AGENDA - SPECIAL PLANNING COMMITTEE OF THE WHOLE
MARCH 12, 2015

A Special Meeting of the Planning Committee of the Whole will be held on March 12, 2015 at 9:00 a.m. in the Council Chambers, Municipal Offices, Port Carling, Ontario.

1. Call to Order

2. Adoption of Agenda
   a. Consideration of a resolution to adopt the agenda.

3. Disclosure of Interest

4. Adoption of Minutes
   a. Consideration of a resolution to adopt the Planning Committee of the Whole Meeting minutes held on January 19, 2015.

5. Planning

   a. Delegations and Petitions
      1. Margaret Walton, agent, Planscape, to attend Re: item 5.c.1., SPA-01/15, Ferndale Fun Inc.
      2. Lisa Noonan, General Manager, Muskoka Lakes Association, to attend Re: Results of 2014 Water Quality Testing
      3. Anne McCauley, Muskoka Lakes Association, to attend Re: Setbacks for Sewage Disposal Systems

   b. Zoning By-law / Official Plan Amendments

   c. Site Plans / Plans of Subdivision and Condominium
      1. SPA-01/15, Ferndale Fun Inc., Part of Lots 28 & 29, Concession 6, Part of Lots 29 & 30, Concession 6, Parts 5 & 6 on Plan 35R-6021, Parts 1, 16, 17, 23, 24, 26, 31, 35 on Plan 35R-8837, (Medora), Roll # 5-4-092
c. Site Plans / Plans of Subdivision and Condominium

2. Report from the Senior Planner, Re: Return of Securities for SPA-20/13, Bruce Wilson Road Holdings

d. Long Range Planning / Special Projects

1. Report from the Director of Planning, Re: Rooming House Licensing By-law 2014-35

2. Report from the Director of Planning, Re: Setbacks for Sewage Disposal Systems

e. Heritage

f. Other Business

1. Verbal Report from the Director of Planning, Re: Appendices to Comprehensive Zoning By-law 2014-14

2. Verbal Report from the Director of Planning, Re: Planning Notices on the Township Website

6. New and Unfinished Business

7. Committee in Closed Session

8. Adjournment

a. Consideration of a resolution to adjourn.
THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES
MINUTES - PLANNING COMMITTEE OF THE WHOLE
Monday, January 19, 2015

A Regular Meeting of the Planning Committee of the Whole was held on Monday, January 19, 2015, at 9:00 AM in the Council Chambers, Municipal Offices, Port Carling, Ontario.

COUNCILLORS PRESENT:
Mayor Don Furniss - Chair
Jean Ann Baranik
Linda Barrick-Spearn
Sandy Currie
Allen Edwards
Phil Harding
Gault McTaggart
Ruth Nishikawa

OFFICIALS PRESENT:
C. Mortimer - Clerk
D. Pink - Director of Planning
R. Allen - Senior Planner
L. Forbes - Planning Assistant

REGRETS:
Terry Ledger
Donelda Kruckel

1. **Call to Order**
   a. Mayor Furniss called the meeting to order at 9:01 a.m.

2. **Adoption of Agenda**
   a. Consideration of a resolution to adopt the agenda.

   Resolution Number: PCOW – 1 – 19/01/15

   Councillor Baranik - Councillor Edwards: Be it resolved that the Planning Committee of the Whole agenda dated January 19, 2015 be adopted.

   Carried

3. **Disclosure of Interest**
   a. Councillor Barrick-Spearn disclosed a pecuniary interest with item 6.a., Proposed Solar Farm (Windermere) as she lives in close proximity to its location.
4. **Adoption of Minutes**

   a. Consideration of a resolution to adopt the Planning Committee of the Whole Meeting minutes held on December 15, 2014.

   **Resolution Number: PCOW – 2 – 19/01/15**

   Councillor Baranik - Councillor Edwards: Be it resolved that the Planning Committee of the Whole Meeting minutes dated December 15, 2014 be adopted.

   Carried

5. **Planning**

   a. **Delegations and Petitions**

   1. Terry Sararas, agent, attended at 9:09 am Re: item 5.b.1., ZBA-47-14, Guha

   2. Jim Brohman, agent, attended at 9:32 am Re: item 5.c.1., SPA-90/14, District Road 118W Holdings Ltd.

   3. Greg Knight, attended at 9:43 am Re: item 5.d.1., Zoning By-law 2014-14

   b. **Zoning By-law / Official Plan Amendments**

   1. ZBA-47/14, Guha, Part of Lot 10, Concession A, (Watt), Parts 4 to 6 on Plan 35R-8368, Roll # 2-1-001. A copy of the report is attached.

   Mr. Allen explained the history, nature, and location of the application/property.

   Mr. Terry Sararas, agent, 421 Lindgren Road East, Huntsville, ON, P1H 1Y6, attended the meeting. Mr. Sararas indicated the prospective purchaser of the property, Mr. Jim Reed, was also present. He explained that Mr. Reed would like to build a dwelling on the property and locate the access where the lands are being requested to be rezoned.

   Mr. Sararas indicated he had met on site with the District Municipality of Muskoka (DMM) along with RiverStone Environmental Solutions. It was confirmed by RiverStone that the requested area to be rezoned should not be included in the Environmental Protection (EP1) zone. The location is where Raymond Road was prior to the construction of District Road #4. He felt the current zoning was the result of a mapping error and requested a 50% refund of the application fee. Mr. Sararas indicated he was available to answer questions.

   In response to Committee’s questions, Mr. Allen concurred it was a mapping error confirmed by RiverStone Environmental Solutions. RiverStone Environmental Solutions also made further recommendations to protect surrounding wetlands.
In response to Committee’s question, Mr. Sararas indicated that due to sightlines and curve of the road DMM preferred the proposed location for the driveway. He noted the alternate location could negatively impact the wetlands.

Resolution Number: PCOW – 3 – 19/01/15

Councillor Baranik - Councillor Edwards: Be it resolved that Zoning By-law Amendment Application ZBA-47/14, (Guha, Roll # 2-1-001) be approved for circulation.

Carried

It was the consensus of Committee that the applicant not be refunded any application fees.

c. Site Plans / Plans of Subdivision and Condominium

1. SPA-90/14, District Road 118 W Holdings, Part of Lot 24, Concessions 2 & 3, (Medora), Part 1 and Part of Part 2 on Plan 35R-4203, Roll # 6-25-073-02. A copy of the report is attached.

Mr. Allen explained the history, nature, and location of the application/property.

Mr. Jim Brohman, agent, 18 Todholm Drive, Port Carling, ON, P0B 1J0, attended the meeting. Mr. Brohman indicated the proposed would be an overall improvement.

In response to Committee’s questions, Mr. Pink confirmed the location of the property and indicated additional plantings could be requested.

It was the consensus of Committee that additional plantings be requested.

Resolution Number: PCOW – 4 – 19/01/15

Councillor Baranik - Councillor Edwards: Be it resolved that Planning Committee of the Whole recommend to Council that Site Plan Agreement Application, SPA-90/14, (District Road 118 W Holdings, Roll # 6-25-073-02) be approved, subject to the receipt of securities and additional vegetation/ landscaping in the front yard, and amended drawings showing compliance with parking requirements. This approval will expire on August 13, 2015, unless the corresponding Site Plan Agreement has been registered on title of the lands.

Carried

d. Long Range Planning / Special Projects

Mr. Pink reviewed the report for Committee.

Mr. Greg Knight, 1006 Clear Lake Road, Torrance, ON, P0C 1M0, attended the meeting. Mr. Knight submitted and reviewed his presentation, a copy of which is attached.

In response to Committee’s questions, Mr. Pink reviewed his report dated May 2, 2014, a copy of which is attached.

Committee held a lengthy discussion regarding the Waterfront Commercial (WC1) zone and if an additional Public Meeting should be held. It was the consensus of Committee that draft #6 of Comprehensive Zoning By-law 2014-14 be brought to the next meeting of Council to be held on February 13, 2014 for consideration.

e. **Heritage**

   1. None.

f. **Other Business**

   1. None.

6. **New and Unfinished Business**

a. Verbal Update from the Director of Planning, Re: Proposed Solar Farm (Windermere).

Councillor Linda Barrick-Spearn left the Council table at 10:44 a.m. and did not participate in the discussion. She had disclosed a pecuniary interest as she resides in close proximity to the location.

Mr. Pink indicated the item was placed on the agenda for Committee’s information as the applicants have requested to resume the process. A Public Meeting has been tentatively scheduled in March at the Windermere Community Centre. Mr. Pink explained that once the Public Meeting has been held, staff would bring the request for a concurrence letter back to Committee or Council for consideration.

In response to Committee’s questions, Mr. Pink explained the proponent must submit their request to Industry Canada by June 1, 2015. Surrounding property owners would be notified as well as a notice in the local newspaper. The comments received at the Public Meeting will be forwarded to Council for review and consideration. Mr. Pink noted the Township currently does not have a formal policy for solar farm proposals.

Committee requested the draft sample agreements previously reviewed by Planning Committee of the Whole be circulated to them for review, and felt that an increased circulation notice was appropriate.

Councillor Linda Barrick-Spearn returned to the Council table at 10:55 a.m.
b. Report from the Director of Planning, Re: Zoning By-law Amendment Administration. A copy of the report is attached.

Mr. Pink reviewed his report for Committee. He noted the recently amended meeting schedule would result in time constraints for holding Public Meetings at Planning Committee of the Whole.

