MUSKOKA RIVER WATERSHED
INTEGRATED WATERSHED MANAGEMENT
EXISTING CONDITIONS LAND USE POLICY REVIEW

IMPLEMENTATION REPORT

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October 23, 2023

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1.0 INTRODUCTION

This report is a further addendum to the *Integrated Watershed Management Existing Conditions Land Use Policy Review Report* (2022) undertaken for the District of Muskoka. The *Integrated Watershed Management Existing Conditions Land Use Policy Review Report* (herein referred to as the *Existing Conditions Policy Report)* provides a land use policy review of the Official Plan for each of the upper and lower tier municipalities across the Muskoka River Watershed.

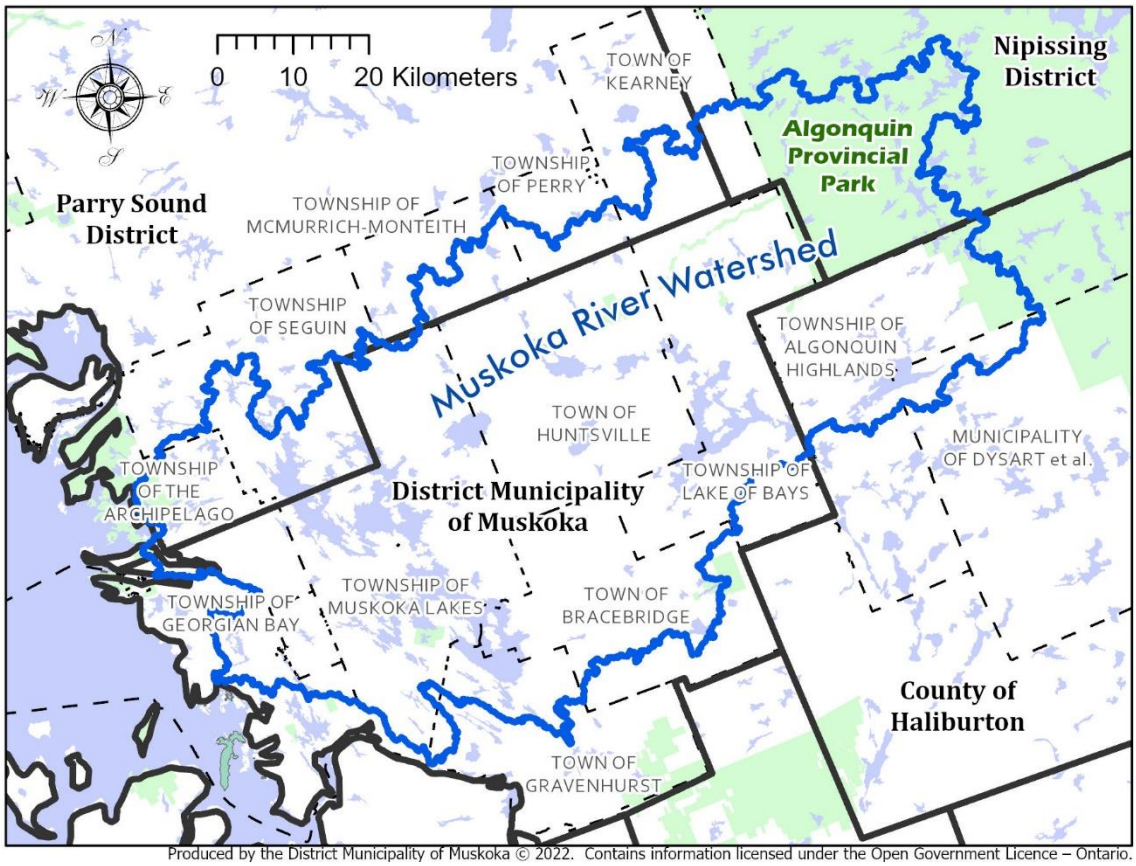


Figure 1: Upper and Lower Tier Municipalities Within the Muskoka River Watershed

As part of the land use policy review, the *Existing Conditions Policy Report* identifies not only policy directives but also a number of tools and mechanisms that could be used to implement an IWM approach to land use within the Muskoka River Watershed. Ultimately, the report provides a series of recommendations that can be used to inform the development of an IWM approach across the Muskoka River Watershed. Key among the recommendations was the need for a targeted, more detailed assessment of how the policy framework of the watershed municipalities is currently implemented at the local level. More specifically, one of key recommendations of the *Existing Conditions Policy Report* is as follows:

> *"It is a recommendation of this report that the District of Muskoka undertake a much more detailed and targeted Implementation Study that gives equal weight to implementation mechanisms as a consideration in the application of Integrated Watershed Management. The*

Implementation Study would function as a partner report to the Land Use Policy review that has just been completed and would again, identify existing implementation mechanisms, best practices, opportunities for cross-connector initiatives and recommended steps forward."

The purpose of this addendum report is to gain a better understanding of how existing policy frameworks translate into zoning and other implementation mechanisms that are currently applied within the Muskoka River Watershed. Further, this report provides a focus on mechanisms enabled by Provincial legislation (most notably the *Planning Act*, but also including the *Municipal Act*) as well as existing cross-connector and complementary initiatives that may already be in place. More specifically, this report extends the scope of the initial land use policy review to address the following:

- Review the Comprehensive Zoning By-law in each of the 13 lower tier municipalities as well as in various of the identified case studies;
- Identify how Site Plan Control is applied within the watershed municipalities taking into account the legislative changes enacted by Bill 23 and Bill 97;
- Where implemented, identify how the Community Planning Permit System is applied within the watershed municipalities;
- Provide a summary of the consistencies and inconsistencies in zoning frameworks and application of site plan within the Muskoka River Watershed;
- Identify best practices and opportunities to achieve greater consistency and integrate IWM principles through the existing implementation mechanisms; and,
- Identify potential cross-connector opportunities that support the key principles of IWM.

Key Principles of Integrated Watershed Management

- Watershed/ecosystem based approach (geographically based planning and management)
- Interjurisdictional coordination
- Adaptive policy frameworks and implementation tools
- Science/evidence based approach to policy formulation and implementation
  - Identified performance criteria
  - Quantifiable metrics
  - Cumulative impacts over time and geography
- Monitoring programs, reporting, feedback loops

This addendum report functions as a partner report to the *Existing Conditions Policy Report* and provides an overview of mechanisms and best practices available to implement the higher level land use policy objectives within the Muskoka River Watershed. This report touches on the highlights only. Many of the matters addressed in this report independently merit more detailed and targeted study. Collectively, the report offers recommendations for both short and long term opportunities to implement IWM as well as identifying potential challenges and partnership requirements.

In preparing this report, a desktop review of the Zoning By-law, Site Plan Control practices, Site Alteration By-law, Tree Cutting/ Preservation By-law and any other municipal by-laws passed pursuant to the *Municipal Act* was undertaken for each of the municipalities within the Muskoka River Watershed. Further, information interviews were held with staff from each municipality. The results and key findings of this study are provided in this report. The municipalities within the Muskoka River Watershed are as follows:

- District Municipality of Muskoka
- County of Haliburton
- Town of Bracebridge
- Town of Gravenhurst
- Town of Huntsville
- Township of Lake of Bays
- Township of Muskoka Lakes
- Township of Georgian Bay
- Township of Algonquin Highlands
- Municipality of Dysart et al
- Township of Seguin
- Township of the Archipelago
- Township of McMurrich Monteith
- Town of Kearney
- Township of Perry

The findings of this report are based on the information available as of the date of this report. The zoning analysis in particular, is based on the Comprehensive Zoning By-laws as consolidated and posted on the various municipal websites as of the date of this report. Where such Zoning By-laws have older consolidation dates or where housekeeping by-laws have been passed to amend various regulations, such regulations have not been included within the findings of this report. Local municipalities remain the best source for up-to-date zoning standards and planning processes.

2.0 ZONING FRAMEWORKS

A Zoning By-law is a municipal level statute that implements the broader policy directions of a municipality's Official Plan as well as the upper level policy directives of the Province. It is a detailed and legally enforceable legislative instrument that regulates development and land use within the municipality. Zoning By-laws divide a municipality into a number of different zones that regulate the permitted use of land within each zone as well as standards for development in each respective zone.

In Ontario, the legislative authority for zoning controls is established in Section 34 of the *Planning Act, R.S.O. 1990, c.P. 13* (herein referred to as 'the *Planning Act*'). The *Planning Act* provides that zoning may be passed by the Councils of local municipalities to regulate:

- how land may be used;
- where buildings and other structures may be located;
- types of buildings that are permitted and how such buildings may be used;
- lot sizes and dimensions, building height, density, and setbacks from the street;
- minimum opening elevations of doors, windows or other openings in buildings or structures; and,
- requirements for minimum parking.

Section 34 of the *Planning Act* further provides that a Zoning By-law may prohibit the use of land or establishment of any buildings or structures on land that is:

- subject to flooding or land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial perils;
- contaminated, contains a sensitive groundwater feature or a sensitive surface water feature, or that is within an area identified as a vulnerable area in a drinking water source protection plan that has taken effect under the *Clean Water Act, 2006*;
- within any defined area or areas, that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest, that is a significant corridor or shoreline of a lake, river or stream, or that is a significant natural corridor, feature or area; and/or
- the site of a significant archaeological resource.

2.1 Zoning Approaches

The Comprehensive Zoning By-law of each municipality in the Muskoka River Watershed regulates land use within a number of various zone categories depending on the characteristics and location of land. In general terms, this can be described as zones permitting development, environmental protection zones, hazard land zones and rural area zones. The basis on which such a zoning structure is established varies in terms of the refinement of the zone categories and the basis on which the zone categories are structured. Some zone structures are very detailed where other are not. For example, a very specific zone category may be established to apply only to flood lands. Conversely, flood lands may be included within a broader Environmental Protection Zone that precludes development, or flood lands may be regulated through the use of an overlay zone that applies various restrictions and flood-proofing requirements to the primary underlying zone permissions. The level of detail and approach is dependent on the local context and regulatory practices established within the municipality.

2.1.1 Determining Zone Boundaries

In practice, the zoning structure implemented by a municipality is a connected network of zone boundaries that is applied to the entirety of a municipality. Thus, in considering development rights, natural heritage features and hazard lands, it is of key importance to understand how such zone boundaries are delineated. The Zoning By-law of each municipality within the Muskoka River Watershed addresses the matter of how zone boundaries are to be interpreted.

In general terms, there is a somewhat consistent approach with how zone boundaries for Environmental Protection Zones are interpreted although some By-laws afford better clarity of language than others. Where there is uncertainty as to the mapped boundary or precise location of the zone boundary, or where a zone boundary represents the edge of a natural feature such as a wetland, an on-site review of the boundary may be required by the municipality or as a condition of development approval. Most often, this will be determined by a surveyor or qualified environmental expert. Section 2.2 of this report examine the administration of Environmental Protection Zones in greater detail.

Shorelines are addressed somewhat differently and more specifically than an Environmental Protection Zone boundary or zone boundaries aligned with other natural heritage features. All of the Comprehensive Zoning By-laws in the Muskoka River Watershed address how zone boundaries are to be determined where the zone boundary aligns with a shoreline. Across the watershed, most municipal Zoning By-laws rely on the high water mark as the base metric to determine a zone boundary along a shoreline. However, there is some variance in how this is expressed within the various zoning documents.

Some of the watershed Zoning By-laws expressly state that where a zone boundary is indicated as following a shoreline, that the zone boundary shall be deemed to be the high water mark of the waterbody. In this regard, the zone provisions in the Bracebridge, Muskoka Lakes and McMurrich Monteith Zoning By-laws provide good examples.

In other municipalities, the Zoning By-law provides that where a zone boundary is indicated to be following a shoreline, that the zone boundary is consistent with the location of the shoreline. In many cases, the Zoning By-laws that rely on the shoreline reference also provide that the zone boundary shall move with any natural changes in location of the shoreline. This is a slightly more layered approach where it become necessary to reference the definition of the shoreline to seek any more definitive location of the zone boundary. In almost all of the cases in the Muskoka River Watershed where the Zoning By-law simply references the zone boundary as being consistent with the shoreline, the shoreline is defined to be the high water mark. In this scenario, the zoning requirements and definitions of the Zoning By-law must work together although essentially, the Zoning By-law requirements are structured around the same metric being the high water mark. In all regards, the most effective zoning relies on simplicity and clarity of language.

One of the key principles of IWM is reliance on measurable, quantifiable metrics. In zoning, consistency in administration and interpretation of the By-law is also key. In this regard, the most consistent approach and best practice is the use of the high water mark to establish zone boundaries in proximity of shorelines where this requirement is clearly stated within the zoning provisions of the By-law.

Table 1 summarizes the zoning approach to interpreting zone boundaries in each of the Muskoka River Watershed Zoning By-laws. The corresponding definitions for a shoreline and high water mark in each of the municipal Comprehensive Zoning By-laws is attached as **Appendix 1.**

Table 1: Zone Boundaries

Table 1: Zone Boundaries	
Municipality	**Zoning Requirement**
Algonquin Highlands	Where a zone boundary is indicated as following a shoreline, then such zone boundary shall follow the shoreline, and in the event of change in the location of the shoreline, the zone boundary shall be construed as moving with the actual shoreline.
Dysart et al	A zone boundary shown as approximately following a shoreline of a water body shall be deemed to follow the high water mark of that water body.
	Where any uncertainty exists, the exact boundaries of an EP Zone may be determined through an on-site review by the Municipality. Where an on-site review confirms that any lands should no longer be included within the EP Zone, and the policies of the Official Plan of the Municipality pertaining to the removal of lands from the Environmental Protection Areas designation have been complied with, the lands shall be deemed to be in the same zone as the majority of the remainder of the lot. Where the lot is entirely in the EP Zone, it shall be deemed to be in the RU1 Zone if it abuts an improved street, or in the RU1L Zone otherwise.
Town of Bracebridge	Where a Zone on the Schedules abuts a waterway or original shore road allowance, such Zone shall be deemed to extend to the high water mark.
	Where the boundary represents a natural feature, such as a wetland, the extent of the boundary will be determined on site by the Town.
Town of Gravenhurst	Unless otherwise shown, a navigable waterway shall be included within the zone of the adjoining lot(s) on the sides thereof, and where such navigable waterway serves as a boundary between 2 or more zones, the shoreline of the navigable waterway shall be considered the zone boundary and the said zone boundary shall move with any natural change in the shoreline.
	Where a shore road allowance is identified on Schedules to this By-law, and no zone symbol is identified, the lands are deemed to be zoned in accordance with the lands immediately abutting the shore road allowance.
	Minor adjustments to the boundary of an Environmental Protection Zone on a property may be made, without amendment to the Zoning By-law, where the Official for The Corporation of the Town of Gravenhurst is satisfied that the mapping of the Environmental Protection Zone in

Table 1: Zone Boundaries	
Municipality	**Zoning Requirement**
	Appendix "A" is in obvious error or where the boundary has been verified by a Biologist to the satisfaction of the Town.
Town of Huntsville	Where a boundary on the Schedules follows a street, lane, utility or railway right-of-way or watercourse, it is considered to follow the centerline of such street, lane, utility or railway right-of-way or watercourse
Township of Lake of Bays	The zone boundary corresponds with the boundary of the lot line which in the case of a shoreline, is the ordinary water's edge or front lot line.
Township of Muskoka Lakes	Where a Zone on the Schedules abuts a waterway or original shore road allowance, such Zone shall be deemed to extend to the high water mark.
	Where a lot is separated from a navigable waterway by only an original shore road allowance the lot shall be considered for the purpose of permitted land uses and required setbacks in this By-law as if it abuts the navigable waterway.
	Where the boundary is shown as substantially following the shoreline of a watercourse or waterbody or original shore road allowance, the zone boundary is the high water mark;
Township of Georgian Bay	The current water mark, and in the event of change in the current water level, the boundary shall be construed as moving with the actual current water mark. Where a zone boundary follows a shore road allowance that has not been stopped up and closed, the zoning on the abutting lot shall be applied to the portion of the shore road allowance above the current water mark, as if it were part of the abutting lot, except where the shore road allowance is within an Environmental Protection (EP, FH1 NSC & NSI) Zone;. Where a sale of the shore road allowance takes places, the shore road allowance shall take the zoning of the abutting lands.
Township of Seguin	A boundary indicated as following a shoreline shall follow such shoreline, and in the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
Township of Archipelago	Where a zone boundary on the Zone Schedules abuts a waterway, such zone shall be deemed to extend into the waterway and to apply to any water lots, Crown lake bed or any land created by changing lake levels, land fill operations or by any other means, and to extend over all docks,

Table 1: Zone Boundaries	
Municipality	**Zoning Requirement**
	boathouses and boatports, breakwalls, groins, seawalls, cribs, anchorages and boats or vessels where they are affixed to the ground.
Township of McMurrich Monteith	Where the boundary is shown as substantially following the high water mark of a waterbody, the zone boundary is the high water mark.
	The precise location of the boundary of the Environmental Protection One or Two (EP1 or EP2) zones may be determined by a surveyor or qualified environmental consultant, to the satisfaction of the Township
Town of Kearney	A zone boundary shown following approximately a shoreline or the centre line of a creek, stream or channel is considered to be the shoreline or centre line and moved with any natural changes to the waterbody or watercourse.
Township of Perry	A zone boundary shown following approximately a shoreline or the centre line of a creek, stream or channel is considered to be the shoreline or centre line and moves with any natural change in the shoreline.

2.1.2 Overlay Zones

In addition to the more standard zone structures or categories, a municipality may use overlay zones to implement additional requirements to regulate development or to protect natural heritage features and hazard lands. In doing so, overlay zones enable municipalities to better respond to local issues by applying an additional layer of zoning requirements to lands within a specific area. The requirements of the overlay zone apply in addition to the uses and standards established in the underlying primary zone which remains in effect. An overlay zone may be used to apply more nuanced zoning requirements where area specific features, development or scenarios require. This approach may be used to apply additional zoning standards such as flood proofing measures for development, to vary the standards of the underlying zones such as requiring an increased setback from a steep slope, or may provide relief from the standards of the underlying zones such as to permit a reduced minimum yard standard.

Overlay zones are a flexible tool that may be established within the Comprehensive Zoning By-law in two ways:

1) Delineating An Overlay Zone On A Zone Schedule - An overlay area may be delineated on a zoning schedule whereby the additional requirements are applied only within the overlay boundaries as mapped. The overlay zone boundaries may in places, be the same as the underlying zone boundary and may also cut across the underlying zone boundaries.

2) Textual Application Of An Overlay Zone - A overlay zone may be textually described in the Zoning By-law as applying to a group of two or more specified zone categories, to specific features such as steep slopes or wetlands, or to specific lands such as all lands below a certain contour elevation.

A number of municipalities within the Muskoka River Watershed currently implement overlay zones as part of the in-effect municipal zone structure. In all cases, the overlay zones have been used to provide either an additional level of regulation related to lands within the floodplain or to provide an additional level of protection to environmentally sensitive lands. Current overlay zones within the Muskoka River Watershed include:

Algonquin Highlands
- Environmental Protection (EP) Overlay Zone (unevaluated wetlands)
- Environmental Protection One (EP1) Overlay Zone (Provincially Significant Wetlands)
- Environmental Protection Two (EP2) Overlay Zone (Areas of Natural and Scientific Interest)
- Environmental Protection Three (EP3) Overlay Zone (Significant Fish Spawning Areas)

Bracebridge
- Floodway Phase 1 (F1) Zone
- Flood Fringe Phase I (F2) Zone
- Flood Plain Phase II (F3) Zone

Gravenhurst
- Flood Plain (FP) Overlay Zone
- Floodway (FW) Overlay Zone
- Flood Fringe (FF) Overlay Zone

Huntsville
- Natural Constraints Overlay Zone
- Flood Zone Overlay

Lake of Bays
- Flood Zone Overlay

Georgian Bay
- Tadenac Ecosystem Special Policy Overlay Zone
- Intake Protection Zone Area – 1 Overlay Zone
- Intake Protection Zone Area – 2 Overlay Zone

Archipelago
- Environmentally Sensitive One (ES1) Overlay Zone
- Environmentally Sensitive Two (ES2) Overlay Zone

Perry
- Waste Disposal Assessment Area Overlay Zone
- Wetland Assessment Area Overlay Zone

Overlay zones are also commonly used across the other case study municipalities (North Bay, Sudbury, Ottawa, and Thunder Bay) for similar purposes. The City of Sudbury has a specific Ramsay Lake Watershed Overlay Zone which identifies uses prohibited within the Ramsay Lake Watershed as well as in the City's wellhead protection areas and intake protection zones. The limits of the Ramsay Lake Watershed are

depicted on a schedule included as part of the City's Comprehensive Zoning By-law. This schedule is attached as **Appendix 2** to this report. This is one of six overlay zones incorporated within the City of Sudbury Comprehensive Zoning By-law. In total, the City of Sudbury augments the standard zone structure with the following six overlay zones:

- Airport Height Restriction Overlay(s);
- Flood Fringe Overlay;
- Flood Plain Overlay;
- Wellhead Protection Overlay(s);
- Intake Protection Zone Overlay(s); and,
- Ramsay Lake Watershed Overlay.

The prospect to use overlay zones on a watershed-wide basis is an interesting one – particularly for a watershed that spans multiple lower tier jurisdictions. This approach would provide one means of achieving more consistency across the watershed where the partner municipalities coordinate and apply a watershed overlay zone in each of the respective lower tier Zoning By-laws to achieve a common target or standard. The precise substance of any overlay zone could also be customized according to:

- The development context and/or geography such as between urban, rural or shoreline areas;
- Specific issues, cumulative impacts and/or zoning requirements;
- Where in the watershed the lands are located, such as the headwaters, mid-reach or lower discharge areas along the shores of Georgian Bay; and/or,
- Scale within the watershed such as the entire watershed area within a municipality or only specific sub-watersheds or smaller catchment areas.

Any such approach would require the common and sustained coordination of a watershed-wide technical working group representing all of the Muskoka River Watershed municipalities along with a common set of agreed-upon goals, targets and priorities. There may be a role for the District to facilitate the formation of such a municipally-based, watershed-wide working group. Similarly, a watershed overlay approach could be scaled within the local jurisdictions to apply to subwatershed or smaller catchment basin areas. The potential for a Watershed Overlay Zone is discussed in greater detail in Section 3.7 of this report.

2.1.3 Holding Zones

A Holding By-law is a another form of zoning that may be used to regulate land use at the site level particularly in instances where Site Plan Approval may not be available. Holding By-laws work in conjunction with a lower tier Comprehensive Zoning By-law to allow for the future use of land or buildings but delay development until certain conditions have been met. For example, a vacant shoreline lot may be zoned 'Shoreline Residential (Holding)' where the permission for a shoreline residential use has been established by the in-effect Comprehensive Zoning By-law however, development of a dwelling on the lot may not occur until the conditions established by the Holding Zone have been satisfied and the landowner has applied to the municipality to lift the holding provision.

Holding Zones may be used in areas where the Comprehensive Zoning By-law applies zoning and permitted uses to a property or area but where property or area specific circumstances must be addressed

or require additional regulation prior to development proceeding. Municipalities commonly apply holding provisions to a range of different land use categories and in a range of scenarios.

The application of a Holding By-law is dependent on the scope of the Official Plan policies authorizing its use. Local Official Plans must include policies to authorize the use of a Holding By-law and identify the purposes for which a Holding Zone may be applied. For example, a Holding By-law may address a range of issues by applying conditions such as requirements for:

- Completion of technical studies;
- Approval of an Environmental Impact Study;
- Demonstration of no negative impact on recreational water quality;
- Demonstration of the means through which on-site phosphorus management is addressed;
- Confirmation that any proposed septic system conforms to current standards;
- Delineation of the limits of any hazard lands;
- Proof of flood-proofing measures; or,
- A development agreement which may then be registered on title.

As a result of recent legislative changes at the Provincial level (Bill 23 and Bill 97), Site Plan Approval may now only be applied to residential lands where the parcel of residential land has 10 or fewer dwellings and is located less than 120 metres from a shoreline. While in the District of Muskoka the Waterfront Lands designation is applied to lands within 150 metres of a shoreline, Site Plan approval may only be used to regulate site level development within 120 metres of the shoreline. Thus, a Holding By-law is one means to regulate residential land use in proximity of a shoreline but that is beyond the 120 metre threshold.

In areas not subject to Site Plan Control, a Holding Zone may be one of the most effective tools available to the municipality to regulate the site level details of development at the site level.

2.1.4 Community Planning Permit System

The Community Planning Permit System (CPPS) is a planning tool that presents the best alternative to the traditional zoning and site plan processes. It is a streamlined planning process regulated under the *Planning Act*, that combines zoning, minor variance and site plan applications into one application and approval process. It establishes the legal authority to regulate land use while also providing added flexibility to regulate development at a site level. However, not all lower tier municipalities within the watershed will be equally equipped to revise existing zoning frameworks and implement a CPPS. Further, for those that are, it will take some time for the development and approval of a new CPPS system. The Community Planning Permit system is discussed in greater detail in Section 3 of this report.

2.1.5 Zoning Approaches Key Findings

1) Establishing Shoreline Zone Boundaries: The establishment of consistent, definitive zone boundaries is one of the foundational building blocks in the administration and interpretation of zoning. Although zone boundaries are depicted graphically on zone schedules, it is sometimes necessary to apply performance criteria to confirm these boundaries on a site specific basis or

where the mapping is uncertain. This is particularly true of zone boundaries in proximity of a shoreline.

In keeping with the best practices in zoning and the science/evidence based approach to IWM, such shoreline zone boundaries should be established using identified performance criteria that can quantifiably be measured or established. In this case, identification of the shoreline zone boundary as being consistent with the high water mark of the waterbody can be applied consistently and quantifiably determined. Clarity of language and inclusion in the zoning provisions of the Zoning By-law further assist with the administration and interpretation of the By-law over time.

2) Watershed Overlay Zone: The implementation of a Watershed Overlay Zone poses a promising opportunity to apply catchment-based zoning within the Muskoka River Watershed. Such an approach could be scaled to apply to the entirety of the watershed or applied to smaller catchment boundaries such as a subwatershed or catchment basin level. This approach would provide one means of achieving more consistency across the watershed recognizing that such an approach would require the partner municipalities to coordinate in the goal to apply a watershed overlay zone in each of the respective lower tier Zoning By-laws to achieve a common target or standard. Any such approach would require the common and sustained coordination of a watershed-wide technical working group representing all of the Muskoka River Watershed municipalities along with a common set of agreed-upon goals, targets and priorities. There may be a role for the District to facilitate the formation of such a municipally-based, watershed-wide working group.

3) Holding By-laws: Holding By-laws work in conjunction with a lower tier Comprehensive Zoning By-law to allow for the future use of land or buildings but delay development until certain identified conditions have been met. In order to use a Holding By-law, the local Official Plan must include policies to authorize the use of a Holding By-law and identify the purposes for which a Holding Zone may be applied. Beyond this requirement, a Holding By-law may be used as a flexible zoning tool to ensure that any relevant issues are addressed prior to development proceeding. Most notably, a Holding By-law is one means to regulate low density residential development that is in proximity of a shoreline but that is beyond the 120 metre Provincial threshold for Site Plan approval.

4) Community Planning Permit By-law: The Community Planning Permit System (CPPS) is a planning tool that presents the best alternative to the traditional zoning and site plan processes. It is a streamlined planning process regulated under the *Planning Act*, that combines zoning, minor variance and site plan applications into one application and approval process.

Neither Bill 23 nor Bill 97 modified those sections of the *Planning Act* that relate to the establishment of a CPPS. As a result, this tool provides municipalities with a mechanism to introduce a more flexible approach to land use that effectively harmonizes the zoning and site plan functions. However, not all lower tier municipalities within the watershed will be equally equipped to revise existing zoning frameworks and implement a CPPS. Further, for those that are, it will take some time for the development and approval of a new CPPS system.

2.2 Environmental Protection Zones

The zoning approach in regards to natural heritage features is to either:

1) Restrict or severely limit development by applying an Environmental Protection Zone to such lands; or,

2) Permit some level of development depending on the sensitivity of the feature and whether or not any impacts of development can be mitigated to within acceptable levels.

This approach applies not only the natural heritage features but in some scenarios, is also applied to adjacent lands or buffers surrounding the feature.

2.2.1 Environmental Protection Zone Structures

Table 2 summarizes the Environmental Protection Zones applied across the Muskoka River Watershed. For ease of summary and reference, Table 2 has been broken into three component tables being Table 2A (Haliburton), Table 2B (Muskoka), and Table 2C (Parry Sound). In general terms, the following features are identified as having an Environmental Protection Zone applied:

- Wetlands – including the full range of wetlands from Provincially Significant Wetlands (PSW) to unevaluated wetlands;
- Fish Habitat – generally or more specifically identified as Type 1 and Type 2 fish habitat (Muskoka Fisheries Assessment Unit);
- Deer Wintering Areas – generally or more specifically identified as Stratum 1 or Stratum 2;
- Areas of Natural and Scientific Interest;
- Muskoka Heritage Areas; and,
- Crown Land.

The zone structure in each municipality, although following this general approach, varies significantly in terms of the level of nuance and detail applied to both the description of the features being protected and the number of Environmental Protection Zones established. In some cases, such as in the Township of Georgian Bay, the zone structure very specifically correlates to individual natural heritage features. In other municipalities, there is a range of Environmental Protection Zones although the purpose of each zone is not specifically identified within the text of the By-law. In some cases, it is possible to discern the features to which the Environmental Zone is applied by comparing the Natural Heritage Feature Schedules of the Official Plan or Zoning By-law against the various other schedules of the By-law. In yet other cases, such as in many of the smaller municipalities within the watershed, there is one Environmental Protection Zone that applies to all natural heritage features. Lands subject to flooding, erosion or steep slopes are often times addressed within a hazard land zone category and are addressed in Section 2.3 of this report.

2.2.2 Environmental Protection Overlay Zones

Some of the Muskoka River Watershed municipalities such as Algonquin Highlands, Huntsville, Georgian Bay, and Archipelago, apply a combination of standard Environmental Protection Zones and

Environmental Overlay Zones to natural heritage features. The overlay zones function to achieve a number of purposes including to:

- Limit or restrict development such that only legally existing uses, buildings or structures are permitted (the Archipelago Environmentally Sensitive Overlay Zones also explicitly preclude any extensions or enlargements to legally existing uses);
- Trigger the need for an Environmental Impact Study to demonstrate no negative impact on the natural features or associated ecological functions as a condition of development;
- Trigger the implementation of area specific policies in the Official Plan (Georgian Bay – Tadenac Ecosystem Special Policy Area) such that development is only permitted in accordance with those area specific policies; and,
- Require buffers such as in the case of the Town of Huntsville which has two Natural Constraints Overlay Zones (the Natural Constraints Overlay 1 Zone requires the implementation of buffers whereas the Natural Constraints Overlay 2 Zone provides that buffers may be warranted and that development within features may be permitted subject to appropriate mitigation measures.)

Only the Algonquin Highlands Zoning By-law provides for any exemptions to the Overlay Zone requirements with such exemptions being:

i. Interior alterations to existing structures;
ii. Exterior alterations that do not expand the footprint of an existing structure;
iii. New accessory structures or expansions to existing accessory structures where such structures comply with the applicable underlying zoning requirements;
iv. Expansions to an existing dwelling, where such dwelling complies with the applicable underlying zoning requirements;
v. Replacement or construction of a new septic system leaching bed; or
vi. Any structure that does not require a building permit.

2.2.3 Environmental Protection Zone Permitted Uses

Table 1 further identifies those uses permitted within the Environmental Protection Zones across the watershed. In general, these uses can be summarized as follows:

- Conservation uses
- Reforestation
- Bird sanctuary
- Wildlife reserve
- Public use
- Public park
- Private park (no buildings or structures)
- Passive outdoor recreation uses/pedestrian trails
- Interpretive Centre (discretionary use – Lake of Bays)
- Resource management uses
- Flood and erosion control structures
- Forestry Operations (Lake of Bays)
- Agriculture (Perry)

- Cranberry Production (no buildings or structures) (Muskoka Lakes)
- Existing uses (primary and/or accessory uses)
- Existing agriculture (Seguin)
- Existing hunt camp (McMurrich Monteith)
- Hunt camp (Algonquin Highlands)

The uses identified in the list above are commonly permitted within Environmental Protections Zones in the Muskoka River Watershed, although not all uses are permitted in all Environmental Protection Zones or in all municipalities. Any uses specifically unique to a particular municipality are noted. The approach to existing uses, both primary and accessory uses, is equally nuanced across the watershed municipalities and is worthy of additional study which is beyond the scope of this report.

2.2.4 Environmental Protection Zone Setbacks

The zone standards for the Environmental Protection Zones include various minimum setback requirements. While all Zoning By-laws in the Muskoka River Watershed have minimum setback requirements, these setbacks vary in terms of the level of detail and the actual setback required. In general terms, minimum setback requirements may be feature-specific such as applied to a steep slope or wetland, or may require that development be setback from:

- The high water mark;
- An Environmental Protection Zone boundary;
- A watercourse or waterbody (whether cold water, warm water, at capacity lake etc); or,
- A specific area such as a Muskoka Heritage Area or the Tadenac Ecosystem Special Policy Area in Georgian Bay.

Tables 2A, 2B, and 2C identify the minimum required setbacks associated with the Environmental Protection Zones across the watershed. While the Environmental Protections Zones either do not permit development or only very limited development, many of the setback requirements will in practice, apply to development on lands adjacent to the Environmental Protection Zones (such as a setback from an Environmental Protection Zone boundary or a setback from a steep slope that extends beyond the zone boundary). While this may be the case in some scenarios, in other scenarios where detailed mapping is sufficiently available, minimum required setbacks may already be incorporated within the Environmental Protection Zone boundaries.

2.2.5 Lands Under Water

In Ontario, zoning may not be applied to water but may be applied to the lands under water. This is of particular relevance in the shoreline areas of both the lake and river systems in the watershed. Almost all of the municipalities in the Muskoka River Watershed specifically apply zoning to such lands. Table 3 details how zoning is applied to lands under water across the watershed municipalities. There are three key metrics in this regard:

- how lands below water are delineated;
- the zoning applied; and
- uses permitted.

The Zoning By-laws of the Muskoka River Watershed municipalities generally delineate lands below water in one of three ways being;

- lands below the high water mark;
- lands generally described as simply being below water; and,
- the inclusion of waterbodies (including lands under) within the adjacent zones.

In the majority of the watershed Zoning By-laws, lands under water are delineated as being below the high water mark or simply being below water. In some cases, the Zoning By-law is simply silent on this matter. The zoning applied to lands underwater is similarly varied in accordance with three general approaches:

(1) specific zoning applied to lands underwater such as a Waterbody Open Space Zone, Lake or River Zone or Lakeside Zone;

(2) application of other more general zone categories such as Environmental Protection Zone or Open Space Zone; or

(3) the inclusion of waterbodies (including lands under) within the adjacent zones.

Approximately half of the Zoning By-laws in the Muskoka River Watershed apply location specific zoning to lands below water. Where this very specific zoning is applied, the permitted uses that may be established in such a location are limited and generally only provide for marine-related accessory uses such as docks subject to any requirements of the Ontario Ministry of Natural Resources and Forestry and the federal Department of Fisheries and Oceans.

Approximately half of the remaining Zoning By-laws apply or extend other more standard zone categories to lands under water. This is not problematic where the zone applied is an Environmental Protection Zone. However, where the zone applied is a zone category with inherent development permissions (including an Open Space Zone), the land use controls over such lands may not provide the necessary level of protection for such lands. This also lends itself to inconsistency in how such development permissions are applied and interpreted for such lands.

2.2.6 Islands or Deemed Zones

In some cases, due to mapping errors or in instances where there are a substantial number of island properties, it is not clear based on the zoning schedules what zoning is applied to certain lands. Most of the Zoning By-laws in the watershed account for such a scenario. Most often this occurs in relation to islands, and where this does occur, most Zoning By-laws in the watershed determine that such islands are deemed to be within the Open Space Zone regardless of whether in private or public ownership. In such a case, any uses permitted in the Open Space Zone would then be permitted on the lands in question. Some of the Muskoka River Watershed Zoning By-laws take a more restrictive approach and deem that such lands be zoned Natural State Island/Zone (Georgian Bay, Archipelago) or Environmental Protection (Seguin). The Zoning By-laws for the Township of the Archipelago, Town of Kearney and Township of Perry apply this caveat to deem lands to not simply islands but to any lands that based on the mapping,

do not appear to have any zoning applied. A comparison of the Zoning By-laws where deemed zones are applied to lands where mapping clarity or interpretation is lacking is provided in Table 4.

2.2.7 Environmental Protection Zone Key Findings

1) All lower tier municipalities in the Muskoka River Watershed apply a form of Environmental Protection Zone(s) that restrict or limit development on lands with significant natural heritage features. These Environmental Protection Zone structures vary significantly across municipalities in terms of the level of nuance and detail applied to both the description of the features being protected and the number of Environmental Protection Zones established.

2) Some of the Muskoka River Watershed municipalities such as Algonquin Highlands, Huntsville, Georgian Bay and Archipelago, apply a combination of standard Environmental Protection Zones and Environmental Overlay Zones to natural heritage features. The overlay zone structures may be used to recognize existing use, permit limited development pending the findings of an Environmental Impact Study, or to require buffers and other mitigation measures.

3) The range of uses permitted within the Environmental Protections Zones are fairly consistent across the watershed with a few minor variations in terminology. Generally these uses can be characterized as conservation uses, passive outdoor recreation, resource management and a recognition of existing uses. However, the approach to existing uses, both primary and accessory uses, does vary somewhat across the watershed municipalities. For example, some municipal Zoning By-laws provide for a minor expansion of existing primary or accessory uses where others do not. The permissions associated with existing uses is fairly nuanced and is worthy of additional future study.

4) Many of the Environmental Protection Zones require minimum setbacks from various natural heritage features, the high water mark or the Environmental Protection Zone boundary. These setbacks vary in terms of the refinement of the setback requirement and the actual setback required. As the Environmental Protections Zones either do not permit development or only very limited development, many of the setback requirements will in practice, apply to development on lands adjacent to the Environmental Protection Zones.

