbacks for all development; and
- Measures for protecting the natural vegetation, slopes and soil mantle for the area located outside of the building envelopes. Design criteria (including size and construction materials) for uses, buildings and structures that may

be permitted within this area. (e.g. boat docks, meandering walkways to the shoreline, and driveways).

22.1.3 Phase 3: Municipal Review

The District of Muskoka and the Township of Muskoka Lakes will review the Impact Assessment, or submit it to the peer review to establish:

- The completeness of the assessment regarding the requirements herein;
- Interpretation of the assessment by the proponent;
- The effectiveness of the mitigation measures proposed;
- The likelihood that the assessment supports a conclusion of no nutrient impact to the subject water body.

The assessment will be maintained on file for the possibility of re-assessment of the site to ensure that mitigation measures have been implemented and maintained over time.

23 Boat Impact Assessments

23.1 Boating impact assessments are designed to quantify and qualify the effect of the addition of marine vessel traffic on recreational waters. The following provides a checklist of issues to be addressed in a boating impact assessment on waters in the vicinity of the proposal, among other matters:

- a) proposed docking and mooring facilities;
- b) location and number of nearby docking and mooring facilities for marinas, resorts, boat launching sites, and other sites where boating may be concentrated;
- c) expected frequency and distribution of marine traffic between proposed and nearby docking and mooring facilities and the main boat channel;
- d) reported accidents or other occurrences;
- e) constraints and influences to navigation, safety, recreational uses, and environmental concerns of the water resource; and,
- f) analysis of the projected impact of the proposal on the recreational water resource and methods to reduce any significant adverse impacts.