In response to Committee’s question, Mr. Pink indicated Option 2 would streamline the process. There would still be a number of other matters brought forward to Planning Committee of the Whole, such as, commercial site plans, solar farms, communication towers and long range projects.

Resolution Number: PCOW – 5 – 19/01/15

Councillor Baranik - Councillor Edwards: Be it resolved that deemed complete Zoning By-law Amendment Applications be circulated for a Public Meeting before Council Option 2, and not be placed on a Planning Committee of the Whole agenda for consideration of approval of circulation.

Carried

Committee requested that Council be included in the circulation of applications via e-mail at the time of distribution.

7. Committee in Closed Session

a. None.

8. Adjournment

a. Consideration of a resolution to adjourn.

Resolution Number: PCOW – 6 – 19/01/15

Councillor Baranik - Councillor Edwards: Be it resolved that this meeting adjourn at 11:05 a.m. and the next regular meeting of the Planning Committee of the Whole will be held on February 17, 2015 at 9:00 a.m. or at the call of the Chair in the Council Chambers, Municipal Office, Port Carling.

Carried

Cheryl Mortimer, Clerk
Mayor Don Furniss, Chair
MUSKOKA LAKES ASSOCIATION

Representing property owners in Muskoka since 1894
Membership of approximately 2,300 families

To promote the responsible use, enjoyment and conservation of the unique Muskoka environment.
Values that underscore the MLA mission:

We protect and promote water quality

We advocate for responsible government spending and taxation

We advocate for responsible land use

We lead on important Muskoka issues
Water Quality

• We support our advocacy for responsible environmental policies with scientific evidence collected by MLA volunteers

• We also lead on taking action to improve water quality based on our observations
Water Quality Program Objectives

1. Determine sources of P in Focus Areas
2. Data to support regulation of vulnerable areas
3. Monitor bacteria & take action if required
4. Promote Remedial Action in Focus Areas
5. Encourage good stewardship practices
Our Monitoring Program

- Began in 2001
- 180 sampling sites in around 50 areas
- 18 lakes and rivers – Muskoka, Rosseau, Joseph and surrounding area
- Sampled 4 times per year
- Currently supported by Beacon Environmental in Bracebridge
- $1 million in spending to support program since 2001 almost all of which is from MLA members
Monitoring Activity/Study Design

- **Total Phosphorus**
  - Spring turnover
  - Seasonal averages

- **Bacteria**
  - Total Coliform
  - *E.Coli*

- **Clarity (secchi depth)**
  - At deep water site

- **Dissolved Organic Carbon**

- **Temperature**
  - With every sample
Report

• A full report is made available every year
• 2014 report recently posted
• www.mla.on.ca
Area Description:
The village of Minett is located in western Lake Rosseau, and has four sampling sites. Sampling sites were selected with the intention of monitoring the potential effects of high intensity development in this bay. The area contains two large resorts with golf courses, several roads, a marina, and many private residential properties. There is one wetland adjacent to the lake and several other small ones in the area of the bay. Monitoring started with the original program in 2003.


Minett (MIN)

2014 Water Quality Results: (Note: hatched cell signifies not tested for in 2014)

<table>
<thead>
<tr>
<th>Station</th>
<th>Mean Secchi Disk (m)</th>
<th>Total Phosphorus (µg/L)</th>
<th>E. coli Yearly Mean</th>
<th>Total Coliform Yearly Mean</th>
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<tbody>
<tr>
<td>MIN-0</td>
<td>4.15</td>
<td>4.9</td>
<td>9</td>
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<tr>
<td>MIN-1</td>
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<td>MIN-6</td>
<td>10.0</td>
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<td>MIN-7</td>
<td>8.8</td>
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<tr>
<td>MIN-8</td>
<td>5.5</td>
<td>5.5</td>
<td>11</td>
<td>120</td>
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</table>

Summary and Recommendations:
Phosphorus concentrations remain generally consistent through the sampling years at the central deep station. There are consistently high E.coli results at all stations. However MIN-8 only has one year of E.coli data, so caution should be taken when interpreting the data. Beacon recommends that the existing sampling program continue and an additional sampling program be undertaken in 2015 to better understand the dynamics of the area.
Area Description:
The Windermere village area in northern Lake Rosseau is a highly developed resort and residential area. There is a large resort complex, golf course, marina, and many residential properties. In addition, there is a significant amount of agricultural land near the sampling area. Several creeks flow into this area, one of which flows through farms fields and wetlands and enters the lake at the marina. Monitoring started with the original program in 2003.

Volunteer Recognition: Katherine Seybold, Peter Seybold and Terry Duncan.

Windermere (WIN)

2014 Water Quality Results: *(Note: Hatched cell signifies not tested for in 2014)*

<table>
<thead>
<tr>
<th>Station</th>
<th>Secchi Disk (m)</th>
<th>Total Phosphorus (µg/L)</th>
<th>E. coli Yearly Mean</th>
<th>Total Coliform Yearly Mean</th>
</tr>
</thead>
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<tr>
<td></td>
<td></td>
<td>Spring Turnover</td>
<td>Yearly Mean</td>
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<tr>
<td>WIN-1</td>
<td>4.75</td>
<td>7.2</td>
<td>20.0</td>
<td>10.2</td>
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<tr>
<td>WIN-3</td>
<td></td>
<td>16.2</td>
<td></td>
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</tr>
<tr>
<td>WIN-4</td>
<td></td>
<td>7.9</td>
<td>6.7</td>
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<td>16.7</td>
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<tr>
<td>WIN-6</td>
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<td>22.6</td>
<td>35.5</td>
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</tr>
<tr>
<td>WIN-7</td>
<td></td>
<td>26.4</td>
<td>25.5</td>
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</tr>
<tr>
<td>WIN-8</td>
<td></td>
<td>21.8</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Only 1 sample collected*

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Phosphorus at WIN-0

![Phosphorus at WIN-0 graph]

**Summary and Recommendations:**
Phosphorus concentrations have remained generally consistent through the sampling years. Three new sites (WIN-6, WIN-7 and WIN-8) were added to the sampling program to better understand nutrient inputs in the area of WIN-1. All three sites had elevated phosphorus levels with levels at WIN-6 increasing throughout the sample period. DOC was collected at WIN-6 and WIN-7 and after further collection of samples in 2016 an analysis will be undertaken to better understand this relationship. E. coli counts remain low in WIN-1 and were elevated at WIN-4 and WIN-5. Beacons recommends that all sampling be continued to monitor long-term trends.
Overview of Results

- Our water continues to be high quality across the region
- Phosphorus levels have increased this year after several years of decrease
2015 Focus Areas

• Minett (Lake Rosseau)
• Hamer Bay (Lake Joseph)
• Windermere (Lake Rosseau)
• Boyd’s Bay (Lake Muskoka)
Township of Muskoka Lakes

1. Septic Inspections
2. Potential support
3. Bylaw enforcement
TO: Chair Edwards and Members of the Planning Committee of the Whole

MEETING DATE: March 12, 2015

SUBJECT: SPA-01/15, (FERNDALE FUN INC.), Part of Lots 28 & 29, Concession 6, (Port Carling), Roll # 5-4-092

RECOMMENDATION: That SPA-01/15 (FERNDALE FUN INC.) be approved. This approval will expire on October 16, 2015, unless the corresponding Site Plan Agreement has been registered on title of the lands.

APPROVALS:

Submitted By: R. Allen, Senior Planner 03/03/15 Original signed by R. Allen

Approved By: D. Pink, Director of Planning 03/03/15 Original signed by D. Pink

Acknowledged: C. Harris, Interim CAO 04/03/15 Original signed by C. Harris

ORIGIN

PROPOSAL:

To construct a 2,325 square foot boathouse 25 feet in height with 1,095 square feet of associated dock. The proposed boathouse will contain 1 slip and will be clad in natural materials with earth-tone colours.

Particulars of Property:
- Lot Frontage: ~1,942 feet (Lake Rosseau)
- Lot Area: ~ 162 acres

BACKGROUND:

PLANNING DATA:

Official Plan Designation: Urban Centre (Resort Commercial)

By-law 87-87 Zoning: Community Commercial (C1A-F) - By-law 2012-152

Schedule Numbers: 28, 29

Access: Ferndale Road (District Road 27)
Neighbouring Uses: Waterfront Residential, Waterfront Landing, Open Space

Original Shore Road Allowance: Not Applicable

Fisheries Resource: Type I (Significant) and Type II (General)

Civic Address: 1150 Ferndale Road

**PLANNING CONSIDERATIONS:**

1. **Background**

   This application proposes to amend an existing site plan agreement to permit an additional boathouse.

2. **Official Plan Policies**

   The property falls within the Urban Centre (Resort Commercial) Designation. Lands designated Resort Commercial are intended to provide for those commercial uses which provide lodging and accommodation for the travelling public. Resort Commercial uses are encouraged and their redevelopment and intensification are generally supported.

   Integrated recreational facilities shall be encouraged as an important component of any resort commercial development.

3. **Zoning By-law Provisions**

   The subject property is currently zoned Community Commercial (CIA-F) by By-law 2012-152. This by-law defined and permitted a “corporate resort”, increased the side yard setback for shoreline structures to 100 feet, and imposed a minimum separation distance and maximum width of any boathouse to 100 feet. The proposed boathouse complies with By-law 2012-152.