5) Almost all of the municipalities in the Muskoka River Watershed apply zoning to lands under water. Approximately half of the municipal Zoning By-laws apply a location specific zone category such as a 'Lakes and Rivers Zone' or 'Waterbody Open Space Zone' while the other half of the municipalities apply or extend other more standard zone categories such as an 'Environmental Protection Zone' or 'Open Space Zone' to lands under water. This is not problematic where the zone applied is an Environmental Protection Zone. However, where the zone applied is a zone category with inherent development permissions (including an Open Space Zone), the land use controls over such lands may not provide the necessary level of protection for such lands. This also lends itself to inconsistency in how such development permissions are applied and interpreted for such lands.

Table 2A[1]: Environmental Protection Zones - Haliburton

Table 2A: Environmental Protection Zones - Haliburton				
Municipality	**Zone Category**	**Features Protected**	**Permitted Uses**	**Setbacks**
Algonquin Highlands	Environmental Protection One (EP1)	PSW	No development Conservation	Setback from high water mark – n/a
	Environmental Protection Two (EP2)	ANSI	Conservation Existing Uses	Setback from high water mark – n/a
	Environmental Protection Three (EP3)	Significant Fish Spawning Areas	Conservation Existing Uses No dock or boathouse (4)	Setback from high water mark – n/a 30 metres from EP3 zone boundary
	Crown Land (CL)	Crown Land	Conservation Public Use Hunt Camp	30 metres from high water mark
	Environmental Protection Overlay	Unevaluated wetlands	Conservation Public Use Existing Uses (5)(1)(3)	Setback from high water mark – n/a
	Environmental Assessment Overlay	As mapped	Existing Uses (1)(2)(3)	n/a
Dysart et al	Environmental Protection (EP)	Not specified	Conservation, reforestation, or other similar passive use which provides for the preservation and management of the natural environment (6) Flood, erosion or siltation control works Dock (limited to 1 per lot; max GFA 25m^2) Public park (6)	Minimum water setback – no minimum
	Lakes and Rivers (LR)	All lakes and rivers	Conservation, reforestation, or other similar passive use which provides for the preservation and management of the natural environment (7) Flood, erosion or siltation control works	Minimum water setback – n/a

[1] *Where a notation is indicated by a (#), refer to the list of notations at the end of the table for additional requirements or conditions*

Table 2A: Environmental Protection Zones - Haliburton				
Municipality	**Zone Category**	**Features Protected**	**Permitted Uses**	**Setbacks**
			Marine facility Public park (7) Raft	

(1) Uses in the underlying zone may not be permitted until an EIS is undertaken demonstrating that there will be no negative impact on the natural features or ecological function of adjacent features as applicable
(2) Requires landowner to enter into a site plan agreement to implement the recommendations of an EIS or other technical studies
(3) By-law includes list of exclusions where EIS not required
(4) Use permitted in accordance with Provincial and/or Federal regulations
(5) Where development proposed in proximity to of a wetland, applicant must undertake a site assessment to accurately delineate the wetland boundaries
(6) No structures are permitted, except a stairway, walkway, boardwalk, or landing not more than 1.5 m wide and located above the high water mark
(7) No structures permitted

Table 2B[2]: Environmental Protection Zones - Muskoka

Table 2B: Environmental Protection Zones - Muskoka				
Municipality	**Zone Category**	**Features Protected**	**Permitted Uses**	**Setbacks**
Bracebridge	Environmental Protection One (EP1)	Not specified	Existing buildings and structures (1)(2) Structures for flood or erosion control	20 metres from high water mark (any watercourse or waterbody) 30 metres from high water mark (cold water stream) 150 metres from any watercourse or waterbody (agricultural uses) 15 metres from top of bank of slope 40% or greater
	Environmental Protection Wetland One (EPW1)	Wetlands (not including PSW)	Existing buildings and structures (2)	20 metres from high water mark (any watercourse or waterbody) 30 metres from high water mark (cold water stream) 30 metres from EPW1 zone boundary
	Environmental Protection Wetland Two (EPW2)	PSW	Existing buildings and structures (2)	20 metres from high water mark (any watercourse or waterbody) 30 metres from high water mark (cold water stream) 120 metres from EPW2 zone boundary
Gravenhurst	Environmental Protection (EP)	Not specified	Bird sanctuaries Conservation Passive Outdoor Recreation Wildlife reserves or other similar uses for the preservation of the natural environment Flood and erosion control works and facilities No buildings permitted (3)	3 metres from an EP Zone boundary in the urban area 10 metres from an EP Zone boundary outside of the urban area 30.0 metres from any watercourse unless there is an EP Zone adjacent to the watercourse, in which case, the greater setback shall prevail
Huntsville	Conservation Precinct (C)	Not specified	Flood or erosion control facilities Passive recreational use Private park (No buildings or structures) Public park (No buildings or structures)	

[2] *Where a notation is indicated by a (#), refer to the list of notations at the end of the table for additional requirements or conditions*

Table 2B: Environmental Protection Zones - Muskoka				
Municipality	**Zone Category**	**Features Protected**	**Permitted Uses**	**Setbacks**
	Natural Constraints Overlay One	Natural constraints Overlay General Statement: (4) Overlay 1 - Fish habitat 1, deer wintering stratum 1, PSW and wetlands as delineated on Schedule C of the Official Plan	Development and site alteration generally prohibited and buffers required	ZBL includes setback thresholds from natural constraints that trigger a Class 2 development permit process (staff variation): 30 metres from natural heritage features and areas 120 metres – PSW, ANSI, Muskoka Heritage Areas 15 metres from top of bank of steep slope 5 metres from toe of steep slope 30 metres from normal or controlled high water mark (At Capacity Lake Trout Lake - unless otherwise permitted) 30 metres from the limits of any type 1 fish habitat, At Capacity Lake Trout Lake (min setback of 20 metres within Urban Shoreline Area) 30 metres from cold water waterbodies and watercourses (20 metres in Hidden Valley and Urban Precinct) 20 metres from any other waterbody or watercourse (15 metres in Hidden Valley and Urban Precinct) ZBL includes criteria for considering variations to these standards
	Natural Constraints Overlay Two	Natural constraints Overlay General Statement: (4) Overlay 2 - All other natural constraint features as delineated on Schedule C of the Official Plan	Development within features and areas may be permitted subject to appropriate mitigation measures and where buffers may be warranted	See above
Lake of Bays	Environmental Protection Area	Not specified	Conservation Existing dock Forestry operation Discretionary uses (5): new dock (6), passive recreational uses ZBL includes criteria for discretionary uses	30 metres from a cold water stream in the Waterfront and Rural designations (20 metres in a Community designation) 15 metres from a warm water stream (7)(8)(9)
	Waterfront Environmental Protection Area	Not specified	Existing detached dwelling Existing dock Discretionary uses (5): new dock/boathouse or boatport (6), interpretive centre	See above

Table 2B: Environmental Protection Zones - Muskoka				
Municipality	**Zone Category**	**Features Protected**	**Permitted Uses**	**Setbacks**
			ZBL includes criteria for discretionary uses	
Muskoka Lakes	Environmental Protection One (EP1)	Not specified	Production of cranberries (excluding buildings and structures Flood and erosion control Pedestrian access (excluding shoreline structures)	20.1 metres from high water mark (unless otherwise permitted) 61 metres from high water mark (sport courts and recreational surfaces)
	Environmental Protection One – Provincially Significant Wetland (EP1-PSW)	PSW	Production of cranberries (excluding buildings and structures Flood and erosion control Pedestrian access (excluding shoreline structures)	
	Environmental Protection Two (EP2) (10)	Not specified	Production of cranberries (excluding buildings and structures Flood and erosion control Pedestrian access (excluding shoreline structures – only docks and boathouses permitted in accordance with provisions of closest abutting zone)	20.1 metres from high water mark (unless otherwise permitted) 61 metres from high water mark (sport courts and recreational surfaces) 30 metres from an EP2 zone (no buildings or structures except a dock or boathouse)
Georgian Bay	Environmental Protection One (EP1)	Not specified	Conservation Conservation education Accessory docks	15 metres from an EP1 Zone 20 metres from the high water mark of a waterbody or watercourse unless otherwise permitted
	Environmental Protection Two (EP2)	Not specified	Conservation Conservation education Accessory structures Accessory docks Accessory in-water boathouse	20 metres from the high water mark of a waterbody or watercourse unless otherwise permitted
	Environmental Protection – Provincially	PSW	Conservation Conservation education	15 metres from an EP-PSW Zone 20 metres from the high water mark of a waterbody or watercourse unless otherwise permitted

Table 2B: Environmental Protection Zones - Muskoka				
Municipality	**Zone Category**	**Features Protected**	**Permitted Uses**	**Setbacks**
	Significant Wetland (EP-PSW)			
	Environmental Protection Wetland (EP-W)	Wetlands	Conservation Conservation education Accessory docks	15 metres from an EP-W Zone 20 metres from the high water mark of a waterbody or watercourse unless otherwise permitted
	Fish Habitat One (FH1)	Type 1 fish habitat (critical habitats)	Conservation	5 metres from a FH1 Zone No minimum setback for pumphouses 20 metres from the high water mark of a waterbody or watercourse unless otherwise permitted
	Natural State Conservation (NSC)	Lands owned by or subject to easements held by the Conservation Land Trust	Conservation Conservation education	15 metres from a NSC Zone 20 metres from the high water mark of a waterbody or watercourse unless otherwise permitted
	Natural State Island (NSI)	Non-developable lands on islands	Conservation	15 metres from a NSI Zone 20 metres from the high water mark of a waterbody or watercourse unless otherwise permitted
	Crown Land (CL)	Crown Land	Conservation Existing accessory docks	20 metres from the high water mark of a waterbody or watercourse unless otherwise permitted
	Tadenac Ecosystem Special Policy Overlay	Tadenac Ecosystem Special Policy Area and adjacent lands (lands subject to Section F.5.11.10 and Schedule H of the Official Plan)	Overlay Zone: Existing buildings and structures are permitted to be reconstructed and expanded subject to Site Plan Approval supported by an Environmental Impact Assessment in accordance with the policies for underlying Residential designation. Site Alteration shall not be permitted unless it has been demonstrated that there will be no Negative Impacts on the natural features or their ecological functions. Impact assessment required for any development on lands adjacent to the Special Policy Area An impact assessment may be required for lands beyond those adjacent to the Special Policy Area	As determined by required studies

(1) No new buildings or structures permitted except that accessory shoreline structures may be permitted in accordance with the provisions of the Zoning By-law
(2) Additions, alterations, or the reconstruction of existing structures may be permitted within the building footprint that existed at the time of passing of this By-law
(3) In the case where there is an existing single detached dwelling in the Environmental Protection Zone (EP), additions, alterations, or the reconstruction of the dwelling on the same building footprint shall be permitted, provided that the dwelling complies with the regulations for the appropriate residential zone
(4) Lands within the Natural Constraints Overlay are shown on the Schedules attached to this By-law, and includes all features and areas shown on Schedule C of the Official Plan. The Overlay also includes Cold Water Lakes and Streams and lands contained within the Conservation Precinct, as shown on the Schedules attached to this By-law, the boundaries for which correspond to the identified natural constraints. Development restrictions apply wherever the Natural Constraints Overlay and the above noted Precinct has been identified.
(5) Provided that a site evaluation demonstrates to the satisfaction of the Township that there would be no negative impacts to the features and functions of the area.
(6) Provided that a Fish Habitat Impact Assessment demonstrates to the satisfaction of the Township that there would be no negative impacts to the features and functions of the area
(7) Unless a Fish Habitat Impact Assessment recommends a greater setback or that a lesser setback would not have a negative impact on the habitat
(8) A minimum 15 metre natural vegetative buffer located directly adjacent to the banks of the watercourse would be maintained within this setback
(9) Development or the demolition and replacement of existing structures other than permitted shoreline structures, and including any component of an existing private sewage disposal system, shall upon replacement be setback from the normal or controlled high water mark of a lake or watercourse in accordance with the setbacks established in the ZBL
(10) Where any zone abuts an Environmental Protection (EP2) Zone or a Waterbody Open Space (WOS) Zone, the provision of the abutting zone must be read in conjunction with the provisions of the EP2 or WOS Zone. Notwithstanding the other provisions of the abutting zones, the provisions of the EP2 or WOS Zone take precedence.

Table 2C[3]: Environmental Protection Zones – Parry Sound

Table 2C: Environmental Protection Zones – Parry Sound				
Municipality	**Zone Category**	**Features Protected**	**Permitted Uses**	**Setbacks**
Seguin	Environmental Protection (EP)	Not specified	Existing agriculture Archaeological sites Historic site Conservation use Non-intensive recreation Resource management Recreational trail (1)	20 metres from the normal or controlled high water mark of any shoreline
	Environmental Protection One (EP1)	Not specified	Conservation use Non-intensive recreation Recreational Trail	20 metres from the normal or controlled high water mark of any shoreline
Archipelago	Natural State (NS)	Not specified	Existing uses Existing buildings and structures Passive recreational uses No new buildings/structures, expansions or enlargement of existing buildings/structures, docks or decks	Setback from PSW (2) 30 metres from high water mark of sensitive cold water Lake Trout Lake 30 metres from At Capacity cold water Lake Trout Lake 30 metres from high water mark of Sturgeon Bay
	Natural State Conservation (NSC)	Not specified	Conservation of land in natural state excluding main or accessory buildings/structures	Setback from PSW (2) 30 metres from high water mark of sensitive cold water Lake Trout Lake 30 metres from At Capacity cold water Lake Trout Lake 30 metres from high water mark of Sturgeon Bay
	Environmentally Sensitive Overlay (ES)	Not specified	Conservation of water, soil, wildlife and other natural resources Passive recreational uses	Setback from PSW (2) 30 metres from high water mark of sensitive cold water Lake Trout Lake

[3] *Where a notation is indicated by a (#), refer to the list of notations at the end of the table for additional requirements or conditions*

Table 2C: Environmental Protection Zones – Parry Sound				
Municipality	**Zone Category**	**Features Protected**	**Permitted Uses**	**Setbacks**
			Flood and erosion control (as permitted by the Provincial or Federal authorities) Existing buildings/structures or uses Dock Boathouse/ boatport New buildings/structures prohibited Extensions/enlargement to existing buildings/structures or observation platforms prohibited	30 metres from At Capacity cold water Lake Trout Lake 30 metres from high water mark of Sturgeon Bay 3 metres from the an ES zone boundary
	Environmentally Sensitive One Overlay (ES1)	Not specified	Conservation of water, soil, wildlife and other natural resources Passive recreational uses Flood and erosion control (as permitted by the Provincial or Federal authorities) Existing buildings/structures or uses Dock Boathouse/ boatport New buildings/structures prohibited Extensions/enlargement to existing buildings/structures or observation platforms prohibited	Setback from PSW (2) 30 metres from high water mark of sensitive cold water Lake Trout Lake 30 metres from At Capacity cold water Lake Trout Lake 30 metres from high water mark of Sturgeon Bay 3 metres from the an ES1 zone boundary
	Environmentally Sensitive Two Overlay (ES2)	Not specified	Conservation of water, soil, wildlife and other natural resources Passive recreational uses Flood and erosion control (as permitted by the Provincial or Federal authorities) Existing buildings/structures or uses New buildings/structures prohibited Extensions/enlargement to existing buildings/structures or observation platforms prohibited	Setback from PSW (2) 30 metres from high water mark of sensitive cold water Lake Trout Lake 30 metres from At Capacity cold water Lake Trout Lake 30 metres from high water mark of Sturgeon Bay 3 metres from the an ES2 zone boundary

Table 2C: Environmental Protection Zones – Parry Sound				
Municipality	**Zone Category**	**Features Protected**	**Permitted Uses**	**Setbacks**
McMurrich Monteith	Environmental Protection One (EP1)	Not specified	Existing detached dwelling Existing agricultural use excluding any enclosed structure Existing hunt camp Conservation use Dock Accessory pumphouse	120 metres from edge of EP1 zone 30 metres from edge of EP1 zone if zone is exclusively under water If EIS completed, setback from edge of EP1 zone is as identified in EIS but shall not be than 3 metres 15 metres from the top of bank of a watercourse 10 metres from the edge of a steep slope Water setbacks measured from the high water mark
	Environmental Protection Two (EP2)	Not specified	Existing detached dwelling Existing agricultural use excluding any enclosed structure Existing hunt camp Conservation use Dock Accessory pumphouse	Minimum setback from a watercourse shall be the EP2 zone boundary Water setbacks measured from the high water mark 10 metres from the edge of a steep slope
Kearney	Environmental Protection (EP)	Not specified	Conservation use (no buildings or structures) Environmental preserve and education area Recreational trail Resource Management (no building or structure)	30 metres from the original, normal or controlled high water mark
Perry	Environmental Protection (EP)	Not specified	Agriculture Conservation use including forestry, reforestation and other activities connected with the conservation of soil or wildlife Recreational trails Resource management (no buildings or structures)	15 metres from the normal or controlled high water mark of a watercourse 30 metres from the normal or controlled high water mark of any lake or cold water stream

(1) The construction or installation of in-water shoreline structures and facilities shall not be permitted in an Environmental Protection (EP) Zone except where the structure meets the requirements of the Department of Fisheries and Oceans or the requirements of other authorities having jurisdiction.

(2) Removal of a 'Holding (H)' provision on lands adjacent to Provincially Significant Wetlands (ES2) shall require the preparation of an Environmental Impact Study (EIS) to the satisfaction of the appropriate approval authority as determined by the Township. The EIS must demonstrate that there will be no negative impacts on the natural features or the ecological functions for which the area is defined in order for the holding provision to be removed.

Table 3: Lands Under Water

Table 3: Lands Under Water		
Municipality	**Zoning Requirement**	**Permitted Uses**
Algonquin Highlands	All lands located below the High Water Mark of a watercourse are zoned Waterbody Open Space (WOS).	Where lands below the High Water Mark abut lots zoned Residential and Commercial, only docking facilities, boathouses and boatports are permitted if they are an accessory use to the permitted uses of the nearest abutting zone above the high water mark.
Dysart et al	All lands below a high water mark are deemed to be in the Lake or River (LR) Zone, unless they are specifically assigned to the EP Zone.	Uses permitted in the Lake or River (LR) Zone: ○ Conservation, reforestation, or other similar passive use which provides for the preservation and management of the natural environment – no structures permitted ○ Flood, erosion, or siltation control works ○ Marine Facility ○ Public Park – no structures permitted ○ Raft (seasonal, non-motorized floating platform)
Town of Bracebridge	All lands lying under a body of water are zoned as EP1 unless shown otherwise on the Schedules to this By-law.	Uses permitted in the Environmental Protection One (EP1) Zone: ○ Existing buildings or structures ○ Structures for flood or erosion control
Town of Gravenhurst	Unless otherwise shown, a navigable waterway shall be included within the zone of the adjoining lot(s) on the sides thereof	Variable – dependent on zone
Town of Huntsville (CPPS By-law)	Not specified	n/a
Township of Lake of Bays (CPP By-law)	Unless indicated otherwise in this By-law, lands below water shall be	Uses permitted in the Waterfront Open Space (WOS) Planning Permit Area: ○ Active public and private parks

Table 3: Lands Under Water		
Municipality	**Zoning Requirement**	**Permitted Uses**
	deemed to be in the Waterfront *Open Space* Planning Permit Area and are not included in the calculation of *lot coverage*.	○ Historic and cultural sites and features ○ Recreational trails ○ Recreational, educational, or interpretive facilities ○ Water corridors or routes and portages Discretionary Uses: individual access point, mini golf course, waterfront landing
Township of Muskoka Lakes	All lands located below the High Water Mark of a watercourse are zoned Waterbody Open Space (WOS).	Uses permitted in Waterbody Open Space (WOS) Zone for lands under water abutting: ○ Lots zoned Residential and Commercial: Docks, boathouses, or sun shelters if they are an accessory use to the permitted uses of the nearest abutting zone above the high water mark and subject to the provisions of the abutting zone ○ Lands zoned Waterfront landing (WL) or Marina Commercial (WC2, C2): the permitted uses of the nearest abutting zone above the high water mark, excluding dwelling units and subject to the provisions of that zone for docks and boathouses ○ Lands abutting an Environmental Protection (EP1) zone, Environmental Protection – Provincially Significant Wetlands (EP1-PSW) or an Environmental Protection (EP2) zone: production of cranberries excluding buildings or structures, flood control, erosion control, and provision of pedestrian access such as a *boardwalk* but not including shoreline *structures* Zones Abutting Water - Where any zone abuts an Environmental Protection (EP2) Zone or a Waterbody Open Space (WOS) Zone, the provision of the abutting zone must be read in conjunction with the provisions of the EP2 or

Table 3: Lands Under Water		
Municipality	**Zoning Requirement**	**Permitted Uses**
		WOS Zone. Notwithstanding the other provisions of the abutting zones, the provisions of the EP2 or WOS Zone take precedence.
Township of Georgian Bay	All lands under water not otherwise zoned, shall be zoned Lakeside (LS), and may be used in accordance with the zoning of abutting and appertaining lands and the regulations of this By-law and specifically Section 4.1.13. [Shoreline Accessory Structures – Water-Based]	Uses permitted in the Lakeside (LS) Protection Zone: ○ In-water boathouse ○ Boatport ○ Boat Lift ○ Marine Railway ○ Boat Launching Ramp ○ Dock In-water Boathouses, Boatports, Docks, Boat Lifts, Marine Railways and Launching Ramps are the only permitted uses in the LS Zone, and are only permitted in accordance with the regulations of this By-law.
Township of Seguin	All lands under water not zoned Environmental Protection (EP) shall be zoned Lakeside (LS), and may be used in accordance with the zoning of abutting and appertaining lands and the regulations of this By-law and specifically Section 4.28.	Uses permitted in the Environmental Protection (EP) Zone: ○ Conservation Use ○ Recreational Trail ○ Non-intensive recreation Uses permitted in the Lakeside (LS) Zone: ○ Conservation ○ Uses accessory to a permitted use on the appertaining lands in accordance with Section 4.28 [Shorelines Structures and Facilities]
Township of Archipelago	Where a Zone on the Schedules abuts a *waterway*, such Zone shall be deemed to extend into the *waterway*	Varied

Table 3: Lands Under Water		
Municipality	**Zoning Requirement**	**Permitted Uses**
	and to apply to any *water lots*, Crown lake bed or any land created by changing lake levels, land fill operations or by any other means, and to extend over all *docks*, *boathouses* and *boatports*, breakwalls, groins, seawalls, cribs, anchorages and *boats* or vessels where they are affixed to the ground	
Township of McMurrich Monteith	All permanent bodies of water are zoned Open Space (OS). Any parcel of land that does not have a zone symbol on the Schedules to this By-law shall be zoned Open Space (OS).	Uses permitted in the Open Space (OS) Zone: ○ Agricultural Use ○ Cemetery ○ Community Centre ○ Conservation Use ○ Forestry Use ○ Recreational Facility
Town of Kearney	All lands below the surface of a waterbody or watercourse shall be deemed to be in the Open Space (OS) Zone.	Uses permitted in the Open Space (OS) Zone: ○ Boat dock and launching ramp ○ conservation uses including forestry, reforestation and other activities docks ○ parks, public and private ○ recreation fields ○ recreation trails ○ resource management without any building or structure ○ connected with the conservation of soil or wildlife
Township of Perry	All lands below the surface of a waterbody or watercourse as of the date this By-law came into effect shall	Uses permitted in the Open Space (OS) Zone: ○ Arena ○ Boathouse

Table 3: Lands Under Water		
Municipality	**Zoning Requirement**	**Permitted Uses**
	be deemed to be in the Open Space (OS) Zone.	○ Campsite ○ Community Centre ○ Conservation uses including forestry, reforestation and other activities connected with the conservation of soil or wildlife ○ Golf Course ○ Parks, public and private ○ Recreation fields ○ Recreational trails ○ Resource management without any building or structure Special Provision (1) No person shall within any Environmental Protection and Open Space Zones use or permit any building or structure including accessory building(s) or structure(s), with the exception of a pumphouse(s), boathouse, dock or building or structure used for flood and erosion control is permitted in the Open Space (OS) Zone.

Table 4: Zoning Applied to Islands or Deemed Zones

Table 4: Islands or Deemed Zones		
Municipality	**Zoning Requirement**	**Uses Permitted**
Algonquin Highlands	Islands without a specific zone symbol on the Schedules contained herein, shall be zoned Open Space.	Uses permitted in Open Space (OS) Zone: ○ Conservation ○ Public Use
Dysart et al	Any island that is not clearly assigned to a zone on Schedule "A" or on a schedule to a by-law that amends this By-law is deemed to be in the OS Zone.	Uses permitted in Open Space (OS) Zone: ○ Public Park ○ Private Park
	Despite any other provision of this By-law, any boundary of a lot that is located below the high water mark shall be deemed not to be a lot line, and the high water mark shall be deemed to be the lot line in its place.	
Town of Bracebridge	None	n/a
Town of Gravenhurst	Where an island in Appendix "A" is not labeled with a zone symbol, such island shall be deemed to be zoned Open Space (OS).	Uses permitted in Open Space (OS) Zone: ○ Conservation ○ Park ○ Cemetery
Town of Huntsville	None	n/a
Township of Lake of Bays	Waterfront Planning Area specifically includes all islands and land which form the bed of any lake or identified river.	Depends on designation within Waterfront Planning Area (ie. residential, commercial)
Township of Muskoka Lakes	None	n/a
Township of Georgian Bay	All islands not identified as being within a Zone on the Zone Schedule shall be zoned Natural State Island (NSI).	Uses permitted in Natural State Island (NSI) Zone:

Table 4: Islands or Deemed Zones		
Municipality	**Zoning Requirement**	**Uses Permitted**
		○ Conservation
Township of Seguin	All islands not identified as being within a Zone on the Zone Schedule shall be zoned Environmental Protection (EP).	Uses permitted in Environmental Protection (EP) Zone: ○ Conservation Use ○ Recreational Trail ○ Non-intensive recreation
Township of Archipelago	Any lands or islands shown on the Schedules to this By-law, which are not identified as being in any Zone category, whether privately owned or Crown Land shall be classified as being in a Natural State (NS) Zone.	Uses permitted in the Natural State (NS) Zone: ○ Uses that existed as of the date of passage of the ZBL ○ Passive recreational use ○ Accessory uses existing as of the date of passage of the is ZBL.
Township of McMurrich Monteith	None	n/a
Town of Kearney	Where lands have not been identified as being in a Zone on the Schedules, they shall be deemed to be in the Open Space (OS) Zone. Where an Island has not been identified as being in a Zone on the Schedules, it shall be deemed to be in the Open Space (OS) Zone.	Uses permitted in the Open Space (OS) Zone: ○ Boat dock and launching ramp ○ conservation uses including forestry, reforestation and other activities docks ○ parks, public and private ○ recreation fields ○ recreation trails ○ resource management without any building or structure ○ connected with the conservation of soil or wildlife

Table 4: Islands or Deemed Zones		
Municipality	**Zoning Requirement**	**Uses Permitted**
Township of Perry	Where lands have not been identified as being in a zone on the Schedules, they shall be deemed to be in the Open Space (OS) Zone.	Uses permitted in the Open Space (OS) Zone: ○ Arena ○ Boathouse ○ Campsite ○ Community Centre ○ Conservation uses including forestry, reforestation and other activities connected with the conservation of soil or wildlife ○ Golf Course ○ Parks, public and private ○ Recreation fields ○ Recreational trails ○ Resource management without any building or structure Special Provision (1) No person shall within any Environmental Protection and Open Space Zones use or permit any building or structure including accessory building(s) or structure(s), with the exception of a pumphouse(s), boathouse, dock or building or structure used for flood and erosion control is permitted in the Open Space (OS) Zone.

2.3 Hazard Zones

In Ontario, naturally occurring hazard lands generally apply to lands subject to flooding, erosion or steep slopes. The manner in which hazard lands are addressed across the Zoning By-laws of the Muskoka River Watershed is extremely varied. This is in part due to the prevalence of the issue within a municipality, the availability of mapping as well as the extent of the municipal resources available to implement a more detailed approach to land use for such lands.

Table 5 provides a summary of the municipal zoning approach to naturally occurring hazard lands in the Muskoka River Watershed. In some cases, municipalities have implemented a hazard specific zone (primarily applied to floodplains) while in other cases, setbacks and other zoning requirements related to flooding, erosion or steep slopes are textually incorporated within the general provisions or use specific zone standards of the Zoning By-law.

Table 5: Hazard Specific Zoning

Table 5: Hazard Specific Zoning			
Municipality	**Flooding & Erosion**	**Steep Slopes**	**None**
Algonquin Highlands			X
Dysart			X
Bracebridge Floodplain One (FP1) Zone Floodplain Two (FP2) Zone Floodplain Three (FP3) Zone Steep slopes setbacks (general zone provision)	X	X	
Gravenhurst Floodplain (FP) Zone Floodway (FW) Zone Flood Fringe (FF) Zone	X		
Huntsville Flood (F) Zone Floodway (FW) Zone Flood Fringe (FF) Zone Flood Zone Overlay Steep slope setbacks (general zone provision)	X	X	
Lake of Bays Flood Plain Overlay (-F) Steep slope setbacks (general zone provision)	X	X	
Muskoka Lakes Zone structures accounting for steep slopes and narrow waterbodies		X	
Georgian Bay			X
Seguin			X
Archipelago			X
McMurrich Monteith		X	

Table 5: Hazard Specific Zoning			
Municipality	**Flooding & Erosion**	**Steep Slopes**	**None**
Steep slope setbacks (general zone provision)			
Kearney Hazard Lands (HZ) Zone	X		
Perry			X

2.3.1 Flooding & Erosion

Almost all of the municipalities in the Muskoka River Watershed regulate land use within the floodplain. The degree to which land use in the floodplain is regulated across the watershed can be framed within a graduated scale of regulations that ranges from no regulation to a very detailed multi-zone approach. This graduated scale of regulation is as follows:

- No regulation;
- Requirement for minimum building/opening elevations to be above an identified threshold where the threshold elevation is expressed as a flood elevation or Canadian Geodetic Datum elevation. In most cases, this requirement is incorporated within the Zoning By-law as a textual reference. These minimum requirements may apply municipal-wide or may be applied very specifically to certain lakes or other geographical areas;
- Restrictions or prohibitions on development below identified regulatory flood elevations expressed as textual reference in the Zoning By-law. Again, the development threshold is expressed as a flood elevation or Canadian Geodetic Datum elevation. These minimum requirements may also be applied municipal-wide or applied very specifically to certain lakes or other geographical areas;
- One Zone Approach (Flood Plain) identified on mapping such as the Hazards Lands Zone in Kearney;
- Two Zone Approach which is also identified on mapping and where the floodplain is more specifically distinguished as comprising a floodway and a flood fringe such as in Huntsville or Lake of Bays; and,
- Three Zone Approach which is reflected on very detailed mapping and which further refines the floodplain between floodplain, flood way and flood fringe components such as in the case of Bracebridge or in Gravenhurst along the Severn River.

In addition to the graduated scale of regulation noted above, some municipalities rely on a floodplain overlay zone in areas where development may be possible but where additional requirements may be required to determine the appropriateness of development. This may include a requirement for technical

studies or a requirement that development be flood-proofed. The limits of the floodplain overlay zone may be mapped on a zone schedule included within the Zoning By-law or may be indicated by a "-F" suffix on the zone schedules where additional floodplain overlay provisions have been applied. Table 6 details the zoning approach applied and the manner in which the floodplain boundaries are expressed in the Zoning By-law of each of the municipalities across the watershed.

In general, the Zoning By-laws within the Muskoka River Watershed significantly restrict or prohibit new development within the floodplain. Where development is permitted, the zoning regulations applied across the watershed vary significantly in the level of detail and the matters addressed. Table 6 summarizes these zoning requirements. The range of matters addressed can be grouped within three key categories being conditions for development, enlargement/repair or reconstruction of existing uses, and site alteration.

Examples of the conditions for development include:

- Use of metrics (ie. flood-proofing to 0.5 metres above Regulatory Flood Elevation (Bracebridge);
- Detailed flood-proofing techniques must be approved by the Building Department before a building permit is approved (Bracebridge);
- Requirement that the recommendations of a technical report be imposed prior to issuance of a building permit (Lake of Bays);
- Survey and/or certificate from surveyor required certifying that building openings are above Regulatory Flood Elevation (Bracebridge);
- Natural hazard engineering report/technical report may be required as condition of development (Huntsville, Lake of Bays);
- Specifically address accessory buildings - New accessory buildings permitted provided such buildings, other than a boathouse and a dock, are flood-proofed to above the identified regulatory flood level (Gravenhurst, Lake of Bays); and,
- Apply requirements to high points of land which must be accessed through flood-prone lands – Lake of Bays.

Examples of zoning regulations applied to existing uses within the floodplain address both the minor repair and extension of existing uses as well as the reconstruction of existing uses. Examples of the zoning requirements applied to the repair or minor expansion of existing buildings in the floodplain include:

- Quantify what constitutes a minor extension as a percentage of the gross floor area of the existing building (10% Gravenhurst)(10% Huntsville)(25% Lake of Bays);
- No increase in gross floor area (Bracebridge, McMurrich Monteith, Kearney);

- Buildings are floodproofed in accordance with floodproofing standards (Bracebridge, Gravenhurst, Huntsville, Lake of Bays, Georgian Bay, McMurrich Monteith, Kearney); and,

- Vehicular access can be maintained during times of flooding (Huntsville, Lake of Bays).

The City of Ottawa provides one further example of where minor extensions to existing buildings or structures may be permitted within the City's Flood Plain Overlay Hazard Zone. While the City places a limitation based on a percentage of the existing building, it also implements a maximum gross floor area which regardless of the size of the existing building, may not be exceeded. This approach is applied to both the primary building and any accessory buildings within that Flood Plain Hazard Overlay. More specifically, the City of Ottawa Zoning By-law provides that:

> *"(1) Despite the provisions of the underlying zone or other zoning provisions of the Zoning By-law, development is prohibited within any area subject to a floodplain overlay.*
>
> *(2) Despite Section (1), development may be permitted in an area subject to a floodplain overlay as follows:*
> *(a) for an addition to a building or structure for a use permitted in the underlying zone which does not exceed an amount equal to 20 percent of the gross floor area of the building or 20 metres square whichever is less;*
> *(b) for an accessory building or structure to a use permitted in the underlying zone which does not exceed a gross floor area of 50 square metres and a height of one storey;*
> *(c) for a change of use from one permitted use to another;*
> *(d) to permit the following uses whether or not they are listed as permitted uses in the underlying zone:*
> *(i) marine facility*
> *(ii) utility installation which requires approval under the Environmental Assessment Act, or*
> *(e) for a secondary dwelling unit that is neither partially nor fully located below grade."* (City of Ottawa Zoning By-law 2008-250, Section 58)

Examples of zoning provisions regulating the reconstruction of existing uses in the floodplain include:

- Reconstruction permitted on same foundation only where it is not possible to relocate outside of the floodplain provided there is no increase in size or usability, and must be flood-proofed to a minimum height above the Regulatory Flood Elevation (Bracebridge, Gravenhurst);

- Dwellings, buildings and structures damaged or destroyed as the result of natural flooding shall not be reconstructed except in accordance with the provisions of this By-law. (Seguin, Georgian Bay); and,

- McMurrich Monteith requirements for reconstruction apply whether the building to be reconstructed is completely or partially below regulatory flood elevation.

Building is Entirely Below the Regulatory Flood Elevation – may be reconstructed with conditions
- Building is in compliance with all other requirements of the Zoning By-law
- The building or structure is flood-proofed above the regulatory flood elevation
- There is be no increase in the ground floor area

Building is Partially Below the Regulatory Flood Elevation
- Requirement to reconstruct building above regulatory flood elevation
- Building is in compliance with all other requirements of the Zoning By-law

Examples of zoning provisions regulating the site alteration and placement of fill in the floodplain include:

- No site alteration on lands below the Regulatory Flood Elevation (McMurrich Monteith);

- Specific areas identified where no new structural development including fill (Bracebridge);

- Site alteration, such as filling, channelization or construction not permitted within areas prone to flooding unless it is demonstrated that there will be no significant negative off-site impacts on flood depths and velocities (Lake of Bays); and,

- Fill placement, fill excavation and removal and lot grading activities shall not affect the control of flooding and erosion (Lake of Bays).

There is an even greater inconsistency as it relates to septic systems located within a floodplain. In this regard, only the Zoning By-laws for Bracebridge and Georgian Bay specifically address septic systems as follows:

- No structural development (other than footings), including new buildings, additions, enlargements, septic tanks, and tile fields, may extend more than 1.0 metres below the Regulatory Flood Elevation." (Bracebridge Zoning By-law 2016-088, Section 3.11.2.1); and,

- Minimum elevation requirements for leaching beds and/or tertiary treatment units - The Regulatory Flood Elevation, which is identified as the"100 year flood" or Regional Flood Event. (Georgian Bay Zoning By-law 2014-75, Section 4.26)

In absence of any explicit zoning provision to address septic systems in the floodplain, the trigger to apply floodplain zoning regulations then becomes a matter of the operative definitions for 'building' or 'structure' and any necessary interpretation of such definitions.

Zoning definitions for 'building' that explicitly include plumbing works occur in the Zoning By-laws for Dysart, Georgian Bay and Seguin. Zoning definitions for 'structure' that explicitly include septic systems include Dysart, Georgian Bay, Archipelago, McMurrich Monteith and Perry. In other cases, where there is no specific reference to plumbing works or septic systems, interpretation of the definition is needed to determine the applicability of the floodplain zoning requirements to septic systems, particularly in instances where a building and the associated septic tile field may not both above the regulatory flood elevation. The comparative definitions for 'building' and 'structure' are included as Appendix 3 to this report.