4. **Site Characteristics**

   Staff visited the subject property on February 26th 2015. Due to the significant size of the property, the terrain and landscape is quite variable. The shoreline is generally heavily treed and slopes steeply towards the lake with the exception of the beach area.

   Three boathouses of different sizes are present on the property, in addition to the main lodge, 3 guest cabins, and other accessory structures.

   The proposed boathouse is to be located on the eastern side of Ferndale Point in Ferndale Bay on Lake Rosseau.
Ferndale Point shoreline viewed from Ferndale Bay looking north

Existing boathouse and Ferndale Point looking north
A 2,325 square foot boathouse and 1,095 square feet of associated dock are proposed. The boathouse is proposed on the northern frontage of the property which is comprised of an extensive stretch of shoreline and includes an existing boathouse located to the east of the proposed boathouse. The proposed boathouse is located 948 feet from the nearest side lot line and 251 feet from the nearest boathouse.

Please note that with the proposed boathouse, minimal dock/boathouse width remains for future development in compliance with present zoning requirements.

6. **Density**

Existing and proposed development gross floor area is below the current maximum limitations.

7. **Use**

Questions have been raised in the past as to whether the property complies with the permitted use of Tourist Resort. By-law 2012-152 defines and permits a Corporate Resort on the property and it is staff’s understanding that the property is being used in this manner.
8. **Servicing**

   The property is serviced by municipal water and sewer. If municipal services are available, a Building Permit cannot be issued for private on-site services.

9. **Lighting**

   The Site Plan Agreement will ensure that all lighting on the proposed boathouse will be dark sky compliant.

10. **Architecture**

    Architectural drawings have been submitted, which depict a boathouse 25 feet in height with a gambrel roofline and multiple gables along the length. The boathouse appears to be clad in natural materials (i.e. cedar shingles, wood siding, etc.) with dark earth-tone colours.

11. **Fish Habitat**

    According to Ministry of Natural Resources mapping, the proposed boathouse and dock will be located in Type II General Fish Habitat.

12. **Shoreline Buffer**

    Concerns were raised by a neighbouring property owner upon completion of a recently constructed boathouse on the western side of the property, in respect to the removal of vegetation directly behind the structure. This area was previously open and staff worked with the owner to plant additional vegetation and is satisfied with its appearance. The steeply sloping area behind the currently proposed boathouse is forested and the Site Plan Agreement will require that this remain vegetated, except for a pathway as shown on the landscape plan.

13. **Agreement**

    The current application is an amendment to the original site plan. All existing requirements will remain in effect (stormwater management, lighting, shoreline buffer, etc.) if approval of this amendment is granted.
Proposed Boathouse Perspective

Ferndale Boathouse
Port Carling, ON
SKETCH SHOWING SELECTED TOPOGRAPHIC DETAILS

LAKE ROSSEAU

LINE OF FRONTAGE

TOTAL LOT AREA - 53.44 ACRES
HATCHED AREA SHOWN ON LARGER SCALE ABOVE.

NOT TO SCALE
Proposed trail consisting of concrete steps and walkway to be integrated into the landscape with minimal disturbance to existing terrain.
### RELEVANT SITE STATISTICS

<table>
<thead>
<tr>
<th>LEGEND BUILDING</th>
<th>G.F.A.</th>
<th>SETBACKS - BY-LAW REQ’M</th>
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<tr>
<td></td>
<td></td>
<td>FRONT</td>
</tr>
<tr>
<td></td>
<td>EX TO BE DEMOLISHED</td>
<td>NEW/EX TO REMAIN</td>
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<tr>
<td>1</td>
<td>EXISTING 2 STORY MAIN LODGE</td>
<td>19,328 SQFT</td>
</tr>
<tr>
<td>2</td>
<td>EXISTING 2 STORY BOATHOUSE</td>
<td>5,920 SQFT</td>
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<tr>
<td>3</td>
<td>EXISTING GAZEBO</td>
<td>1,062 SQFT</td>
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<tr>
<td>4</td>
<td>EXISTING 1ST STORY GARAGE - MAIN BLDG</td>
<td>3,350 SQFT</td>
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<tr>
<td>5</td>
<td>EXISTING 1ST STORY GATE/DOOR</td>
<td>1,520 SQFT</td>
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<td>6</td>
<td>EXISTING 1ST STORY GATE/DOOR</td>
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<tr>
<td>7</td>
<td>EXISTING 1ST STORY GUEST CABIN - MAIN BLDG</td>
<td>1,534.28 SQFT</td>
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<tr>
<td>8</td>
<td>EXISTING 1ST STORY GUEST CABIN - MAIN BLDG</td>
<td>308.75 SQFT</td>
</tr>
<tr>
<td>9</td>
<td>EXISTING 1ST STORY GUEST CABIN - MAIN BLDG</td>
<td>308.75 SQFT</td>
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<td>11</td>
<td>EXISTING CANOE HOUSE</td>
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<td>13</td>
<td>EXISTING 1ST STORY BOATHOUSE</td>
<td>4,800 SQFT</td>
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<tr>
<td>14</td>
<td>PROPOSED 1ST STORY BOATHOUSE</td>
<td>2,325.0 SQFT</td>
</tr>
<tr>
<td>TOTAL</td>
<td>63,824.65 SQFT</td>
<td>475.70 FT</td>
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</tbody>
</table>

**Notes:**
- TOTAL G.F.A. (4,900 SQFT / ACRE) 63.44 ACRE x 4,900 SQFT = 31,376 SQFT
- LOT FRONTAGE (BETWEEN TWO POINTS) = 1,842 FT. (591.92 M)
Proposed South Elevation

Ferndale Boathouse
Port Carling, ON

Scale: 3/16"=1'-0"
January 28, 2015.
Proposed West Elevation

Ferndale Boathouse
Port Carling, ON
TO: Chair Edwards and Members of the Planning Committee of the Whole

MEETING DATE: March 12, 2015

SUBJECT: Return of Securities, SPA 20/13 (BRUCE WILSON ROAD HOLDINGS), Tim Horton’s Development, Bruce Wilson Drive, Port Carling, Roll # 5-3-071-10

<table>
<thead>
<tr>
<th>RECOMMENDATION:</th>
<th>That $56,726 of the securities held in relation to SPA 20/13 (Bruce Wilson Road Holdings) be returned in recognition of the completed works on site.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>APPROVALS:</th>
<th>Date</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submitted By:</td>
<td>R. Allen, Senior Planner</td>
<td>27/02/15 Original signed by R. Allen</td>
</tr>
<tr>
<td>Approved By:</td>
<td>D. Pink, Director of Planning</td>
<td>27/02/15 Original signed by D. Pink</td>
</tr>
<tr>
<td>Acknowledged:</td>
<td>C. Harris, Interim CAO</td>
<td>03/03/15 Original signed by C. Harris</td>
</tr>
</tbody>
</table>

A Site Plan Agreement (application SPA 20/13) for a Tim Horton’s restaurant to be located on the corner of Medora Street and Bruce Wilson Drive in Port Carling was entered into on August 14, 2014.

As part of the Site Plan Agreement the applicant provided an estimate for the costs associated with the stormwater and landscaping works on the site. To ensure the required site work is completed, as specified in the Site Plan Agreement, securities are held by the Township until the required work is completed. For projects and sites with numerous surface, drainage, and landscape works a portion of the securities may be released incrementally as work is completed over time.

Through Site Plan Agreement (SPA 20/13) the Township received $125,995.00 in securities related to stormwater management, parking lot surfacing, and landscaping/lighting works.

The applicant’s engineer has indicated that the stormwater drainage and a portion of the parking lot works have been completed and is requesting that securities in the amount of $50,200 plus HST ($56,726) be returned. The remaining $69,269.00 of securities will be retained by the Township until the outstanding parking lot and landscaping/lighting works have been completed.

A letter requesting the partial return of securities received from Pinestone Engineering Ltd. indicates the remaining securities held represent 82% of the surfacing works and 100% of the landscaping works. A servicing certificate for the installed servicing works has also been provided by Pinestone Engineering.

Staff visited the site on February 26, 2015 and it appeared that the site works had been completed as indicated. Staff recommend that securities in the amount of $56,726.00 be returned to the applicant.
**DETAILS OF DEVELOPMENT**

- **BUILDING HEIGHT**: 5.05 m
- **BUILDING COVERAGE**: 12%
- **NET LOT AREA (m²/ft²/ Ac.)**: 3257.29 sq.m./35,062.33 sq.ft./0.80 Acres
- **SETBACKS**: 7.60 m, 7.60 m, 7.60 m

**PROVIDED REQUIRED**

- **EXT. SY**: 6.10 m, 3.00 m
- **INT. SY**: VARIES
- **FY**: 43.37 m
- **RY**: 31.83% (±1037 sq.m.)

**LANDSCAPE OPEN SPACE**: 30%

**TOTAL SPACES**

- **Stall Length**: 10.7 m
- **Stall Width**: 50%
- **Handicap Spaces**: 12
- **Aisle Width**: 3.0 m
ROOMING HOUSES
TO: Chair Edwards and Members of Planning Committee of the Whole
MEETING DATE: March 12, 2015
SUBJECT: Rooming House Licensing By-law 2014-35

RECOMMENDATION: That Rooming House Licensing By-law 2014-35 be brought to a future Council meeting for consideration.
And further that the Tariff of Fee By-law be updated and a Committee be appointed and delegated to deal with Rooming House Licensing matters.

APPROVALS:

Submitted By: D. Pink, Director of Planning 05/03/15 Original signed by D. Pink
Acknowledged: R. Hayes, Fire Chief 05/03/15 Original signed by R. Hayes
Acknowledged: C. Harris, Interim CAO 05/03/15 Original signed by C. Harris

ORIGIN

At the June 17, 2013 Planning Committee of the Whole meeting, a report was presented and discussion had on various tools to regulate Rooming Houses. As a result, on July 12, 2013 Council passed an amendment to Zoning By-law 87-87 to implement Official Plan policies on Rooming Houses. Two Public Meetings were held previously on the draft provisions. These provisions were also included in By-law 2014-14. Staff were also directed at that time to begin formulation of a Licensing By-law for Rooming Houses in consultation with an appointed Steering Committee.

The Steering Committee met in late 2013 to go over various issues, concerns and goals of a potential Licensing By-law. The Committee met again in early 2014 to go over the draft and discuss potential changes. At the April 22, 2014 Planning Committee of the Whole meeting, the draft By-law was considered by Committee members. A number of concerns were raised and comments were to be forwarded to the Planning Department. At the August 14, 2014 Planning Committee of the Whole meeting, the By-law was again on the agenda and a resolution passed to forward the By-law to the Township solicitor for review and placed on the next available Council agenda for consideration. Staff received the solicitor’s comments on November 10, 2014 and a brief report was presented at the Council meeting of November 14, 2014. Council determined further review was needed by the next term of Council.

The draft By-law and April 22, 2014/August 14, 2014 staff report are attached to the current agenda. The solicitors’ comments had been provided previously under separate cover.
ANALYSIS

The solicitor has reviewed the by-law with respect to the following issues:

1) Authority to enact the By-law;
2) Effect of the By-law;
3) Enforceability of the By-law; and
4) Practical considerations.

Authority to Enact the By-law

The solicitor finds the Municipality has the authority to enact the By-law, issue orders to discontinue activity, issue work orders, and require remedial action. The solicitor provides recommendations regarding inspections, to improve enforceability. The Municipal Act permits inspections, however, requires consent of the persons occupying the dwelling and if refused, entry may only be made pursuant to an order or warrant. The original By-law did not read this way and changes have been made to require consent prior to an inspection when applying for a licence, licence renewal, or upon receipt of a written complaint.

Effect of the By-law

As has been pointed out in the past, the solicitor raises clarity concerns surrounding the proposed definition of Rooming House. In this case, the definition may not capture known Rooming Houses, and conversely may be interpreted to require a license for a number of single family dwellings. The definition has been revised in accordance with suggestions and will closely resemble that of the Zoning By-law, which is preferred.

Enforceability of the By-law

Suggestions are made to revise the appeal process of the By-law (Section 14) so as to avoid challenges on the basis of lack of procedural fairness. This section has been amended to provide clarity on an Applicant’s right to appeal, which upon receipt is reviewed by a Committee of Council, and ultimately decided by Council.

Council will have to appoint and delegate a Committee responsible for dealing with Rooming House Licensing matters.

Practical Considerations

The solicitor strongly points out several challenges that staff has also previously identified. These include, most notably, the identification of a Rooming House. The Township will require extensive evidence which will be difficult to obtain, or be required from an Applicant who is reluctant or unwilling to provide it, leaving the Township to pursue search warrants. Operators will also argue that they are not operating a Rooming House and evidence proving otherwise will be very difficult to obtain.

The solicitor also points out that significant Township resources to administer and enforce the By-law will be required. A number of Departments are involved with the By-law and inspections, orders, appeals, and provincial offences prosecutions will consume significant resources.

Other

A number of minor technical corrections and amendments were also recommended and have been completed.
THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW 2014 – 35

Being a By-law to provide for the licencing and regulation of Rooming Houses in the Township of Muskoka Lakes.

WHEREAS subsection 10(1) of the Municipal Act, 2001 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing;

AND WHEREAS subsection 151(1) of the Municipal Act, 2001 provides that, without limiting sections 9 and 10 of the Act, a municipality may: provide for a system of licences with respect to a business and may,

(a) prohibit the carrying on or engaging in the business without a licence;
(b) refuse to grant a licence or to revoke or suspend a licence;
(c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
(d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
(e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
(f) licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and,
(g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality;

AND WHEREAS subsection 151(5) of the Municipal Act, 2001 provides that subsection 151(1) applies necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS the Council for the Township of Muskoka Lakes considers it necessary and desirable for the public to regulate Rooming Houses for the purpose of protecting the health and safety and human rights of the persons residing in residential rental premises by ensuring that certain regulations are met, that the required essentials such as plumbing, heating and water are provided, for ensuring that the residential rental premises do not create a nuisance to the surrounding properties and neighbourhood and to protect the residential amenity, character and stability of residential areas;

NOW THEREFORE The Council of The Corporation of the Township of Muskoka Lakes hereby enacts as follows:
SECTION 1: SHORT TITLE

1.1 This By-law may be cited as the “Rooming House Licencing By-Law”.

SECTION 2: ADMINISTRATION, INTERPRETATION AND ENFORCEMENT

2.1 SCOPE

2.1.1 This By-law applies throughout the Township of Muskoka Lakes.

2.2 SEVERABILITY

2.2.1 If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

2.3 COMPLIANCE WITH OTHER BY-LAWS AND REGULATIONS

2.3.1 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Township or by any governmental authority having jurisdiction to make such restrictions or regulations.

2.3.2 If there is a conflict between a provision in this By-law and a provision of any other Township by-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

2.4 GENDER AND NUMBER

2.4.1 In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and vice versa.

SECTION 3: DEFINITIONS

3.1 For the purpose of this By-law:

“Apartment Building” means a building or that contains three or more separate Dwelling Units each having independent entrances directly from the outside of the building or through a common entrance.

“Applicant” means a person applying for a licence or renewal of a licence under this By-law;

“Bed And Breakfast” means a Single Detached Dwelling Unit in which not more than three bedrooms are made available for the temporary accommodation of the travelling or vacationing public, to whom the Owner supplies lodgings and meals may be furnished, but does not include a Hotel or Rooming House.

“Building” means any structure used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods, chattels or equipment other than a fence or wall.

“By-law Enforcement Officer” means any Person appointed by the Township to enforce its by-laws.

“Township” means The Corporation of the Township of Muskoka Lakes;

“Township Treasurer” means the Treasurer of The Corporation of the Township of Muskoka Lakes or a person delegated by him or her for the purposes of this By-law.

“Care Occupancy” means an occupancy in which special care is provided by a facility, directly through its staff or indirectly through another provider, to residents of the facility who require special care because of cognitive or physical limitations, and who, as a result of those limitations would be incapable of evacuating the occupancy, if necessary, without the assistance of another person.
“Chief Building Official” means the Chief Building Official as appointed by Council pursuant to the Building Code Act;

“Clerk” means the Clerk of the Township of Muskoka Lakes.

“Committee” means the Committee of Council to which Council has delegated the responsibility of handling rooming house licencing matters.

“Converted Dwelling” means a completed separate building that was originally designed for, and constructed as a single detached dwelling unit that is converted to a maximum of three (3) dwelling units.

“Council” means the Municipal Council of The Corporation of the Township of Muskoka Lakes;

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

“Fire Chief” means the Chief of Fire Services of the Township of Muskoka Lakes or a person delegated by him or her for the purposes of this By-law;

“Group Home” means a single detached dwelling unit in which not more than six (6) persons, having physical, social or mental handicaps, reside as a family under the appropriate supervision of supervised personnel, who may also reside in the dwelling unit, and which is licenced or approved by a Public Authority. A dwelling unit occupied for the purpose of providing shelter for persons on parole or released from penal institutions, or for persons ordered to reside there as a result of conviction of a criminal offence, is not a group home. A group home shall not include detention facilities.

“Hotel” means floor areas, a floor area or part of a floor area containing four or more suites that provide sleeping accommodation for the travelling public or for recreational purposes.


“Licensee” means any person licenced under this By-law;

“Lot” means a parcel of land which is;
(i) shown on a registered plan of subdivision; or
(ii) described in a single Transfer/Deed of Land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Muskoka.

“Lot Line” means any boundary of a Lot or the vertical projection there of.

“Medical Officer of Health” means the Medical Officer of Health for the Simcoe Muskoka District Health Unit or a person delegated by him or her for the purposes of this By-law;

“Municipality” means the land within the geographic limit of the Township of Muskoka Lakes.

“Owner” includes:
(i) each owner of a Rooming House;
(ii) each person who permits occupancy of a Rooming House; and,
(iii) the heirs, assigns, personal representatives and successors in title of a person referred to in clauses (i) and (ii).

“Retirement Home” means a home regulated under the Retirement Homes Act, 2010, regardless of whether it is a care occupancy or a residential occupancy.

“Rooming House” means a Building, or portion thereof, in which lodging is provided with or without meals to more than three (3) persons in return for remuneration or the provision of services or both, per each bedroom, and where sanitary facilities and one kitchen are provided for the inclusive use of individual Tenants. A Rooming House shall not include a Group Home, Hotel, Motel, Senior Citizen Home, Bed and Breakfast, or other similar establishment.

“Tenant” includes a person who pays rent in return for the right to occupy a Rooming House and includes the person’s heirs, assigns (including subtenants) and personal representatives.
SECTION 4: PROHIBITIONS

4.1 No person shall operate a Rooming House without holding a current valid licence issued under the provisions of this By-law.