Table 6: Flooding and Erosion Requirements

Table 6: Flooding and Erosion Requirements			
Municipality	**Approach**	**Requirements**	**Boundaries**
Algonquin Highlands	No specific zoning provisions		
Dysart	No floodplain provisions however, area subject to minimum opening elevation mapped with a minimum opening elevation of at least 320.2 metres CGVD28		
Bracebridge	Three Zones (2 Phases) Floodway Phase 1 (F1) Zone Flood Fringe Phase 1 (F2) Zone Floodplain Phase II (F3) Zone	Flood Fringe (F2) Zone - Structural development in the flood fringe must be flood proofed to a minimum elevation of 0.5 metres above the Regulatory Flood Elevations Floodplain (F3) Zone - Before a building permit is issued, a survey must be submitted showing the Regulatory Flood Elevation and location of proposed structure(s) in relation to the Regulatory Flood Elevation and the original ground elevation. Structural development is not permitted where the depth of flooding would exceed 1.0 metres. Other than footings, no structural development, including new buildings, additions, enlargements, septic tanks, and tile fields, may extend more than 1.0 metres below the Regulatory Flood Elevation. Existing buildings and structures which are destroyed by causes beyond the control of the owner may be reconstructed on the same foundation only where it is not possible to relocate outside of the Flood Plain, provided there is no increase in size or usability, and must be flood-proofed to a minimum of 0.5 metres above the Regulatory Flood Elevation. Minor repairs, renovations and building maintenance are permitted. Major repairs and renovations	Mapped - Overlay Zone(s)/ Flood Risk Maps

Table 6: Flooding and Erosion Requirements			
Municipality	**Approach**	**Requirements**	**Boundaries**
		must be flood-proofed to a minimum of 0.5 metres above the Regulatory Flood Elevation. Before a building permit is issued, detailed *flood proofing* techniques must be approved by the Building Department. All openings unless part of *floodproofing* techniques must be a minimum of 0.5 metres above the *Regulatory Flood Elevation*. At the time of the foundation inspection and before further construction takes place, the permit holder (owner/contractor) is required to provide a certificate from a surveyor verifying that the said openings are above the required elevation. Specific areas identified where no new structural development including fill may occur in the Flood Plain Zones	
Gravenhurst	Three Zones Floodplain (FP) Floodway (FW) Flood Fringe (FF)	Floodplain and Floodway Lands: Minor alterations and repairs to buildings which existed on the date of the passing of this By-law, not exceeding 10.0 percent of the building floor area of the existing building, exclusive of decking and open-sided carport, shall be permitted without floodproofing. Alterations, replacement, or reconstruction of existing buildings may be permitted: • Provided that the building is flood proofed to protect it from the identified regulatory flood; • Flood proofing greater than 1.0 metres shall be designed and approved by a qualified professional engineer; • Reconstruction shall also include the relocation of an existing building.	Mapped – Overlay Zone(s) – applies primarily to the Severn River Where the boundary of the Flood Hazard Overlay (FP, FF, FW) is left uncertain and the regulatory flood elevation is stated in Section 5.9 of the By-law, such identified regulatory flood elevation contour shall define the limits of the Flood Hazard

Table 6: Flooding and Erosion Requirements			
Municipality	**Approach**	**Requirements**	**Boundaries**
		Flood Fringe Lands: Development of an existing vacant lot is subject to applicable flood proofing of buildings and motor vehicle access. Minor alterations and repairs to buildings which existed on the date of the passing of this By-law, not exceeding 10.0 percent of the building floor area of the existing building, exclusive of decking, shall be permitted without flood proofing. Alterations, expansions or reconstruction of existing buildings in excess of that permitted in ii) above, or the construction of new buildings shall be permitted provided such building is flood proofed above the identified regulatory flood level. New accessory buildings shall be permitted provided such buildings, other than a boathouse and a dock, are flood proofed above the identified regulatory flood level. Notwithstanding the above, for those properties abutting a navigable waterway, all reconstructed buildings, with the exception of a boathouse or a dock, on such lands shall be floodproofed in accordance with the requirements of the Ministry of Natural Resources.	Textual Flood Lake Elevations for Doe Lake, Kahshe Lake, Sparrow Lake, Lake Muskoka and Severn River (Sparrow Lake to Swift Rapids)
Huntsville	One Zone Approach: Flood (F) Zone Two Zone Approach: Floodway (FW) Zone Flood Fringe (FF) Zone	No buildings or structures permitted in the Flood (F) Zone or Floodway (FW) Zone. (Existing buildings or structures permitted) Any permitted buildings or structures in the Flood Fringe (FF) Zone must be floodproofed	Mapped – Overlay Zone Textual Flood Elevations identified for 11 lakes and the Muskoka River (Hunter's Bay to Fairy Lake)

Table 6: Flooding and Erosion Requirements			
Municipality	**Approach**	**Requirements**	**Boundaries**
		Development permit required for a single detached dwelling proposed/located in a Flood Zone Overlay Development within the Flood Fringe of the Big East River subject to a Class 2 (staff variation) Community Planning Permit Notwithstanding the provisions of this Section of the By-law, where existing buildings are located within any Flood Zone Overlay, minor additions to existing structures may be permitted, subject to a Class 2 permit and confirmation that buildings are floodproofed appropriately in accordance with floodproofing standards, protection works standards and access standards, that vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, that new hazards are not created and existing hazards are not aggravated, that no adverse environmental impacts will result, and that adequate provisions are made for safe disposal of sewage. A minor addition would include an addition to a building that would increase the gross floor area by no more than 10%. A natural hazard engineering report or technical report may be required as a condition of development	
Lake of Bays	Varied	A Class 1 Planning Permit is required for any development within flood prone lands as well as for high points of land which must be accessed through flood prone lands.	Mapped – where identified, mapped as an Overlay Zone with suffix '-F' following the applicable zone category on the zone schedule

Table 6: Flooding and Erosion Requirements			
Municipality	**Approach**	**Requirements**	**Boundaries**
		Site alteration, such as filling, channelization or construction not permitted within areas prone to flooding unless it is demonstrated that there will be no significant negative off-site impacts on flood depths and velocities. No new habitable building may be located below the established flood elevations except for minor expansions (up to 25% of the existing floor area) to existing legal non-conforming uses and permitted marine related structures (such as docks, boathouses or pump houses, minor additions such as a deck or uses which by their nature must locate in a flood prone area including flood and/or erosion control works). Where District approved two zoning mapping is in place, development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry. Development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved: a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards; b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion, and other emergencies;	Textual – flood elevations established for Lake of Bays and Peninsula Lake

Table 6: Flooding and Erosion Requirements			
Municipality	**Approach**	**Requirements**	**Boundaries**
		c) new hazards are not created and existing hazards are not aggravated; d) the site has safe access; e) development is situated outside the floodway; f) development is not an institutional use, an essential emergency service or a use associated with the disposal, manufacture, treatment, or storage of a hazardous substance; and g) no adverse environmental impacts will result. For all development within the defined floodplain and associated setback, a natural hazard engineering report or technical report which confirms that the structure is located outside any area affected by natural hazards is required. Recommendations of the report will be imposed prior to issuance of a development permit. Fill placement, fill excavation and removal and lot grading activities shall not affect the control of flooding and erosion.	
Muskoka Lakes	No specific zoning provisions		
Georgian Bay	Elevations	A legally existing building damaged or destroyed as a result of natural flooding shall not be reconstructed, except in accordance with the provisions of the By-law. A reconstructed or expanded legally existing dwelling shall comply with the identified minimum opening elevations.	Mapped - Lands Potentially Subject to 178.9 Minimum Opening Elevation Textual – minimum opening elevations established (1) standard minimum opening

Table 6: Flooding and Erosion Requirements			
Municipality	**Approach**	**Requirements**	**Boundaries**
		Legally existing buildings destroyed by natural flooding shall not be reconstructed without being flood proofed.	elevation and (2) minimum opening elevation applying to islands and lands impacted by the fetch of Georgian Bay. As pertaining to septic systems and leaching beds: The Regulatory Flood Elevation, which is identified as the"100 year flood" or Regional Flood Event.
Seguin	Elevations	Dwellings, buildings and structures damaged or destroyed as the result of natural flooding shall not be reconstructed except in accordance with the provisions of this By-law.	Textual – Minimum opening elevations established for Georgian Bay, Lake Joseph, Little Lake Joseph and Lake Rosseau
Archipelago	Elevations	No building or structure for human habitation shall be permitted within a floodplain.	Textual – flood elevation established for Georgian Bay
McMurrich Monteith	Elevations	On those lots which are entirely within the regulatory flood elevation, buildings or structures which are replaced, restored or reconstructed may be permitted provided all other provisions of this By-law are adhered to, the building or structure is floodproofed above the regulatory flood elevation, and there shall be no increase in the ground floor area. On those *lot*s which are only partially within the regulatory flood elevation, *buildings* or *structures* which are replaced or reconstructed shall be relocated to that portion of the *lot* situated outside of the regulatory flood elevation	Textual - the precise location of the boundary of the regulatory floor elevation shall be determined by a surveyor, and shall be based on the elevations noted in the Zoning By-law Textual – flood elevations established for Doe Lake and Buck Lake

Table 6: Flooding and Erosion Requirements			
Municipality	**Approach**	**Requirements**	**Boundaries**
		provided that all other provisions of this Bylaw are adhered to. No site alteration is permitted on lands currently below the regulatory flood elevation.	
Kearney	One Zone: Hazard Lands (HZ) Zone	No buildings or structures including accessory buildings or structures with the exception of marine facilities, pumphouses, and buildings and structures for flood and erosion are permitted in the Hazard Lands (HZ) Zone. Minimum building elevations identified for Sand Lake, Loon Lake, Grass Lake, Little Beaver Lake, Beaver Lake and the river between Beaver Lake and Hassard Lake Restoration to a Safe Condition: Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any existing, legal non-conforming building or structure or part thereof, provided that the strengthening or restoration does not increase the building height, size or volume or change the existing, legal use of such existing building or structure unless these changes are necessary to provide for floodproofing of the building.	Mapped – stand-alone zone category (not an overlay)
Perry	Elevations	No habitable building located adjacent to Doe Lake or Perry Lake may have any building opening below the established elevations.	Textual – Minimum opening elevations established for Doe Lake and Perry Lake

2.3.2 Steep Slopes

Only approximately one third of the Zoning By-laws in the Muskoka River Watershed specifically regulate land use in proximity of steep slopes. Of those municipalities that do regulate development in proximity of steep slopes, the threshold of what defines a steep slope varies as provided below.

McMurrich Monteith - 20% (+)
Huntsville - 30% (+)
Lake of Bays - 30% (+)
Bracebridge - 40% (+)
Muskoka Lakes - 40% (+)

Almost all of the Zoning By-laws of the above municipalities require a minimum setback from steep slopes although the terminology framing that setback varies slightly. The minimum setback from the top of the slope is as provided below.

McMurrich Monteith – 10 metres from the edge of the slope
Bracebridge, Huntsville and Lake of Bays – 15 metres from the top of bank
Muskoka Lakes - None identified

Huntsville and Lake of Bays further require a setback from the toe of the slope as follows:

Huntsville - 5 metres from the toe of the slope; and,
Lake of Bays - 15 metres from the toe of the slope

In most of the above municipalities no development is permitted on the steep slope or within the required setback. In the case of Huntsville and Lake of Bays where a community/development permit system is enacted, a staff level permit is required to vary any of the setback or slope specific zoning provisions. In both cases a technical report is required to support any such request for a variation to the Zoning By-law standards. The Lake of Bays By-law includes further criteria to be addressed as part of any request for a variation to the By-law standards for steep slopes. These include:

- The proposal must be shown to mitigate the hazards and physical limitations of the slope to within acceptable levels such that development may proceed;

- Any vegetation removal or site alteration on a steep slope requires a staff level permit and must be supported by a Site Evaluation for slopes 30% or greater; and,

- Area specific frontages have been applied to Peninsula Lake in areas of steep slope that are also fronting on a narrow waterbody.

While the waterfront residential zone structure in the Muskoka Lakes Zoning By-law does include stand-alone zones (WR5 and WR6 Zones) specifically applied to steep slopes (and narrow waterbodies), development is not prohibited in such areas. Residential uses are permitted within these zone categories and both zone categories include requisite development standards.

Table 7 below, summarizes the zoning standards applied to steep slopes in the Muskoka River Watershed.

Table 7: Steep Slopes

Table 7: Steep Slopes			
Municipality	**Thresholds (Steep Slope)**	**Setbacks**	**Requirements**
Bracebridge	Slope 40% or greater	15 metres from the top of bank	No building or structure permitted on slope or within setback from top of bank
Huntsville	Slope of 30% or greater with a vertical drop of 3 metres or greater	15 metres from top of a defined bank and 5 metres from the defined toe of a steep slope Assessment of an appropriate setback to be confirmed through a technical report.	No buildings or structures are permitted on a steep slope unless authorized through a Class 2 – Staff Variation and supported by a satisfactory technical report.
Lake of Bays	Slope of 30% or greater	15 metres of the stable top of a steep slope or toe of a steep slope	An EIS may be required where development is proposed within 15 metres of the stable top of a steep slope or toe of a steep slope. Recommendations of the report will be imposed prior to issuance of a development permit. Criteria used in the evaluation of a request for a variation from a By-law standard – development not permitted in areas of steep slopes unless the proposal is shown to mitigate the hazard and physical limitations. Vegetation removal and site alteration on a steep slope requires a Class 1 (Staff Variation) supported by a Site Evaluation for slopes 30% or greater. Prescribed minimum frontages for Peninsula Lake in areas with steep slopes on a narrow waterbody.

Table 7: Steep Slopes			
Municipality	**Thresholds (Steep Slope)**	**Setbacks**	**Requirements**
Muskoka Lakes	Slopes 40%-60% Slopes 60%+	Minimum front yard setback for WR5 and WR6 Zones: 20.1 metres which applied to shoreline on narrow waterbody but no specific setback from the top or toe of a steep slope identified	Individual zone categories assigned to areas of steep slopes and/or narrow waterbodies (WR5 Zone and WR6 Zone): ○ WR5 Zone applies to lands with slopes measuring 40% - 60% and or narrow waterbodies measuring from 76.2 – 152.4 metres across as measured from shoreline to shoreline ○ WR6 Zone applies to lands with slopes measuring 60% (+) and or narrow waterbodies measuring less than 76.2 metres across as measured from shoreline to shoreline
McMurrich Monteith	20% or greater	10 metres from the edge of the slope	No building or structure permitted on slope or within setback from the edge of the slope

2.3.3 Hazard Land Key Findings

1) In Ontario, naturally occurring hazard lands generally apply to lands subject to flooding, erosion or steep slopes. The manner in which hazard lands are addressed across the Zoning By-laws of the Muskoka River Watershed is extremely varied. This is in part due to the prevalence of the issue within a municipality, the availability of mapping as well as the extent of the municipal resources available to implement a more detailed approach to land use for such lands.

2) Almost all of the municipalities in the Muskoka River Watershed regulate land use within the floodplain. The degree to which land use in the floodplain is regulated across the watershed can be framed within a graduated scale of regulations that ranges from no regulation to a very detailed multi-zone approach. In addition to the graduated scale of regulation noted above, some municipalities rely on a floodplain overlay zone in areas where development may be possible but where additional requirements may be required to determine the appropriateness of development.

3) In general, the Zoning By-laws within the Muskoka River Watershed significantly restrict or prohibit new development within the floodplain. Where development is permitted, the zoning regulations applied across the watershed vary significantly in the level of detail and the matters addressed. The range of matters addressed can be grouped within three key categories being conditions for development, enlargement/repair or reconstruction of existing uses, and site alteration.

4) There is an even greater inconsistency as it relates to septic systems located within a floodplain. In this regard, only the Zoning By-laws for Bracebridge and Georgian Bay specifically address septic systems within the floodplain. In absence of any explicit zoning provision to address septic systems in the floodplain, the trigger to apply floodplain zoning regulations then becomes a matter of the operative definitions for 'building' or 'structure' and any necessary interpretation of such definitions.

5) Only approximately one third of the Zoning By-laws in the Muskoka River Watershed specifically regulate land use in proximity of steep slopes. In those municipalities that regulate steep slopes, the variation as to what constitutes a steep slope ranges from between 20% to 40%. In most such municipalities, no development is permitted on the steep slope or within the minimum required setback.

2.4 Waterfront Development Zones

All of the municipalities in the Muskoka River Watershed have well established zone structures to regulate both residential and commercial development in the waterfront areas. The lower tier Zoning By-laws all establish the uses permitted within the waterfront area as well as the development standards for such uses. However, the level of detail and foundational approach to these zone structures is somewhat varied. Some municipalities such as McMurrich Monteith, have only one Waterfront Residential (WR) Zone which is applied to all waterfront residential uses in the Township. In other cases, the waterfront residential zone structure is extremely refined such as in the case of the Town of Gravenhurst which collectively, has 13 Residential Waterfront and Residential Island Zones.

2.4.1 Waterfront Zone Hierarchies

Across the Muskoka River Watershed, waterfront residential zone hierarchies are established based on any number of factors including variances to any of the metrics identified in Table 8 below.

Table 8: Basis for Waterfront Residential Zone Hierarchies

Table 8: Basis for Waterfront Residential Zone Hierarchies	
Basis for Waterfront Residential Zone Hierarchy	**Examples of Municipalities Using This Approach**
Access ○ Publicly maintained road ○ Seasonal or private road ○ Water access only ○ Limited services	Algonquin Highlands, Seguin, Perry
Zone Standards ○ Minimum lot area ○ Minimum lot frontage	Dysart et al, Gravenhurst, Huntsville, Georgian Bay, Seguin

Table 8: Basis for Waterfront Residential Zone Hierarchies	
Basis for Waterfront Residential Zone Hierarchy	**Examples of Municipalities Using This Approach**
○ Minimum setback from the water ○ Maximum lot coverage and/or shoreline buffer coverage	
Natural Features ○ No natural features ○ Lake Trout Lakes ○ Remote Lakes ○ Highly Sensitive or Over Threshold Lakes ○ Over Threshold Lake Trout Lakes at Capacity ○ Narrow Waterbodies ○ Steep Slopes	Bracebridge, Muskoka Lakes
Geographic Areas ○ Lake or waterbody specific ○ Coastal/ islands ○ Inland lakes	Gravenhurst, Georgian Bay, Archipelago
Urban/Rural Split ○ Urban Shoreline Residential ○ Waterfront Residential (rural areas)	Huntsville
Backlot Residential	Gravenhurst, Huntsville, Muskoka Lakes, Georgian Bay, Perry
Islands/ Water Access	Algonquin Highlands, Bracebridge, Gravenhurst, Muskoka Lakes, Georgian Bay, Archipelago
Only one Waterfront Residential Zone municipality-wide	McMurrich Monteith, Kearney, Lake of Bays
Waterfront Residential Existing Use ○ (i.e.) only the lot area and/or lot frontage as it existed on the date of passage of the By-law is permitted	Gravenhurst, Georgian Bay, Seguin

The examples provided in the table above are not necessarily mutually exclusive. In some cases, municipalities have established a zone structure based on multiple of the factors identified above. There is a fair amount of consistency in the uses permitted in the Waterfront Residential Zones across the watershed. Generally, the uses permitted are limited to low density or single detached dwellings and accessory uses normally associated with a residential use. The most significant distinction across the watershed is in the zone standards or performance criteria applied to these waterfront residential uses. This is particularly true as it relates to setbacks and lot coverage within the waterfront area.

Zone structures associated with waterfront commercial uses are almost exclusively based on the distinction of uses permitted. In regards to waterfront commercial uses, the waterfront commercial zone structures across the watershed tend to be delineated based on the following commercial uses:

- Marinas;
- Campground and tent/trailer establishments or private camps;
- Resort commercial uses; and
- Generic tourist commercial/ waterfront commercial or waterfront service commercial uses.

2.4.2 Waterfront Development Zone Setback Requirements

Minimum setback requirements for development are key land use metrics contained within a Zoning By-law. This includes yard setbacks or requirements for development to be setback a minimum distance from the lot line as well as additional setbacks from the high water mark or flood elevation. The net effect of such setbacks is to create a development envelope on an individual lot in which buildings or structures (including septic systems and leaching beds) may be built. In regards to a waterfront lot, one of the key metrics to establish the minimum setback limit of development from the water is the front yard setback of the applicable waterfront zone. On a waterfront lot, the front yard is determined to be the yard adjacent and parallel to the water or shore road allowance. The front yard setback is the distance measured from the front lot line. To provide greater context, the definitions for front lot line as included within the Zoning By-laws of the watershed are included as **Appendix 4** to this report.

Minimum Front Yard Setback: The Zoning By-laws within the Muskoka River Watershed are fairly consistent in requiring that development be setback from the front lot line a minimum of 20 to 30 metres depending on the municipality. This is true of development in both waterfront residential and waterfront commercial zones. This distance is also consistent with the required zoning setback for septic systems and leaching beds as contained in local By-laws. Table 9 summarizes the minimum required front yard setback for Waterfront Residential Zones and Waterfront Commercial Zones in municipalities throughout the watershed. Table 10 summarizes the minimum required setback requirements for septic systems and leaching beds.

Table 9: Minimum Front Yard Setback for Lots Fronting on Waterbodies

Table 9: Minimum Front Yard Setback for Lots Fronting on Waterbodies		
Municipality	**Waterfront Residential Zones**	**Waterfront Commercial Zones**
Algonquin Highlands	30 metres	15 metres
Dysart et al	30 metres (1) 20 metres (1)(2)	20 metres (8)
Bracebridge	30 metres 20 metres (3)	12 metres (9) 15 metres (10) 20 metres (11)
Gravenhurst	30 metres (4)	30 metres (4)
Huntsville	20 metres Class 2: up to 20%	20 metres Class 2: up to 20%
Lake of Bays	30 metres (15) Class 1: 10%; Class 2: 20% 20 metres (16) Class 1: 10%; Class 2: 20% 30 metres (17) Class 1: 10%; Class 2: 20%	30 metres Class 1: 5%; Class 2: 10%
Muskoka Lakes	20.1 metres 30.5 (5)	20.1 metres (12) 30.5 metres (13) 10.5 metres (14)
Georgian Bay	20 metres (6) 30 metres (7)	20 metres
Archipelago	7.5	7.5
Seguin	20 metres	20 metres
McMurrich Monteith	20 metres	30 metres
Kearney	30 metres	30 metres
Perry	30 metres	30 metres

(1) Minimum Water Setback applies
(2) 20 metres for WR4/WR4L Zones
(3) SR1 and WL Zones
(4) Minimum Setback From the Optimal Summer Water Level
(5) WR7 Zone
(6) On lots in the SR3 and SRI3 Zones, all buildings and structures shall be setback a minimum of 20 metres from the 177.4 CGD contour.
(7) SR4 and SRI Zones
(8) If the lot was registered as of March 11, 2004 and has not been altered since, and a main building was located on the lot on that date, the minimum is 20 metres.
(9) CT1 Zone
(10) CT2 Zone
(11) CT3 Zone
(12) Increased under prescribed conditions in WC1A4 and WC1B Zones
(13) WC7 Zone
(14) WC5, WC6 Zones
(15) Lot abutting an Environmental Protection Planning Permit Area
(16) Applied to specific identified lakes
(17) All other situations

Table 10: Setbacks for Septic Systems and Leaching Beds

Table 10: Setbacks for Septic Systems and Leaching Beds		
Municipality	**Setback**	**Baseline Measurement**
Algonquin Highlands	30 metres 15 metres (1)	High water mark
Dysart et al	30 metres 20 metres (2)	Minimum water setback (defined as high water mark)
Bracebridge	30 metres (3)	High water mark
Gravenhurst	30 metres (4)	Optimal Summer Water Level (defined as high water mark)
	In addition – ZBL identifies a maximum sewage effluent flow from any subsurface septic system which shall be 10,000 litres per day. Applies to Service Commercial C-2A Zone [Warehouse/Wholesaling], Commercial Highway (C3) Zone, Extractive Industrial (M1) Zone, and Rural Industrial (M2) Zone.	
Huntsville	30 metres	Shoreline
Lake of Bays	30 metres	Ordinary Waters Edge (5)
Muskoka Lakes	30 metres 15 metres (6)	High water mark
Georgian Bay	30 metres → 30 metres → 20 metres → 30 metres →	High water mark Go Home Bay Waterfront Coastal Community - 178.3 C.G.D. Holding Tank from high water mark Holding Tank from high water mark in Go Home Bay and Cognashene Waterfront Coastal Communities
	In addition to setbacks, Georgian Bay also identifies specific minimum elevations (C.G.D) for leaching beds and tertiary systems dependent on location where on Georgian Bay shoreline, islands, specific coastal communities, or inland lakes.	
	Replacement of existing systems (7)	
Seguin	20 metres	Navigable waterway or shoreline (defers to Ontario Building Code)
Archipelago	30 metres	High water mark (Specifically applies to setbacks from Sensitive Cold Water Lake Trout Lakes (8), At-Capacity Cold Water Lake Trout Lakes (9), and Sturgeon Bay (8).
McMurrich Monteith	30 metres 15 metres (10)	High water mark

Table 10: Setbacks for Septic Systems and Leaching Beds		
Municipality	**Setback**	**Baseline Measurement**
Kearney	30 metres	Original, normal or controlled high water mark
Perry	30 metres →	Normal or controlled high water mark – applied to lake or cold water stream as identified on ZBL schedules
	15 metres →	Normal or controlled high water mark – applied to 'all other cases'
	300 metres →	Shoreline Residential Backlot – setback for septic tile fields from any shoreline. Does not apply to existing lots of record

(1) Minimum setback applied where there is an enhanced filter bed or a tertiary treatment system as defined in the Ontario Building Code.

(2) Minimum setback applied in the WR2, WR4 and WR4L Zones if:
- the lot was registered as of March 11, 2004 and has not been altered since; and
- the main building was located on the lot on that date.

(3) No part of any septic system leaching bed distribution pipes are permitted within 30 metres of the high water mark of any waterbody or watercourse unless one of the following is satisfied:
i) the lot on which the septic system leaching bed distribution pipes are to be installed is entirely located within 45 metres of the high water mark of a waterbody or watercourse;
ii) there is no suitable location on the lot beyond 30 metres from the high water mark due to terrain or floodplain as determined to the satisfaction of the Town of Bracebridge's Chief Building Official; or
iii) the septic system leaching bed distribution pipes would be replacing existing septic system leaching bed distribution pipes and the new septic system leaching bed distribution pipes would not be located closer to high water mark than the existing septic system leaching bed distribution pipes.

(4) Minimum setback applied to Residential Waterfront Zones and Residential Island Zones.

(5) ORDINARY WATER LEVEL Means: a) where water levels are not managed by an MNRF control *structure*, the ordinary interface between land and water identified by a mark made by the action of water under natural conditions on the shore or bank of a water way, which action has been so common and usual that it has created a difference between the character of the *vegetation* or soil on one side of the mark and the character of the *vegetation* and soil on the other side of the mark, or; b) where water levels are managed by an MNRF control *structure*, the location at which the horizontal plane of the regulated summer water level intersects with the land. For the purposes of this By-law, the elevation of the regulated summer water level (GSC) is: i) Lake of Bays – 315.22 metres ii) Camp Lake – 412.60 metres iii) Peninsula Lake – 283.77 metres iv) Tasso Lake – 399.40 metres

(6) Notwithstanding the 30 metres 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 metres 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 [Waterfront Residential Zone Provisions - Buildings and Structures] and 5.1.4.4 [Community Residential Zone Provisions - Buildings and Structures] of this By-law shall not apply to septic system leaching bed distribution pipes.

(7) Replacement or Expansion of Legally Existing Septic Systems Legally existing septic systems shall be permitted to be replaced and/or expanded, provided the replacement or expansion does not encroach further into the required front yard setback, required side yard setback or required rear yard setback.

Notwithstanding this, any expansion of a septic system must comply with the requirements of Part 8 of the Ontario Building Code and the minimum elevation requirements identified in Table 4.5.
Where additional development is proposed which increase the number of bedrooms, fixtures, or floor area, and results in a septic system expansion, the system expansion must comply to the requirements of the Zoning By-law.
Where an existing developed property has an existing sewage system with no prior approval from the MOECC or Township, such system may be replaced in a location that does not encroach further into the required front yard setback or required side yard setback. The replacement must meet the requirements of Part 8 of the Ontario Building Code and must comply with the requirements of Section 4.26.
Where additional development is proposed, the system expansion must comply to the requirements of the Zoning By-law.

(8) A reduction in this setback to the clearance distances provided by the Ontario Building Code may be permitted if a tertiary class 4 septic system is installed.

(9) No provision to permit a reduction.

(10) Notwithstanding the 30 metres setback, the replacement and/or enlargement of an existing septic system leaching bed can be located at its existing setback from the high water mark, or a minimum 15 metres from the highway water mark, whichever is greater.
Setbacks for septic system leaching beds shall not be required from any other lot lines other than those required by the Ontario Building Code.
Noted in Restoration To A Safe Condition provision and in Permitted Non-Complying Building or Structure provision.

2.4.3 Waterfront Development Zone Lot Coverage Requirements

Lot coverage is another key zoning metric used to regulate the amount of development on a lot. In zoning, lot coverage is expressed as the maximum percentage of the lot that may be occupied by buildings or structures. Such calculations are typically applied using the entire lot area.

Maximum Lot Coverage: In the Muskoka River Watershed, the lot coverage maximums permitted by the lower tier Zoning By-laws vary significantly in terms of the amount of development permitted and the metrics used to determine lot coverage. The maximum permitted lot coverage in waterfront residential zones ranges from 5% in Huntsville and Georgian Bay to 30% in Kearney. Most of the municipal Zoning By-laws permit a maximum lot coverage of between 10% to 15% for waterfront residential lots. Correspondingly, most Zoning By-laws permit an increased lot coverage for waterfront commercial zones. Most Zoning By-laws in the watershed permit a maximum lot coverage of 20% to 35% for waterfront commercial uses. However, there is a common use-specific exemption for marinas which in many municipalities, may have up to a maximum of 50% lot coverage.

Across the watershed municipalities, the means through which lot coverage is calculated varies as much as the total amount of lot coverage permitted. In that regard, the various means of calculating lot coverage include:

- A simple percentage of the total lot area;
- A percentage of the lot area within a certain distance of the front lot line (Huntsville) or high water mark (Muskoka Lakes);
- Varying maximum lot coverage standards based on lake classification (Category 1 Large Lakes – 10%, Category 2 Medium/Developed Lakes – 8%, Category 3 Small/Remote Lakes – 5%, Category 4 Lakes at Capacity – 8%) (Muskoka Lakes); and,

- Maximum lot coverage contingent on the length of lot frontage on a waterbody (Seguin).

In the case of Seguin where lot coverage is contingent upon lot frontage, the maximum lot coverage is calculated as follows:

> *"Where buildings or structures are located wholly or partially within 60.0 metres of the shoreline, the maximum lot coverage for those buildings and structures in the SR1, SR2, SR3, SR4, SR5, SR6 and LSR Zones shall be in accordance with Table 6.3 including any shore road allowance within the straight line projection of the side lot line to the shoreline.*
> *Where buildings and structures are located more than 60.0 metres from the shoreline, the permitted coverage for those buildings and structures shall be calculated based on the total lot area including any shore road allowance within the straight line projection of the side lot line to the shoreline."*

Table 6.3

Column 1	*Column 2*	*Column 3*
LOT FRONTAGE	***MAXIMUM LOT COVERAGE %***	***MAXIMUM DWELLING GROSS FLOOR AREA***
Less than or equal to 30 m	*10*	*1.25 times Column 2*
>30 m to <60 m	*8*	*1.25 times Column 2*
61 m to 70 m	*7.5*	*1.25 times Column 2*
71 m to 80 m	*7.25*	*1.25 times Column 2*
81 m to 90 m	*7*	*1.25 times Column 2*
91 m to 100 m	*6.75*	*1.25 times Column 2*
101 m to 110 m	*6.5*	*1.25 times Column 2*
111 m to 120 m	*6.25*	*1.25 times Column 2*
121 m to 130 m	*6*	*1.25 times Column 2*
131 m to 140 m	*5.75*	*1.25 times Column 2*
141 m to 150 m	*5.5*	*1.25 times Column 2*
151 m to 160 m	*5.25*	*1.25 times Column 2*
>160 m	*5*	*1.25 times Column 2*

Maximum Shoreline Area Coverage: Most municipal Zoning By-laws also include a more targeted maximum shoreline area coverage limit that applies specifically to the shoreline area of a waterfront lot. Again, the municipal zoning regulations in this regard are varied with the median maximum shoreline area coverage for waterfront residential zones being in the range of 10% to 15%. In some municipalities, the maximum permitted shoreline area coverage is higher while in others, development is restricted to a much lower maximum shoreline area lot coverage of only 5%. In yet other municipalities, the Zoning By-law does not distinguish between the maximum coverage requirement for the lot as a whole and the coverage requirements for the shoreline area. In regards to waterfront commercial zones, approximately half of the watershed municipalities do not specifically regulate coverage within the shoreline area. Of those that do, the maximum shoreline area coverage requirement is generally consistent with that required for the waterfront residential zones.

Table 11 details the maximum lot coverage requirements in the Zoning By-laws across the Muskoka River Watershed. For ease of summary and reference, Table 11 has been broken into three component tables being Table 11A (Haliburton), Table 11B (Muskoka), and Table 11C (Parry Sound).

2.4.4 Waterfront Area Vegetative Buffers

Most lower tier Zoning By-laws in the watershed apply additional zoning provisions to establish a vegetative shoreline buffer for lands in proximity of the water. In some cases, this is identified as a shoreline buffer and in other cases, the same area is identified as a shoreline activity area. This is the area of the lot in which there are typically a number of marine-related accessory buildings and structures such as docks, decks, boathouses, boatports, gazebos, sleeping cabins, stairs and ramps. The objective of the shoreline area buffer is to better regulate development in proximity of the shoreline and to ensure the retention of shoreline vegetation. To this end, the additional two most significant zoning metrics applied to the shoreline buffer area are the requirement for a minimum depth of the shoreline buffer immediately adjacent to the shoreline and the minimum percentage of the shoreline frontage that must be retained in a natural vegetative state.

Minimum Depth of Shoreline Buffer: Many of the Zoning By-laws within the upper reaches of the Muskoka River Watershed require a minimum shoreline buffer depth of 30 metres (Dysart et al, Kearney and Perry) for both Waterfront Residential Zones and Waterfront Commercial Zones. The Zoning By-laws applying to the remaining portions of the watershed require a minimum shoreline buffer depth of between 15 to 20 metres for Waterfront Residential Zones and a slightly larger shoreline buffer width of 20 to 30 metres for Waterfront Commercial Zones.

Minimum Percentage of Frontage Maintained In Natural Vegetative State: The majority of Zoning By-laws in the watershed require that in the Waterfront Residential Zones, 75% of the shoreline frontage be maintained in natural vegetative state. Some of the municipalities in the upper reaches of the watershed (Algonquin Highlands, Dysart et al, and Perry) require a greater percentage than this. The metrics for the Waterfront Commercial Zones are somewhat comparable. While not all Zoning By-laws require that a minimum percentage of the frontage be retained in a natural vegetative state in the Waterfront Commercial Zones, of those that do, the majority require that 65% to 75% percent of the shoreline frontage remain in a natural state.

There is however, some inconsistency in how this shoreline frontage metric is incorporated within the watershed Zoning By-laws. Some By-laws regulate the percentage of the frontage to be maintained in a natural vegetative state whereas others, identify a maximum percentage of the shoreline frontage that may be used for shoreline buildings and structures. In cases where the zoning is regulating the cumulative width of the shoreline structures, some of the Zoning By-laws identify a maximum percentage of the shoreline that may be used for such purposes up to a maximum arbitrary linear measurement in metres (Huntsville, Lake of Bays, Muskoka Lakes, Georgian Bay, McMurrich Monteith, Kearney). Generally, it is the lesser of the percentage or the absolute linear measurement that is permitted.

Table 11 details the minimum shoreline buffer depth and minimum vegetative requirement for the shoreline frontage in each of the watershed municipalities.

2.4.5 Shoreline Development Zone Key Findings

1) All of the municipalities in the Muskoka River Watershed have well established zone structures to regulate both residential and commercial development in the waterfront areas. Across the

Muskoka River Watershed, waterfront residential zone hierarchies are established based on any number of factors including access, zone standards, natural features, specific geographic areas, urban/rural split, backlot development, islands, and existing waterfront uses. Zone structures associated with waterfront commercial uses are almost exclusively based on the distinction of uses permitted. In regards to waterfront commercial uses, the waterfront commercial zone structures across the watershed tend to be delineated based on uses such as marinas, campgrounds/ tent and trailer establishments, resort commercial uses and generic tourist commercial or waterfront commercial uses.

2) The Zoning By-laws within the Muskoka River Watershed are fairly consistent in requiring that development be setback from the front lot line a minimum of 20 to 30 metres. This is true of development in both waterfront residential and waterfront commercial zones. This distance is also consistent with the required zoning setback for septic systems and leaching beds as contained in local By-laws.

3) In the Muskoka River Watershed, the lot coverage maximums permitted by the lower tier Zoning By-laws vary significantly in terms of the amount of development permitted and the metrics used to determine lot coverage. Most of the municipal Zoning By-laws permit a maximum lot coverage of between 10% to 15% for waterfront residential lots. Correspondingly, most Zoning By-laws permit an increased lot coverage for waterfront commercial zones. Most Zoning By-laws in the watershed permit a maximum lot coverage of 20% to 35% for waterfront commercial uses.

4) Most municipal Zoning By-laws also include a more targeted maximum shoreline area coverage limit that applies specifically to the shoreline area of a waterfront lot. The municipal zoning regulations in this regard are varied with the median maximum shoreline area coverage for waterfront residential zones being in the range of 10% to 15%. In regards to waterfront commercial zones, approximately half of the watershed municipalities do not specifically regulate coverage within the shoreline area. Of those that do, the maximum shoreline area coverage requirement is generally consistent with that required for the waterfront residential zones.

5) Many of the Zoning By-laws within the upper reaches of the Muskoka River Watershed require a minimum shoreline buffer depth of 30 metres for both Waterfront Residential Zones and Waterfront Commercial Zones. The Zoning By-laws applying to the remaining portions of the watershed require a minimum shoreline buffer depth of between 15 to 20 metres for Waterfront Residential Zones and a slightly larger shoreline buffer width of 20 to 30 metres for Waterfront Commercial Zones.

6) The majority of Zoning By-laws in the watershed require that in the Waterfront Residential Zones, 75% of the shoreline frontage be maintained in natural vegetative state. While not all Zoning By-laws require that a minimum percentage of the frontage be retained in a natural vegetative state in the Waterfront Commercial Zones, of those that do, the majority require that 65% to 75% percent of the shoreline frontage remain in a natural state. There is however, some inconsistency in how this shoreline frontage metric is incorporated within the watershed Zoning By-laws. Some By-laws regulate the percentage of the frontage to be maintained in a natural vegetative state whereas others, identify a maximum percentage of the shoreline frontage that may be used for

shoreline buildings and structures (maximum cumulative width of shoreline buildings and structures).