4.2 No person shall hold himself, herself or itself out to be licenced under this By-law if they are not.

4.3 No person shall contravene or fail to comply with a term or condition of his, her or its licence imposed under this By-law.

4.4 No person shall operate a Rooming House while their licence issued under this By-law is under suspension.

SECTION 5: APPLICATION OF BY-LAW

5.1 This By-law shall not apply to:
   (a) a Group Home, Hotel, Converted Dwelling, Retirement Home, Care Occupancy Facility, Bed and Breakfast or other similar establishment.

SECTION 6: ADMINISTRATION

6.1 The administration of this By-law is assigned to the Emergency Services and Clerks Departments who shall generally perform all of the administrative functions conferred upon them by this By-law and without limitation may:
   (a) receive and process all applications for all licences and renewals of licences under this By-law;
   (b) issue licences in accordance with the provisions of this By-law;
   (c) impose terms and conditions on licences in accordance with this By-law;
   (d) refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-law.

SECTION 7: APPLICATIONS FOR A LICENCE AND RENEWAL OF LICENCE

7.1 The application for licenses and the application for licence renewals under this By-law shall be submitted to the Emergency Services Department on forms approved by the Township and shall contain the information required by this Subsection. Notwithstanding the foregoing, where the application is for a renewal only of a licence, the following information need only be provided where it has changed from previous applications:
   a) The name and address of the Owner as shown on the records in the Land Registry Office or Land Titles Office for the District of Muskoka, referred to in this By-law as the registered owner, and the telephone number of the Owner;
   b) If the registered owner is a corporation, the name, address and telephone numbers of all officers, directors and shareholders;
   c) If the registered owner is a corporation, its articles of incorporation;
   d) If the registered owner is a partnership, the name, address and telephone number of the individual members of the partnership;
   e) The name, address and telephone number of the keeper, manager or operator of the Rooming House if it is not the same as the registered owner;
   f) The location of the Rooming House including address and legal description;
   g) The number of Tenants;
   h) The number of Bedrooms available for Tenants;
   i) The number of Washrooms available for use by Tenants;
j) The number of parking spaces available for use by Tenants;
k) A sworn statement by the Owner certifying the accuracy, truthfulness and completeness of the application;
l) If the Owner is a partnership, a sworn statement by each partner certifying the accuracy, truthfulness and completeness of the application; and,
m) If the Owner is a corporation, a sworn statement by an officer of the corporation duly authorized for that purpose certifying the accuracy, truthfulness and completeness of the application.

7.2 The application for licences and the application for licence renewals under this By-law shall be submitted together with the following:

a) A floor plan of the Building, including dimensions and the proposed use of each room and a site plan showing the location and dimensions of all buildings and parking spaces available on the Property;
b) A statement from the Director of Planning of the Township, or his/her designate, that the Building on the subject Property, and the contemplated use thereof, complies with the requirements of Subsection 8.1 a) of this By-law;
c) A statement from the By-law Enforcement Officer of the Township, or his/her designate, that the Building on the subject Property, and the contemplated use thereof, complies with the requirements of Subsections 8.1.j) of this By-law;
d) A statement from the Chief Building Official of the Township, or his/her designate, that the Building on the subject Property, and the contemplated use thereof, complies with the requirements of Subsections 8.1.c) and h) of this By-law;
e) A statement from the Fire Chief, or his/her designate, that the Building on the subject Property complies with the requirements of Subsection 8.1 b) of this By-law;
f) Subject to Subsection 8.2, the inspection certificates required in Subsection 8.1 d), e), and f);
g) Acknowledgments in writing allowing the Township, its servants, employees, agents and/or sub-contractors and all appropriate authorities having jurisdiction, to enter the subject Property, including any Buildings or Dwellings or Rooming House bedrooms thereon, in order to conduct the necessary annual inspections of the subject Property to determine compliance with the requirements of this By-law to support licence issuance or renewal;
h) An original Criminal Information Report (CIR) as required in Subsection 8.1 g) of this By-law;
i) A true copy of the record of any business name used for the Rooming House under the Business Names Act;
j) Proof of placement of insurance for the duration of the licence period having a limit of liability of not less than $2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury. It shall be a requirement of the policy of insurance that the Township be notified of any intended cancellation by the insurer no less than fifteen (15) days prior to such cancellation;
k) A statement from the Medical Officer of Health for Simcoe Muskoka, or his/her designate, that the Building on the subject Property and the subject Property itself complies with all of the requirements of the Health Protection and Promotion Act and all of the regulations and by-laws thereunder, meets the minimum public health standards and does not pose a health hazard;
l) The applicable fees, including application and inspection fees;
m) any other documentation or information as may be required by the Township; and

n) For Rooming Houses with the potential to exceed a 10 person occupant load, an approved fire safety plan.

7.3 No Person shall knowingly give false information when applying for a licence under this By-law.
7.4 The Emergency Services Department may require affidavits in support of an application for or a renewal of a licence.

7.5 Every application may be subject to investigations by and comments or recommendations from the municipal or provincial department or agencies as the Emergency Services Department deems necessary including but not limited to:

(a) the Director of Planning
(b) the Manager of By-law Enforcement
(c) the Fire Chief;
(d) the Medical Officer of Health
(e) the Chief Building Official.

7.6 Where the applicant or licensee meets all of the requirements of this By-law, the Clerk shall grant a licence, or renewal, as the case may be.

SECTION 8: LICENCE REQUIREMENTS

8.1 No licence shall be issued and no licence shall be renewed unless:

a) The use and intended use of the subject Property is permitted in accordance with the Township’s Zoning By-Law; or is a legal non-conforming use.

b) The Building on the subject Property is in compliance with all standards which apply to the Building at the time of licence issuance or renewal as are prescribed by the Ontario Fire Code, O. Reg. 389/97;

c) The Building and subject Property are in compliance with the Township’s Property Standards By-Law;

d) An electrical inspection certificate is provided verifying the Building on the subject Property is in compliance with all standards which apply to the Building at the time of licence issuance or renewal as are prescribed by the Ontario Electrical Safety Code, O. Reg. 164/99;

e) An inspection certificate has been provided from a heating contractor, duly qualified under the laws of the Province of Ontario, that the heating system in the Building on the subject Property is in safe working order;

f) An inspection certificate from the Emergency Services Department of the Township has been provided verifying that all carbon monoxide detectors and smoke alarms installed on the subject Property are in working order;

g) An original Criminal Information Report from the Ontario Provincial Police has been provided dated not prior to 30 days before the date of licence application, showing no convictions under Parts V (Sexual Offences), VIII (Offences Against Persons) or IX (Offences against Property) of the Criminal Code of Canada, R.S.C. 1985, C.46, as amended, for the Owner and any proposed managers, operators or keepers of the subject Property;

h) If required, a change of use permit under the Building Code Act 1992, S.O. 1992, c. 23, has been issued and any work required thereunder has been completed;

i) The Rooming House complies with all of the requirements of this By-law;

j) Any signs located on the subject Property are in compliance with the Township’s Sign By-law;

k) Proof of placement of insurance for the duration of the licence period having a limit of liability of not less than $2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury. It shall be a requirement of the policy of insurance that the Township be notified of any intended cancellation by the insurer no less than fifteen (15) days prior to such cancellation;

l) The Medical Officer of Health for the Simcoe Muskoka Region, or his/her designate, has certified that the Building on the subject Property and the subject Property itself complies with all of the requirements of the Health Protection and Promotion Act and all of the regulations and by-laws thereunder, meets the minimum public health standards and does not pose a health hazard;

m) The fees, as prescribed by the applicable municipal by-law, have been paid.
8.2 Notwithstanding the provisions of Subsection 8.1, where an Applicant has previously submitted the certificate required by Subsection 8.1 d), and where that certificate is less than five (5) years old, the Applicant need not submit current certificates in that regard.

SECTION 9: ISSUANCE OF LICENCES

9.1 Every licence issued under this By-law shall be in the form and manner as provided by the Clerk and without limitation shall include on its face the following information;

(a) The licence number;
(b) The name, address and telephone number of each Licensee;
(c) The date the licence was issued and the date it expires; and,
(d) The municipal address of the Rooming House.

9.2 Every licence that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold, and renewing a licence, all of which shall be performed and observed by the Applicant or the Licensee:

(a) The Applicant or Licensee shall pay all license fees and inspection fees related to this By-law in accordance with the applicable fees and charges by-law, as may be passed and amended by Council from time to time;
(b) The Applicant or Licensee shall pay all fees and fines owed by the Applicant or Licensee to the Township;
(c) The Applicant or Licensee shall allow, at any reasonable time and when permitted by law, the Township to inspect the Rooming House and the Property;
(d) The Applicant or Licensee shall ensure that the Rooming House and the Property are not constructed or equipped so as to hinder the enforcement of this By-law;
(e) The conduct of the Applicant or Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, shall not afford reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the operation of the Rooming House in accordance with the law or with honesty or integrity;
(f) The Applicant or Licensee shall not directly or indirectly require or cause a Tenant to refuse to consent to lawful entry and inspection of a Rooming House or Property for the purpose of determining compliance with this By-law;
(g) If the Applicant or Licensee is a partnership or a corporation, any change in the composition of the partnership or of the officers and/or directors of the corporation shall be reported to the Emergency Services Department within ten (10) days;
(h) The Licensee shall ensure that a legible copy of the license issued under this By-law is posted and maintained in a prominent and visible position inside the Rooming House near the front entrance.