Table 11A[4]: Lot Coverage and Buffer Requirements for Waterfront Residential Lots - Haliburton

Table 11A: Lot Coverage and Buffer Requirements for Waterfront Residential Lots - Haliburton					
	Lot Requirements		Shoreline Area Requirements		
	Maximum Permitted Lot Coverage *	Minimum Landscaped / Undisturbed Open Space Requirement*	Shoreline Coverage **	Minimum Shoreline Vegetative Buffer Depth**	Shoreline Vegetative/ Natural Frontage**
Algonquin Highlands	SR1 - 15% SR2 - 15% C3 - 40%	SR1 - 30% SR2 - 30% C3 - 10%	Not specified	SR1 - 30 m SR2 - 30 m CT - 15 m	SR1 - 80% (1) SR2 - 80% (1) CT - 70% (1)
Dysart et al	WR1 – 15% WR2 - 15% WR3 - 15% WR3L - 15% WR4 - 15% WR4L - 15% WR5 - 15% WR5L - 15% WR6 - 10% WR6L - 10% CT - none	WR1 – 55% WR2 - 55% WR3 - 50% WR3L - 15% WR4 - 50% WR4L - 50% WR5 - 80% WR5L - 80% WR6 - 80% WR6L - 80% CT - 30%	WR1 – 15% WR2 - 15% WR3 - 15% WR3L - 15% WR4 - 15% WR4L - 15% WR5 - 10% WR5L - 10% WR6 - 6% WR6L - 6% CT - none	WR1 – 30 m WR2 - 20 m WR3 - 30 m WR3L - 30 m WR4 - 20 m WR4L - 20 m WR5 - 30 m WR5L - 30 m WR6 - 30 m WR6L - 30 m CT - 30 m 20 m (1) (Reference min water setback)	WR1 – 100% WR2 - 100% WR3 - 100% WR3L - 100% WR4 - 100% WR4L - 100% WR5 - 100% WR5L - 100% WR6 - 100% WR6L - 100% CT – none

* Calculated as a percentage of lot area

** Applied only to lands within defined shoreline buffer area

[4] *Where a notation is indicated by a (#), refer to the list of notations at the end of the table for additional requirements or conditions*

Algonquin Highlands Notation:

(1) No arbitrary maximum linear measurement (metres).

Dysart et al Notation:

(1) If the lot was registered as of March 11, 2004 and has not been altered since, and a main building was located on the lot on that date, the minimum is 20 metres.

Table 11B[5]: Lot Coverage and Buffer Requirements for Waterfront Residential Lots - Muskoka

Table 11B: Lot Coverage and Buffer Requirements for Waterfront Residential Lots - Muskoka					
	Lot Requirements		Shoreline Area Requirements		
	Maximum Lot Coverage *	Minimum Landscaped / Undisturbed Open Space Requirement *	Shoreline Coverage **	Minimum Shoreline Vegetative Buffer Depth**	Shoreline Vegetative/ Natural Frontage**
Bracebridge	SR1 - 15% SR2 - 15% SR3 - 15% SR4 - 15% SR5 - 15% WL - 5% CT1 - 35% CT2 - 35% CT3 - 35%	SR1 - n/a SR2 - n/a SR3 - n/a SR4 - n/a SR5 - n/a WL - n/a CT1 - 20% CT2 - 10% CT3 - 10%	SR1 - 15% (1) SR2 - 15% (1) SR3 - 15% (1) SR4 - 15% (1) SR5 - 15% (1) WL - Ref lot coverage CT1 - n/a CT2 - n/a CT3 - n/a	SR1 - 15 m SR2 - 15 m SR3 - 15 m SR4 - 15 m SR5 - 15 m WL - n/a CT1 - n/a CT2 - n/a CT3 - n/a	SR1 - 75% (2) SR2 - 75% (2) SR3 - 75% (2) SR4 - 75% (2) SR5 - 75% (2) WL - 25% (2) CT1 - n/a CT2 - n/a CT3 - 25% (2)
Gravenhurst	RW6 - 13% RW6-A - 13% RW6-B - 13% RW6-C - 13% RW6-D - 13% RW6-E - 13% RW6-F - 13% RW6-F-1 - 13% RB7 - 5% RI8 - 13% RI8-A - 13% RI8-B - 13% RI8-C - 13%	RW6 - n/a RW6-A - n/a RW6-B - n/a RW6-C - n/a RW6-D - n/a RW6-E - n/a RW6-F - n/a RW6-F-1 - n/a RB7 - n/a RI8 - n/a RI8-A - n/a RI8-B - n/a RI8-C - n/a	RW6 - 13% RW6-A - 13% RW6-B - 13% RW6-C - 13% RW6-D - 13% RW6-E - 13% RW6-F - 13% RW6-F-1 - 13% RB7 - n/a RI8 - 13% RI8-A - 13% RI8-B - 13% RI8-C - 13%	RW6 - 20 m RW6-A - 20 m RW6-B - 20 m RW6-C - 20 m RW6-D - 20 m RW6-E - 20 m RW6-F - 20 m RW6-F-1 - 20 m RB7 - 20 m RI8 - 20 m RI8-A - 20 m RI8-B - 20 m RI8-C - 20 m	RW6 - 75% (1) RW6-A - 75% (1) RW6-B - 75% (1) RW6-C - 75% (1) RW6-D - 75% (1) RW6-E - 75% (1) RW6-F - 75% (1) RW6-F-1 - 75% (1) RB7 - 75% (1) RI8 - 75% (1) RI8-A - 75% (1) RI8-B - 75% (1) RI8-C - 75% (1)

[5] *Where a notation is indicated by a (#), refer to the list of notations at the end of the table for additional requirements or conditions*

Table 11B: Lot Coverage and Buffer Requirements for Waterfront Residential Lots - Muskoka					
	Lot Requirements		Shoreline Area Requirements		
	Maximum Lot Coverage *	Minimum Landscaped / Undisturbed Open Space Requirement *	Shoreline Coverage **	Minimum Shoreline Vegetative Buffer Depth**	Shoreline Vegetative/ Natural Frontage**
	RI8-D - 13% WL - 10% CW8 site specific CW8-A site specific	RI8-D - n/a WL - n/a CW8 - 20% CW8-A - 20%	RI8-D - 13% WL - 10% CW8- n/a CW8-A - n/a	RI8-D - 20 m WL - 20 m CW8 - 20 m CW8-A - 20 m	RI8-D - 75% (1) WL - 75% (1) CW8 - 75% (1) CW8-A - 75% (1)
Town of Huntsville	URS 35% (1) CR 20% (2) WR1 5% (3)(5) WR2 5% (3)(5) WB 10% (3)(5) WC 30/40% (4)(5)	URS n/a CR n/a WR1 n/a WR2 n/a WB n/a WC 20%	URS n/a CR n/a WR1 5% (3)(5) WR2 5% (3)(5) WB n/a WC 30/40% (4)(5)	URS 15 / 30 m (6) CR 15 / 30 m (6) WR1 15 / 30 m (6) WR2 15 / 30 m (6) WB n/a WC n/a	URS 75% / max 15 m CR 75%/ max 15 m WR1 75%/ max 15 m WR2 75%/ max 15 m WB n/a WC 67%/ max 15 m Marinas – 50%
Township of Lake of Bays	WR 10% (1) WRC 8% (2) WRC-B 8% (3) WSC 10% (4) WSC-B n/a	WR n/a WRC n/a WRC-B n/a WSC n/a WSC-B n/a	WR 40% (5) WRC 50% (6) WRC-B n/a WSC 50% (7) WSC-B n/a	WR 15 m WRC 15 m WRC-B n/a WSC 15 m WSC-B n/a	WR 75%/ max 23 m (8)(9) WRC 67% WRC-B n/a WSC 50% (10) WSC-B n/a
Township of Muskoka Lakes	Waterfront Residential Lots 5% to 10% depending on lake/river classification.	WR1 n/a WR2 n/a WR3 n/a WR4 n/a WR5 n/a	Waterfront Residential Lots 5% to 10% depending on lake/river classification. WR1 (1)(2)	WR1 15.2 m (3) WR2 n/a WR3 15.2 m (3) WR4 15.2 m (3) WR5 15.2 m (3)	Max Cumulative Width of Docks and Boathouses: WR1 (4) WR2 n/a WR3 (4)

Table 11B: Lot Coverage and Buffer Requirements for Waterfront Residential Lots - Muskoka					
	Lot Requirements		Shoreline Area Requirements		
	Maximum Lot Coverage *	Minimum Landscaped / Undisturbed Open Space Requirement *	Shoreline Coverage **	Minimum Shoreline Vegetative Buffer Depth**	Shoreline Vegetative/ Natural Frontage**
	WR1 (1)(2) WR2 5% WR3 (1)(2) WR4 (1)(2) WR5 (1)(2) WR6 (1)(2) WR7 (1)(2) WR8 (1)(2) WC n/a WC1 10% WC1A1 10% WC1A2 10% WC1A3 10% WC1A4 10% WC1B 1% WC2 20% WC3 10% WC4 10% WC4A.5 10% WC4A1 10% WC4A1.5 10% WC4A2 10% WC4B 1% WC4B1 1% WC5 35% WC6 35%	WR6 n/a WR7 n/a WR8 n/a WC n/a WC1 n/a WC1A1 n/a WC1A2 n/a WC1A3 n/a WC1A4 n/a WC1B n/a WC2 n/a WC3 n/a WC4 n/a WC4A.5 n/a WC4A1 n/a WC4A1.5 n/a WC4A2 n/a WC4B n/a WC4B1 n/a WC5 n/a WC6 n/a WC7 n/a WL - 50%	WR2 5% WR3 (1)(2) WR4 (1)(2) WR5 (1)(2) WR6 (1)(2) WR7 (1)(2) WR8 (1)(2)WC WC1 n/a WC1A1 n/a WC1A2 n/a WC1A3 n/a WC1A4 n/a WC1B n/a WC2 n/a WC3 n/a WC4 n/a WC4A.5 n/a WC4A1 n/a WC4A1.5 n/a WC4A2 n/a WC4B n/a WC5 n/a WC6 n/a WC7 n/a WL – See Undisturbed Open Space Requirement	WR6 15.2 m (3) WR7 15.2 m (3) WR8 15.2 m (3) WC 20.1 m (7) WC1 20.1 m (7) WC1A1 20.1 m (7) WC1A2 20.1 m (7) WC1A3 20.1 m (7) WC1A4 20.1 m (7) WC1B n/a WC2 20.1 m (7) WC3 20.1 m (7) WC4 20.1 m (7) WC4A.5 20.1 m (7) WC4A1 20.1 m (7) WC4A1.5 20.1 m (7) WC4A2 20.1 m (7) WC4B n/a WC4B1 n/a WC5 10.7 m (7) WC6 10.7 m (7) WC7 30.5 m (7) WL – See Undisturbed Open Space Requirement	WR4 (4) WR5 (4) WR6 (4) WR7 (4) WR8 (4) WC 25% (6) WC1 25% (6) WC1A1 25% (6) WC1A2 25% (6) WC1A3 25% (6) WC1A4 25% (6) WC1B n/a WC2 75% WC3 25% (6) WC4 25% (6) WC4A.5 25% (6) WC4A1 25% (6) WC4A1.5 25% (6) WC4A2 25% (6) WC4B n/a WC4B1 n/a WC5 25% (6) WC6 25% (6) WC7 25% (6) WL Boathouse – 25%/ 7.6 m

Table 11B: Lot Coverage and Buffer Requirements for Waterfront Residential Lots - Muskoka					
	Lot Requirements		Shoreline Area Requirements		
	Maximum Lot Coverage *	Minimum Landscaped / Undisturbed Open Space Requirement *	Shoreline Coverage **	Minimum Shoreline Vegetative Buffer Depth**	Shoreline Vegetative/ Natural Frontage**
	WC7 5% /10% (5) WL - 5%				
Township of Georgian Bay	SR1 – 7% (1) SR2 – 5% (2) SR3 – 5% (3) SR4 – 5% (4) SR5 – 5% (4) SR6 – 8% (3) SR7 – 5% (4) BR – 55% SRI1 – 7% SRI2 – 5% SRI3 – 5% (3) SRI4 – 5% (4) SRI5 – 5% (4) SRI7 – 5% (4) CT1 – 20% CT2 – 10% CM1 – 30% (5) CM2 – 20% (5) CM3 – 30% (5) CM4 – 30% (5) ML – 4% (5)	SR1 – 75% (***) SR2 – 75% (***) SR3 – 75% (***) SR4 – 75% (***) SR5 – 75% (***) SR6 - 75% (***) SR7 – 75% (***) BR – n/a SRI1 – 75% (***) SRI2 – 75% (***) SRI3 – 75% (***) SRI4 – 75% (***) SRI5 – 75% (***) SRI7 – 75% (***) CT1 – 20% CT2 – 30% CM1 – 20% CM2 – n/a CM3 – 20% CM4 – 20% ML – 20%	SR1 – n/a SR2 – n/a SR3 – 5% (3) SR4 – 5% (4) SR5 – 5% (4) SR6 - 8% (3) SR7 – 5% (4) BR – n/a SRI1 – n/a SRI2 – n/a SRI3 – 5% (3) SRI4 – 5% (4) SRI5 – 5% (4) SRI7 – 5% (4) CT1 – n/a CT2 – n/a CM1 – 30% (5) CM2 – 20% (5) CM3 – 30% (5) CM4 – 30% (5) ML – 4% (5)	SR1 – 20 m SR2 – 20 m SR3 – 20 m SR4 – 30 m SR5 – 20 m SR6 – 20 m SR7 – 20 m BR – n/a SRI1 – 20 m SRI2 – 20 m SRI3 – 20 m SRI4 – 30 m SRI5 – 20 m SRI7 – 20 m CT1 – 20 m CT2 – 20 m CM1 – n/a CM2 – n/a CM3 – 20 m CM4 – 20 m ML – 20 m	Max Cumulative Width of Docks/Boathouses/Boatports: (*) Wah Wah Taysee Coastal Waterfront Community – 15%/ 23 metres (**) Cognashene Coastal Waterfront Community – 15%/ 20 metres SR1 – See (*) and (**) above SR2 – See (*) and (**) above SR3 – 10%/ 23 m SR4 – See (*) and (**) above SR5 – See (*) and (**) above SR6 – 15%/ 23 m SR7 – See (*) and (**) above BR – n/a SRI1 – See (*) and (**) above SRI2 – See (*) and (**) above SRI3 – 10%/ 23 m SRI4 – See (*) and (**) above SRI5 – See (*) and (**) above SRI7 – See (*) and (**) above CT1 – n/a

Table 11B: Lot Coverage and Buffer Requirements for Waterfront Residential Lots - Muskoka					
	Lot Requirements		Shoreline Area Requirements		
	Maximum Lot Coverage *	Minimum Landscaped / Undisturbed Open Space Requirement *	Shoreline Coverage **	Minimum Shoreline Vegetative Buffer Depth**	Shoreline Vegetative/ Natural Frontage**
					CT2 – n/a CM1 – n/a CM2 – n/a CM3 – n/a CM4 – n/a ML - n/a

* Calculated as a percentage of lot area
** Applied only to lands within defined shoreline buffer area
*** Applies to lots in the Cognashene Coastal Community only.

Bracebridge Notations:
(1) Maximum lot coverage for all buildings or structures located within 60 metres of the high water mark.
(2) No arbitrary maximum linear measurement (metres).

Gravenhurst Notation:
(1) No arbitrary maximum linear measurement (metres).

Huntsville Notations:
(1) Full services
(2) Partial or private services
(3) Maximum lot coverage is calculated on the area of the lot within 90 metres of a front lot line.
(4) Maximum lot coverage for Waterfront Commercial – full services is 40%.
(5) Class 2 Variation Limit – up to 100%
(6) For lots fronting on Harp Lake, Peninsula Lake or any other At Capacity Lake Trout Lake identified in the District of Muskoka Official Plan, the minimum shoreline buffer depth shall be 30 metres. The lands located within a shoreline buffer shall be maintained in a natural state except for the removal of dead and decaying vegetation and a 2 metre wide pedestrian pathway from the dwelling, building or structure, to the shoreline. Areas along the shoreline outside the minimum shoreline buffer that are not built on with structures will have soft landscaping. If a reduction in shoreline buffer is proposed that is less than 20% of the requirements noted above, a Class 2 Community Planning Permit will be required, and if the proposed reduction

is greater than 20%, a Class 3 Community Planning Permit will be required. A reduction in shoreline buffer may only be considered in cases where it is demonstrated that there is a net improvement over the existing situation.

Lake of Bays Notations:

(1) Maximum 10% lot coverage up to a maximum of 510 square metre footprint constructed between 20 metres and 60 metres of the shoreline. Class 1 staff variation of up to 25% of the coverage requirement permitted. Class 2 Council variation of up to 50% of the coverage requirement permitted. No variance permitted for the maximum footprint.

(2) Permitted Class 1 staff variation of up to 10% or Class 2 Council variation of up to 20% permitted. Maximum lot coverage including all lands more than 120 metres from the shoreline is 10% with a Class 1 staff variation of up to 5% or a Class 2 Council variation of up to 25% to a maximum of 12.5% lot coverage.

(3) Permitted Class 1 staff variation of up to 5% or Class 2 Council variation of up to 20% up to a maximum of 10% coverage permitted.

(4) Lot coverage including all lands more than 120 metres from the shoreline. Class 1 staff variation of 5% and Class 2 Council variation of 25% up to a maximum of 12.5% coverage. Maximum lot coverage of 30% for lands between 20 to 120 metres from the shoreline. Class 1 staff variation of up to 5% or Class 2 Council variation of 15% up to the lesser of 35% coverage or 10% total lot coverage permitted.

(5) Permitted Class 1 staff variation of up to 25% or Class 2 Council variation of up to 50% permitted.

(6) Permitted Class 1 staff variation of up to 5% or Class 2 Council variation of up to 10% up to a maximum of 55% coverage permitted. Maximum coverage for lands between 20 metres and 120 metres from the shoreline 30%. Permitted Class 1 staff variation of up to 5% or Class 2 Council variation of up to 15% (maximum of 35% or 10% of total lot coverage whichever is greater) permitted.

(7) Permitted Class 1 staff variation of up to 5% or Class 2 Council variation of up to 10% up to a maximum of 55% coverage permitted.

(8) Permitted Class 1 staff variation of up to 5% or Class 2 Council variation of up to 20% permitted.

(9) Where the lot frontage exceeds the required water frontage by at least twice the required water frontage, an additional shoreline activity area of 25% of each additional required frontage is permitted provided that:

a) a Class 2 Council Planning Permit is obtained;

b) no single shoreline activity area frontage shall exceed 23 metres in width and 20 metres in depth; and

c) each such additional shoreline activity area shall be located on a portion of the lot which has the frontage and area of at least that required for a Waterfront Residential lot on the relevant category of lake.

(10) Permitted Class 1 staff variation of up to 5% or Class 2 Council variation of up to 20% permitted

Muskoka Lake Notations:

(1) For lots with lot frontage on lakes and rivers classified on Table ‘1’ to this by- law, the following maximum lot coverage shall apply:

Category 1: 10%
Category 2: 8%
Category 3: 5%
Category 4: 8%

(2) For all buildings and structures constructed or erected within 61 m (200 ft.) of the high water mark abutting the lot, lot coverage shall be based on that portion of the lot area within 61 m (200 ft.) of the high water mark, abutting the lot.

In the case of a lot abutting an original shore road allowance, which in turn abuts a high water mark, lot coverage shall be based on that portion of the lot area and the area of the original shore road allowance within 61 m (200 ft.) of the high water mark abutting the original shore road allowance within the projection of the side lot lines.

For all buildings and structures constructed or erected on the lot beyond 61 m (200 ft.) of the high water mark abutting the lot, lot coverage shall be based on the total lot area.

(3) This provision applies to all lots on which development takes place within 60.1 m (200 ft.) of the high water mark after December 21, 1998.

(4) Varied but not more than 22.9 metres:

Cumulative width of docks and boathouses

a. the total cumulative width on a lot shall not exceed the limits in Table 4.1.7 or 22.9 m (75 ft.), whichever is lesser; and,
b. when a lot abuts a navigable waterbody and/or Original Shore Road Allowance in more than one location the maximum permitted cumulative width shall be the maximum permitted in Table 4.1.7 or 22.9 m (75 ft.), whichever is lesser. The cumulative width for each separate frontage on the lot shall not exceed the requirements of Table 4.1.7 for each frontage.
c. the maximum cumulative width of a two storey boathouse refers to the second storey or portion exceeding 4.9 m (16 ft.) in height only. The maximum cumulative width is 16% for the lower storey and 13% for the upper storey and where so limited each to a maximum of 22.9 m (75 ft.).

(5) For lots zoned Waterfront Commercial (WC7) with a residential use, the maximum total lot coverage shall be 5% for the commercial use and 10% in total for both uses

(6) Cumulative total – docks and boathouses

(7) Minimum required front yard setback

Georgian Bay Notations:

(1) On the Trent Severn in the SR1 Zone and on Go Home Lake, the Maximum Lot Coverage shall be 10%.

(2) On the Trent Severn in the SR2 Zone, the Maximum Lot Coverage shall be 7%.

(3) Where buildings or structures are located wholly or partially within 60 metres of the high water mark, the maximum lot coverage for those buildings and structures shall be in accordance with the applicable zone standards and based on the lot area of the lot within 60 metres of the high water mark. For all buildings and structures constructed on the lot beyond 60 metres from the high water mark abutting the lot, lot coverage shall be based on the total lot area and shall also include buildings or structures located wholly or partially within 60 metres of the high water mark.

(4) Within the SR4, SRI4, SR5, SRI5, SR7 and SRI7 Zones within the Cognashene Coastal Waterfront Community, as delineated on Schedule A of this By-law, for buildings, structures and decks greater than 1.2 metres in height constructed within 90 metres of the high water mark abutting the lot, lot coverage shall be based on that portion of the lot area within 90 metres of the high water mark abutting the lot. For all buildings, structures and decks greater than 1.2 metres in height and constructed more than 90 metres from the high water mark abutting the lot, lot coverage shall be based on the total lot area and shall also include buildings, structures and decks greater than 1.2 metres in height within 90 metres of the high water mark.

(5) Within the Marine Commercial (CM & ML) Zones maximum lot coverage shall be calculated based on the lot area within the Marine Commercial (CM & ML) Zone.

Table 11C[6]: Lot Coverage and Buffer Requirements for Waterfront Residential Lots – Parry Sound

Table 11C: Lot Coverage and Buffer Requirements for Waterfront Residential Lots – Parry Sound					
	Lot Requirements		Shoreline Area Requirements		
	Maximum Lot Coverage *	Minimum Landscaped / Undisturbed Open Space Requirement *	Shoreline Coverage **	Minimum Shoreline Vegetative Buffer Depth**	Shoreline Vegetative/ Natural Frontage**
Seguin	SR1 – (1) SR2 – (1) SR3 – (1) SR4 – (1) SR5 – (1) SR6 – (1) LSR – (1) C2 – 35% C4 – 20% C5 – 20%	SR1 – n/a SR2 – n/a SR3 – n/a SR4 – n/a SR5 – n/a SR6 – n/a LSR – n/a C2 – 10% C4 – 20% (2) C5 – 20% (2)	SR1 – 10% SR2 – 10% SR3 – 10% SR4 – 10% SR5 – 10% SR6 – 10% LSR – 10% C2 – 10% C4 – 10% C5 – 10%	SR1 – 20 m SR2 – 20 m SR3 – 20 m SR4 – 20 m SR5 – 20 m SR6 – 20 m LSR – 20 m C2 – 20 m C4 – 20 m C5 – 20 m	SR1 – 75% (3) SR2 – 75% (3) SR3 – 75% (3) SR4 – 75% (3) SR5 – 75% (3) SR6 – 75% (3) LSR – 75% (3) C2 – 75% (3) C4 – 75% (3) C5 – 75% (3)
Archipelago (Note: ZBL Review underway)	CR – varies by lot size (blend of arbitrary area plus % of lot area) IR – same as format as CR Zone MC – 30% RC – 20% MRC - 20%	CR – n/a IR – n/a MC – n/a RC – n/a MRC - n/a	CR – none IR – none MC – none RC – none MRC – none	CR – none IR – none MC – none RC – none MRC – none	CR – none IR – none MC – none RC – none MRC – none

[6] *Where a notation is indicated by a (#), refer to the list of notations at the end of the table for additional requirements or conditions*

Table 11C: Lot Coverage and Buffer Requirements for Waterfront Residential Lots – Parry Sound					
	Lot Requirements		Shoreline Area Requirements		
	Maximum Lot Coverage *	Minimum Landscaped / Undisturbed Open Space Requirement *	Shoreline Coverage **	Minimum Shoreline Vegetative Buffer Depth**	Shoreline Vegetative/ Natural Frontage**
McMurrich Monteith	WR – 10% CT – 25%	WR – 30% CT – 30%	WR – n/a CT – n/a	WR – 20 m CT – 20 m	WR – 75%/ 20 m CT – 75%/ 20 m
Kearney	RWF – 30% CT – 25%	RWF – n/a See (2) CT – n/a	RWF – (1) CT – 33%	RWF – 30 m CT – 30 m	RWF – 75%/ 15 m CT – 33% Marinas - 50%
Perry	SR – 10% SBR – 10% LSR – 10% CT – 25% CTP - 20%	SR – n/a SBR – n/a LSR – n/a CT – n/a CTP - n/a	SR – 25% SBR – 25% LSR – 25% CT – 25% CTP - 25%	SR – 30 m SBR – 30 m LSR – 30 m CT – 30 m CTP - 30 m	SR – 90% (1) SBR – 90% (1) LSR – 90% (1) CT – 90% (1) CTP - 90% (1)

* Calculated as a percentage of lot area

** Applied only to lands within defined shoreline buffer area

Seguin Notations:

(1) Where buildings or structures are located wholly or partially within 60.0 metres of the shoreline, the maximum lot coverage for those buildings and structures in the SR1, SR2, SR3, SR4, SR5, SR6 and LSR Zones shall be in accordance with Table 6.3 [Lot Frontage/Maximum Coverage] including any shore road allowance within the straight line projection of the side lot line to the shoreline.
Where buildings and structures are located more than 60.0 metres from the shoreline, the permitted coverage for those buildings and structures shall be calculated based on the total lot area including any shore road allowance within the straight line projection of the side lot line to the shoreline.

(2) A minimum of 90 percent of the front yard shall be used as a shoreline buffer area.

(3) No arbitrary maximum linear measurement (metres).

Kearney Notations:

(1) RWF Zone Requirement - A minimum of seventy-five (75 %) per cent of the front yard of any waterfront lot shall be maintained as a natural vegetation area and shall be used and maintained only for the maintenance and preservation of indigenous trees, shrubs and other vegetation.

- RWF Zone Requirement - Lot coverage within 60 m of the shoreline shall be based on the area of the lot within 60 m of the shoreline.
- The extent of shoreline activity areas will be as follows:
  - i) 25% of the shoreline frontage or up to 15 metres, whichever is the lesser, for linear shoreline residential development, and the total area of all shoreline structures shall not exceed 5% of the shoreline activity area or 22.5 square metres, whichever is the lesser;
  - ii) 33% of the shoreline frontage for Tourist Commercial, Institutional lots, and waterfront landings; and
  - iii) 50% of the shoreline frontage for marinas.

Perry Notation:

(1) No arbitrary maximum linear measurement (metres).

2.5 Redevelopment

The zoning frameworks that apply within the Muskoka River Watershed provide the basis for future development and are the criteria against which applications for development are assessed. However, given the level of development that already exists within the watershed, particularly along the shorelines, it is pertinent to consider how the various Zoning By-laws within the watershed regulate those uses that are recognized as being legal non-conforming uses or legal non-complying buildings or structures.

All municipal Zoning By-laws contain zoning provisions to address legal non-conforming uses and legal non-complying buildings or structures. Legal non-conforming and legal non-complying in zoning terms, simply provides that a use, building or structure which was legally established under a former zoning regime continues to be recognized as a legal use, building or structure even if it is no longer in compliance with a new or updated set of zoning standards. A legal non-conforming or legal non-complying status is not afforded to any use that was not established legally or in compliance with the predecessor zoning requirements.

All municipal Zoning By-laws contain a set of zoning regulations that provide for the continued use of a legal non-conforming use or the enlargement or reconstruction of legal non-complying buildings and structures. Further, all Zoning By-laws also establish the permissions under which an existing vacant undersized lot may be developed. A vacant undersized lot is a legally established lot that does not comply with the current minimum area or frontage requirements of the Zoning By-law. The existing use provisions of the local Zoning By-laws are of increasing significance given the frequency with which development is now taking the form of redevelopment where existing structures are expanded or demolished to make way for more intensive forms of development. This is especially true within waterfront residential areas.

The existing use provisions of the lower tier Zoning By-laws are incredibly detailed and nuanced. This report only provides an overview of the current zoning practices however, a stand-alone, more detailed review of such zoning provisions within the broader context of the watershed is merited. In general terms, the existing use zoning tests and requirements can be grouped into three primary categories:

1) Existing undersized lots/ legal non-complying lots;
2) Reconstruction and/or restoration to a safe condition; and
3) Enlargement or extension of existing uses.

Existing Undersized Lots/ Legal Non-Complying Lots: An existing undersized or legal non-complying lot is a lot with a lesser area or lessor frontage than the minimum requirements established in the Zoning By-law. In general terms, such lots either existed legally prior to the passage of the in-effect Zoning By-law or were created as a result of expropriation by a public authority. Such lots may be vacant or may already be developed.

Each of the lower tier Zoning By-laws within the Muskoka River Watershed establishes performance criteria under which an existing undersized or legal non-complying lot may be developed. Such zoning provisions are generally consistent across the watershed although there are a few variations across the local municipalities. The performance criteria in accordance with which an existing undersized lot having

lesser area or frontage may be used or building/structure erected, altered, enlarged, or repaired can be summarized as follows:

- The lot satisfies the identified minimum threshold lot area for development of an existing lot. In some cases different minimum thresholds may vary by zone as is the case in Muskoka Lakes and Georgian Bay. The Georgian Bay Zoning By-law further requires that the minimum threshold area be located above a minimum benchmark elevation expressed as a C.G.D. elevation;

- The lot satisfies the identified minimum threshold lot frontage for development of an existing lot. In some cases different minimum thresholds may be established by zone as is the case in Muskoka Lakes and Georgian Bay;

- The use of the lot is permitted in the zone in which it is located;

- The lot and any buildings or structures located on the lot are in compliance with all other requirements of the Zoning By-law; and,

- Any development of the lot does not increase the legal non-compliance of any existing legal non-complying buildings or structures particularly with respect to a minimum lot line setback or minimum water setback.

The performance standards above are fairly commonly applied in the zoning frameworks across the watershed. However, some municipal Zoning By-laws include additional zoning requirements as follows:

- The lot is capable of supporting a sewage disposal system – specifically that a certificate of approval for a septic system has been granted or the lot is approved for or already connected to municipal services (Huntsville, Georgian Bay, Gravenhurst, Seguin, Archipelago);

- An entrance permit is approved by the applicable road authority having jurisdiction (Huntsville);

- Any natural features and water quality constraints are addressed (Huntsville);

- Development is sited on the lot such that existing mature vegetation is maintained or restored (Huntsville); and,

- The Township of Perry Zoning By-law permits a 25% reduction in required yards for existing undersized lots in the R1, R2, SR and LSR Zones although this zone provision does not apply to islands having area less than 0.2 hectares.

Reconstruction and/or Restoration To A Safe Condition: Each of the Zoning By-laws in the Muskoka River Watershed establish zoning requirements to address circumstances where an existing building or structure has been damaged, destroyed or demolished. The Zoning regulations typically qualify such circumstances as damage, destruction or demolition that has occurred after an identified threshold date or as a result of causes beyond the owner's control. Such provisions are generally written such that

nothing in the By-law shall prevent the strengthening, repair or restoration to a safe condition, replacement or reconstruction of any building or structure provided that:

- There is no increase in the building height, size or volume, or reduction of any parking or loading spaces which existed prior to the damage occurring unless changes necessary for flood-proofing or insulation of the building;

- The building or structure is lawfully used as of the date of passage of the Zoning By-law and that there is no change the use of the building/structure;

- The structure remains in its original location and original dimensions although some municipalities such as Lake of Bays permit minor changes to the building footprint provided there is no increase in floor area;

- Approval for a septic system may be obtained for the reconstructed building or structure (Algonquin Highlands, McMurrich Monteith);

- Reconstruction must occur within a prescribed timeframe of the damage occurring (ranges between 1 to 5 years across the watershed); and,

- In instances where the existing building or structure is located in a floodplain, any reconstruction of the existing building or structure on the same foundation may be permitted only where it is not possible to relocate the building or structure to an area outside of the floodplain and/or that further floodproofing measures are required (Bracebridge, Gravenhurst, Georgian Bay, Seguin, Kearney, Perry). In yet other cases, the Zoning By-law provides that a legally existing building or structure damaged or destroyed as a result of natural flooding shall not be reconstructed except in accordance with the provisions of this By-law (Georgian Bay, Seguin).

The above list characterizes the zoning provisions regulating the restoration or reconstruction of a legal non-complying building or structure. Not all of the zoning regulations identified above occur in all lower tier Zoning By-laws.

Enlargement or Extension of Existing Buildings and Structures: Across the lower tier Zoning By-laws, the zoning provisions regulating the enlargement or extension of existing legal non-complying buildings and structures is as varied as the range of geographical contexts in which such provisions apply. However, in general terms such zoning provisions can generally be summarized as follows:

- An existing building or structure may be enlarged, repaired and/or renovated provided that the use is permitted in the zone in which it is located;

- There is no increase in non-compliance and that the building or structure is in compliance with all other provisions of the By-law other than the aspect for which the building or structure is legal non-complying;

- The existing building or structure maintains existing or provides for greater setbacks where required;

- In some cases, the GFA of the building or structure may be increased if the lot coverage and setback requirements of the By-law are maintained; and,

- Where applicable, approval for a septic system is required.

Zoning provisions regarding existing accessory buildings and structures are especially varied. In some cases, no enlargement, extension or increase of accessory buildings or structures is permitted including specifically as it relates to the minimum required setbacks of the lot. Notwithstanding, there are a number of various zoning provisions applicable to the replacement and/or extension of decks, docks and other accessory structures within the shoreline area; and,

The zoning provisions regarding the enlargement or extension of legal non-conforming buildings or structures within the shoreline area are equally detailed and nuanced depending on the municipality and the geographic context of the shoreline (for example a small lake in the Algonquin Highlands or coastal lands along Georgian Bay). The zoning provisions range in effect from no increase in non-compliance with the high water setback to maintaining the greater of the existing highwater setback or 15 metres from the high water setback.

In other instances such as in Algonquin Highlands, Seguin and Georgian Bay, where there are dwellings with an existing legal non-complying front yard setback that is less than required, development is permitted in a graduated scale that increases with the distance from the high water mark. There are similarly, detailed zoning provisions for any decks, porches or other accessory structures associated with the primary building on the lot. The examples from Algonquin Highlands, Seguin and Georgian Bay are provided below.

Example 1 – Township of Algonquin Highlands

Notwithstanding the provisions of Section 4.14.5 [Non-Complying Buildings or Structures], *a dwelling with an existing legal non-complying front yard setback less than required, may be enlarged, extended, reconstructed or otherwise structurally altered based on the following provisions:* (Township of Algonquin Highlands Comprehensive Zoning By-law 2022-49, Section 4.14.9)

Reconstruction of Existing Dwelling in SR1 and SR2 Zones		
Setback from High Water Mark (Dwelling)	Permitted Increase (GFA)	Permitted Increase (Height)
0 to 7.5 metres	0	0
7.5 to 10 metres	20% (1)	20% (1)
10 to 15 metres	30% (1)	30% (1)
15 to 20 metres	40% (1)	40% (1)
25 to 25 metres	60%	60%
25 to 30 metres	75%	75%

(1) No increase in dwelling width permitted (Algonquin Highlands)

Example 2 – Township of Seguin

Notwithstanding the provisions of Section 4.17 a) and b), where a detached dwelling encroaches into the required front yard of a waterfront lot, an attached deck, porch, walkway or stairs may be constructed, enlarged, repaired, replaced or renovated, and the dwelling may be enlarged, repaired, replaced or renovated in that yard provided that the enlargement, repair, replacement or renovation complies with the following provisions: (Township of Seguin Comprehensive Zoning By-law 2006-125, Section 4.17(c))
Note: [4.17(a) – Buildings on Undersized Lots] [4.17(b) – Reconstruction of Existing Building]

Table 4.1			
Column 1	Column 2	Column 3	Column 4
Dwelling Distance from Shoreline	Maximum Floor Area Increase (1)	Max Shoreline Width Increase (2)	Max Height Increase
Less than 5 m	23 sq. m.	0%	1.0 m
≥5 m & <10 m	32.5 sq. m.	20%	2.0 m
≥10 m & <15 m	46 sq. m.	30%	2.5 m
≥15 m & < 20 m	56 sq. m.	60%	3.0 m

(1) Notwithstanding any other provisions of this By-law to the contrary, a deck, porch, or screened porch attached to a dwelling shall be included in the maximum floor area for the purposes of applying the provisions of Column 2 of Table 4.1.

(2) Shoreline width of the dwelling shall be measured along the exterior wall of the building that faces the waterbody measured at right angles to the chord frontage. The shoreline width provision shall not apply to new decks, or unenclosed porches attached to a dwelling where the deck or unenclosed porch is less than 1.2 meters in height.

Example 3 – Township of Georgian Bay

Notwithstanding the provisions of Section 4.11, in a Shoreline Residential (SR) or Shoreline Residential Island (SRI) Zone, where a legally existing dwelling does not comply with the front yard requirements, the following shall apply: (Township of Seguin Comprehensive Zoning By-law 2014-75, Section 4.11(e))

Expansions to Legally Existing Dwellings in the SR and SRI Zones (6)			
	Maximum Permitted Increase (1)		
Setback from Front Lot Line (Dwelling)	GFA	Dwelling Width	Height (2)
0 to 10 metres (3)	25% (4)	20% (5)	1 metre
10 to 15 metres (3)	40% (4)	30% (5)	1.5 metres
15 to 20 metres (3)	70% (4)	60% (5)	2 metres

(1) Based on dwelling as it existed on the date of passage of the ZBL

(2) Height increase permitted up to a maximum of 6 metres

(3) No permitted increase may encroach further into the required front yard.

(4) Up to a maximum of 95 square metres

(5) Up to a maximum of 6 metres

(6) Despite the expansion permitted by Section 4.11(e) of the ZBL [Expansions to Legally Existing Shoreline Dwellings], the resulting gross floor area, width and height of a legally existing dwelling must comply with the gross floor area, width and height requirements of the applicable zone, together with all other applicable provision of the ZBL.