9.3 A licence issued under this By-law shall be valid only for the period of time for which it was issued.

9.4 The issuance of a licence or renewal thereof under this By-law is not intended and shall not be construed as permission or consent by the Township for the Licensee to contravene or fail to observe or comply with any law of Canada, Ontario or any by-law of the Township.

9.5 Every licence, at all times, is owned by and is the property of the Township and is valid only in respect of the person and for the Rooming House on the Property named therein. A separate licence shall be required for each separate Property and Rooming House.

9.6 No licence issued under this By-law may be sold, purchased, leased, mortgaged, charged, assigned, pledged, transferred, seized, distrained or otherwise dealt with.
9.7 The Licensee shall notify the Emergency Services Department of any change in ownership of the Rooming House or Property and shall surrender his, her or its licence to the Emergency Services Department within seventy-two (72) hours of the completion of such change.

SECTION 10: REVOCATION OR SUSPENSION OF LICENCE

10.1 The Clerk may revoke or suspend a licence to carry on a Rooming House at any time where:

(a) the Clerk is of the opinion that the Rooming House being licensed poses a threat to the health or safety of persons or property;

(b) the licence holder has violated any of the provisions of this by-law;

(c) the licence was issued because false or misleading information was provided to the Township;

(d) a licence was issued in error; or,

(e) where authorized in accordance with this by-law.

10.2 The Clerk may revoke or suspend a licence to operate a Rooming House for a period of time and subject to such terms or conditions that the Clerk considers appropriate.

10.3 The Clerk, before revoking or suspending a licence pursuant to section 10.2 of this by-law, shall consider:

(a) the impact of any such licence revocation or suspension on any Tenants; and,

(b) imposing terms or conditions on any such licence revocation or suspension that would minimize the adverse impact on any Tenants, including the possibility of providing a reasonable time period before the licence revocation or suspension takes place to permit Tenants to find new housing or to seek relief in a Court or before the Ontario Landlord and Tenant Board.

10.4 The Clerk shall provide the holder of the licence that has been suspended or revoked written reasons outlining why their licence has been suspended or revoked.

10.5 Pursuant to section 151(2) of the Municipal Act, 2001, if the Clerk is satisfied that the operation of a Rooming House poses an immediate danger to the health or safety of any person or to any property, the Clerk may, for the time and on such conditions as he or she considers appropriate, without a hearing, suspend a licence subject to the following:

(a) before suspending the licence, the Clerk shall provide the licencee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them;

(b) the suspension shall not exceed fourteen (14) days.

SECTION 11: ORDER TO DISCONTINUE ACTIVITY

11.1 Where the Emergency Services Department has reasonable grounds to believe that a contravention of this by-law has occurred, the Emergency Services Department may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the Owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.

11.2 An order under s. 11.1 of this by-law shall set out:

(a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,

(b) the date by which there must be compliance with the order.
11.3 Any person who contravenes an order under s. 11.1 of this by-law is guilty of an offence.

SECTION 12: WORK ORDER

12.1 Where the Emergency Services Department has reasonable grounds to believe that a contravention of this by-law has occurred, the Emergency Services Department may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the Owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.

12.2 An order under s. 12.1 of this by-law shall set out:

(a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,

(b) the work to be done and the date by which the work must be done.

12.3 An order under s. 12.1 of this by-law may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.

12.4 Any person who contravenes an order under s. 12.1 of this by-law is guilty of an offence.

SECTION 13: REMEDIAL ACTION

13.1 If a person fails to do a matter or thing, including comply with an order under this by-law, as directed or required by this by-law, the Township may, in default of it being done by the person directed or required to do it, do the matter or thing at the person’s expense. The Township may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

13.2 The costs outlined in s. 13.1 of this by-law shall include interest calculated at a rate of 15 per cent per annum, calculated for the period commencing on the day the Township incurs the costs and ending on the day the costs, including the interest, are paid in full.

13.3 The amount of the costs in s. 13.1, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the Township shall register a discharge of the lien in the proper land registry office.

SECTION 14: APPEAL

14.1 Where the Clerk believes, for any reason, that an applicant or licensee would be disentitled to a licence (or a renewal thereof) or an applicant or licensee should only be granted a licence (or a renewal thereof) subject to conditions, or a licence should be suspended or revoked, the Applicant or Licensee shall be afforded the opportunity to appeal the decision of the Clerk, whereupon receipt of the appeal the Clerk shall submit the application and all investigative reports to the Committee and no licence shall be granted except on order of Council.

14.2 In considering a matter under this Section, Council may impose any conditions it sees fit as a requirement of obtaining, continuing to hold or renewing a licence, including any condition which would otherwise contravene any other provisions of this By-law and, notwithstanding the generality of the foregoing, conditions may be imposed on the following grounds:

a) To ensure the health and safety of any person;

b) To control and abate nuisances;

c) To protect consumers; and

d) To ensure the business is carried on in accordance with the law or with honesty and integrity.
14.3 Council shall not make a decision under this Section without first affording the Applicant or Licensee the opportunity to be heard before the Committee.

14.4 After such opportunity to be heard is afforded the Applicant or Licensee, Council may make any decision in respect of which the hearing was held or the opportunity for hearing afforded without holding a further hearing or affording further opportunity for a hearing in such matter.

14.5 Where the Committee conducts a hearing in respect of any matter in this Section, the rules set out in *The Statutory Powers Procedure Act* shall apply to the Committee but those rules do not apply to Council in the exercise of its power of decision in respect to such matter.

14.6 At the conclusion of the hearing conducted by the Committee under this Section, the Committee shall, as soon as practicable, make a written recommendation, if any, to Council with reasons on the merits of the application or proposed revocation or suspension in respect of which the hearing has been conducted.

14.7 After considering the report of the Committee, Council may thereupon in respect of such application do any act or make any decision that it might have done, passed or made had it conducted the hearing itself.

14.8 Notice of the decision of Council may be given by mailing a copy thereof by prepaid certified mail to the Applicant or Licensee at his or her last known address and, upon such mailing, any revoked, suspended or refused licence shall be deemed to be revoked, suspended or refused, as the case may be.

SECTION 15: INSPECTIONS

15.1 Except under the authority of a search warrant, neither a Provincial Offences Officer nor a By-law Enforcement Officer shall enter any room or place actually used as a Dwelling, Dwelling Unit or Rooming House without requesting and obtaining the consent of the occupier(s), having first informed the occupier(s) that the right of entry may be refused and entry made only under the authority of a search warrant.

15.2 Upon receipt of an application for a licence or licence renewal, or upon receipt of a written complaint, and upon consent of the occupier(s) or under the authority of a search warrant, inspections of the Rooming House will occur at the location named in the application to determine whether such Rooming House complies with this By-law.

15.3 No Person shall obstruct or attempt to obstruct a Provincial Offences Officer or By-law Enforcement Officer in carrying out a lawful inspection under this Section.

SECTION 16: ENFORCEMENT

16.1 This By-law may be enforced by a Township by-law enforcement officer or an Ontario Provincial Police officer.

16.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.

SECTION 17: PENALTY

17.1 Any person who contravenes any provision of this By-law is guilty of an offence.

17.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty by the Corporation of an offence.

17.3 A person convicted under this By-law is liable to a maximum fine of $25,000.00 upon a first conviction and a maximum fine of $50,000.00 for any subsequent conviction.

17.4 Despite section 13.3 where the person convicted is a corporation, the corporation is liable to a maximum fine of $50,000.00 upon a first conviction and a maximum fine of $100,000.00 for any subsequent conviction.
17.5 If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,

(a) prohibiting the continuation or repetition of the offence by the person convicted;

READ A FIRST AND SECOND TIME this ___ day of ____, 2015.

READ A THIRD TIME AND FINALLY PASSED this ___ day of ____, 2015.

_________________________                               ____________________________
Mayor, Don Furniss               Cheryl Mortimer, Clerk
Application for Rooming House License

Name of Owner:

Address:

Phone: Fax: Email:

Where the Owner is a Corporation, the name, address and telephone numbers of all officers, directors and shareholders and articles of incorporation must be submitted.

Where the Owner is a Partnership, the name, address and telephone numbers of the individual members must be submitted.

New License [ ] Renewal [ ]

Name of Rooming House Keeper/Manager/Operator:

Address:

Phone: Fax: Email:

Address of Rooming House:

Legal Description of Property:

Number of Tenants: Number of Bedrooms Available for Tenants:

Number of Parking Spaces: Number of Washrooms Available for Tenants:

Insurance Information

Name of Insurance Company:

Insurance Policy Number:

Amount of Public Liability and Property Damage Insurance in Effect: $

Date of Issuance: Date of Expiry:

AN INDIVIDUAL LICENSE MUST BE OBTAINED FOR EACH PROPERTY TO BE USED AS A ROOMING HOUSE

PLEASE REFER TO BY-LAW 2014-35 FOR ALL CERTIFICATES/PLANS/SUBMISSIONS/STATEMENTS/ETC. REQUIRED TO BE SUBMITTED AS PART OF THIS APPLICATION
AFFIDAVIT

I, ____________________________ of the __________________ of ____________________________ in the ____________________________ of ____________________________ solemnly declare that: All of the above statements and submissions transmitted herewith are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the ____________________________ of ____________________________ ____________________________ of ____________________________ this __________ day of __________ A.D., 20_____.

____________________________________
Signature of Owner
(If the Owner is a corporation, the application shall be signed by an officer of the corporation and the corporation’s seal shall be affixed)

____________________________________
A COMMISSIONER, ETC.

TO BE COMPLETED BY MUNICIPALITY

Fee of: $ X00.00 Paid: ( ) Receipt #: ____________________________

Copies of All Required Certificates/Plans/Submissions Provided: ( ) Yes ( ) No

Signature of Licensing Clerk

Personal information contained on this form collected under the authority of By-law 2014-35 and will be used to determine eligibility for a Rooming House License. Questions about this collection should be directed to the Clerk, Township of Muskoka Lakes, Box 129, Port Carling, Ontario, P0B 1J0. Tel: 705-765-3156.
TO: Chair Burgess and Members of Planning Committee of the Whole

MEETING DATE: April 22, 2014

SUBJECT: Rooming House Licensing By-law 2014-35

RECOMMENDATION: That Planning Committee of the Whole direct that public input be received on draft Rooming House Licensing By-law 2014-35 and that it be forwarded to the Township solicitor for review.

APPROVALS:
Approved By: D. Pink, Director of Planning Date: 31/03/14 Signature: Original signed by D. Pink
Acknowledged: C. Wray, CAO Date: 01/04/14 Signature: Original signed by C. Wray

ORIGIN

At the June 17, 2013 Planning Committee of the Whole meeting, a report was presented and discussion had on various tools to regulate Rooming Houses. As a result, on July 12, 2013 Council passed an amendment to Zoning By-law 87-87 to implement Official Plan policies on Rooming Houses. Two Public Meetings were held previously on the draft provisions. Staff were also directed at that time to begin formulation of a Licensing By-law for Rooming Houses in consultation with an appointed Steering Committee.

The Steering Committee met in late 2013 to go over various issues, concerns and goals of a potential Licensing By-law. The Committee met again in early 2014 to go over the draft and discuss potential changes. The draft by-law is attached to the current agenda.

ANALYSIS

Background

The issue of Rooming Houses came to the forefront in late 2007/early 2008 when several were proposed in Bala and Port Carling. Considerable concerns were raised by area residents, including impacts related to noise, parking, buffering, property standards, safety, and property values, to name a few.

As a result, the municipality passed an Interim Control By-law in 2008 to further investigate the issue and as noted above, Zoning By-law 87-87 was formally amended in 2013.
**Licensing By-law**

The draft Licensing By-law requires every operator within the Township to obtain a license and lays out in detail all application requirements, including the number of tenants, bedrooms, washrooms, and parking spaces. Floor plans of the building must be submitted, and compliance with the *Ontario Fire Code*, *Ontario Electrical Safety Code*, *Property Standards By-law*, and *Building Code*, amongst others, must be verified. Sections 7.1, 7.2, and 8.1 of the draft by-law lay out all of the requirements.

It should be noted that the draft by-law does not impose any new requirements per se, but rather acts essentially as a tool to consolidate a number of rules and regulations. As a result, it does to some extent raise the question of the by-law’s necessity.

Provided all matters are met, a license may be issued. The by-law provides for an appeal mechanism, the issuance of Orders (stop, work and remedial), penalties, and inspections.

**Administration/Enforcement**

The courts have held that a number of people living together who make collective decisions on the operation of the household can be termed as residential. In contrast, a number of people living together who are using supplied furniture, pay individual rents, pay for utilities individually, and who may not be able to use all of the facilities or rooms, would be termed a Rooming House.

Staff raises the above to illustrate the difficulty in implementing and enforcing any new zoning provisions or Licensing By-law. It will be difficult if not impossible to prove at the time of a Building Permit the potential future use. Existing or future operators may not willingly approach the municipality for a license. Concrete evidence of use may be limited. Discussion regarding the roll out of the proposed by-law may be of assistance.

**Public Input**

It would be prudent to obtain input from the public prior to passage of the by-law. Committee may wish to provide direction to staff on the intended notification requirements. Together with the website, an advertisement, individual notifications, or other means could be considered.
SETBACKS FOR SEWAGE DISPOSAL SYSTEMS
PLANNING
COMMITTEE OF THE WHOLE
AGENDA REPORT

TO: Chair Edwards and Members of Planning Committee of the Whole
MEETING DATE: March 12, 2015
SUBJECT: Setbacks from the High Water Mark for Septic Disposal Systems

RECOMMENDATION: That a Public Meeting be held on proposed amendments to By-law 2014-14 to impose setbacks from the high water mark for septic disposal systems.

APPROVALS:

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<tr>
<th>Submitted By</th>
<th>Date</th>
<th>Signature</th>
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<tbody>
<tr>
<td>D. Pink, Director of Planning</td>
<td>05/03/15</td>
<td>Original signed by D. Pink</td>
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<th>Acknowledged</th>
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<td>N. Donald, DSC</td>
<td>05/03/15</td>
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<td>C. Harris, Interim CAO</td>
<td>05/03/15</td>
<td>Original signed by C. Harris</td>
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BACKGROUND

At the February 13, 2015 Council meeting, new Comprehensive Zoning By-law 2014-14 was approved. Delegations were made to Council and discussions had over requests to impose a 30 m (100 ft.) setback from the high water mark for septic systems. Although Council appeared to be generally supportive of the change, concerns were raised as to its timing in the By-law Review process and lack of additional public input. Ultimately no changes were made to the By-law and staff was directed to bring a report to the next Planning Committee of the Whole meeting.

ANALYSIS

Background

Protecting water quality is of the utmost importance to the Township of Muskoka Lakes and is a main theme in the Official Plan. Considerable academic and government literature has been produced which demonstrates the threat septic disposal systems place on the water quality of recreational water bodies. To mitigate potential impacts, numerous studies have recommended locating septic systems away from the shoreline to provide a sufficient natural buffer zone. Increased buffer zones provide for greater amounts of soil, which has the ability to bind phosphorus prior to entering the waterbody, and greater amounts of vegetative cover, which assimilates phosphorus prior to the entering the waterbody.

The Ontario Building Code (OBC) currently regulates the locating of septic systems, with a minimum setback of 15 m (50 ft.) required from waterways. The Township Zoning By-laws (both 87-87 and 2014-14) are currently silent on regulating septic systems.
**District of Muskoka Official Plan**

With respect to recreational water quality, the District Official Plan states:

The single most significant impact on water quality on most recreational lakes and rivers in Ontario is the increased levels of phosphorus, that are entering surface waterbodies. Sources of phosphorus are both natural and man made. Natural sources of phosphorus include such things as precipitation and natural drainage from the watershed. Man made sources of phosphorus include increases in overland flow as a result of disruption in the natural vegetation (leading to erosion) in and beyond the riparian zone, use of fertilizers, increased stormwater run-off from impervious surfaces and effluent from septic systems and sewage treatment plants.

Section F.22: A minimum 30 metre setback from any shoreline will be required for leaching beds. Where this is not feasible, on-site phosphorus management, as outlined in section F.26, will be required.

**Township of Muskoka Lakes Official Plan**

The Township of Muskoka Lakes Official Plan contains the following directly applicable policies in the Waterfront Designation:

Section B.5.13 Land based buildings and structures (unless otherwise specified in the Plan) shall be located a minimum of 20 metres (66 feet) from the normal or controlled high water mark of a waterbody with the exception of the following:

- a) minor accessory buildings or structures and marine related facilities, which shall be located as detailed in an implementing comprehensive zoning by-law;
- b) septic tile bed and mantle, which shall not be permitted within 30 metres (100 feet) of the waterbody;
- c) buildings and structures proposed on vacant lots that abut or are adjacent to Natural Areas described in Section B.7, which shall be located as detailed in an implementing comprehensive zoning by-law;
- d) existing development as defined in an implementing zoning by-law; and,
- e) consideration may be given to alternatives where such setbacks are not possible due to terrain or other constraints and where on-site phosphorus management is implemented.

Section B.11.15 All resort development or redevelopment shall meet the following siting requirements:

- a) a minimum setback of 20m (66 feet) from the normal or controlled high water mark of a waterbody for all structures except shoreline and minor non-habitable structures;
- b) the provisions of Section 5.51;
- c) increased setbacks related to the height of buildings shall be encouraged;
- d) tree cover and vegetation is encouraged to uphold the visual and environmental integrity of the shoreline;
- e) A minimum of 30 metre setback from any shoreline will be required for leaching beds. Where this is not feasible, on-site phosphorus management will be required.
As stated above, the current Zoning By-laws are silent on septic systems, the definition of structure specifically excluding them. There has long been debate as to whether a Zoning By-law can supersede the OBC, which imposes a minimum 15 m (50 ft.) setback requirement. Although a number of other municipalities in the District have amended their Zoning By-laws to regulate setbacks for septic systems, staff has been informed they are not uniformly being enforced. Accordingly, staff has requested a legal opinion which is forthcoming. Although a number of legal opinions may have been formulated outside of the Township’s involvement, staff is not aware of any legal challenges.

**Measurement Parameters**

Under the OBC, a sewage system is defined as:

- Class 1 (Chemical Toilet, Incinerating Toilet, Recirculating Toilet, Self-contained portable toilet and all forms of privy including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system)
- Class 2 (Greywater system)
- Class 3 (Cesspool)
- Class 4 (Leaching bed system, which includes tertiary systems)
- Class 5 (Holding Tank)

Any change to the Zoning Bylaw must clearly define which of these types of sewage systems and components therein are subject to the proposed 30 m (100 ft.) setback.