In the case of the Town of Huntsville and the Township of Lake of Bays that function under a Community Planning Permit/Development Permit system, the expansion of legal non-complying buildings and structures require a planning permit/development permit issued at a staff or Council level depending on the nature of the proposed development. Table 12 outlines the criteria applied in Lake of Bays to determine whether a staff or Council level permit is required.

Table 12: Lake of Bays Permit Requirements for the Expansion of Legal Non-Complying Buildings and Structures

Table 12: Lake of Bays Permit Requirements for the Expansion of Legal Non-Complying Buildings and Structures		
Municipality	**Staff Variation**	**Council Variation**
Lake of Bays	Any request to recognize, expand or add to a legal non-complying building or structure: ○ only be permitted provided it maintains the existing setback from the shoreline yard or 10 metres, whichever is greater ○ is no more than the height of the original structure - an increase in height is permitted provided there is no increase in gross floor area and no increase in storeys ○ an expansion of, or addition to a legal non-complying dwelling, sleeping cabin, or shoreline structure within the shoreline activity ○ complies with all other provisions of the By-law	Any request to recognize, expand or add to a legal non-complying building or structure: ○ any increase in height with an increase in floor area and/or storeys ○ any increase in height for a legal non-complying sleeping cabin or shoreline structure ○ any increase in height for a legal non-complying dwelling with an increase in floor area and/or storeys ○ any expansion proposed within 10 metres of the shoreline
	Addition within a shoreline activity area ○ restricted to the permitted SAA Frontage and a maximum of 50% of the total permitted shoreline activity area coverage ○ provision may only be applied for once following the passage of the CPPS By-law	Addition within a shoreline activity area ○ any proposal which exceeds the permitted SAA Frontage or 50% of the permitted shoreline activity area coverage
	See default authority for Class 1 – Staff Variation – Section 2.6.3 Class One – Staff Planning Permits and Staff Variations which may be required where the proposed *development* generally meets the requirements, standards, and provisions of the Planning Permit Area, but is not specifically exempt from requiring a Planning Permit, or which may be required where the proposed *development* generally meets the requirements, standards, and provisions of the Planning Permit Area but requires minor relief from one or more of those requirements in accordance with the criteria outlined in this By-law.	See default authority for Class 2 – Council Variation – Section 2.6.3 Class Two – Council Planning Permits and Council Variations, which may be required in certain circumstances where the proposed *development* generally meets the requirements, standards, and provisions of the Planning Permit Area, but is not specifically exempt from requiring a Planning Permit, or where the proposed *development* requires more substantial or complete relief from one or more requirements, standards, or provisions of the Planning Permit Area in accordance with the criteria outlined in this By-law.

2.6 Zoning Frameworks Summary of Key Findings

1) Establishing Shoreline Zone Boundaries: The establishment of consistent, definitive zone boundaries is one of the foundational building blocks in the administration and interpretation of zoning. Although zone boundaries are depicted graphically on zone schedules, it is sometimes necessary to apply performance criteria to confirm these boundaries on a site specific basis or where the mapping is uncertain. This is particularly true of zone boundaries in proximity of a shoreline.

   In keeping with the best practices in zoning and the science/evidence based approach to IWM, such shoreline zone boundaries should be established using identified performance criteria that can quantifiably be measured or established. In this case, identification of the shoreline zone boundary as being consistent with the high water mark of the waterbody can be applied consistently and quantifiably determined. Clarity of language and inclusion in the zoning provisions of the Zoning By-law further assist with the administration and interpretation of the By-law over time.

2) Watershed Overlay Zone: The implementation of a Watershed Overlay Zone poses a promising opportunity to apply catchment-based zoning within the Muskoka River Watershed. Such an approach could be scaled to apply to the entirety of the watershed or applied to smaller catchment boundaries such as a subwatershed or catchment basin level. This approach would provide one means of achieving more consistency across the watershed recognizing that such an approach would require the partner municipalities to coordinate in the goal to apply a watershed overlay zone in each of the respective lower tier Zoning By-laws to achieve a common target or standard. Any such approach would require the common and sustained coordination of a watershed-wide technical working group representing all of the Muskoka River Watershed municipalities along with a common set of agreed-upon goals, targets and priorities. There may be a role for the District to facilitate the formation of such a municipally-based, watershed-wide working group.

3) Holding By-laws: Holding By-laws work in conjunction with a lower tier Comprehensive Zoning By-law to allow for the future use of land or buildings but delay development until certain identified conditions have been met. In order to use a Holding By-law, the local Official Plan must include policies to authorize the use of a Holding By-law and identify the purposes for which a Holding Zone may be applied. Beyond this requirement, a Holding By-law may be used as a flexible zoning tool to ensure that any relevant issues are addressed prior to development proceeding. Most notably, a Holding By-law is one means to regulate low density residential development that is in proximity of a shoreline but that is beyond the 120 metre Provincial threshold for Site Plan approval.

4) Community Planning Permit By-law: The Community Planning Permit System (CPPS) is a planning tool that presents the best alternative to the traditional zoning and site plan processes. It is a streamlined planning process regulated under the *Planning Act*, that combines zoning, minor variance and site plan applications into one application and approval process.

Neither Bill 23 nor Bill 97 modified those sections of the *Planning Act* that relate to the establishment of a CPPS. As a result, this tool provides municipalities with a mechanism to introduce a more flexible approach to land use that effectively harmonizes the zoning and site plan functions. However, not all lower tier municipalities within the watershed will be equally equipped to revise existing zoning frameworks and implement a CPPS. Further, for those that are, it will take some time for the development and approval of a new CPPS system.

5) All lower tier municipalities in the Muskoka River Watershed apply a form of Environmental Protection Zone(s) that restrict or limit development on lands with significant natural heritage features. These Environmental Protection Zone structures vary significantly across municipalities in terms of the level of nuance and detail applied to both the description of the features being protected and the number of Environmental Protection Zones established.

6) Some of the Muskoka River Watershed municipalities such as Algonquin Highlands, Huntsville, Georgian Bay and Archipelago, apply a combination of standard Environmental Protection Zones and Environmental Overlay Zones to natural heritage features. The overlay zone structures may be used to recognize existing use, permit limited development pending the findings of an Environmental Impact Study, or to require buffers and other mitigation measures.

7) The range of uses permitted within the Environmental Protections Zones are fairly consistent across the watershed with a few minor variations in terminology. Generally these uses can be characterized as conservation uses, passive outdoor recreation, resource management and a recognition of existing uses. However, the approach to existing uses, both primary and accessory uses, does vary somewhat across the watershed municipalities. For example, some municipal Zoning By-laws provide for a minor expansion of existing primary or accessory uses where others do not. The permissions associated with existing uses is fairly nuanced and is worthy of additional future study.

8) Many of the Environmental Protection Zones require minimum setbacks from various natural heritage features, the high water mark or the Environmental Protection Zone boundary. These setbacks vary in terms of the refinement of the setback requirement and the actual setback required. As the Environmental Protections Zones either do not permit development or only very limited development, many of the setback requirements will in practice, apply to development on lands adjacent to the Environmental Protection Zones.

9) Almost all of the municipalities in the Muskoka River Watershed apply zoning to lands under water. Approximately half of the municipal Zoning By-laws apply a location specific zone category such as a 'Lakes and Rivers Zone' or 'Waterbody Open Space Zone' while the other half of the municipalities apply or extend other more standard zone categories such as an 'Environmental Protection Zone' or 'Open Space Zone' to lands under water. This is not problematic where the zone applied is an Environmental Protection Zone. However, where the zone applied is a zone category with inherent development permissions (including an Open Space Zone), the land use controls over such lands may not provide the necessary level of protection for such lands. This also lends itself to inconsistency in how such development permissions are applied and interpreted for such lands.

10) In Ontario, naturally occurring hazard lands generally apply to lands subject to flooding, erosion or steep slopes. The manner in which hazard lands are addressed across the Zoning By-laws of the Muskoka River Watershed is extremely varied. This is in part due to the prevalence of the issue within a municipality, the availability of mapping as well as the extent of the municipal resources available to implement a more detailed approach to land use for such lands.

11) Almost all of the municipalities in the Muskoka River Watershed regulate land use within the floodplain. The degree to which land use in the floodplain is regulated across the watershed can be framed within a graduated scale of regulations that ranges from no regulation to a very detailed multi-zone approach. In addition to the graduated scale of regulation noted above, some municipalities rely on a floodplain overlay zone in areas where development may be possible but where additional requirements may be required to determine the appropriateness of development.

12) In general, the Zoning By-laws within the Muskoka River Watershed significantly restrict or prohibit new development within the floodplain. Where development is permitted, the zoning regulations applied across the watershed vary significantly in the level of detail and the matters addressed. The range of matters addressed can be grouped within three key categories being conditions for development, enlargement/repair or reconstruction of existing uses, and site alteration.

13) There is an even greater inconsistency as it relates to septic systems located within a floodplain. In this regard, only the Zoning By-laws for Bracebridge and Georgian Bay specifically address septic systems within the floodplain. In absence of any explicit zoning provision to address septic systems in the floodplain, the trigger to apply floodplain zoning regulations then becomes a matter of the operative definitions for 'building' or 'structure' and any necessary interpretation of such definitions.

14) Only approximately one third of the Zoning By-laws in the Muskoka River Watershed specifically regulate land use in proximity of steep slopes. In those municipalities that regulate steep slopes, the variation as to what constitutes a steep slope ranges from between 20% to 40%. In most such municipalities, no development is permitted on the steep slope or within the minimum required setback.

15) All of the municipalities in the Muskoka River Watershed have well established zone structures to regulate both residential and commercial development in the waterfront areas. Across the Muskoka River Watershed, waterfront residential zone hierarchies are established based on any number of factors including access, zone standards, natural features, specific geographic areas, urban/rural split, backlot development, islands, and existing waterfront uses. Zone structures associated with waterfront commercial uses are almost exclusively based on the distinction of uses permitted. In regards to waterfront commercial uses, the waterfront commercial zone structures across the watershed tend to be delineated based on uses such as marinas, campgrounds/ tent and trailer establishments, resort commercial uses and generic tourist commercial or waterfront commercial uses.

16) The Zoning By-laws within the Muskoka River Watershed are fairly consistent in requiring that development be setback from the front lot line a minimum of 20 to 30 metres. This is true of development in both waterfront residential and waterfront commercial zones. This distance is also consistent with the required zoning setback for septic systems and leaching beds as contained in local By-laws.

17) In the Muskoka River Watershed, the lot coverage maximums permitted by the lower tier Zoning By-laws vary significantly in terms of the amount of development permitted and the metrics used to determine lot coverage. The maximum permitted lot coverage in waterfront residential zones ranges from 5% in Huntsville and Georgian Bay to 30% in Kearney. Most of the municipal Zoning By-laws permit a maximum lot coverage of between 10% to 15% for waterfront residential lots. Correspondingly, most Zoning By-laws permit an increased lot coverage for waterfront commercial zones. Most Zoning By-laws in the watershed permit a maximum lot coverage of 20% to 35% for waterfront commercial uses.

18) Most municipal Zoning By-laws also include a more targeted maximum shoreline area coverage limit that applies specifically to the shoreline area of a waterfront lot. The municipal zoning regulations in this regard are varied with the median maximum shoreline area coverage for waterfront residential zones being in the range of 10% to 15%. In regards to waterfront commercial zones, approximately half of the watershed municipalities do not specifically regulate coverage within the shoreline area. Of those that do, the maximum shoreline area coverage requirement is generally consistent with that required for the waterfront residential zones.

19) Many of the Zoning By-laws within the upper reaches of the Muskoka River Watershed require a minimum shoreline buffer depth of 30 metres (Dysart et al, Kearney, and Perry) for both Waterfront Residential Zones and Waterfront Commercial Zones. The Zoning By-laws applying to the remaining portions of the watershed require a minimum shoreline buffer depth of between 15 to 20 metres for Waterfront Residential Zones and a slightly larger shoreline buffer width of 20 to 30 metres for Waterfront Commercial Zones.

20) The majority of Zoning By-laws in the watershed require that in the Waterfront Residential Zones, 75% of the shoreline frontage be maintained in natural vegetative state. While not all Zoning By-laws require that a minimum percentage of the frontage be retained in a natural vegetative state in the Waterfront Commercial Zones, of those that do, the majority require that 65% to 75% percent of the shoreline frontage remain in a natural state. There is however, some inconsistency in how this shoreline frontage metric is incorporated within the watershed Zoning By-laws. Some By-laws regulate the percentage of the frontage to be maintained in a natural vegetative state whereas others, identify a maximum percentage of the shoreline frontage that may be used for shoreline buildings and structures.

21) The existing legal non-conforming use and legal non-complying provisions of the local Zoning By-laws are of increasing significance given the frequency with which development is now taking the form of redevelopment where existing structures are expanded or demolished to make way for more intensive forms of development. This is especially true within waterfront residential areas.

22) The existing use provisions of the lower tier Zoning By-laws are incredibly detailed and nuanced. This report only provides an overview of the current zoning practices however, a stand-alone, more detailed review of such zoning provisions within the broader context of the watershed is merited.

3.0 OPTIONS FOR WATERSHED-BASED ZONING – THE COMMUNITY PLANNING PERMIT SYSTEM CASE STUDIES AND APPLICATION

The Community Planning Permit System (CPPS) is an alternate approach to zoning that merges zoning, minor variance and site level planning into one zoning mechanism. This includes the regulation of site alteration, grading, blasting, filling, tree removal, natural feature protection, and shoreline controls which in most cases, fall outside of the legislated parameters of a more traditional Zoning By-law.

The CPPS is a more comprehensive approach to zoning that affords municipalities added flexibility in regulating land use and has been designed to be a more efficient legislative tool with shorter processing times. Similar to a traditional Zoning By-law, a CPPS By-law regulates both permitted uses and development standards within the municipality. However, unlike a traditional Zoning By-law, a CPPS By-law can also:

(1) allow for discretionary uses subject to identified criteria;

(2) allow for variations from development standards within specified limits; or,

(3) identify land uses or classes of development that may be exempt from requiring a development permit.

A CPPS By-law includes minimum and maximum development standards, criteria for evaluating development proposals, defined formula for community benefit contributions, and clear approval conditions including conditions under which approvals may be delegated to a staff level. Despite this more flexible approach, the CPPS and former Development Permit System from which it evolved has only been taken up by a very limited number of Ontario municipalities over the past 20 years. Recent legislative changes at the Provincial level that have constrained the application of site plan approval have not modified the CPPS. As a result, those municipalities that have a Community Planning Permit By-law or Development Permit By-law have not been impacted by the new limitations on Site Plan Control. Recent legislative changes governing the application of Site Plan Control are addressed in greater detail in Section 4 of this report.

Two of the lower tier municipalities within the Muskoka River Watershed have already made the pivot to a CPPS and provide examples of how this regulatory framework may be applied. The Town of Huntsville recently passed a new CPPS By-law (July 2022). Effective January 31, 2023, the Huntsville CPP is now in full force and effect throughout the Town. Similarly, the Township of the Lake of Bays has also recently adopted a Community Planning Permit By-law (2021). The Lake of Bays CPPS By-law is under appeal and is not yet in effect. The Township's current, in-effect Development Permit By-law only applies to the shoreline areas. The new CPPS By-law extends this zoning approach and will apply Township-wide.

The Town of Innisfil affords another example of how the CPPS System may be used to address an environmentally centered approach to zoning. Similar to the Township of Lake of Bays, the Town of Innisfil elected to implement an alternate approach to zoning along the Town's shoreline areas on Lake Simcoe. The Town of Innisfil CPPS By-law has been in-effect since 2019. As the Town of Innisfil is within the regulated area of the Lake Simcoe Region Conservation Authority (LSRCA), lands subject to the Town of Innisfil CPP By-law are also subject to the regulatory and permit requirements of the LSRCA. Compliance

with any applicable LSRCA requirements is a condition of approval of the Innisfil CPP By-law. There is no conservation authority having jurisdiction in the Muskoka River Watershed.

Similar to the Township of Lake of Bays, the Town is in the process of a phased expansion of the CPPS By-law that will extend the application of the CPPS By-law to other select settlement areas and employment areas in the Town.

A comparison of key aspects of the Community Planning Permit By-laws is provided below.

3.1 Goals and Objectives

There must be Official Plan policy support in order to implement a CPPS By-law. Official Plan policies are required to establish the broad CPPS framework, including the goals and objectives for the CPPS and the general criteria for evaluating development. Provided the requisite Official Plan policies are in place, a CPPS By-law may be adopted.

Each of the case study By-laws provide for a clear link between policy and the Zoning By-law as an implementing mechanism for that policy. This linkage is made within the introductory explanatory notes of the By-law. The goals and objectives as articulated in each of the Huntsville, Lake of Bays and Innisfil CPPS By-laws are attached as Appendix 5 to this report.

In the case of the Town of Innisfil, the foundation of the CPPS By-law is both the implementation of the Official Plan and to tie the CPPS zoning provisions to the broader goals of the Town's Strategic Plan being 'Grow, Connect and Sustain'. More specifically, the Innisfil CPPS By-law provides that:

> *"The following guiding principles form the basis for the provisions in this By-law and tie into the goals of the Town's Community Strategic Plan:*



Throughout the By-law, the Innisfil CPPS By-law repeatedly indicates how various of the zoning requirements addresses each of the guiding principles using the graphics above to earmark various of the zoning requirements.

3.2 Permit Classes

The CPPS establishes a zoning framework in which Council may delegate certain approvals to staff. Where delegated, staff may issue approvals for a prescribed list of discretionary uses or issue permits for development within a prescribed range of variances to development standards. The permissions for discretionary uses and variances are clearly articulated within the CPPS By-law. As a result, development permits may be issued by staff or Council. It is then necessary to also clearly articulate in what circumstances the varying classes of development permit apply. Table 13 summarizes the approach taken in each of the Huntsville, Lake of Bays and Innisfil CPPS By-laws in this regard.

Table 13: Community Planning Permit Classes

Table 13: Community Planning Permit Classes			
Municipality	**Variation Required**		
	Staff Issued		**Council Issued**
	None	**Minor**	**Substantive**
Huntsville	Class 1 Permit Application meets all applicable development standards. No variations required. Community Planning Permit is approved by Staff.	Class 2 Permit Application generally meets the requirements, standards, and provisions of this By-law, but requires minor relief (a Class Two – Staff Variation) from one or more applicable By-law requirements and/or involves the approval of a listed Discretionary Use. A use shall not be added as a permitted use through a Community Planning Permit. For any proposed new use within any Precinct not listed as a permitted use or permitted accessory use, an Amendment to this By-law shall be required. Community Planning Permit is approved by Staff.	Class 3 Permit Application requires more substantial or complete relief (a Class Three – Council Variation) from one or more applicable By-law requirements. A use shall not be added as a permitted use through a Community Planning Permit. For any proposed new use within any Precinct, an Amendment to this By-law shall be required. Community Planning Permit is approved by Council, or Planning Committee if approval is delegated.

Table 13: Community Planning Permit Classes			
Municipality	**Variation Required**		
	Staff Issued		**Council Issued**
	None	**Minor**	**Substantive**
Lake of Bays	Class 1 Permit Staff Planning Permits and Staff Variations which may be required where the proposed development generally meets the requirements, standards, and provisions of the Planning Permit Area, but is not specifically exempt from requiring a Planning Permit, or which may be required where the proposed development generally meets the requirements, standards, and provisions of the Planning Permit Area but requires minor relief from one or more of those requirements in accordance with the criteria outlined in this By-law.		Class 2 Permit Council Planning Permits and Council Variations, which may be required in certain circumstances where the proposed development generally meets the requirements, standards, and provisions of the Planning Permit Area, but is not specifically exempt from requiring a Planning Permit, or where the proposed development requires more substantial or complete relief from one or more requirements, standards, or provisions of the Planning Permit Area in accordance with the criteria outlined in this By-law.
Innisfil	Class 3 Applications meet all development standards and may be considered by Staff.	Class 2 Applications are variations to standards which may be considered by Staff.	Class 1 Permit Applications are variations to standards which require consideration by Council and shall be presented to Council.

3.3 Exemptions

All of the case study CPPS By-laws identify development that does not require a community planning permit. The approach taken by each of the case study CPPS By-laws is somewhat varied in both the approach and level of detail. The Town of Huntsville CPPS By-law includes a very detailed list of criteria being for development, site alteration and vegetation removal that is used to discern where a community planning permit is not required. The Lake of Bays CPPS By-law focuses on a similar range of exemptions but to a lesser level of detail. In both cases, the criteria focus on the location of development and its

proximity to natural heritage or hazard land features as being a threshold trigger for whether or not a community planning permit is required. The Innisfil example places a greater focus on providing an exemption based on buildings and structures such as accessory or seasonal structures as well as any repair or renovation of existing structures. The exemption provisions of the CPPS case study municipalities are attached as **Appendix 6** to this report.

3.4 Discretionary Uses and Variances to the By-law Standards

One of the distinctions of a CPPS By-law structure is the identification of discretionary uses and prescribed variances to zoning standards. This level of flexibility does not occur within a traditional zoning by-law where the use permissions and zone standards are definitive. The CPPS By-law identifies discretionary use permissions and variances to the Zoning By-law standards that may be permitted in accordance with a staff issued community planning permit. Such variations to the zoning requirements are generally minor and the limits of such are prescribed within the CPPS By-law. Within a CPPS By-law, zone categories are referred to as Community Planning Permit Areas (CPPA) or Precincts.

Discretionary Uses: The use permissions for a given CPPA category will identify those uses that are permitted as-of-right within the CPPA along with a second list of discretionary uses that may be permitted in accordance with a staff issued community planning permit. In addition to specific uses being identified as discretionary, the CPPS By-laws for both Huntsville and Lake of Bays also include 'other similar uses' as a permitted discretionary use across all community permit planning areas. Where the CPPS By-law provides for a discretionary use, such use may be permitted subject to applicable criteria or conditions as set out in the By-law, including any criteria listed as a notation to any permitted discretionary use or permitted accessory use.

Variances to Zone Standards: Similarly, the zoning standards for a given CPPA category will identify the minimum or maximum required zoning standards as well as a maximum variation limit that may be permitted in accordance with a staff issued community planning permit. For example, the maximum permitted height for a principle building in the Rural CPPA may be 11.0 metres which may be increased up to a maximum allowable variance of 20% in accordance with a staff issued community planning permit. Any increase in height beyond the prescribed 20% would require Council approval.

All of the CPPS case study By-laws include criteria which must be considered in assessing whether a community planning permit should be issued for a discretionary use or variation to the prescribed zone standard. In this regard, the Huntsville CPPS By-law requires as follows:

> *"1.20 Criteria for Considering Variations*
>
> *1.20.1 In addition to any other requirements of this By-law, the following provisions will be addressed to the satisfaction of the Town in evaluating Community Planning Permit applications, prior to issuance of a Community Planning Permit:*
>
> *a) the proposal is appropriate for the lands;*
>
> *b) the proposal takes into account the unique characteristics of the property;*

c) potential off-site and adverse impacts are identified and mitigated where appropriate;

d) the proposed development is compatible with the surrounding land uses and community, waterfront, or rural character;

e) the proposal is consistent with any applicable urban design guidelines;

f) the proposal conforms to the District and Town Official Plans; and

g) the proposal is consistent with the Provincial Policy Statement.

1.20.2 When applying the criteria in 1.20.1, the applicant will be required to demonstrate that a development proposal meets all applicable criteria and creates no adverse impact, or includes measures to be implemented to avoid or mitigate the adverse impact, prior to the approval and issuance of any Community Planning Permit." (Section 1.20, Huntsville Community Planning Permit By-law 2022-97)

The criteria in the Innisfil CPPS By-law are essentially the same although the Innisfil CPPS By-law requires that any zoning application maintains the general intent of the By-law. Further the Innisfil By-law stipulates that if ever a conflict arises between any plan, policy or document that the provision that gives the greatest protection to the ecological health of Lake Simcoe shall prevail.

The Lake of Bays CPPS By-law also includes criteria for discretionary uses however, such criteria is significantly more detailed in the Lake of Bays By-law. Further, the Lake of Bays CPPS By-law distinguishes between criteria applied to discretionary uses (which is generally focused on specific uses or classes of uses) and criteria applied to variations from zoning standards.

Under a traditional zoning structure, any amendments to the permitted uses or zoning standards requires either a minor variance or a Zoning By-law Amendment. The result of the CPPS zoning framework is that minor adjustments to zoning standards are now addressed at a staff level and are no longer required to proceed through a minor variance process at the Committee of Adjustment.

3.5 Zoning Conditions and Provisional Approval

A CPPS By-law provides a municipality with the ability to impose conditions in association with the issuance of a community planning permit. This is true whether the community planning permit is issued at the staff or Council level. In this regard, the Huntsville CPPS By-law provides that:

> *"Where a Community Planning Permit is required in accordance with the provisions of this By-law, the Town of Huntsville may impose conditions and/or grant Provisional Approval prior to final approval. A list of potential Conditions of Approval or Provisional Approval is found in Appendix B of this By-law.* (Section 1.16.5.2, Huntsville Community Planning Permit By-law 2022-97)

All of the case study CPPS By-laws include an itemized list of conditions that may be required in association with a community planning permit. The list of conditions identified in the Huntsville CPPS By-law have been appended to this report as **Appendix 7**. The conditions which may be required address a broad range of issues including but not limited to maintenance and restoration of shoreline vegetation, infrastructure, required easements, dedication of parkland, required studies, and/or mitigation of impacts on natural heritage features. In the case of the Town of Innisfil CPPS By-law, a linkage is made between the list of potential conditions and the parent guiding principle of the By-law that the condition seeks to reinforce. The conditions contained within the Innisfil CPPS By-law are as follows:

> *"The conditions in the following chart support the guiding principles of this By-law and the Official Plan:* (Section 1.10.2, Town of Innisfil CPPS By-law 062-17)
> [See chart on next page. The icons denote each of the four guiding principles of the CPPS By-law which relate back to the Town's Strategic Plan and Official Plan]

Chart referenced in quote above:

CONDITION				
Development shall be undertaken in accordance with a Community Planning Permit, including submitted plans, reports and drawings	✔	✔	✔	✔
Identification, protection, maintenance and enhancement of ***existing*** trees and other ***vegetation***, including the restoration or replacement of ***vegetation*** where removed		✔	✔	✔
Land for road widenings to the extent established in the ***Town*** and County of Simcoe ***Official Plans*** and / or daylighting triangles		✔		
Construction access plan to articulate how building materials will be placed on the site and how construction access will be provided to the subject property during construction	✔	✔	✔	
Lighting facilities shall be required to minimize the impacts on lake views, night skies and environmental features and a lighting impact analysis may be required to ensure the proposal is ***dark sky compliant***	✔	✔		✔
Easements in favour of the municipality for access, construction, maintenance or improvement of ***watercourse***s, ditches, land drainage works and other public utilities		✔	✔	✔
Facilities for the disposal of storm, surface and waste water from the land and from any ***buildings*** or ***structures*** thereon	✔	✔	✔	✔
Payment of cash-in-lieu, equal to 5% of the land, except where it has already been taken at the time of ***lot*** creation		✔		
Coastal engineering study or technical report to address coastal hazards such as: flooding, ice, erosion, dynamic beach and wave uprush	✔	✔	✔	✔
Environmental Impact Statement preparation, submission and mitigation measures	✔		✔	✔
Fish habitat impact assessment and offset measures	✔	✔	✔	✔

CONDITION				
Site alteration plan to demonstrate alteration or restoration of the grade of land and the placing or dumping of fill	✔	✔	✔	✔
Provision of sustainable / low impact design features	✔		✔	✔
Monitoring of the ***use*** of lands as is necessary for the protection of public health and safety or the protection of the natural environment		✔	✔	✔
Specified agreement of exchange for increased ***height*** and or density in accordance with Section 1.17		✔		
In the case where action is recommended by a technical report, conditions which address the recommendations, including siting requirements that exceed minimum requirements may be imposed	✔	✔	✔	✔
Approvals and permits from other regulatory bodies such as: Department of Fisheries and Oceans , Transport Canada and Lake Simcoe Region Conservation Authority	✔	✔	✔	✔
Execution, maintenance and monitoring of any feature or works associated with a condition or a report	✔	✔	✔	✔
Enter into an agreement with the ***Town*** and / or any regulating bodies, to be registered on title, to confirm ***development*** will proceed in accordance with the Community Planning Permit, including the requirement of financial securities	✔	✔	✔	✔
Sun / shadow / shade study	✔			
Contaminant and spill management plan			✔	
Erosion and sediment control plan			✔	
Conformity with and compliance to all regulated authorities for matters associated with property standards, outstanding fees, enforcement and other by-laws		✔		
Any condition that may be imposed pursuant to sections 34,40,41 and 42 of the Planning Act	✔	✔	✔	✔

Conditions of approval may be incorporated within the approval process for a community planning permit in a number of ways. Conditions of approval may be required as part of a provisional approval and which must be satisfied in advance of a community planning permit being issued or may be attached to community planning permit as issued by the municipality.

Typically, all conditions of a provisional approval or a community planning permit must be satisfied within one year from the date of issuance of the approval or permit. Requests to extend that timeframe are typically granted in one year intervals and may be repeated subsequent times. The Town of Huntsville permits repeat extensions up to four times, whereas the Township of Lake of Bays will only allow repeat extensions up to a maximum of three times. The Innisfil CPPS By-law is silent in regards to how many times this timeframe may be extended. A building permit will not be issued until such time as a final approval of the community planning permit has been issued.

In regards to conditions applying to provisional approvals and community planning permits, the Lake of Bays CPPS By-law provides as follows:

> *"2.10.1 Conditions may be imposed and provisional approval may be granted prior to final approval.*

2.10.2 Conditions of approval may:

a) be imposed prior to the issuance of a Planning Permit as a requirement of a Provisional Approval;

b) be required as a condition of approval of a Planning Permit; or,

c) required in an agreement pursuant to approval of a Planning Permit and to be entered into between the applicant and the Township and/or District of Muskoka, as may be applicable, and registered on title.

2.10.3 If a Provisional Approval is granted with conditions, the applicant shall fulfill the conditions associated with the approval in advance of the issuance of the Planning Permit.

2.10.4 Where a Provisional Approval of a Planning Permit is given, the applicant has a maximum of one year from the date of the Provisional Approval within which to obtain the Planning Permit, failing which the Provisional Approval will lapse.

2.10.5 Any condition of a Planning Permit must be met within (one) 1 year from the date of issuance of the permit. For clarity, this also applies to the implementation of planting plans.

2.10.6 Requests for extensions to meet any condition of a Planning Permit may be extended by Township Staff, in one (1) year intervals, up to a maximum of 3 requests, subject to this By-law and any provisions within, as amended from time to time.

2.10.7 Following the clearance of all conditions and the issuance of a Planning Permit, the applicant may be eligible for a building permit." (Section 2.10, Lake of Bays CPP By-law 2021-111)

Both the Town of Huntsville and Town of Innisfil CPPS By-laws contain similar provisions.

3.6 Site Alteration and Vegetation Removal

A CPPS By-law enables a lower tier municipality to provide greater direction regarding aspects of development that are typically outside of zoning such as site alteration, grading, or removal of vegetation. Such matters may be addressed within the CPPS Bylaw through a number of zoning requirements. This includes:

- Required technical studies;
- Development standards applied to a specific CPPA or Precinct;

- Zoning requirements that apply across the municipality such as general provisions addressing vegetation removal, site alteration standards, excavation, grading, placement of fill or shoreline buffer area requirements;

- Community benefit requirements such as the provision of special facilities to enhance the environment such as vegetation protection zone enhancements, drainage improvements, or tertiary sewer treatment; or

- Community planning permit requirements and conditions of approval.

Examples of some of the site alteration and vegetation zoning standards applied in the Town of Innisfil CPPS By-law are attached to this report as **Appendix 8**.

In regards to conditions of a community planning permit, the Town of Huntsville CPPS By-law provides that:

> *"The Community Planning Permit may add conditions to minimize extent of site grading, restricting site alteration in areas of steep and rocky terrain, preserving natural features, using grass swales for stormwater management, directing runoff to soakaway pits or grassed areas, using stormwater retention ponds, minimizing extent of paved areas, using permeable surfaces and minimizing offset flow of contaminants."* (Section 1.16.5.3, Huntsville Community Planning Permit By-law 2022-97)

In many instances, the conditions of a community planning permit may be executed by an agreement between the municipality and the landowner. In some cases, such agreement is registered on title where in other instances it is not.

One such agreement is the Planting Agreement used by the Township of Lake of Bays. As a condition of development, the landowner enters into an agreement with the Township to:

- Install trees or vegetation;
- Not alter grades with vegetation;
- Not disturb the areas of vegetation to be preserved; and,
- Keep such areas free of storage of surplus soil, debris and building materials or equipment on the lands subject to the community planning permit.

In conjunction with the Planting Agreement, the landowner is required to post securities to ensure performance with the agreement. The securities are returned to the landowner following final inspection of the works constructed or any associated grading of the site. However, the Planting Agreement does not require that any such vegetation be maintained over a period of time beyond construction or final inspection. The Planting Agreement and associated Landscape/Planting Plan implemented in the Lake of Bays is attached to this report as **Appendix 9.**

3.7 Opportunities for Watershed Based Zoning

The merits of the CPPS more closely mirror the broader approach to zoning taken in many jurisdictions in the United States and afford a greater opportunity to address site level matters such as site alteration, grading and retention of vegetation. This is particularly true of those jurisdictions that apply zoning based on watershed boundaries such as the case in the Town of Cary, North Carolina and New Castle County, Delaware. A further example of ecologically-based planning within Ontario, is that which is established by the Oak Ridges Moraine Conservation Plan.

3.7.1 Cary, North Carolina

The Town of Cary, North Carolina implements a Watershed Protection Overlay Zone within the *'Code of Ordinances - Land Development Ordinance'* which establishes the zoning structure and land use permissions for the municipality. The intent of the Watershed Protection Overlay is to ensure the availability of public water supplies at a safe and acceptable level of water quality as enabled by State-level legislation Chapter 160D and in Chapter 143, Article 21, Watershed Protection Rules. This is not unlike the Source Water Protection Areas that are delineated within Ontario. However, the Watershed Protection Overlay as implemented in the Cary case study is more comprehensive and includes:

- A restriction of land uses within water supply basins (not unlike Source Water Protection Areas);
- Impervious area and density limitations; and,
- Engineered stormwater control measures and best management practices.

The Watershed Protection Overlay as implemented in Cary is a akin to a hybrid mechanism that combines elements of zoning, site level management and engineering requirements. This approach is implemented through an overlay zoning approach where watershed zoning standards are implemented in addition to the zoning permissions of the base underlying zone structures. The Watershed Overlay Zone Regulations are attached as **Appendix 10** to this report.

There are two particularly interesting aspects of the Cary approach that pose potential for a watershed overlay within a CPPS framework being impervious surface requirements and requirements for ground cover.

Impervious Surface Requirements – In the Cary case study, limits are placed on the amount of impervious surface permitted in association with a proposed development. This limit is contingent on the density of the proposed development and varies across the watershed or by subwatershed depending on the applicable context in which the development is proposed. Generally, impervious limits range from 12 to 24 percent for low density development and from 30 to 70 percent for high density development. These limits are depicted in a table within the overlay zone provisions. In this regard, the Zoning Ordinance defines an impervious surface area as follows:

> *"Any hard-surfaced, man-made area that allows little or no infiltration of precipitation into the soil. Impervious surface areas include that portion of a development project that is covered by buildings; areas paved with concrete, asphalt or brick; gravel road; recreation facilities such as tennis courts; patios, driveways, and streets. "Impervious surface area" does not include slatted decks; the water surface area of a swimming pool; a surface of number 57*

stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle." (Section 12.4, Town of Cary Code of Ordinances)

The Watershed Overlay Zone provisions further provide that the calculation of impervious surfaces be undertaken as follows:

"Calculation of impervious surface area shall include the pavement area of all existing and proposed internal public and private streets, one-half (1/2) of the width of roadways on the perimeter of the project, driveways, rooftops, parking lots, patios, and all other impervious surfaces. For the purpose of calculating the impervious surface of roadways on the perimeter of a project, the ultimate pavement cross section of the roadway based on the Comprehensive Transportation Plan and any sidewalk(s) or greenway(s) along the perimeter roadway will be included in the calculation. For purposes of calculating the percentage of impervious area coverage, the total project area shall be regarded as the actual area of the property plus the area within the rights-of- way of the internal and perimeter streets included in the calculation of impervious area." (Section 4.4.6(D)(2), Town of Cary Code of Ordinances)

Zoning By-laws in Ontario commonly regulate the amount of lot coverage which may be occupied by buildings and structures. The regulation of impervious surfaces is a refinement of the this approach in that it applies not only to buildings and structures but also more specifically encompasses "a*ny hard-surfaced, man-made area that allows little or no infiltration of precipitation into the soil".*

Ground Cover Requirements – As a component of the engineered stormwater control measure requirements of the Watershed Protection Overlay, all land areas outside of engineered stormwater control measures are required to establish a ground cover that is sufficient to restrain erosion within fifteen days of any land disturbance. More specifically, the Watershed Protection Overlay requires that:

"In addition to the vegetative filters required in Cary's Standard Engineering Details and Specifications Manual, all land areas outside of the engineered stormwater control measures shall be provided with a ground cover sufficient to restrain erosion within fifteen (15) days after any land disturbance. Upon completion of the stormwater control measure, a permanent ground cover shall be established and maintained as part of the maintenance plan described in Section 4.4.6(G)(9)." (Section 4.4.6(G)(3), Town of Cary Code of Ordinances)

In Ontario, while such requirements may be implemented as part of a development agreement, the requirement for a ground cover as an erosion control mechanism is not explicitly addressed through zoning. Such considerations are only broadly addressed in zoning through requirements for landscaped open space or buffer requirements.