The District Official Plan states that the 30 m setback is for “leaching beds”. The Township Official Plan states the setback shall be from the “septic tile bed and mantle”. The inclusion of the mantle as part of the By-law will pose considerable difficulties, as in discussions with the Building Department the mantle of most septic systems fall within 30 m (100 ft.) of the high water mark. Further, measurement of the precise mantle area is very difficult and is not shown on Building Permit Applications, but is determined in the field during construction.

Staff would recommend that all components other than the leaching bed (septic tank, etc.) be excluded from setback requirements. Not only are Official Plan policies silent on these components, but the septic tank and pipes therefrom are typically located in close proximity to the dwelling, which is subject to a 20 m (66 ft.) setback. Further, there should be no effluent release from the septic tank. Class 1, 2, and 3 systems could also be excluded, as they are not overly common nor referenced in Official Plan policies.

**Redevelopment/Replacement?**

The development of a vacant lot and a minimum required 30 m (100 ft.) setback for septic systems is fairly straight-forward with respect to inclusion and comprehension. The majority of development activity experienced in the Township of Muskoka Lakes, however, is redevelopment of existing properties. Existing development, terrain constraints, lot size challenges, soil depths, etc. will result in hardships on numerous properties to comply with an increased setback.

The Zoning By-law also “grand-fathers” the front yard setback for buildings and structures, while the new Zoning By-law also includes a 120% expansion limitation in certain areas. Consideration will have to be given as to whether include septic systems as part of this framework, or to impose a blanket uniform setback. Please note that the municipality cannot prevent the replacement of an existing legal non-complying structure, provided it is located in the same location at the equivalent or reduced dimensions, including septic facilities.
Administration

There are several substantial administrative difficulties that Committee members must consider with the proposed By-law changes, some that may not result in the desired effect.

The Township processes approximately 200 Septic Permits per year. The Building Department estimates that approximately 5% of new tile beds on vacant lots, approximately 20% of replacement systems, and virtually all new mantle areas may fall within 30 m (100 ft.) of the high water mark. The inclusion of a setback in the Zoning By-law will require these developments to proceed via Minor Variance or Zoning By-law Amendment approval, resulting in potentially upwards of 50 to 200 additional Planning Applications per year, dependant on inclusion of the mantle area.

Planning staff do not have the technical expertise to advise Committee or Council as to the installation requirements or environmental impacts related to the placement of septic systems. The Building Department can only advise as to whether or not a proposed structure complies with the OBC. Neither Department is currently staffed to provide this additional guidance or to handle the additional workload. Applicants will be required to submit technical studies from qualified consultants justifying proposed locations. Peer reviews may also be needed.

Even at the lower end of the scale, additional Committee of Adjustment meetings may have to be scheduled. Committee members most likely also do not have the technical expertise on septic facilities or familiarity with on-site conditions, and will have to rely on submissions from applicants and public comments. Neighbourhood issues will begin to influence the location of the system and the cost of the application and supporting information can be very costly. It may not produce the desired results of locating the septic system in the best environmental location.

The Building Department also deals with failed systems and issues Orders, including to remedy an unsafe condition and to prohibit occupancy. Requiring a Minor Variance that may take several months will not correct a potential immediate on-site concern or may result in the loss of a cattaging season. Other owners voluntarily upgrading their septic systems may choose not to due to the added time, expense, or concern of a public process required of Planning Applications.

In discussions with the Building Department, staff always aim for and encourage setbacks greater than the OBC permits, but on many lots this is simply not possible or is not the preferred location due to soil, site/topography conditions, etc. Placing additional regulations on the matter and forcing owners to a less than ideal location further from the water to avoid a public planning process or approving numerous Planning Applications every year may not be the most optimal approach.

Regardless of any administrative difficulties, the protection and enhancement of water quality is of the utmost importance and staff is supportive of any efforts to ensure this occurs.

Possible By-law Wording

Staff would recommend that a general provision be added to the By-law, which applies to all properties, and that the definition section be amended.

The following general provision can be considered Option 1:

On lots abutting or adjacent to the high water mark or an original shore road allowance, no part of any septic system leaching bed distribution pipe shall be located within 30 metres (100 feet) of the high water mark. Setbacks for septic system leaching bed distribution pipes shall not be required from any other lot lines other than those required by the Ontario Building Code. Sections 4.1.3.5 and 5.1.4.4 of this By-law shall not apply to septic system leaching bed distribution pipes.
If concerns arise related to replacement systems or redevelopment, the following can be considered Option 2:

On lots abutting or adjacent to the high water mark or an original shore road allowance, no part of any septic system leaching bed distribution pipes shall be located within 30 metres (100 feet) of the high water mark. Notwithstanding the 30 m (100 ft.) setback, the replacement and/or enlargement of an existing septic system leaching bed distribution pipe can be located at its existing setback from the high water mark, or a minimum of 15 m (50 ft.) from the high water mark, whichever is greater. Setbacks for septic system leaching bed distribution pipes shall not be required from any other lot lines other than those required by the Ontario Building Code. Sections 4.1.3.5 and 5.1.4.4 of this By-law shall not apply to septic system leaching bed distribution pipes.

The following definition can be utilized:

Septic System Leaching Bed Distribution Pipe:

Shall mean a line or lines of perforated or open jointed pipe or tile installed in a leaching bed for the purpose of distributing effluent from a treatment unit to the soil, as defined in the Ontario Building Code, and does not include the mantle area.

For the purposes of this By-law, a septic system leaching bed distribution pipe shall be considered a structure.

The current By-law definition of Structure will also have to be amended to remove the specific exclusion of septic systems. Please note that the draft wordings will need to be amended if Committee/Council wishes to regulate other Classes of sewage facilities or to include other components such as the mantle area.

Public Consultation

Any Council initiated change to Comprehensive Zoning By-law 2014-14 must now follow the Planning Act process, which includes a minimum of one Public Meeting. This issue may very well spark considerable interest and debate as to the best method of regulating septic systems in a Zoning By-law.

Committee members may wish to provide direction as to the method of advertising and date of any Public Meeting.

Additional Controls

Regardless of setback from the high water mark, improperly maintained, abused, and/or mistreated septic systems may fail and cause greater concerns to water quality than a system within 30 m. Providing education to residents of the Township of Muskoka Lakes on proper care and use of septic systems is also of importance, as is continuation of the septic re-inspection program and other public outreach efforts.

FINANCIAL

As stated above, staffing implications will have to be considered dependant on the extent and manner of changes to the Zoning By-law. At a minimum, advertisement for a Public Meeting is required in the local newspaper (~$1,000).
STRAIGHT LINE FRONTAGE (OFF WATER)

Verbal Report from the Director of Planning Re:

Page 66 of 73
Verbal Report from the Director of Planning, Re:

WATERFRONT SETBACKS

Front Yard Setback
Interior Side Yard Setback
Exterior Side Yard Setback
Rear Yard Setback

High
Water
Mark

Township Owned Road Allowance or Street

Travelled Road
HEIGHT MEASUREMENT

Verbal Report from the Director of Planning, Re:

Peak
Grade

Peak
Top Of Dock

Peak of Roof (Not to Chimney)

Lowest Grade

Top Of Dock
RECONSTRUCTION OR ADDITIONS TO LEGAL NON-COMPLYING BUILDINGS (FRONT YARD SETBACKS)

Existing Legal Non-Complying Dwelling

- 1,000 sqft
- 42 feet

- 120% of Original Dwelling Permitted
- 1,200 sqft
- 50 feet

No Build Zone

New Dwelling

- 1,200 sqft
- 50 feet

- 42 feet

No Build Zone

Existing Legal Non-Complying Dwelling

- 1,000 sqft
- 25 feet

- 120% of Original Dwelling Permitted
- 1,200 sqft
- 35 feet

No Build Zone
RECONSTRUCTION OR ADDITIONS TO LEGAL NON-COMPLYING SUNDECKS (FRONT YARD SETBACKS)

Existing Non-Complying Sundeck

New Sundeck

Verbal Report from the Director of Planning, Re:

Page 70 of 73
SHORELINE STRUCTURE MEASUREMENTS

Side Yard Setbacks

Dock SYSB

Boathouse SYSB

Dock Length

Boathouse Length

Note: Shoreline structures are permitted to extend up to 10 feet on land (not included as additional length)

Dock and Boathouse Length

Dock and Boathouse Width (Straight)

Dock Width

Boathouse Width

Dock Width

Note: Shoreline structures are permitted to extend up to 10 feet on land (not included as additional length)

Dock and Boathouse Width (Angled)

Boathouse Width

Dock Width

Note: Shoreline structures are permitted to extend up to 10 feet on land (not included as additional length)
LOT COVERAGE
(Require Compliance to Both Calculations)

LOT COVERAGE = A+B+C+D
Area of Lot

200’ LOT COVERAGE = A+C+D
Area of Lot Within 200’ of HWM

Note: - A, B, C, and D are roofed structures
- Docks and Decks (non-roofed structures) are not included in Lot Coverage

Note: - A, B, C, and D are roofed structures
- Docks and Decks (non-roofed structures) are not included in 200’ Lot Coverage
AREA INCLUDED IN HABITABLE FLOOR AREA CALCULATION

Habitable Floor Area

SECOND FLOOR

FIRST FLOOR

BASEMENT

>1.8m

Finished Ceiling

Finished Floor

Finished Floor

Underside of Joist

Walkout

Grade

Front Wall