3.7.2 New Castle County, Delaware

Similar to the North Carolina case study, the *Code of Ordinances* for New Castle County in Delaware establishes Water Resource Protection Areas for the City of Newark, City of Wilmington and New Castle County all of which are located within the Cockeysville Formation Drainage Area. Requirements within these areas are established to protect the County's water resources. Also similar to the North Carolina case study, the zoning ordinance implements requirements for the maximum permitted impervious surface area for development. The impervious surface limit is capped at 20 percent. Any measure greater than this may only be permitted if supported by an Environmental Impact Assessment. This limit is further adjusted as applied to existing, legal non-conforming uses. The New Castle County Code of Ordinances requires that:

> *"A. Water resource protection areas are the Cockeysville Formation, Cockeysville Formation drainage area, wellheads, and recharge areas. All such areas depicted on the three (3) map series "Water Resource Protections Areas for the City of Newark, City of Wilmington, New Castle County, Delaware," prepared by the Water Resources Agency for New Castle County that is dated 2011, or as amended. These areas shall be protected as required by the following Sections to protect the County's water resources from contamination and pollution and to insure adequate water quantity for future needs.*
>
> *B. No development shall be permitted to have more than twenty (20) percent impervious surface ratio without an environmental impact assessment report and a recommendation from RPATAC supporting a greater than twenty (20) percent impervious surface ratio. The environmental impact assessment report shall be certified by a State-registered professional geologist or professional engineer with technical expertise in hydrogeology. The impervious surface ratio and open space ratio operate independently and are based on the base site area.*
>
> *C. The Department may permit the expansion of existing nonconforming sites within WRPAs, which exceed the twenty (20) percent impervious cover standard, provided the proposed expansion of the site will reduce the existing impervious cover by a minimum of five (5) percent for sites of two (2) acres or less, a minimum of ten (10) percent for sites greater than two (2) acres and less than five (5) acres, and a minimum of twenty (20) percent for sites greater than five (5) acres and larger.*
>
> *D. The Department may consider, with the recommendation of RPATAC, the transfer of development rights of a Recharge Area WRPA to another Recharge Area WRPA. A conservation easement shall be established to prohibit the disturbance of the WRPA in perpetuity."* (Section 40.10.160., New Castle County Code of Ordinances)

3.7.3 Oak Ridges Moraine Conservation Plan, Ontario

The Oak Ridges Moraine (ORM) is an ecologically sensitive, geological landform located in south-central Ontario. The ORM is located north of and parallel to the northern shore of Lake Ontario and extends approximately 160 kilometres from the Trent River (County of Northumberland) in the east to the Niagara

Escarpment (Peel Region) in the west, covering an area of approximately +/- 190,000 hectares. The ORM forms a ridge that is a unique concentration of environmental, geological and hydrological features and that constitutes the headwaters to a number of large watersheds that flow both north and south of the moraine.

The Oak Ridges Moraine Conservation Plan, 2017 (ORMCP) is an ecologically based plan that regulates land use for the land and water on the Oak Ridges Moraine. The ORMCP is a Provincial Plan as established by the Oak Ridges Morine Conservation Act in 2001 (most recently reviewed and updated in 2017).

A key focus of the ORMCP is to establish land use regulations that address key natural heritage features and key hydrologic features and the connectivity between them as a matter of priority. In doing so, the ORMCP requires that every upper tier or single tier municipality shall have a watershed plan and that the objectives and requirements of that watershed plan be incorporated into local Official Plans. The ORMCP requires that a watershed plan shall include at a minimum the following:

(a) a water budget and a water conservation plan as set out in section 25 [of the ORMCP];

(b) land and water use and management strategies;

(c) a framework for implementation, which may include more detailed implementation plans for smaller geographic areas, such as subwatershed plans, or for specific subject matter, such as environmental management plans;

(d) an environmental monitoring plan based on a minimum of five years of monitoring;

(e) provisions requiring the use of environmental management practices and programs, such as programs to prevent pollution, reduce the use of pesticides and manage the use of road salt;

(f) criteria for evaluating the protection of water quality and quantity, hydrological features and functions, including criteria for evaluating the impacts of proposed development and infrastructure projects within and outside the Plan Area on water quality and quantity and on hydrological features and functions;

(g) with sewage from surrounding areas; and

(h) *an assessment of climate change impacts on sewage and water service systems and stormwater management systems."* (Section 24(3), ORMCP)

The ORMCP regulations further refine the above requirements by addressing the need for smaller, subwatershed plans as a component of the broader approach. In this regard, the ORMCP requires that:

"27. (1) Except with respect to land in Settlement Areas, all development and site alteration with respect to land in a subwatershed are prohibited if they would cause the total percentage of the area of the subwatershed that has impervious surfaces to exceed,

(a) 10 per cent; or
(b) any lower percentage specified in the applicable watershed plan or subwatershed plan.

(2) Except with respect to land in Settlement Areas, in considering applications for development or site alteration with respect to land in a subwatershed the approval authority shall take into account the desirability of ensuring that at least 30 per cent of the area of the subwatershed has self-sustaining vegetation.

(3) With respect to land in Settlement Areas, in considering applications for development or site alteration with respect to land in a subwatershed the approval authority shall consider the importance of,

(a) ensuring that natural vegetation is maintained, and where possible, improved or restored; and

(b) keeping to a minimum impervious surfaces and their impact on water quality and quantity." (Section 27, ORMCP)

These subwatershed requirements address site level matters such as site alteration, impervious surfaces, and self-sustaining vegetation.

In regards to impervious surfaces, the ORMCP defines an impervious surface as:

"a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot".

The policies of the ORMCP as noted above, establish a threshold for impervious surfaces based on the area of the subwatershed. However, in regards to lands within a Landform Conservation Area, requirements for impervious surfaces are established at the site level. Further, such requirements distinguish between the net developable area of a site and impervious surfaces at the site level specifically. In this regard, the ORMCP requires that:

"(5) An application for development or site alteration with respect to land in a landform conservation area (Category 1) shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum, including,

(a) maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form;

(b) limiting the portion of the net developable area of the site that is disturbed to not more than 25 per cent of the total area of the site; and

(c) limiting the portion of the net developable area of the site that has (c)impervious surfaces to not more than 15 per cent of the total area of the site. (Section 30(5), ORMCP)

(6) An application for development or site alteration with respect to land in a landform conservation area (Category 2) shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum, including,

(a) maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form;

(b) limiting the portion of the net developable area of the site that is (b)disturbed to not more than 50 per cent of the total area of the site; and

(c) limiting the portion of the net developable area of the site that has (c)impervious surfaces to not more than 20 per cent of the total area of the site.

(7) Subsections (5) and (6) do not apply in respect of mineral aggregate operations." (Section 30, ORMCP)

In regards to vegetation, the provisions of the ORMCP protect relevant features, establish a minimum area of influence around such features, require minimum vegetative protection zones and further, in accordance with Section 27(3) noted above, direct approval authorities to consider the importance of ensuring that natural vegetation is maintained, and where possible, improved or restored.

The approach taken in the ORMCP towards site level requirements for development, specifically those such as impervious surface thresholds, site alteration and vegetations requirements, afford a greater opportunity to address watershed objectives particularly within the more flexible framework of a CPPS By-law.

3.8 Community Planning Permit Key Findings

1. The Community Planning Permit System (CPPS) is an alternate approach to zoning that merges zoning, minor variance and site level planning into one zoning mechanism. Such an approach enables a lower tier municipality to provide greater direction regarding aspects of development that are typically outside of zoning such as site alteration, grading, or removal of vegetation.

2. Similar to a traditional Zoning By-law, a CPPS By-law regulates both permitted uses and development standards within the municipality. However, unlike a traditional Zoning By-law, a CPPS By-law can also:
   - allow for discretionary uses subject to identified criteria;
   - allow for variations from development standards within specified limits; or,
   - identify land uses or classes of development that may be exempt from requiring a development permit.

3. Two of the lower tier municipalities within the Muskoka River Watershed have already made the pivot to a CPPS and provide examples of how this regulatory framework may be applied. The Town of Huntsville recently passed a new CPPS By-law (July 2022). Effective January 31, 2023, the Huntsville CPP is now in full force and effect throughout the Town. Similarly, the Township of

the Lake of Bays has also recently adopted a Community Planning Permit By-law (2021). The Lake of Bays CPPS By-law is under appeal and is not yet in effect. The Township's current, in-effect Development Permit By-law only applies to the shoreline areas. The new CPPS By-law extends this zoning approach and will apply Township-wide.

4. Recent legislative changes at the Provincial level that have constrained the application of site plan approval have not modified the CPPS. As a result, those municipalities that have a Community Planning Permit By-law or Development Permit By-law have not been impacted by the new limitations on Site Plan Control.

5. The merits of a CPPS By-law can be used to leverage an ecologically based approach to land use. Such an approach may rely on the boundaries of a watershed/ subwatershed or catchment area, or based on a particular land use formation such as the Oak Ridges Moraine. The flexibility and comprehensive nature of a CPPS By-law afford a greater opportunity to address watershed objectives as well as site level matters such as site alteration, grading and retention of vegetation that have traditionally fallen beyond the scope of zoning.

4.0 SITE PLAN CONTROL

Site Plan Control in conjunction with zoning, is one of the primary tools that has been relied upon by lower tier municipalities to regulate development at a site or property specific level. This is particularly true as it relates to development in proximity of waterbodies, natural heritage features and hazard lands. Recently, the Provincial government has introduced a number of legislative changes that have reduced the scope of Site Plan Control available to lower tier municipalities. This has a direct impact on the tools available to the lower tier municipalities to regulate development within the context of IWM.

4.1 More Homes Built Faster Act, 2022 (Bill 23)

The *More Homes Built Faster Act, 2022* (Bill 23) introduced a number of significant changes to the *Planning Act*. One of the most significant modifications and one which directly impacts how an IWM approach may be implemented within the Muskoka River Watershed is the site plan exemption for residential development located on a lot with 10 or fewer residential units. The exemption applies equally in both the urban and rural areas of the watershed including as it relates to waterfront residential uses and development. This is of significance given the prevalence of shoreline residential development in the Muskoka River Watershed. Bill 23 amended the *Planning Act* to reduce the scope of Site Plan Control as follows:

- Exempts a residential building or structure that is located on a lot with 10 or fewer residential units from Site Plan Control (does not apply to land lease communities);

- Introduces a revised definition of 'development' as it relates to Site Plan Control that excludes the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units; and,

- Matters related to exterior design, including character, scale, appearance and design features of a building are no longer subject to Site Plan Control except in limited circumstances

As of the date of this report, these amendments are now in full force and effect.

4.2 Helping Homebuyers, Protecting Tenants Act, 2023 (Bill 97)

The *Helping Homebuyers, Protecting Tenants Act, 2023* (Bill 97) which is now also in effect further modifies Section 41 of the *Planning Act* being the conditions and applicability of Site Plan Control. In accordance with Bill 23, the *Planning Act* provides that the construction, erection or placing of a building or structure for residential purposes on a parcel of land does not constitute "development" for the purposes of Section 41 (Site Plan) of the *Planning Act* if the parcel of land will contain fewer than 10 residential units. Bill 97 modifies this section of the *Planning Act* to provide that such activities do in fact constitute "development" if the parcel of land includes land in a 'prescribed area'.

In respect to Site Plan Control, Bill 97 modifies the *Planning Act* as follows:

"9 (1) Subsection 41 (1.2) of the Act is amended by striking out "residential units" at the end and substituting "residential units, unless the parcel of land includes any land in a "prescribed area"."

Bill 97 does not define or provide any metrics in relation to a 'prescribed area'. This is addressed through the recently released Ontario Regulation 254/23 (O.Reg 254/23) which is attached to this report as **Appendix 11.** O.Reg 254/23 specifically permits the use of Site Plan Control for 10 or fewer residential units on a single parcel of land for the following 'prescribed areas':

- Any lands located within 120 metres of a wetland, lake or river (including creeks and streams); and,
- Any lands located within 300 metres of a railway line including active, heavy rail but does not include light rail or decommissioned or abandoned railway lines.

Within the context of the District of Muskoka, the Waterfront Area as defined within the District Official Plan, encompasses lands within 150 metres of the shoreline. Despite the reinstatement of Site Plan approval within 120 metres of a wetland or shoreline, there may still be lands within the District of Muskoka Waterfront Area that are beyond the now in-effect 120 metre prescribed area that would continue to be exempt from Site Plan Control. In this scenario, for lands beyond the proposed 120 metre prescribed area, the application of a Holding Zone as an interim mechanism may still be used to better regulate development where warranted. Any such Holding Zone would ensure that the necessary studies and development conditions are established prior to development approval.

4.3 Elements of Site Plan Control

Site Plan Control is a tool enabled by the *Planning Act* whereby a municipality may regulate detailed site-level or parcel specific controls over development. This includes the more detailed aspects of development such as:

- Zoning Regulations
  Placement of buildings and structures
  Height of buildings and structures
  Lot coverage

- Parking Areas and Driveways
  Layout and dimensions
  Entrance location
  Snow storage

- Landscaping
  Retention and restoration of existing vegetation
  New plantings

- Environmental Protections
  Shoreline buffers
  Wetland, watercourse and other feature setbacks

Timing for vegetation removal and site alteration

- Natural Constraints
  Identification of steep slopes
  Floodplain restrictions
  Landfill assessment areas

- Engineering Works
  Site drainage
  Construction mitigation

- Parkland
  Parkland dedication (if required)

- Accessory Uses
  Accessory buildings
  Shoreline structures

- Servicing
  Municipal services
  - Water main connection location and dimensions
  - Sewer main connection location and dimensions

  Private services
  - Septic system location and setbacks
  - Well location and setbacks

  (List excerpted from City of Bracebridge, Site Plan Application Guidelines, 2021)

To use this tool, a proposed Site Plan Control Area must be shown or described in an Official Plan. The municipality must also pass a Site Plan Control By-law designating all or any part of the area shown in the Official Plan as a Site Plan Control Area and to establish the framework and mechanisms applied through the site plan process. Amongst other matters, this includes the establishment of the Site Plan Control Area, any exclusions from site plan requirements, operational matters such as requirements for agreements, collection of securities, timing as well as delegation of Council authority to staff.

4.4 Site Plan Control Practices Across the Muskoka River Watershed

All of the watershed municipalities have a enacted a Site Plan Control By-law and rely on Site Plan Control as a tool within the development approval process. Notwithstanding, there are a number of inconsistencies in how this tool is applied at the local level. However, there are examples where Site Plan Control is applied in a manner that forwards some of the key principles of IWM being:

- Watershed/ecosystem based approach (geographically based planning and management);
- Interjurisdictional coordination;
- Science/evidence based approach to policy formulation and implementation
  - Identified performance criteria

    - Quantifiable metrics
    - Cumulative impacts over time and geography)
- Monitoring programs, reporting, feedback loops; and,
- Adaptive.

4.4.1 Site Plan Control By-laws

All municipalities in the Muskoka River Watershed have a Site Plan Control By-law containing the same basic framework that:

- Allocates the entirety of the municipality within the Site Plan Control Area;
- Identifies lands exempt from Site Plan Control whether that be by location, zone or class of development;
- Establishes site plan application requirements;
- Establishes the framework for Site Plan Agreements and the taking of securities; and,
- Establishes the scope and conditions to delegate Council authority to staff.

Beyond this basic framework, there is a variance in the level of detail and matters addressed across the Site Plan Control By-laws currently in effect in the watershed. Aside from the level of detail contained in the By-laws, some of the Site Plan Control By-laws provide examples of how a Site Plan Control By-law can be used to reinforce municipal priorities or to provide for a more effective application of this tool that supports the principles of IWM. Some examples from within the watershed include:

<u>Bracebridge – Incorporation of Site Plan Control Guidelines within Site Plan Control By-law</u>

The Town of Bracebridge Site Plan Control By-law includes reference to a set of Council endorsed Site Plan Guidelines that further detail how and in what instances Site Plan Control is applied. This provides greater communication with the public and greater consistency in how Site Plan Control is applied. Further, the Site Plan Control By-law identifies some key quantifiable metrics which can be used as a baseline for implementation and consistency. Key highlights of the Site Plan Guideline include:

- Identification of site works or forms of development that trigger the Site Plan Control process including (but not limited to) development within 60 metres of a waterbody, application for a Tree Cutting Permit or Site Alteration Permit or as a condition of any application to close a shore road allowance
- Inclusion of design standards specifically addressing landscaping and vegetation standards and shoreline buffer requirements
- Vegetation standards include a prescribed list of native tree species and a target zero net loss approach to be achieve by planting new vegetation at a minimum ratio of 1:1 for vegetation that has been removed.
- Baseline metric for protective measures established from the quantifiable drip-line of the trees
- Minimum size requirements for new vegetation including minimum height and density of trees/shrubs in the shoreline area

The Town of Bracebridge Site Plan Control By-law provides that:

> *"10. That the Site Plan Application Guidelines, attached hereto as Schedules 'A' and 'B, is hereby accepted."*
>
> *"Schedule A – Site Plan Control Guidelines, Low Density Residential"*
>
> The Bracebridge Site Plan Control Guidelines are attached as **Appendix 12**.

Gravenhurst – Establishment of High Water Mark as a Quantifiable Metric

The establishment of quantifiable metrics provides consistency in how development standards and in this case, Site Plan Control are applied. The Town of Gravenhurst Site Plan Control By-law relies on the Optimal Summer Water Level (defined as the high water mark) as a quantifiable metric in identifying lands where Site Plan Control applies. Specifically, the Town of Gravenhurst Site Plan Control By-law provides that site plan be applied to lands within 60 metres of the high water mark as follows:

> *"2. The following classes of development may be undertaken without the approval of plans and drawings otherwise required under Sections 41(4) or 41(5) of the Planning Act, RSO 1990, Ch. P. 13, as amended:*
>
> *a) Any residential development containing two (2) dwelling units or less (including buildings and structures accessory to such residential development)* ***located greater than 60.0 metres from the Optimal Summer Water Level****."* [emphasis added]

Similar to the Town of Bracebridge, the Gravenhurst Site Plan Control By-law includes a requirement for the use of tree and shrub species native to Muskoka. A list of native species is included as Schedule B to the By-law as follows:

> *"9. All site plans shall be completed in accordance with the requirements detailed in Schedules" A" and " B" attached hereto."*
>
> *"13. Schedules " A" and " B"" attached hereto are hereby made part of this By-law."*
>
> *"Schedule B – List of Muskoka Native Tree and Shrub Species"*

Seguin – Coordination of Site Plan Control with Other Municipal By-laws

The Township of Seguin Site Plan Control By-law provides a cross reference to other Municipal Act By-laws that may be used to complement the Site Plan Control process and further regulate site level development. Specifically, the Seguin Site Plan Control By-law references the cross connections and applications with the Tree Cutting By-law, Blasting By-law and Fill By-law.

The Township of Seguin Site Plan Control By-law provides that:

> *"4.1 The following classes of development may be undertaken without the approval of plans and drawings otherwise required under Sections 41(4) or 41(5) of the Planning Act, RSO 1390, Ch. P. 13, as amended:*
>
> *a) Any residential development containing two (2) dwelling units or less (including buildings and structures accessory to such residential development) except where such residential development:*
>
> *(iv.) requires major relief as determined by the Director of Planning and Director of By-law Enforcement is requested by any person from the Township of Seguin Tree Cutting By-law 2008-103, Blasting By-law 2008-104 and Fill By-law 2008-1085, site plan control will apply notwithstanding the issuance of a building permit for such residential development (which is normally exempted from site plan approval), should it be determined that the foregoing major relief is required after commencement of work under authority of such building permit."*

4.4.2 Application of Site Plan Control

All municipalities within the Muskoka River Watershed apply Site Plan Control to varying degrees and circumstances. For example, Site Plan Control is commonly applied in urban areas more so than in rural areas or in relation to the nature of the use such as residential uses versus commercial or industrial uses. Of particular note, is the variation in which Site Plan Control has historically been applied to shoreline residential areas given the predominance and impacts of this land use across the watershed.

Table 14 provides a summary of how Site Plan Control was applied to the shoreline areas across the watershed prior to the enactment of Bill 23 and Bill 97. Site Plan Control is only consistently applied to shoreline areas in five of the watershed municipalities being Bracebridge, Gravenhurst, Georgian Bay, Huntsville and Lake of Bays. (This includes areas subject to the Community Planning Permit/ Development Permit Systems). The application of site plan to shoreline areas across most of the watershed municipalities is varied depending on:

- Geographic location (ie. applied only to certain zones, lands or lakes);
- Specific conditions of an individual property (ie. elevations or other natural heritage features); and/or
- Due to the nature of development proposed (ie. scale of development or servicing requirements).

Two of the case studies identified in the original *Existing Conditions Policy Report (November 2022)* provide additional examples of how Site Plan Control can be applied at the local level.

Town of Innisfil – Cross Connections to the CPPS By-law & Conditional Exemptions

A Community Planning Permit System By-law is a hybrid planning tool that consolidates aspects of zoning and site plan approval into one planning instrument. To date, there has been a limited uptake of the CPPS permissions granted under the *Planning Act* by Ontario municipalities. Typically, withing these limited examples, where a CPPS By-law has been enacted, it has replaced both the traditional Zoning By-law and the Site Plan Control process. However, the Town of Innisfil is one example where the Site Plan Control By-law remains in effect within the area subject to the CPPS By-law.

The Town of Innisfil Community Planning Permit By-law applies exclusively to shoreline areas (however, the Town is currently in the process of expanding the scope and application of that By-law). Notwithstanding, the Site Plan Control By-law equally applies to lands regulated by the Community Planning Permit System By-law as follows:

> *"2.1 That all lands or property within the corporate limits of the Town within the land use zones including any site specific exceptions or land regulated by the Community Planning Permit system By-law, as listed on Schedule 'A' which shall form part of this by-law are hereby designated as site plan control areas ("Lands").*
>
> *2.2 Lands subject to a Community Planning Permit By-law may amend an approved site plan subject to the applicable provisions of the applicable Community Planning Permit By-law."*

Further, exemptions to the Site Plan Control By-law are not absolute but rather conditional. This affords an added level of flexibility to respond to land use impacts through the development approval process.

> *"11.1 Exemptions to this By-law <u>may</u> be granted under the following circumstances:*
>
> *(a) Development or Re-development of single detached, semi-detached, duplex and street townhouse dwellings within approved developments, where architectural control guidelines are in place, unless otherwise indicated in Schedule 'A' of this By-law;*
>
> *(b) On-farm buildings and structures associated with agricultural uses;*
>
> *(c) By the Town Official as an exemption from site plan control to any property within the site plan control area proposing alterations to an existing Development, provided that:*
>
> *(i) it is a minor change to the nature of the use, size of building, structures and parking areas, and site imperviousness/stormwater runoff;*
>
> *(ii) it is consistent with, and complies with the Town's Zoning By-law or the Town's Community Planning Permit System, the more restrictive of the two;*
>
> *(iii) it does not require any alterations to external works, roads or drainage infrastructure; and*

(iv)the property has an existing site plan control agreement with the Town that has been executed and registered on title or complies with and subject to the Town's Community Planning Permit System By- Law.

(d) By resolution of Council where circumstances warrant an exemption due to the nature of the proposed Development; and

(e) Municipal projects.

11.2 Exemptions from site plan control granted under Section 11.1(c) of this By-law may be made in writing without an amendment to the existing site plan control agreement registered on title."

City of Ottawa – Conditional Exemptions & Scoped Site Plan Agreement

Similar to the Town of Innisfil, the City of Ottawa Site Plan Control By-law provides that exemptions to the Site Plan Control By-law are not absolute but rather conditional. The Ottawa Site Plan Control By-law provides for a conditional list of potential exemptions and includes a comprehensive list of such conditions and scenarios under which an exemption may be granted. In particular, the Site Plan Control By-law provides added detail and clarity regarding exemptions for the reconstruction of any buildings or structures damaged or destroyed by fire or natural hazard:

"6. Despite Sections 4 and 5, any development subject to site plan control that is damaged or destroyed by fire or natural hazard may be replaced or rebuilt without the need for site plan approval if it is within the same building envelope that existed before the damages occurred, the use remains the same and no new dwelling and rooming units are added."

Further, the Site Plan Control By-law provides for a more nuanced process in instances where a full Site Plan Agreement may not be required. In such cases, the City may issue a Letter of Undertaking to provide an alternative to Site Plan Control. In this regard, the Ottawa Site Plan Control By-law provided that:

"11 (1) A letter of undertaking may be provided as an alternative to a site plan control agreement where:

a) easements or conveyances are not required to be made to the City after issuance of the building permit,

b) special measures for the protection of existing private trees, including a requirement for the submission of a tree compensation deposit, and the submission of a post construction tree evaluation report are not required,

c) the owner is not required to enter into other related development agreements with the City after the issuance of the building permit,

d) special conditions have not been imposed that require an agreement for purposes of enforcement and notification of subsequent owners of the conditions; and

e) the total amount of securities to be provided to the City does not exceed $200,000."

4.4.3 Agreements

The *Planning Act* provides that municipalities may require that landowners enter into a Site Plan Agreement with the municipality and that such agreement be registered on title for the applicable property. While such agreements are foundational to the application of the Site Plan Control process across the watershed, there are some inconsistencies in whether or not the Site Plan Control Agreement is registered on title in practice. Whether or not the Site Plan Control Agreement is registered on title appears to depend on the range and scope of issues addressed as well as the complexity of development proposed.

4.4.4 Securities

Although all of the Site Plan Control By-laws provide for the taking of securities as part of the Site Plan Control process, there is a great deal of inconsistency in terms of if and how this occurs in practice. While some municipalities routinely require securities, others do not.

In general, where securities are collected, it is to ensure that works related to a proposed development such as landscaping, vegetative buffers, grading, or stormwater management are undertaken. Securities may also be used to ensure that requirements not specifically shown on a site plan such as conditions for construction mitigation to protect waterbodies or impacts on neighbouring properties are addressed.

A hold back on a portion of the securities for a period of time following development (usually 1 year) allows for shorter term monitoring and reporting back to the municipality to ensure the effectiveness of such matters. While this may assist in confirming post-development conditions in the short term, it does little to ensure the long term maintenance of such conditions. Requirements for longer term conditions may be addressed through the Site Plan Agreement.

4.4.5 Enforcement

Section 67 of the *Planning Act* provides the framework for enforcement of Site Plan Control. Section 67 provides that:

"Penalty
67 (1) Every person who contravenes section 41, section 46, subsection 49 (4) or section 52 or who contravenes a by-law passed under section 34 or 38 or an order made under section 47 and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable,
(a) on a first conviction to a fine of not more than $25,000; and

(b) on a subsequent conviction to a fine of not more than $10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted. 1994, c. 2, s. 48.

Corporation
(2) Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed is,
(a) on a first conviction a fine of not more than $50,000; and
(b) on a subsequent conviction a fine of not more than $25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted, and not as provided in subsection (1).

Order of prohibition
(3) Where a conviction is entered under subsection (1), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted. R.S.O. 1990, c. P.13, s. 67 (2, 3).

Proceeds of fines
67.1 If an offence has been committed under section 41, 52 or 67 or under a by-law passed under section 34 or 38, and a proceeding in respect of the offence is undertaken by the municipality or planning board and a conviction has been entered, the proceeds of any fine in relation to the offence shall be paid to the treasurer of the municipality or secretary-treasurer of the planning board and section 2 of the Administration of Justice Act and section 4 of the Fines and Forfeitures Act do not apply in respect of the fine. 1996, c. 4, s. 34; 1997, c. 24, s. 226 (8)."

Only four of the watershed municipalities being Dysart, Seguin, Georgian Bay and Perry incorporate reference to the *Planning Act* as it relates to enforcement within the local Site Plan Control By-law. The remaining Site Plan Control By-laws across the watershed are generally silent on the matter of enforcement.

The Town of Innisfil Site Plan Control By-law provides another good example of how enforcement matters can be comprehensively addressed within the Site Plan Control By-law. While the remedy remains the same (Section 67 of the *Planning Act*), the Innisfil By-law provides a more detailed approach to enforcement by addressing the conditions under which enforcement will occur. This includes:

- Development without an approved site plan (where required);
- Failure to provide or maintain facilities;
- Failure to enter into an agreement; and
- Failure to develop in accordance with an approved Site Plan.

The Innisfil Site Plan Control By-law provides that:

"10.0 ENFORCEMENT

Development Without Approved Plans

10.1 Every Owner who, without having plans or drawings approved in accordance with Section 41 of the Act, undertakes any development in the site plan control area designated by this by-law is, pursuant to Section 67 of the Act, guilty of contravening Section 41 of the Act.

Failure To Provide or Maintain Facilities, etc.

10.2 Every Owner who undertakes any development in the site plan control area designated by this by-law without providing or maintaining any of the facilities, works or matters that are mentioned in Clause 41(7) of the Act and that are required by the Corporation under that clause as a condition to the approval of plans or drawings in accordance with Section 41 is, pursuant to Section 67 of the Act, guilty of contravening Section 41 of the Act.

Failure To Enter Into Agreement

10.3 Every Owner who undertakes any development in the site plan control area designated by this by-law without entering into one or more agreements with the Corporation that deal with or ensure the provision or maintenance of any of the facilities, works or matters and that the person is required by the Corporation to enter into under that subsection as a condition to the approval of plans and drawings in accordance with Section 41 is, pursuant to Section 67 of the Act, guilty of contravening Section 41 of the Act.

Failure To Develop in Accordance with Approved Plans

10.4 Every Owner who undertakes any development that is in contravention of approved plans in accordance with a Site Plan agreement established under Section 41 of the Act is, pursuant to Section 67 of the Act, guilty of contravening Section 41 of the Act.

Penalty Upon Conviction

10.5 Every Owner who contravenes any portion of this by-law is guilty of an offence and is liable to fine or penalty prescribed by Section 67 of the Act."

In practice, the enforcement of Site Plan Agreements can be challenging. In this regard, some of the key enforcement issues encountered by Muskoka River Watershed municipalities include:

- The effectiveness of the remedies available for enforcement;
- The effectiveness of remediation options once a property owner is in violation of the Site Plan Agreement; and,

- Resources and staffing levels of the local municipality to both monitor and enforce Site Plan Agreements.

4.5 Site Plan Control Summary of Key Findings

1) Identify Priority Lands for Site Plan Control Across the Watershed: Recognizing that Site Plan Control is a local matter under the purview of the local Council, there is an opportunity to achieve better consistency across the Muskoka River Watershed by identifying priority lands (ie. shorelines, natural heritage or hazard lands) or priority classes of development that may be subject to Site Plan Control across the watershed. This would require coordination across the lower tier municipalities to establish such parameters. Application of any such approach within he shoreline areas is contingent upon the parameters to permit Site Plan Control in the shoreline areas as established by O.Reg 254/23.

2) Establish a Base Template for a Site Plan Control By-law and Site Plan Guidelines to Guide Development Watershed-Wide: There is an opportunity for all lower tier municipalities to establish a collective base template for a Site Plan Control By-law and/or Site Plan Guidelines that could be integrated within local planning processes. This would require both coordination of the lower tier municipalities to establish such templates and may require amendments to the existing, in-force Site Plan Control By-laws. Any amendments to municipal Site Plan Control By-laws would be an initiative that may be undertaken in the short term, recognizing that Council approval of any such amendment would be required at the local level within each municipality.

Table 14: Site Plan Control Applied to Shoreline Residential Areas

Table 14: Site Plan Control Applied to Shoreline Residential Areas					
	Site Plan Control Area		Application To Shoreline Areas		
Lower Tier Municipality	**Application**	**Exclusions**	**Not Applied to Shoreline Areas**	**Select Application Depending On Location, Site Conditions and/or Development Application**	**Applied to Shoreline Areas**
Algonquin Highlands	Applies only to individual parcels which are declared a Site Plan Control Area as required.		x		
Dysart et al	All lands (1)	Yes (2)	x		
Bracebridge	All lands (1)	Yes (3)			x
Gravenhurst	All lands (1)	Yes (4)			x
Huntsville	n/a Huntsville Community Planning Permit By-law applies				
Lake of Bays	n/a Lake of Bays Development Permit By-law applies (Community Planning Permit By-law under appeal)				
Muskoka Lakes	All lands (1)	Yes (5)		x	
Georgian Bay	All lands (1)	Yes (8)			x
Seguin	All lands (1)	Yes (6)		x	
Archipelago	Select lands only (9)	Yes (9)		x	
McMurrich Monteith	Do not have a Site Plan Control By-law.				
Kearney	Do not have a Site Plan Control By-law.				
Perry	Select lands only (7)	None listed		x	

(1) All lands within the municipality.

(2) Development of 2 residential units or less exempt from Site Plan Control including in shoreline areas. Notwithstanding, staff often recommend site plan as a condition of development.

(3) Notwithstanding, development within any Shoreline Residential Zone within 60 metres of a waterbody is NOT exempt from Site Plan Control.

(4) Notwithstanding, any residential development within 60 metres of the Optimal Summer Water Level is NOT exempt from Site Plan Control.
(5) Detailed list of exclusions making the application of site plan inconsistent across the Township.
(6) Development of 2 residential units or less exempt from Site Plan Control. Notwithstanding, such residential uses may not be exempt from site plan control if site plan is imposed as a condition of development or if such residential development requires major relief as determined by the Director of Planning and/or Director of By-law Enforcement.
(7) The Site Plan Control Area applies only to specific zones and identified classifications of development within those zones.
(8) Low density residential uses and accessory buildings, minor extensions to any legally existing residential or accessory building except where Site Plan Control is required pursuant to specific policies in the Official Plan or where required.
(9) The Site Plan Control Area applies only to:
    i) land in a Commercial zoning category;
    ii) the Private Club (PC) Zone; and,
    iii) all lands in the Residential 1,2,3,4,5,6 and 7 zone categories except for any building, structure or use with a GFA less than 557.4 square metres.

5.0 SUSTAINABILITY ASSESSMENTS AND THE DEVELOPMENT REVIEW PROCESS

The development review process provides another, non-statutory opportunity to integrate IWM within planning frameworks at the lower tier level. Under such an approach, a framework could be established to evaluate development applications against a number of identified IWM criteria that specifically respond to matters within the context of the Muskoka River Watershed.

5.1 City of Brampton - A Case Study in Applying Sustainability Metrics to the Development Review Process

The City of Brampton, City of Vaughan, City of Richmond Hill and City of Markham have worked collaboratively to develop a framework of sustainability criteria against which development applications are evaluated. These municipalities worked collaboratively to develop this framework which is then administered within the development review process in each of the respective municipalities. This framework was developed through a three-phase process:

Phase One – Develop Sustainability Guidelines;
Phase Two – Develop A Sustainability Metrics Framework As Part of the Development Review Process; and,
Phase Three -Develop Official Plan policies in support of the *Sustainable New Communities Program* for development review.

The "*Sustainable Community Program*" was initially developed in 2014 by the City of Brampton, City of Vaughan and City of Richmond Hill. Since then, the City of Markham has also joined in the initiative. In 2022, all four municipalities jointly undertook an update of the rebranded *"Sustainable New Communities Program (2022)".*

Although the *Sustainable New Communities Program* has been adopted and implemented within all four of the municipalities noted above, this case study focuses in on the application of that framework within the City of Brampton. Additional information can be referenced at the following link: https://www.brampton.ca/EN/residents/GrowGreen/Pages/Building_New_Green_Communities.aspx

The development review framework implemented by these municipalities provides an excellent case study and one that could easily be adapted as a mechanism to integrate IWM within development review processes of municipalities within the Muskoka River Watershed.

5.1.1 Phase One – Sustainable Community Development Guidelines

In the Brampton case study, a new chapter (Part 8) addressing Sustainable Community Development Guidelines was added to the City's existing Development Design Guidelines. These design guidelines apply to Secondary Plans, Block/Precinct Plans, Plans of Subdivision and Site Plans. New development applications are required to demonstrate how the Sustainable Community Development Guidelines are integrated within a proposed development.

The City of Brampton Sustainable Community Development Guidelines can be found at the following link: https://www.brampton.ca/EN/Business/planning-development/guidelines-manuals/Documents/SCDG.pdf .

5.1.2 Phase Two – Develop A Sustainability Metrics Framework As Part of the Development Review Process

The *Sustainable New Communities Program* is structured around a a set of tools to evaluate and score the sustainability performance of development proposals. It is a point-based system in which development proposals earn points for achieving specific criteria or sustainability metrics across a range of established categories. The combination of sustainability metrics addressed within a development proposal results in a 'sustainability score' for the application. There are three sustainability score thresholds being bronze, silver and gold.

A sustainability score and summary report is required to be submitted with the following applications:

- Zoning By-law Amendment;
- Block or Precinct Plan;
- Draft Plans of Subdivision (for 10 or more residential units); and
- "Full" (versus scoped) Site Plans.

For Zoning By-law amendments, the sustainability score is based on the scope of information available at the zoning stage. The score is then refined when more details become available as part of the Draft Plan of Subdivision or Site Plan application for the property.

Note that as a result of the amendments brought forward by Bill 23, Site Plan Control is presently not applicable to residential developments on a lot containing 10 or fewer residential units, including in the shoreline area. However, if the changes proposed by Bill 97 are passed and Site Plan Control is reinstated within 120 metres of the shoreline, any development review framework that may be developed to address IWM could also be applied within 120 metres of the shoreline. Further a sustainability score and summary report could be required as a condition to lift a Holding Zone in areas beyond the 120 metres. Such an approach is also easily adaptable to a Community Planning Permit System.

5.1.3 Key Components of the Brampton Sustainable New Communities Program

There are three key components to the *Sustainable New Communities Program*: a) identified sustainability metrics; b) a web-based sustainability assessment tool; and, c) sustainability score thresholds.

5.1.3.1 Sustainability Metrics

The sustainability metrics are a set of criteria with assigned point values organized across a number of applicable categories. The applicable categories included within the case study are identified in the list below although, this list could easily be adapted to the Muskoka context and IWM in particular. The applicable categories included within the case study example include:

- Built environment;
- Mobility;
- Natural environment and open space; and,
- Infrastructure and buildings.

The criteria for each of the sustainability metrics are outlined in a guidebook which identifies more detailed requirements, documentation to be included in the development application, assigned point values for each criteria and additional references that may assist the development proponent. The Sustainable New Communities Guidebook (2022) for the City of Brampton can be found at the following link:

https://www.brampton.ca/EN/residents/GrowGreen/Pages/Applications-After.aspx

An individual development application may not address all identified sustainability metrics. Rather, development proponents are able to select a combination of metrics to achieve the minimum required score. This enables the proponent to choose metrics that are most applicable to an individual property, project, and level of sustainability aspiration.

Effective January 1, 2023, the *Sustainable New Communities Program* has been updated to require that all applicable applications must also achieve a minimum 'Good' level for the Building Energy Efficiency, Greenhouse Gas Reduction, and Resilience metrics. This requirement is in addition to the minimum 'Bronze' score required through the program.

5.1.3.2 Web-Based Sustainability Assessment Tool

The web-based sustainability assessment tool is a digital tool used to calculate the sustainability score of a development application. The development application must include the sustainability score and summary report created using the online Sustainability Assessment Tool along with any required supporting documentation to confirm or verify the sustainability score achieved. Documentation requirements are identified in the Sustainable New Communities Guidebook noted above. Submission of the sustainability score and summary report is a mandatory requirement for any of the types of planning applications identified as being subject to the *Sustainable New Communities Program*. The City of Brampton Sustainability Assessment Tool can be found at the following link:

https://www.brampton.ca/EN/residents/GrowGreen/Pages/Applications-After.aspx

5.1.3.3 Sustainability Score Thresholds

The sustainability score thresholds establish performance levels that may be achieved in accordance with the sustainability scores of a development application. The point system assigned to the metrics is organized into three tiers of performance level being bronze, silver and gold. The prescribed development applications must, at a minimum, achieve at least a bronze level of points for consideration. Sustainability score thresholds are assigned based on the type of planning application as follows:

Table 15: Sustainability Development Review Matrix

Table 15: Sustainability Development Review Matrix			
Type of Planning Application	**Points Threshold**		
	Gold	Silver	Bronze
Block Plans/Precinct Plans	26+	21 to 25	14 to 20
Site Plans	76+	62 to 75	41 to 61
Draft Plans of Subdivision	50+	41 to 49	27 to 40

5.1.4 Updating Official Plan Policy

Coincident with the update to the *Sustainable New Communities Program*, the City of Brampton has also undertaken an exercise to update its Official Plan. As part of the Official Plan Review, the City has updated the policy framework to support the *Sustainable New Communities Program*. In general terms, the language used in the updated Official Plan is prescriptive (meaning establishes requirements) with some supportive (encourages) policies. Of particular relevance, the updated Official Plan makes a commitment to:

> *"…implement and regularly update the Sustainable New Communities Program that facilitates and evaluates the sustainability performance of new development."* (City of Brampton Draft Official Plan v2, December 2022)

Further, the Official Plan now also identifies compliance with the minimum standards of the *Sustainable New Communities Program* as a requirement for a complete application as provided below:

> *"5.11.10 An application will be deemed complete by the City when:*
> *g. For a Site Plan Approval Application and a Plan of Subdivision, the minimum performance standards have been achieved under Brampton's Sustainable New Communities Program."* (City of Brampton Draft Official Plan v2, December 2022)

It is acknowledged that the Official Plan policies noted above are from a Draft Official Plan that is not yet in effect. However, the Draft Official Plan is in its second iteration and is one of the most current examples of how a sustainability metrics framework can be integrated within Official Plan policy and implemented in practice. The Draft Official Plan for the City of Brampton (v2, December 2022) can be viewed at the following link:

https://www.brampton.ca/EN/City-Hall/Official-Plan/Documents/Second-Draft-Brampton-Plan-December-2022.pdf .

Relevant excerpts from the City of Brampton Draft Official Plan (v2 December 2022) have been included as **Appendix 13** to this report.

5.1.5 Additional Links

The *Sustainable New Communities Program* initiative is one that was developed jointly across four partner municipalities and in turn implemented within the context of each of the municipalities. The City of Brampton was used as a case study for the purposes of this report. Information on how the initiative has been adapted and implemented in the City of Vaughan and the City of Richmond Hill can be found at the links identified below.

- City of Vaughan - https://www.vaughan.ca/residential/building-and-construction/vaughans-planning-process/sustainability-metrics

- City of Richmond Hill - https://www.richmondhill.ca/en/find-or-learn-about/sustainability-metrics.aspx

5.2 Applications to the Muskoka River Watershed

The method through which the *Sustainable New Communities Program* case study was developed and implemented within the development review process is unique. It highlights many opportunities that could be leveraged within the partner municipalities of the Muskoka River Watershed and applied within an IWM context.

A similar IWM Metrics Program could be developed to apply across an entire municipality, to identified classes of development or may be applied to specific areas such as the Waterfront Area. Achievement of a minimum performance threshold through a web based IWM Assessment Tool along with a corresponding summary report could also be incorporated as a technical requirement to lift a Holding Provision or may be incorporated with a CPPS. In essence, the application of such an approach can be scaled to respond to the individual needs of a municipality. Although implemented independently at the lower tier level, it is recommended that the foundational IWM metrics and performance thresholds be developed jointly across municipalities and with input from a Steering Committee in order to provide for greater watershed consistency. There would be a leadership role for the District of Muskoka in this regard. Additional considerations detailed below.

- Not all municipalities in the Muskoka River Watershed will have equal capacity to implement an IWM Metrics Program. Therefore, the implementation of any such initiative should have the ability to be scaled based on the circumstances of the individual municipality.

- Delineating Roles – consideration of the roles of the various stakeholders will need to be articulated for example:

  Council – Both upper and lower tier Councils to endorse the objectives and watershed metrics program (including metrics identified, thresholds and associated development review framework)

  Lower Tier Staff – update lower tier Official Plans to provide policy support for an IWM metrics development review program; incorporate the IWM metrics program within existing development review processes for example:

- advise of watershed metrics program as part of the pre-consultation process;
- report to Council (information and/or recommendations);
- review of IWM score in component studies/detailed designs;
- include site plan/draft plan conditions to achieve IWM score and execute on components identified;
- provide clearance of the IWM metrics prior to registration; and,
- confirm compliance with IWM metrics prior to assumption of services.

District of Muskoka and County of Haliburton – provide leadership/coordination in the development of the IWM metrics, performance standard thresholds and web based IWM Assessment Tool; assist with mapping/other resources; where applicable, comment on IWM metrics in regards to planning applications including approval of Plans of Subdivision

Applicant – where applicable, complete web based IWM Assessment Tool; submit IWM score/IWM summary report and revise as required; demonstrate compliance through component studies, detailed design submissions, letters of intent, and municipal agreements

- Guidance Documents Required –IWM Metrics Program Guidebook identifying metrics, point system and performance thresholds, develop internal (for staff) and external (for applicants) instructions/guidance documents, and possibly update to or development of partner Design / Development Guidelines or other technical documents (ie. Stormwater Management Guidelines)

6.0 MUNICIPAL ACT MECHANISMS

In Ontario, the *Municipal Act, 2001, S.O. 2001, c.25* (herein referred to as the *'Municipal Act'*) provides municipalities with the authority to regulate various aspects of the natural environment. This includes the authority to pass Tree By-laws which regulate the destruction or injuring of trees as well as Site Alteration By-laws to regulate matters such as the placement or removal of fill and the grading of land. Municipalities may leverage both of these tools, in conjunction with zoning and site plan approval to implement the key objectives of IWM. A lower tier municipality may implement these by-laws at the local level or may delegate authority to the upper tier municipality as is the case in the County of Haliburton. Tree Cutting/ Tree Preservation By-laws and Site Alteration By-laws have been implemented to varying degrees across the Muskoka River Watershed.

Table 16 details where Tree By-laws and Site Alteration By-laws have been implemented within the Muskoka River Watershed. Most municipalities within the County of Haliburton and District of Muskoka have employed both such by-laws. The Town of Huntsville and the Township of Lake of Bays currently function under a community planning permit/development permit system and as a result, address these matters within the municipal zoning framework. As detailed earlier in this report, these zoning approaches merge zoning and site level planning as well as vegetation removal and site alteration. Most, although not all, municipalities in Parry Sound have not relied upon either of these *Municipal Act* mechanisms. The Township of Seguin has both a Tree Cutting/ Tree Preservation By-law and a Fill By-law. The Township of the Archipelago is currently in the process of drafting a new Site Plan Control By-law for that municipality.

Table 16: Municipal Act Mechanisms to Implement Integrated Watershed Management

Table 16: Municipal Act Mechanisms to Implement Integrated Watershed Management		
Municipality	**Tree Cutting/Tree Preservation By-law**	**Site Alteration By-law**
Algonquin Highlands	County of Haliburton Shoreline Preservation By-law 4169	
Dysart et al	County of Haliburton Removal of Trees on Shoreline Properties By-law 3505	Yes – Site Alteration By-law
Bracebridge	Yes	Yes – Site Alteration By-law
Gravenhurst	Yes	Yes – Site Alteration By-law
Huntsville	Community Planning Permit By-law	
Lake of Bays	Development Permit By-law / Community Planning Permit By-law (not yet in effect)	
Muskoka Lakes	Yes	Yes – Site Alteration
Georgian Bay	Yes	Yes – Placement and Removal of Fill By-law

Table 16: Municipal Act Mechanisms to Implement Integrated Watershed Management		
Municipality	**Tree Cutting/Tree Preservation By-law**	**Site Alteration By-law**
Seguin	Yes	Yes – Placement and Removal of Fill By-law
Archipelago	No	Drafting of Site Alteration By-law in progress
McMurrich Monteith	No	No
Kearney	No	No
Perry	No	No

Neither Bill 23 nor Bill 97 amended those sections of the *Municipal Act* pertaining to Tree Cutting By-laws or Site Alteration By-laws.

6.1 Tree Preservation/ Tree Cutting By-laws

The *Municipal Act* provides that a local municipality may prohibit or regulate the destruction or injuring of trees and may impose conditions to:

- Require that a permit be obtained from the municipality prior to any injury or removal of trees; and/or

- Impose conditions to a permit, including conditions relating to the manner in which the removal of the trees occur and the qualifications of persons authorized to injure or remove trees.

Tree Preservation By-laws or Tree Cutting By-laws are common regulatory mechanisms particularly within lower tier municipalities. These by-laws enabled by the Municipal Act may be used to augment local Zoning By-laws and site plan requirements and provide for a more comprehensive approach to regulating land use within the context of IWM.

Table 17 details those lands within each of the lower tier municipalities where Tree Cutting/ Tree Preservation By-laws are in-effect. There is some consistency across the watershed in that most municipalities apply such by-laws in environmentally sensitive areas such as in shoreline areas and Environmental Protection Zones as well as to hazard lands such as in Flood Plain Zones. Some municipalities specifically reference the Tree Cutting/ Tree Preservation By-law as applying to lands within a specified distance of the high water mark. In such cases, the threshold for lands subject to the Tree Cutting/ Tree Preservation By-law range from 20 to 30 metres from the high water mark in Algonquin Highlands and Dysart to 60 metres from the high water mark in each of Bracebridge and Gravenhurst.

Table 17: Tree Cutting / Tree Preservation By-laws in the Muskoka River Watershed

Table 17: Muskoka River Watershed Tree Cutting/ Tree Preservation By-laws				
Municipality	**Lands Subject to By-law**	**Lands Subject to By-law – Distance From High Water Mark**	**Permit Required**	**Notes**
Algonquin Highlands	Applies to the following areas: Shoreline – defined as lands within 20 metres from the high water mark of a waterbody Prohibited Areas – defined as: (a) Provincially Significant Wetland (b) Environmental Protection or Hazard Land as identified in lower tier OP including wetlands but excluding terrestrial features or areas such as Deer Wintering Areas (c) Lands owned by the County or Province including a road allowance		Yes	County of Haliburton Shoreline Preservation By-law 4169 applies Applies to vegetation vs only trees No person shall remove: o native vegetation without a shoreline permit (note distinction for native vegetation) o tree stump or root system on a steep slope (slope 25%+) Injuring or destruction of native vegetation permitted for up to 25% of the shoreline for a residential lot Injuring or destruction of native vegetation permitted for up to 30% of the shoreline for a commercial lot (marinas 50% maximum)
Dysart et al	All lands within 30 metres measured in inland from the high water mark of a navigable waterway		No	County of Haliburton Removal of Trees on Shoreline Properties By-law 3505 applies Applies to trees vs vegetation

Table 17: Muskoka River Watershed Tree Cutting/ Tree Preservation By-laws				
Municipality	**Lands Subject to By-law**	**Lands Subject to By-law – Distance From High Water Mark**	**Permit Required**	**Notes**
Bracebridge	Lands within: ○ Environmental Protection Zones ○ Flood Plain Zones ○ Identified zones within the Urban and Near Urban Areas and the Muskoka Falls Community ○ 70 metres of Highway 11 ROW	Lands within 60 metres of the high water mark of a navigable waterway	Yes	By-law 2008-130 Applies to trees vs vegetation Tree cutting prohibited in: ○ Wetlands ○ Any tree classified as a endangered, threatened or species at risk ○ Heritage trees or significant community trees Does not apply to prescribed non-native trees
Gravenhurst	Lands within: ○ Environmental Protection Zones ○ Flood Plain Zones ○ All lands within the shoreline vegetation buffer ○ 45 metres of Highway 11 ROW ○ 20 metres of deemed scenic corridor roadways	Lands within 60 metres of the optimal summer water level of a lake or river bed	Yes	By-law 2014-26 Applies to trees vs vegetation Tree cutting prohibited in: ○ Any tree classified as a endangered, threatened or species at risk ○ Heritage trees or significant community trees

Table 17: Muskoka River Watershed Tree Cutting/ Tree Preservation By-laws				
Municipality	**Lands Subject to By-law**	**Lands Subject to By-law – Distance From High Water Mark**	**Permit Required**	**Notes**
				Does not apply to prescribed non-native trees
Huntsville	Community Planning Permit By-law 2022-97 applies			
Lake of Bays	Development Permit By-law 2004-180 applies (in-effect) Community Planning Permit By-law 2021-111 (not yet in-effect)			
Muskoka Lakes	Lands within: ○ Environmental Protection Zone ○ Scenic Corridor (ZBL) ○ All lands on an island with prescribed qualifiers and exceptions	No high water mark threshold All lands within 91.4 metres of a navigable waterway within the Waterfront Designation (OP) All lands within 60.9 metres of a navigable waterway within the Urban Centre or Community Designation (OP)	Yes	By-law 2022-107 Applies to trees vs vegetation Tree cutting prohibited within: ○ 15 metres of a navigable waterway for lands within the Waterfront, Urban Centre or Community Designations (OP) ○ An Environmental Protection Zone ○ An area zoned Scenic Corridor or Scenic Area (ZBL)
Georgian Bay	Lands within: ○ Environmental Protection Zone ○ Open Space Zone ○ Natural State Conservation Zone ○ Natural State Island Zone	No high water mark threshold	No	By-law 2014-73 Applies to trees vs vegetation Injuring or destruction of trees permitted for a maximum width of 25% of the shoreline frontage or as specified in ZBL

Table 17: Muskoka River Watershed Tree Cutting/ Tree Preservation By-laws				
Municipality	**Lands Subject to By-law**	**Lands Subject to By-law – Distance From High Water Mark**	**Permit Required**	**Notes**
	○ The Shoreline vegetative buffer			Maximum of 25% of the trees distributed throughout the shoreline vegetative buffer may be removed Destruction of trees within the shoreline vegetative buffer shall not include the removal or covering up of ground cover vegetation
Seguin	Lands within: ○ Environmental Protection Zone ○ Shoreline Areas	No highwater mark threshold	No	By-law 2008-103 Trees vs vegetation Maximum of 10% of the trees distributed throughout the Shoreline Area may be removed
Archipelago	n/a			
McMurrich Monteith	n/a			
Kearney	n/a			
Perry	n/a			

6.2 Site Alteration By-laws

A Site Alteration By-law is another tool which may be leveraged within the suite of land use tools that may be used to implement IWM. In this regard, the *Municipal Act* provides that a local municipality may:

- Prohibit or regulate the placing or dumping of fill;
- Prohibit or regulate the removal of topsoil;
- Prohibit or regulate the alteration of the grade of the land;
- Require 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; and
- Impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site.

There are some exceptions to the above list such as activities incidental to an agricultural use or activities authorized under the Aggregate Resources Act.

Table 18 details those lands within each of the lower tier municipalities where Site Alteration By-laws have been applied. Similar to Tree Cutting/ Tree Preservation By-laws, there is some consistency across the watershed in that most municipalities apply such by-laws in environmentally sensitive areas such as in shoreline areas and Environmental Protection Zones as well as to hazard lands such as in Flood Plain Zones. Similarly, where municipalities rely on the high water mark as a threshold for application of a Tree Cutting/ Tree Preservation By-law, the same threshold is applied to the lands subject to a Site Alteration By-law.

In conjunction with the Site Alteration By-law, the Township of Seguin and the Township of Georgian Bay also implement by-laws to regulate the blasting of rock. In the case of Seguin, the Blasting By-law applies to the same area as the Site Alteration By-law being shoreline areas and lands within the Environmental Protection Zone. In Georgian Bay, blasting is prohibited on lands within a prescribed distance of a C.G.D. elevation which varies by community. In Georgian Bay, blasting may only occur in accordance with a permit issued by the municipality.

Table 18: Site Alteration By-laws in the Muskoka River Watershed

Table 18: Muskoka River Watershed Site Alteration By-laws				
Municipality	**Lands Subject to By-law**	**Lands Subject to By-law – Distance From High Water Mark**	**Permit Required**	**Notes**
Algonquin Highlands	Applies to the following areas: Shoreline – defined as lands within 20 metres from the high water mark of a waterbody Prohibited Areas – defined as: (d) Provincially Significant Wetland (e) Environmental Protection or Hazard Land as identified in lower tier OP including wetlands but excluding terrestrial features or areas such as Deer Wintering Areas (f) Lands owned by the County or Province including a road allowance		Yes Shoreline Plan required + other technical studies as may be required	County of Haliburton Shoreline Preservation By-law 4169 applies No person shall undertake any site alteration without a shoreline permit save and except identified exemptions.
Dysart et al	Lands within: ○ Environmental Protection Zones	All lands situated within 30 metres of a high water mark	No Complaint driven process	Dysart et al By-law 2023-75 Requirements for vegetation and site alteration Requirements for restoration where applicable
Bracebridge	Entire municipality	n/a	Yes Control Plan required + other technical studies as may be required	Bracebridge By-law 2009-018 Quantifiable stormwater and snowmelt requirements

Table 18: Muskoka River Watershed Site Alteration By-laws				
Municipality	**Lands Subject to By-law**	**Lands Subject to By-law – Distance From High Water Mark**	**Permit Required**	**Notes**
Gravenhurst	Lands within: ○ Environmental Protection Zones ○ Flood Plain Zones ○ All lands within the shoreline vegetation buffer ○ 45 metres of Highway 11 ROW ○ 20 metres of deemed scenic corridor roadways	Lands within 60 metres of the optimal summer water level of a lake or river bed	Yes Sediment Control Plan required + other technical studies as may be required	Gravenhurst By-law 2014-27
Huntsville	Community Planning Permit By-law 2022-97 applies			
Lake of Bays	Development Permit By-law 2004-180 applies (in-effect) Community Planning Permit By-law 2021-111 (not yet in-effect)			
Muskoka Lakes	Lands within: ○ Environmental Protection Zone ○ Scenic Corridor (ZBL) ○ All lands on an island with prescribed qualifiers and exceptions	No high water mark threshold All lands within 91.4 metres of a navigable waterway within the Waterfront Designation (OP) All lands within 60.9 metres of a navigable	Yes Sedimentation Control Plan + other technical studies as may be required	By-law 2022-108 Site alteration prohibited within: ○ 15 metres of a navigable waterway for lands within the Waterfront, Urban Centre or Community Designations (OP) ○ An Environmental Protection Zone ○ An area zoned Scenic Corridor or Scenic Area (ZBL)

Table 18: Muskoka River Watershed Site Alteration By-laws				
Municipality	**Lands Subject to By-law**	**Lands Subject to By-law – Distance From High Water Mark**	**Permit Required**	**Notes**
		waterway within the Urban Centre or Community Designation (OP)		Unless such alteration is otherwise explicitly exempt by the by-law Archaeological resources – if archaeological resources are discovered or identified during site alteration any such activity must immediate cease and the landowner must contact the municipality
Georgian Bay	Lands within: ○ Environmental Protection Zone ○ Open Space Zone ○ Natural State Conservation Zone ○ Natural State Island Zone ○ The Shoreline vegetative buffer	No high water mark threshold	No	Georgian Bay By-law 2014-72 No person shall place or remove fill, or cause or permit any site alteration on lands subject to the Site Alteration By-law.
Seguin	Lands within: ○ Environmental Protection Zone ○ Shoreline Areas	No highwater mark threshold	No	Seguin By-law 2008-105 No person shall place or remove fill, or cause or permit any site alteration on lands subject to the Site Alteration By-law.
Archipelago	n/a			

Table 18: Muskoka River Watershed Site Alteration By-laws				
Municipality	**Lands Subject to By-law**	**Lands Subject to By-law – Distance From High Water Mark**	**Permit Required**	**Notes**
McMurrich Monteith	n/a			
Kearney	n/a			
Perry	n/a			

6.3 Shoreline Preservation in the County of Haliburton

Municipalities within the County of Haliburton have taken a unique approach to the authority afforded under the *Municipal Act* to regulate tree cutting and site alteration. This approach required the County's lower tier municipalities to delegate such authority up to the County level. As a result, regulations relating to tree cutting and site alteration within the shoreline area are addressed County-wide and implemented at the County level.

Delegation to the County was first established in relation to the protection, preservation and removal of trees in the shoreline area in accordance with County of Haliburton By-law 3505. By-law 3505 was also applied County-wide. More recently, the County and its constituent lower tier municipalities have further extended this delegation of authority to encompass site alteration in all lower tier municipalities with the exception of the Municipality of Dysart et al

On March 22, 2023, the County of Haliburton passed the Shoreline Preservation By-law 4169 which is a hybrid by-law to regulate both tree cutting and site alteration. These matters have historically been regulated independent of one another. This new hybrid by-law supersedes County of Haliburton By-law 3505 which only addressed matters related to tree cutting and tree preservation in the shoreline area.

The Municipality of Dysart et al, declined to delegate site alteration authority to the County. Instead, on August 22, 2023, the municipality passed By-law 2023-75 to regulate site alteration within its shoreline and environmental protection areas. The County's predecessor By-law 3505 continues to regulate the protection, preservation and removal of tees on shoreline properties and now works in conjunction with Dysart's new Site Alteration By-law.

6.3.1 County of Haliburton Shoreline Preservation By-law 4169

The purpose of the County of Haliburton Shoreline Preservation By-law 4169 is broader than most site alteration by-laws or tree cutting by-laws and was enacted for the purpose of achieving:

- The objectives of the Official Plan for the County of Haliburton;
- Managing the further loss of natural shorelines within the County of Haliburton;
- A greater proportion of native vegetative contiguous cover;
- A minimum 75 percent native vegetative cover overall;
- A minimum 50 percent high quality native vegetative cover;
- A naturalized riparian areas on lakes and along rivers/streams;
- An increased ecological health based on the status of indicator species and maintenance of natural biodiversity;
- Decreased destruction or injuring of trees, native vegetation, habitat and natural areas;
- Reduction of negative impacts on the environment;
- Contributing to human health and quality of life;
- Maintaining water quality;
- Maintaining and enhancing natural habitat;
- Preventing soil erosion and water run-off;
- Preventing topographical changes to the shoreline areas; and
- Protecting fish habitat as defined in the Fisheries Act, Revised Statute of Canada 1985;

The Shoreline Preservation By-law is a hybrid by-law which regulates both tree cutting and site alteration within the shoreline area. The by-law is intended to apply to situations where significant alterations are proposed to the grade or topography of a property in a manner that will increase the flow of surface water to neighbouring lands or bodies of water. The By-law is further intended to apply to new development or redevelopment including replacement, expansion or intensification of existing shoreline development on a "go forward" basis and does not address existing development or site conditions.

More specifically, the Shoreline Preservation By-law applies to all lands within 20 metres of the high water mark of any waterbody as well as to other 'prohibited areas' which are defined as:

> *" (a) A Provincially Significant Wetland;*
> *(b) Environmental Protection or Hazard Land identified in the County or lower tier municipality Official Plan including wetlands, but excluding terrestrial features or areas such as deer wintering areas; and,*
> *(c) Lands owned by the County, lower tier municipality or the province including a road allowance."*

The Shoreline Preservation By-law deviates from its predecessor By-law 3505 in that it now applies to lands within 20 metres of the high water mark versus the former delineated area of 30 metres from the high water mark under By-law 3505. In doing so, the County has made a trade-off between increased protection for the shoreline area over a reduced area. This now in-effect 20 metre threshold is consistent with the width of the shore road allowance. However, it should be noted that the Shoreline Preservation By-law does not in any way limit the in-effect zoning requirements of the shoreline areas as implemented by the local Zoning By-laws, but rather works in conjunction with such by-laws. An assessment of these zoning standards is provided in Section 2 of this report.

The County's Shoreline Preservation By-law provides that a shoreline permit is required for any site alteration, injuring/destroying trees, removal of native vegetation, or removal/disturbance of a tree stump or root system on a steep slope for lands within the shoreline area unless specifically identified within the list of exceptions to the by-law. Exemptions include such matters as minor landscaping, topsoil removal as part of agricultural practice, tree and vegetation removal of up to 25% of the shoreline for a residential lot or 30% to 50% for commercial lot, and forestry practices as defined in the by-law.

An approved shoreline plan is required prior to issuance of a shoreline permit. Any such permit is valid for a period of three years from the date of issue. The permit expires if work is not commenced within 18 months of the date that the permit is issued. If a shoreline permit expires after work has commenced and prior to completion of the work in accordance with the shoreline permit, the landowner must restore the site to its original condition, rehabilitate the lands, or stabilize the site to the satisfaction of the County.

Applications for shoreline permits are assessed and issued by County staff. Any appeals to the issuance or conditions of a shoreline permit are referred to County Council or its delegate.

The approach taken in the County of Haliburton Shoreline Preservation By-law is an interesting one in that:

- Other than in the municipality of Dysart et al, it is applied County-wide providing some consistency in how site alteration and tree preservation are collectively regulated in the shoreline areas;

- In regards to trees and vegetation, the by-law expands on what has more traditionally been a focus on trees greater than 5 centimeters diameter at breast height (DBH). This accounts for understory growth, saplings, the retention of stumps and root systems on steep slopes as well as requirements for native vegetation;

- The By-law distinguishes between requirements for shoreline residential and shoreline commercial lands; and,

- The issuance of any shoreline permit takes into consideration any potential impacts on the lands subject to the shoreline permit, adjacent lands and any adjacent waterbody.

The County of Haliburton Shoreline Preservation By-law 4169 can be found at the following link:

https://wadein.haliburtoncounty.ca/shoreline-preservation-by-law

6.3.2 Municipality of Dysart et al Site Alteration By-law 2023-75

Until recently, site alteration was not regulated in the Municipality of Dysart et al Dysart By-law 2023-75, being the first Site Alteration By-law of the municipality, was passed on August 22, 2023. The purpose of the By-law is to:

- regulate and prohibit the placing or dumping of fill, removal of topsoil, and/or alteration of the grade of land; and,

- provide for the remediation of lands to protect water bodies and lands with environmental zoning.

In contrast to the County of Haliburton Shoreline Preservation By-law, the Dysart Site Alteration By-law applies to lands within 30 metres of the high water mark and within Environmental Protection Zones. This is consistent with the setback requirements of the Dysart et al Comprehensive Zoning By-law. The County of Haliburton Protection, Preservation and Removal of Trees On Shoreline Properties By-law 3505 continues to apply specifically for:

> *" a) Structures permitted within the water setback and 3 metres around these structures,*
> *b) Existing legal noncomplying building setbacks and 5 metres around these buildings, or redevelopment utilizing these setbacks.*
> *c) Existing legal noncomplying sewage system setbacks and 5 metres around the distribution pipe, or replacement of such system, and*
> *d) A 5 metre wide path to access the water."* (Section 5.3)

The Dysart Site Alteration By-law provides that on lands subject to the by-law, no site alteration shall occur except that which is in accordance with the requirements of the by-law. The only identified exemption to

the by-law is for existing site conditions that were in place prior to the passing of the by-law. However, even this exemption is not absolute as various conditions of the by-law still apply in such circumstances.

The Site Alteration By-law incorporates a number of performance criteria related to specific works, context or features. This includes requirements for:

- Native vegetation versus simply trees;
- Retaining walls;
- Building foundation drainage pipes;
- Sediment control measures;
- Impacts on neighbouring properties; and,
- Restrictions for the width of stairways, walkways, boardwalk or landing.

The Dysart By-law also provides a focus on restoration requirements within the shoreline area. Such restoration requirements provide a potential remedy to address the impacts of past activities or works. In this regard, the Dysart By-law requires as follows:

> *"5.3 Within an environmental protection zoned area, site alteration is restricted to a maximum 1.5 metre wide stairway, walkway, boardwalk or landing, utilizing construction practices to limit impact on the area such as helical piles or surface mounted footing. Where land within this area has been altered from past activity, restoration of those areas utilizing native vegetation shall occur concurrently with any permitted site alteration.*
>
> *6.1 For non-developed property, site alteration that has occurred beyond that of a 5 metre wide path to the water shall be restored utilizing native vegetation.*
>
> *6.2 Every Owner who is sent a notice identifying the requirement to restore their property in accordance with this section shall:*
>
> *a) Complete restoration by the date required in the notice;*
>
> *b) Contact the Chief Building Official within 15 days of the dated notice to request a reasonable extension on the date to complete restoration; or,*
>
> *c) Contact the Chief Building Official within 15 days of the dated notice to request an Appeal to the Site Alteration Committee.*
>
> *6.3 Where an appeal to the Site Alteration Committee is made, the Committee shall hear the appeal within a reasonable time frame and may:*
>
> *a) Confirm, modify or rescind the Notice; or,*
>
> *b) Extend the time for complying with the Notice."*

Unlike the County of Haliburton Shoreline Preservation By-law, the Dysart approach to site alteration is not based on a permit system but rather on enforcement where deficient conditions or activities are identified. As a consequence, there is no requirement for a shoreline plan in advance of any works being undertaken unless such a plan or report is required in support of an application for relief from the by-law requirements. Municipal staff have authority to review such a request and issue any required approval for relief from the by-law requirements. Any appeal of a staff decision is referred to a Site Alteration Committee being a committee of Council rather than to Council. The by-law establishes fines for failure to comply with the by-law requirements however, such fines are relatively minimal and may not be a sufficient deterrent to support compliance and enforcement efforts.

The approach taken in Dysart is interesting given the detailed criteria incorporated within the Site Alteration By-law and the focus on restoration of existing conditions.

The Dysart Site Alteration By-law can be found at the following link:

https://www.dysartetal.ca/en/municipal-government/municipal-by-law-enforcement.aspx#Site-Alteration-By-Law

6.4 Other Municipal By-law Enacted Under the Municipal Act

While Tree Cutting/ Tree Preservation By-laws and Site Alteration By-laws are tools commonly applied within the lower tier municipalities, there are other By-laws enabled by the *Municipal Act* that may forward the interests of IWM. One example of other such by-laws implemented within the Muskoka River Watershed include Blasting By-laws that regulate where blasting may occur as in the case of the Township of Georgian Bay and Township of Seguin. Another example as has been implemented in the Township of the Archipelago, is a by-law to regulate the control and use of pesticides and fertilizers within the Township.

The Township of the Archipelago Pesticides and Fertilizer By-law 03-21 provides that:

> *"2. The spreading and use of a pesticide or fertilizer is prohibited throughout the territory of the Municipality.*
>
> *3. Notwithstanding article 2, it is permitted to use a pesticide in the following cases:*
> *a) in a public or private swimming pool, whirlpools, spas or wading pools;*
> *b) to purify water intended for the use of human beings or animals;*
> *c) within an enclosed building;*
> *d) to control or destroy a health hazard;*
> *e) as a wood preservative;*
> *f) as an insect repellant;*
> *g) to control or destroy plants which constitute a danger for human beings or who are allergic thereto;*
> *h) to control forest pests and diseases; and,*
> *i) to comply with the Weed Control Act and the regulations made thereunder.*

4. *Notwithstanding article 2, it is permitted to use a biological pesticide to control or destroy insects that constitute a danger for human beings.*

5. *Notwithstanding article 2, a farmer is excluded from the restrictions imposed by the by-law."* (Township of the Archipelago By-law 03-21)

The By-laws noted above are additional tools which may be leveraged by a lower tier municipality to protect watershed components, particularly within the context of IWM.

6.5 Municipal Act Mechanisms Summary of Key Findings

1) In Ontario, the *Municipal Act, 2001, S.O. 2001, c.25* (herein referred to as the *'Municipal Act'*) provides municipalities with the authority to regulate various aspects of the natural environment. This includes the authority to pass Tree By-laws which regulate the destruction or injuring of trees as well as Site Alteration By-laws to regulate matters such as the placement or removal of fill and the grading of land. Municipalities may leverage both of these tools, in conjunction with zoning and site plan approval to implement the key objectives of IWM. A lower tier municipality may implement these by-laws at the local level or may delegate authority to the upper tier municipality as is the case in the County of Haliburton. Tree Cutting/ Tree Preservation By-laws and Site Alteration By-laws have been implemented to varying degrees across the Muskoka River Watershed.

2) Municipalities within the County of Haliburton have taken a unique approach to the authority afforded under the *Municipal Act* to regulate tree cutting and site alteration. This approach required the County's lower tier municipalities to delegate such authority up to the County level. As a result, regulations relating to tree cutting and site alteration within the shoreline area are addressed County-wide and implemented at the County level. The Municipality of Dysart et al, declined to delegate site alteration authority to the County. Instead, on August 22, 2023, the municipality passed By-law 2023-75 to regulate site alteration within its shoreline and environmental protection areas.

3) The County of Haliburton Shoreline Preservation By-law is a hybrid by-law which regulates both tree cutting and site alteration within the shoreline area. The by-law is intended to apply to situations where significant alterations are proposed to the grade or topography of a property in a manner that will increase the flow of surface water to neighbouring lands or bodies of water. The By-law is further intended to apply to new development or redevelopment including replacement, expansion or intensification of existing shoreline development on a "go forward" basis and does not address existing development or site conditions.

4) The approach taken in the County of Haliburton Shoreline Preservation By-law is an interesting one in that:

    - Other than in the municipality of Dysart et al, it is applied County-wide providing some consistency in how site alteration and tree preservation are collectively regulated in the shoreline areas;

- In regards to trees and vegetation, the by-law expands on what has more traditionally been a focus on trees greater than 5 centimeters diameter at breast height (DBH). This accounts for understory growth, saplings, the retention of stumps and root systems on steep slopes as well as requirements for native vegetation;

- The By-law distinguishes between requirements for shoreline residential and shoreline commercial lands; and,

- The issuance of any shoreline permit takes into consideration any potential impacts on the lands subject to the shoreline permit, adjacent lands and any adjacent waterbody.

5) Until recently, site alteration was not regulated in the Municipality of Dysart et al Dysart By-law 2023-75, being the first Site Alteration By-law of the municipality, was passed on August 22, 2023. The approach taken in Dysart is interesting given the detailed criteria incorporated within the Site Alteration By-law and the focus on restoration of existing conditions. Unlike the County of Haliburton Shoreline Preservation By-law, the Dysart approach to site alteration is not based on a permit system but rather on enforcement where deficient conditions or activities are identified. The Dysart By-law establishes fines for failure to comply with the by-law requirements; however, such fines are relatively minimal and may not be a sufficient deterrent to support compliance and enforcement efforts.

7.0 CROSS CONNECTOR OPPORTUNITIES

There are a number of tools and other cross connector initiatives that share commonalities with IWM and that may work in conjunction with IWM to achieve similar objectives. Examples of planning and natural systems management initiatives that provide opportunities for overlap include those focusing on sustainability, climate change, source water protection plans, resilience, natural capital and ecosystem services, asset management and low impact development. Integrated Watershed Plans provide a cross-connector opportunity to provide linkages between these programs and policy initiatives within the watershed framework. Further, there are partnerships, funding and data sharing opportunities that could be leveraged to these joint ends. Three examples of cross connector opportunities that may readily be leveraged within the Muskoka River Watershed are summarized below.

7.1 Natural Capital Asset Management

Natural capital assets are natural resources or elements of the ecosystem, both biotic and abiotic, that municipal governments can rely upon or manage for the sustainable provision of services. This includes services such as stormwater management, water filtration, protection from flooding and erosion, heat mitigation and carbon sequestration as well as social and community services such as recreation, health and culture. Within this framework, the healthy functioning of the ecosystem is vital to the continued efficiency and viability of these services. As a result, there are intrinsic linkages between Integrated Watershed Management and the incorporation of natural capital assets within traditional asset management and planning at the local level.

Examples of Natural Capital Assets

- Lakes
- Rivers
- Wetlands
- Coastal Wetlands
- Forests
- Fields
- Dunes
- Soil

Emerging evidence from a growing number of case studies shows that the integration of natural capital assets within more traditional asset management programs provides for the cost-effective and reliable delivery of services. Such an approach is also increasingly a key element in reducing and mitigating risk within the community. As a result, local governments are now recognizing that it is as important to understand, measure, manage and account for natural assets as it is for engineered ones. Before such assets can be managed and planned for, it is important to first undertake an inventory of the natural assets that exist, the condition of those natural systems or assets and where steps may be necessary to protect the continued ecological function of those systems. IWM provides a framework to also consider cumulative impacts that may affect the functioning of connected ecosystem elements over geography and time.

The District of Muskoka is among the growing number of municipalities that are now turning attention to how best to leverage the benefits of natural capital asset management within asset management frameworks. In December 2022, the District completed a Natural Capital Inventory of the Muskoka River Watershed. This inventory is the first step in better understanding the potential capacity for integrating natural capital assets within existing asset management systems. The Natural Capital Inventory is one of several projects undertaken as part of the larger Integrated Watershed Management Initiative. The Natural Capital Inventory Report can be found at the following link:

https://www.muskoka.on.ca/en/environment/EnviroHub.aspx

Natural capital asset management is not an initiative that has yet been incorporated within the lower tier municipalities of the watershed however, the work being done at the upper tier level by the District of Muskoka will lay a key foundation to any such lower tier initiatives in the future. Natural capital asset management as well as the reciprocal linkages between Integrated Watershed Management present a promising cross-connector opportunity and merit additional study that is beyond the scope of this report.

7.2 Climate Plans

Almost all municipalities in the Muskoka River Watershed have engaged in various initiatives to address climate change at a local level. Generally, these have been cooperative initiatives based on partnerships between the upper and lower tier municipalities led by the County of Haliburton and District of Muskoka respectively. In the case of the Parry Sound municipalities, those municipalities located along the shores of Georgian Bay being the Township of Georgian Bay, Township of Seguin and Township of the Archipelago are part of a larger collective being the Integrated Community Energy and Climate Action Plans (ICECAP) that is spearheading climate response initiatives within the Georgian Bay/ Mnidoo Gamii Biosphere Reserve.

Climate initiatives within the Muskoka River Watershed address three aspects of municipal climate response being Climate Mitigation Plans, Climate Adaptation Plans, and Climate Action Plans. The distinctions between these initiative are as follows:

- Climate Mitigation Plans – Climate Mitigation Plans identify actions, projects, policy interventions, or regulatory mechanisms that may be used to reduce greenhouse gas emissions that cause climate change;

- Climate Adaptation Plans – Climate Adaptation Plans identify actions, projects, policy interventions, or regulatory mechanisms that may be used to manage or mitigate climate change impacts; and,

- Climate Change Action Plans – Climate Change Action Plans establish a road map of detailed tasks to be undertaken as part of the climate change initiative. Tasks are typically grouped according to goals and incorporate required performance metrics to achieve such goals. Performance criteria often detail timelines, cost, status of completion, responsibility (lead and support organizations or groups) and additional stakeholders.

All of these initiatives have gained traction in the Muskoka River Watershed over the past eight to ten years in particular.

There are strong linkages between climate response initiatives and Integrated Watershed Management. The ecological considerations and methodologies to address such matters have shared commonalities and provide numerous opportunities for cross connector activities and reciprocal outcomes. The distinction between the two approaches is in the focal framework which is distinguished by the geographic delineation of the Muskoka River Watershed versus a reduction in greenhouse gas emissions and responding to climate change impacts more broadly. Regardless, both upper and lower tier municipalities

in the Muskoka River Watershed have invested considerable effort to climate initiatives which may both inform and collectively forward gains in the watershed. The efforts across each of the upper tier jurisdictions is summarized below.

7.2.1 County of Haliburton

The County of Haliburton in conjunction with the lower tier municipalities have established the following framework to address climate change issues:

Haliburton Climate Mitigation Plan (September 2020) - The County's Corporate Climate Change Mitigation Plan outlines objectives to reduce greenhouse gas emissions resulting from municipal operations and services. Key goals include:

- Improve energy efficiency and transition to low carbon and renewable sources of energy in municipal facilities
- Reduce fuel consumption and transition to low carbon vehicles and fuels in municipal fleet
- Reduce and divert organic waste from municipal landfills
- Integrate climate change considerations across municipal programs, policies and plans

Information regarding the *Haliburton Climate Mitigation Plan* can be found at the following link:

https://www.haliburtoncounty.ca/en/planning-and-maps/climate-change.aspx#Corporate-Climate-Change-Mitigation-Plan

Haliburton Climate Change Adaptation Plan (April 2022) – The County's Corporate Climate Change Adaptation Plan outlines how the County and local municipalities can adapt municipal assets, operations and services to prepare for the impacts of climate change. Key goals include:

- Ensure current and future infrastructure is adapted to withstand the impacts of a changing climate
- Protect municipal natural assets and enhance nature-based solutions
- Minimize health risks to outdoor staff and provide resources to the community to improve their capacity to adapt
- Integrate climate adaptation into municipal plans and processes

Information regarding the *Haliburton Climate Change Adaptation Plan (April 2022)* can be found at the following link:

https://www.haliburtoncounty.ca/en/planning-and-maps/climate-change.aspx#Corporate-Climate-Change-Adaptation-Plan

Haliburton Community Climate Action Plan (June 2023) – The Community Climate Action Plan provides a long-term road map for the transition to a low carbon and resilient community. Information regarding the *Haliburton Community Climate Action Plan* can be found at the following link:

https://www.haliburtoncounty.ca/en/planning-and-maps/climate-change.aspx#Community-Climate-Action-Plan

7.2.2 District of Muskoka

The District of Muskoka in conjunction with the lower tier municipalities have established the following framework to address climate change issues:

District of Muskoka New Leaf Climate Action Plan (December 2020) - The New Leaf Plan incorporates climate change adaptation and mitigation actions for the corporate and community aspects of climate change. The New Leaf Action Plan aims to create small and large steps to drive change by categorizing goals with short/ medium/long term actions and financial considerations based on the following approaches:

- Use the best science;
- Partner with others;
- Identify co-benefits;
- Deliver high quality service levels;
- Communicate effectively; and,
- Innovate and collaborate.

The New Leaf Action Plan highlights a number of actions grouped according to goals with required performance metrics including timeline, cost, status, responsibility (lead and support) and additional stakeholders. Information regarding the *District of Muskoka New Leaf Climate Action Plan* can be found at the following links:

https://www.muskoka.on.ca/en/environment/muskoka-s-climate-action.aspx#New-Leaf-Climate-Action-Plan

https://www.muskoka.on.ca/en/environment/EnviroHub.aspx

Muskoka's Regional Climate Change Adaptation Plan (2023) – The Regional Climate Change Adaptation Plan is a collaborative effort between the District of Muskoka and the Town of Bracebridge, Town of Gravenhurst, Town of Huntsville, Township of Lake of Bays and Township of Muskoka Lakes. An action plan for each of the partner lower tier municipalities is included within the document and is centred around the following themes:

- Development and Infrastructure;
- Communication and Educational Awareness;
- Adaptation Programs;
- Emergency Response Measures; and,
- Policy Change.

The document further addresses matters of implementation, monitoring and governance. Information regarding *Muskoka's Regional Climate Change Adaptation Plan* can be found at the following links:

https://www.muskoka.on.ca/en/environment/muskoka-s-climate-action.aspx#Area-Municipality-Regional-Climate-Adaptation-Plans

https://www.muskoka.on.ca/en/environment/EnviroHub.aspx

7.2.3 Geographic District of Parry Sound and Township of Georgian Bay

There is no upper tier jurisdiction having regulatory authority in the geographic District of Parry Sound. Consequently, there is no upper tier government to focus climate change initiatives. However, municipalities along the shores of Georgian Bay (in particular the Township of Georgian Bay, Township of Seguin and Township of the Archipelago) have formed partnerships to address such matters as provided below:

Georgian Bay/ Mnidoo Gamii Biosphere Regional Climate Action Plan (2023) – The *Georgian Bay/ Mnidoo Gamii Biosphere Regional Climate Action Plan* is a collaborative effort undertaken by members of ICECAP. ICECAP is a partnership between the municipalities and First Nations located in and around the Georgian Bay Biosphere region for the purpose of a collaborative, more cost-effective approach to energy management and the reduction of greenhouse gas emissions.

The purpose of the *Georgian Bay/ Mnidoo Gamii Biosphere Regional Climate Action Plan* is to guide the Georgian Bay communities in responding to the need to reduce greenhouse gas emissions. It identifies a number of regional climate actions around the themes of buildings, transportation, solid waste, and community leadership. The *Georgian Bay/ Mnidoo Gamii Biosphere Regional Climate Action Plan* further addresses associated metrics, evaluation and monitoring considerations. Information regarding the *Georgian Bay/ Mnidoo Gamii Biosphere Regional Climate Action Plan* can be found at the following link: https://georgianbaybiosphere.com/climate-action/

Federation of Canadian Municipalities' Partners for Climate Protection Program - The *Partners for Climate Protection Program* is a national network of over 500 municipalities with the shared goal of addressing climate change and reducing local greenhouse gas emissions. The program guides municipalities through a five-step Milestone Framework to designed to assist local governments in reducing emissions. The key milestones of the program are as provided below.

Milestone 1 – Creating an Inventory
Milestone 2 – Setting a Target
Milestone 3 – Developing a Plan
Milestone 4 – Implementing a Plan
Milestone 5 – Monitoring the Impact/Advancing the Commitment

The municipalities along the shores of Georgian Bay (in particular the Township of Georgian Bay, Township of Seguin and Township of the Archipelago) have further engaged in this program to forward local objectives. Information regarding the *Partners for Climate Change Protection Program* can be found at the following link:

https://www.pcp-ppc.ca/

7.3 Septic System Reinspection Programs

A significant portion of waterfront development in the Muskoka River Watershed is serviced by private, on site sewage treatment systems. Depending on the context and geography, this may range from an outhouse to a septic tank and associated leaching bed component to a holding tank. Most waterfront

properties rely on a Class 4 System being a septic tank and leaching bed arrangement. Deficiencies in such systems have the potential to result in transitory impacts to water quality within the watershed. Accordingly, various of the lower tier municipalities in the watershed have implemented a septic system reinspection program. Such a program is one example of a tool that may be used to directly manage and mitigate impacts to water quality specifically, and which result in watershed benefits more broadly.

Less than half of the lower tier municipalities within the Muskoka River Watershed have implemented a septic reinspection program. Where such programs do exist, the reinspection program is based on:

- A pre-determined time cycle (in most cases a 5 year cycle);
- An assessment of risk (low, medium, high) where the reinspection program is implemented in areas deemed to have a medium or high level of risk;
- Decisions made on a year to year basis in terms of the nature of development or geographical focus of the reinspection program (such decisions usually based on a number of variables); and,
- Incorporation within municipal processes such as when issuing compliance letters for property transactions and/or responding to real estate inquiries.

Table 19 provides a high level overview of the various approaches utilized by the lower tier municipalities to implement a septic reinspection program. The Township of Georgian Bay is a good example of how policy can guide local decision making with tangible results. In this case, the higher level Lake System Health policies of the District of Muskoka Official Plan, in conjunction with the annual District of Muskoka Water Quality Reports, are used by the municipality to assess risk and identify those priority areas where the septic reinspection program should be applied on a year to year basis. Other municipalities such as the Town of Bracebridge and Township of Muskoka Lakes similarly rely on a risk assessment method to establish septic reinspection priorities. This approach could be made more effective with the application of prescribed, quantifiable criteria or thresholds which when applied to the District water quality data by the lower tiers would trigger the need to implement the septic reinspection program within a given area.

Table 19: Muskoka River Watershed Septic Reinspection Programs

Table 19: Septic Reinspection Programs			
Municipality	**Septic Reinspection Program**		**Notes**
	Cyclical	**Limited**	
Algonquin Highlands		X	Most recent five year Septic Re-Inspection Program initiated from 2018 – 2022. Re-inspections for any outstanding properties is being completed in 2023. Program completed by third party consultant. This was a stand-alone, limited time project although there may be some interest in establishing an ongoing program.
Dysart et al	X		Five areas of coverage focused on properties within 30 metres of the water. Currently, the municipality is undertaking inspections in Area 4. Program operates on a 14 year cycle with inspections completed by municipal staff.
Bracebridge	Formerly operated a rotating septic reinspection program; however, there were logistical issues with local septic companies having enough capacity to certify, install or accommodate works required. The Town is moving away from a program based on an arbitrary timeframe to one that is risk based. There is an active, ongoing septic reinspection program however, this is addressed on an ongoing basis through compliance letters for property transactions and/or real estate inquiries as well as instances where on site sewage systems are known to be of high to medium risk such as proximity to groundwater or a drinking water source, septic systems over 30 years old or where the Town has no documentation of the sewage system on a property. Information on the Bracebridge program can be found at the following link: https://www.bracebridge.ca/en/town-services/Applications-Licences-and-Permits.aspx		
Gravenhurst	X		Five year septic reinspection cycle. Program completed by municipal staff.
Huntsville	No program		
Lake of Bays	No program		

Table 19: Septic Reinspection Programs			
Municipality	**Septic Reinspection Program**		**Notes**
	Cyclical	**Limited**	
Muskoka Lakes	X		Similar to the Town of Bracebridge, the Township is moving away from arbitrary timeframes to a risk based approach. Program completed by staff.
Georgian Bay	X		Five year cycle (Port Severn). The Township bases decisions on septic reinspection in part, on the annual District of Muskoka Water Quality Report to identify hot spots or areas of decreased water quality. The focus for the reinspection program varies from year to year depending on a number of inputs. Program completed by staff.
Seguin	The North Bay - Mattawa Conservation Authority (NBMCA) has been designated to issue sewage system permits across the Nipissing District and defined areas within the Parry Sound District including in the Township of Seguin. The Township did formerly have a reinspection program that was undertaken in conjunction with the NBMCA however this program was discontinued in 2019.		
Archipelago	The Township actively tracks septic systems through an ongoing Steel Tank Program, the development review process and an assessment of risk based on existing records. The compliance of any existing septic systems are reviewed in instances where an application is submitted for development or redevelopment that will increase the daily design flows of the existing system.		
McMurrich Monteith	The NBMCA has been designated to issue sewage system permits across the Nipissing District and defined areas within the Parry Sound District including in the Township of McMurrich Monteith. The NBMCA does not have a septic reinspection program in the Township.		
Kearney	The NBMCA has been designated to issue sewage system permits across the Nipissing District and defined areas within the Parry Sound District including in the Town of Kearney. The NBMCA does not have a septic reinspection program in the Town.		
Perry	The NBMCA has been designated to issue sewage system permits across the Nipissing District and defined areas within the Parry Sound District including		

Table 19: Septic Reinspection Programs			
Municipality	**Septic Reinspection Program**		**Notes**
	Cyclical	**Limited**	
	in the Township of Perry. The NBMCA does not have a septic reinspection program in the Township.		

7.4 Cross Connector Summary of Key Findings

1) There are a number of tools and other cross connector initiatives that share commonalities with IWM and that may work in conjunction with IWM to achieve similar objectives.

2) Natural capital assets are natural resources or elements of the ecosystem, both biotic and abiotic, that municipal governments can rely upon or manage for the sustainable provision of services. Within this framework, the healthy functioning of the ecosystem is vital to the continued efficiency and viability of these services. As a result, there are intrinsic linkages between Integrated Watershed Management and the incorporation of natural capital assets within traditional asset management and planning at the local level. Natural capital asset management as well as the reciprocal linkages between Integrated Watershed Management present a promising cross-connector opportunity and merit additional study that is beyond the scope of this report.

3) There are strong linkages between climate response initiatives and Integrated Watershed Management. The ecological considerations and methodologies to address such matters have shared commonalities and provide numerous opportunities for cross connector activities and reciprocal outcomes. The distinction between the two approaches is in the focal framework which is distinguished by the geographic delineation of the Muskoka River Watershed versus a reduction in greenhouse gas emissions and responding to climate change impacts more broadly.

4) A significant portion of waterfront development in the Muskoka River Watershed is serviced by private, on site sewage treatment systems. Deficiencies in such systems have the potential to result in transitory impacts to water quality within the watershed. However only half of the lower tier municipalities in the watershed have implemented a septic system reinspection program. Such a program is one example of a tool that may be used to directly manage and mitigate impacts to water quality specifically, and which net watershed benefits more broadly. Establishment of a septic reinspection program is a mechanism that may be deployed in the short term pending available staff and monetary resources.

8.0 SUMMARY OF KEY FINDINGS

Zoning Frameworks

1) Establishing Shoreline Zone Boundaries: The establishment of consistent, definitive zone boundaries is one of the foundational building blocks in the administration and interpretation of zoning. Although zone boundaries are depicted graphically on zone schedules, it is sometimes necessary to apply performance criteria to confirm these boundaries on a site specific basis or where the mapping is uncertain. This is particularly true of zone boundaries in proximity of a shoreline.

   In keeping with the best practices in zoning and the science/evidence based approach to IWM, such shoreline zone boundaries should be established using identified performance criteria that can quantifiably be measured or established. In this case, identification of the shoreline zone boundary as being consistent with the high water mark of the waterbody can be applied consistently and quantifiably determined. Clarity of language and inclusion in the zoning provisions of the Zoning By-law further assist with the administration and interpretation of the By-law over time.

2) Watershed Overlay Zone: The implementation of a Watershed Overlay Zone poses a promising opportunity to apply catchment-based zoning within the Muskoka River Watershed. Such an approach could be scaled to apply to the entirety of the watershed or applied to smaller catchment boundaries such as a subwatershed or catchment basin level. This approach would provide one means of achieving more consistency across the watershed recognizing that such an approach would require the partner municipalities to coordinate in the goal to apply a watershed overlay zone in each of the respective lower tier Zoning By-laws to achieve a common target or standard. Any such approach would require the common and sustained coordination of a watershed-wide technical working group representing all of the Muskoka River Watershed municipalities along with a common set of agreed-upon goals, targets and priorities. There may be a role for the District to facilitate the formation of such a municipally-based, watershed-wide working group.

3) Holding By-laws: Holding By-laws work in conjunction with a lower tier Comprehensive Zoning By-law to allow for the future use of land or buildings but delay development until certain identified conditions have been met. In order to use a Holding By-law, the local Official Plan must include policies to authorize the use of a Holding By-law and identify the purposes for which a Holding Zone may be applied. Beyond this requirement, a Holding By-law may be used as a flexible zoning tool to ensure that any relevant issues are addressed prior to development proceeding. Most notably, a Holding By-law is one means to regulate low density residential development that is in proximity of a shoreline but that is beyond the 120 metre Provincial threshold for Site Plan approval.

4) Community Planning Permit By-law: The Community Planning Permit System (CPPS) is a planning tool that presents the best alternative to the traditional zoning and site plan processes. It is a streamlined planning process regulated under the *Planning Act*, that combines zoning, minor variance and site plan applications into one application and approval process.

Neither Bill 23 nor Bill 97 modified those sections of the *Planning Act* that relate to the establishment of a CPPS. As a result, this tool provides municipalities with a mechanism to introduce a more flexible approach to land use that effectively harmonizes the zoning and site plan functions. However, not all lower tier municipalities within the watershed will be equally equipped to revise existing zoning frameworks and implement a CPPS. Further, for those that are, it will take some time for the development and approval of a new CPPS system.

5) All lower tier municipalities in the Muskoka River Watershed apply a form of Environmental Protection Zone(s) that restrict or limit development on lands with significant natural heritage features. These Environmental Protection Zone structures vary significantly across municipalities in terms of the level of nuance and detail applied to both the description of the features being protected and the number of Environmental Protection Zones established.

6) Some of the Muskoka River Watershed municipalities such as Algonquin Highlands, Huntsville, Georgian Bay and Archipelago, apply a combination of standard Environmental Protection Zones and Environmental Overlay Zones to natural heritage features. The overlay zone structures may be used to recognize existing use, permit limited development pending the findings of an Environmental Impact Study, or to require buffers and other mitigation measures.

7) The range of uses permitted within the Environmental Protections Zones are fairly consistent across the watershed with a few minor variations in terminology. Generally these uses can be characterized as conservation uses, passive outdoor recreation, resource management and a recognition of existing uses. However, the approach to existing uses, both primary and accessory uses, does vary somewhat across the watershed municipalities. For example, some municipal Zoning By-laws provide for a minor expansion of existing primary or accessory uses where others do not. The permissions associated with existing uses is fairly nuanced and is worthy of additional future study.

8) Many of the Environmental Protection Zones require minimum setbacks from various natural heritage features, the high water mark or the Environmental Protection Zone boundary. These setbacks vary in terms of the refinement of the setback requirement and the actual setback required. As the Environmental Protections Zones either do not permit development or only very limited development, many of the setback requirements will in practice, apply to development on lands adjacent to the Environmental Protection Zones.

9) Almost all of the municipalities in the Muskoka River Watershed apply zoning to lands under water. Approximately half of the municipal Zoning By-laws apply a location specific zone category such as a 'Lakes and Rivers Zone' or 'Waterbody Open Space Zone' while the other half of the municipalities apply or extend other more standard zone categories such as an 'Environmental Protection Zone' or 'Open Space Zone' to lands under water. This is not problematic where the zone applied is an Environmental Protection Zone. However, where the zone applied is a zone category with inherent development permissions (including an Open Space Zone), the land use controls over such lands may not provide the necessary level of protection for such lands. This also lends itself to inconsistency in how such development permissions are applied and interpreted for such lands.

10) In Ontario, naturally occurring hazard lands generally apply to lands subject to flooding, erosion or steep slopes. The manner in which hazard lands are addressed across the Zoning By-laws of the Muskoka River Watershed is extremely varied. This is in part due to the prevalence of the issue within a municipality, the availability of mapping as well as the extent of the municipal resources available to implement a more detailed approach to land use for such lands.

11) Almost all of the municipalities in the Muskoka River Watershed regulate land use within the floodplain. The degree to which land use in the floodplain is regulated across the watershed can be framed within a graduated scale of regulations that ranges from no regulation to a very detailed multi-zone approach. In addition to the graduated scale of regulation noted above, some municipalities rely on a floodplain overlay zone in areas where development may be possible but where additional requirements may be required to determine the appropriateness of development.

12) In general, the Zoning By-laws within the Muskoka River Watershed significantly restrict or prohibit new development within the floodplain. Where development is permitted, the zoning regulations applied across the watershed vary significantly in the level of detail and the matters addressed. The range of matters addressed can be grouped within three key categories being conditions for development, enlargement/repair or reconstruction of existing uses, and site alteration.

13) There is an even greater inconsistency as it relates to septic systems located within a floodplain. In this regard, only the Zoning By-laws for Bracebridge and Georgian Bay specifically address septic systems within the floodplain. In absence of any explicit zoning provision to address septic systems in the floodplain, the trigger to apply floodplain zoning regulations then becomes a matter of the operative definitions for 'building' or 'structure' and any necessary interpretation of such definitions.

14) Only approximately one third of the Zoning By-laws in the Muskoka River Watershed specifically regulate land use in proximity of steep slopes. In those municipalities that regulate steep slopes, the variation as to what constitutes a steep slope ranges from between 20% to 40%. In most such municipalities, no development is permitted on the steep slope or within the minimum required setback.

15) All of the municipalities in the Muskoka River Watershed have well established zone structures to regulate both residential and commercial development in the waterfront areas. Across the Muskoka River Watershed, waterfront residential zone hierarchies are established based on any number of factors including access, zone standards, natural features, specific geographic areas, urban/rural split, backlot development, islands, and existing waterfront uses. Zone structures associated with waterfront commercial uses are almost exclusively based on the distinction of uses permitted. In regards to waterfront commercial uses, the waterfront commercial zone structures across the watershed tend to be delineated based on uses such as marinas, campgrounds/ tent and trailer establishments, resort commercial uses and generic tourist commercial or waterfront commercial uses.

16) The Zoning By-laws within the Muskoka River Watershed are fairly consistent in requiring that development be setback from the front lot line a minimum of 20 to 30 metres. This is true of development in both waterfront residential and waterfront commercial zones. This distance is also consistent with the required zoning setback for septic systems and leaching beds as contained in local By-laws.

17) In the Muskoka River Watershed, the lot coverage maximums permitted by the lower tier Zoning By-laws vary significantly in terms of the amount of development permitted and the metrics used to determine lot coverage. The maximum permitted lot coverage in waterfront residential zones ranges from 5% in Huntsville and Georgian Bay to 30% in Kearney. Most of the municipal Zoning By-laws permit a maximum lot coverage of between 10% to 15% for waterfront residential lots. Correspondingly, most Zoning By-laws permit an increased lot coverage for waterfront commercial zones. Most Zoning By-laws in the watershed permit a maximum lot coverage of 20% to 35% for waterfront commercial uses.

18) Most municipal Zoning By-laws also include a more targeted maximum shoreline area coverage limit that applies specifically to the shoreline area of a waterfront lot. The municipal zoning regulations in this regard are varied with the median maximum shoreline area coverage for waterfront residential zones being in the range of 10% to 15%. In regards to waterfront commercial zones, approximately half of the watershed municipalities do not specifically regulate coverage within the shoreline area. Of those that do, the maximum shoreline area coverage requirement is generally consistent with that required for the waterfront residential zones.

19) Many of the Zoning By-laws within the upper reaches of the Muskoka River Watershed require a minimum shoreline buffer depth of 30 metres (Dysart et al, Kearney and Perry) for both Waterfront Residential Zones and Waterfront Commercial Zones. The Zoning By-laws applying to the remaining portions of the watershed require a minimum shoreline buffer depth of between 15 to 20 metres for Waterfront Residential Zones and a slightly larger shoreline buffer width of 20 to 30 metres for Waterfront Commercial Zones.

20) The majority of Zoning By-laws in the watershed require that in the Waterfront Residential Zones, 75% of the shoreline frontage be maintained in natural vegetative state. While not all Zoning By-laws require that a minimum percentage of the frontage be retained in a natural vegetative state in the Waterfront Commercial Zones, of those that do, the majority require that 65% to 75% percent of the shoreline frontage remain in a natural state. There is however, some inconsistency in how this shoreline frontage metric is incorporated within the watershed Zoning By-laws. Some By-laws regulate the percentage of the frontage to be maintained in a natural vegetative state whereas others, identify a maximum percentage of the shoreline frontage that may be used for shoreline buildings and structures.

21) The existing legal non-conforming use and legal non-complying provisions of the local Zoning By-laws are of increasing significance given the frequency with which development is now taking the form of redevelopment where existing structures are expanded or demolished to make way for more intensive forms of development. This is especially true within waterfront residential areas.

22) The existing use provisions of the lower tier Zoning By-laws are incredibly detailed and nuanced. This report only provides an overview of the current zoning practices however, a stand-alone, more detailed review of such zoning provisions within the broader context of the watershed is merited.

Community Planning Permit System

23) The Community Planning Permit System (CPPS) is an alternate approach to zoning that merges zoning, minor variance and site level planning into one zoning mechanism. Such an approach enables a lower tier municipality to provide greater direction regarding aspects of development that are typically outside of zoning such as site alteration, grading, or removal of vegetation.

24) Similar to a traditional Zoning By-law, a CPPS By-law regulates both permitted uses and development standards within the municipality. However, unlike a traditional Zoning By-law, a CPPS By-law can also:
- allow for discretionary uses subject to identified criteria;
- allow for variations from development standards within specified limits; or,
- identify land uses or classes of development that may be exempt from requiring a development permit.

25) Two of the lower tier municipalities within the Muskoka River Watershed have already made the pivot to a CPPS and provide examples of how this regulatory framework may be applied. The Town of Huntsville recently passed a new CPPS By-law (July 2022). Effective January 31, 2023, the Huntsville CPP is now in full force and effect throughout the Town. Similarly, the Township of the Lake of Bays has also recently adopted a Community Planning Permit By-law (2021). The Lake of Bays CPPS By-law is under appeal and is not yet in effect. The Township's current, in-effect Development Permit By-law only applies to the shoreline areas. The new CPPS By-law extends this zoning approach and will apply Township-wide.

26) Recent legislative changes at the Provincial level that have constrained the application of site plan approval have not modified the CPPS. As a result, those municipalities that have a Community Planning Permit By-law or Development Permit By-law have not been impacted by the new limitations on Site Plan Control.

27) The merits of a CPPS By-law can be used to leverage an ecologically based approach to land use. Such an approach may rely on the boundaries of a watershed/ subwatershed or catchment area, or based on a particular land use formation such as the Oak Ridges Moraine. The flexibility and comprehensive nature of a CPPS By-law afford a greater opportunity to address watershed objectives as well as site level matters such as site alteration, grading and retention of vegetation that have traditionally fallen beyond the scope of zoning.

Site Plan Control

28) Identify Priority Lands for Site Plan Control Across the Watershed: Recognizing that Site Plan Control is a local matter under the purview of the local Council, there is an opportunity to achieve better consistency across the Muskoka River Watershed by identifying priority lands (ie.

shorelines, natural heritage or hazard lands) or priority classes of development that may be subject to Site Plan Control across the watershed. This would require coordination across the lower tier municipalities to establish such parameters. Application of any such approach within the shoreline areas is contingent upon the parameters to permit Site Plan Control in the shoreline areas as established by O.Reg 254/23.

29) Establish a Base Template for a Site Plan Control By-law and Site Plan Guidelines to Guide Development Watershed-Wide: There is an opportunity for all lower tier municipalities to establish a collective base template for a Site Plan Control By-law and/or Site Plan Guidelines that could be integrated within local planning processes. This would require both coordination of the lower tier municipalities to establish such templates and may require amendments to the existing, in-force Site Plan Control By-laws. Any amendments to municipal Site Plan Control By-laws would be an initiative that may be undertaken in the short term, recognizing that Council approval of any such amendment would be required at the local level within each municipality.

Municipal Act Mechanisms

30) In Ontario, the *Municipal Act, 2001, S.O. 2001, c.25* (herein referred to as the *'Municipal Act'*) provides municipalities with the authority to regulate various aspects of the natural environment. This includes the authority to pass Tree By-laws which regulate the destruction or injuring of trees as well as Site Alteration By-laws to regulate matters such as the placement or removal of fill and the grading of land. Municipalities may leverage both of these tools, in conjunction with zoning and site plan approval to implement the key objectives of IWM. A lower tier municipality may implement these by-laws at the local level or may delegate authority to the upper tier municipality as is the case in the County of Haliburton. Tree Cutting/ Tree Preservation By-laws and Site Alteration By-laws have been implemented to varying degrees across the Muskoka River Watershed.

31) Municipalities within the County of Haliburton have taken a unique approach to the authority afforded under the *Municipal Act* to regulate tree cutting and site alteration. This approach required the County's lower tier municipalities to delegate such authority up to the County level. As a result, regulations relating to tree cutting and site alteration within the shoreline area are addressed County-wide and implemented at the County level. The Municipality of Dysart et al, declined to delegate site alteration authority to the County. Instead, on August 22, 2023, the municipality passed By-law 2023-75 to regulate site alteration within its shoreline and environmental protection areas.

32) The County of Haliburton Shoreline Preservation By-law is a hybrid by-law which regulates both tree cutting and site alteration within the shoreline area. The by-law is intended to apply to situations where significant alterations are proposed to the grade or topography of a property in a manner that will increase the flow of surface water to neighbouring lands or bodies of water. The By-law is further intended to apply to new development or redevelopment including replacement, expansion or intensification of existing shoreline development on a "go forward" basis and does not address existing development or site conditions.

33) The approach taken in the County of Haliburton Shoreline Preservation By-law is an interesting one in that:

- Other than in the municipality of Dysart et al, it is applied County-wide providing some consistency in how site alteration and tree preservation are collectively regulated in the shoreline areas;

- In regards to trees and vegetation, the by-law expands on what has more traditionally been a focus on trees greater than 5 centimeters diameter at breast height (DBH). This accounts for understory growth, saplings, the retention of stumps and root systems on steep slopes as well as requirements for native vegetation;

- The By-law distinguishes between requirements for shoreline residential and shoreline commercial lands; and,

- The issuance of any shoreline permit takes into consideration any potential impacts on the lands subject to the shoreline permit, adjacent lands and any adjacent waterbody.

34) Until recently, site alteration was not regulated in the Municipality of Dysart et al Dysart By-law 2023-75, being the first Site Alteration By-law of the municipality, was passed on August 22, 2023. The approach taken in Dysart is interesting given the detailed criteria incorporated within the Site Alteration By-law and the focus on restoration of existing conditions. Unlike the County of Haliburton Shoreline Preservation By-law, the Dysart approach to site alteration is not based on a permit system but rather on enforcement where deficient conditions or activities are identified. The Dysart By-law establishes fines for failure to comply with the by-law requirements however, such fines are relatively minimal and may not be a sufficient deterrent to support compliance and enforcement efforts.

Cross Connector Opportunities

35) There are a number of tools and other cross connector initiatives that share commonalities with IWM and that may work in conjunction with IWM to achieve similar objectives.

36) Natural capital assets are natural resources or elements of the ecosystem, both biotic and abiotic, that municipal governments can rely upon or manage for the sustainable provision of services. Within this framework, the healthy functioning of the ecosystem is vital to the continued efficiency and viability of these services. As a result, there are intrinsic linkages between Integrated Watershed Management and the incorporation of natural capital assets within traditional asset management and planning at the local level. Natural capital asset management as well as the reciprocal linkages between Integrated Watershed Management present a promising cross-connector opportunity and merit additional study that is beyond the scope of this report.

37) There are strong linkages between climate response initiatives and Integrated Watershed Management. The ecological considerations and methodologies to address such matters have shared commonalities and provide numerous opportunities for cross connector activities and

reciprocal outcomes. The distinction between the two approaches is in the focal framework which is distinguished by the geographic delineation of the Muskoka River Watershed versus a reduction in greenhouse gas emissions and responding to climate change impacts more broadly.

38) A significant portion of waterfront development in the Muskoka River Watershed is serviced by private, on site sewage treatment systems. Deficiencies in such systems have the potential to result in transitory impacts to water quality within the watershed. However only half of the lower tier municipalities in the watershed have implemented a septic system reinspection program. Such a program is one example of a tool that may be used to directly manage and mitigate impacts to water quality specifically, and which net watershed benefits more broadly. Establishment of a septic reinspection program is a mechanism that may be deployed in the short term pending available staff and monetary resources.

9.0 RECOMMENDATIONS

This report is a further addendum to the *Integrated Watershed Management Existing Conditions Land Use Policy Review Report* (2022) undertaken for the District of Muskoka. The *Integrated Watershed Management Existing Conditions Land Use Policy Review Report* (herein referred to as the *Existing Conditions Policy Report)* provides a land use policy review of the Official Plan for each of the upper and lower tier municipalities across the Muskoka River Watershed.

The purpose of this addendum report is to gain a better understanding of how existing policy frameworks translate into zoning and other implementation mechanisms that are currently applied within the Muskoka River Watershed. The report provides a focus on mechanisms enabled by Provincial legislation (most notably the *Planning Act*, but also including the *Municipal Act*) as well as existing cross-connector and complementary initiatives that may already be in place. In this respect the key findings of this study are summarized in Chapter 8.

The recommendations of this report continue to reinforce and build on the recommendations of the *Existing Conditions Report (2022)*. In this regard, the recommendations of this report have been grouped into five integrated themes:

1) Short and long term opportunities to implement IWM at the local level;

2) The need to establish a watershed-wide technical working group representing all of the Muskoka River Watershed municipalities;

3) Potential challenges to implementation;

4) The need to reinforce and develop partnerships; and,

5) Recommended areas for future study.

9.1 Coordinating Efforts - A Watershed-Wide Organizational Model

The findings of this report again reinforce the recommendations of the *Existing Conditions Report (2022)* in that there is a need for a coordinating, watershed-wide organizational body to provide leadership on watershed-wide interests and initiatives. One of the primary goals of this watershed-wide organization would be to move beyond interagency consultation, cooperation and coordination to interagency partnership to address cross-boundary and cumulative impacts at a municipal policy and technical level as well as opportunities for cross-connector opportunities. This is particularly true of the implementation mechanisms where IWM is realized at the local level. At the local level, a Technical Committee would take a forward role in providing such coordination.

9.2 Watershed-Wide Technical Working Group

Establishing a watershed-wide technical working group that would include senior staff from all member watershed municipalities as well as staff from various of the Provincial ministries is both a shorter term

opportunity and worthy of an independent recommendation in this report. Such a group would provide a means to optimize interjurisdictional opportunities such as establishing shared priorities, data sharing, pooling of experience and provide a conduit to facilitate consistency across the watershed. The Technical Committee may also function as a shared point of contact for partnerships and outside expertise. It is anticipated that such a ground would function as a standing committee that would meet on a regular monthly/quarterly basis and may include cross department expertise depending on the scope of issues. The role of this group would be to discuss policy, regulatory, and technical issues being implemented by municipalities. This technical working group would provide a technical governance complement to the work undertaken by other watershed organizations. Examples of some of the foundational tasks that the technical committed may wish to consider would include establishing a mandate, creating a priority list of shared watershed-wide target issues, a collection of shared templates such as a best practice template for a Site Plan Control By-law, Site Alteration By-law, Shoreline Preservation By-law or more broadly, to forward the establishment of a shared data portal or best practice procedures for a septic reinspection program.

9.3 Short and Long Term Opportunities to Implement Integrated Watershed Management

The summary of key findings identifies a number of opportunities to implement IWM at the local level. Some of these involve more comprehensive undertakings such as the establishment of a Community Planning Permit By-law or making the necessary amendments to the Zoning By-law to facilitate tighter connections between the Zoning By-law and implementing Site Plan Control requirements. Other of the key findings provide for shorter term recommendations that can more readily be implemented. Some of the shorter term opportunities are as provided below.

- The recommendations of the *Existing Conditions Report (2022)* identify the need for an Integrated Watershed Plan for the Muskoka River Watershed. To date, a comprehensive Integrated Watershed Management Plan has not been prepared for the Muskoka River Watershed. There is a need to develop such a guiding document that applies to all lands in the watershed. However, in absence of a full Muskoka River Watershed Plan, steps may be taken to identify foundational watershed management goals and objectives that may then be used to frame connections between watershed goals, key performance metrics and some of the implementing actions identified in this report.

- Any comprehensive approach to IWM will include a range of performance standards and metrics to achieve such standards. However, there are a few primary key performance metrics that may be applied watershed-wide. These include the introduction of standards for permeable surfaces within existing planning tools, using the high water mark as the base measurement for setbacks or a somewhat broader metric of pivoting from a 'no negative impact' threshold to performance standards based on a concept of 'net gain'.

- The *Municipal Act* provides municipalities with the authority to regulate various aspects of the natural environment including tree cutting and site alteration. The application of these tools across the watershed is extremely varied ranging from having no such By-laws to more comprehensive mechanisms such as the Shoreline Preservation By-laws in the County of Haliburton. Another shorter term opportunity is to realize the application of more consistent and enhanced approaches to Tree Cutting By-laws and Site Alteration By-laws across the watershed.

There are already some good examples of such By-laws in some of the lower tier municipalities in the watershed. These may serve as templates to establish common practices and By-law requirements.

- Less than half of the lower tier municipalities within the Muskoka River Watershed have implemented a septic reinspection program. If implemented in municipalities across the watershed, such a program may be used to directly manage and mitigate impacts to water quality specifically and further, has the potential to cumulatively net watershed benefits more broadly. The key is consistency across the watershed. As with the Municipal Act mechanisms noted above, there are already some good examples of septic reinspection program requirements in some of the lower tier municipalities in the watershed. These may also serve as templates to establish common practices and associated performance standards across the watershed.

- There is a great deal of data that is monitored and collected across the watershed by various levels of government as well as by individual lake associations and larger non-profit organizations such as the Integrated Community Energy & Climate Action Plans (ICECAP) in the Georgian Bay area. There are opportunities to better coordinate and leverage the data that is already being collected and to identify gaps where more data is needed. For example, the District of Muskoka already monitors water quality and produces an annual Water Quality Report. At least one municipality in the watershed uses this data to discern levels of risk in allocating where to focus the septic reinspection program each year. This approach could be made more effective with the application of prescribed, quantifiable criteria or thresholds which when applied to the District water quality data by the lower tiers would trigger the need to implement the septic reinspection program within a given area. To facilitate this approach and to promote consistency within the District, the reporting of the data in the Water Quality Report could be presented in a way to assist with establishing prescribed, quantifiable criteria or thresholds.

- *Existing Conditions Report (2022)* recommended that a centralized database of watershed information would facilitate the implementation of a more comprehensive approach to IWM at the local level. This report reinforces that finding. The District of Muskoka already has existing data sharing initiatives, including GeoHub, Waterweb and the District of Muskoka EnviroHub website. Additional technical information from across the watershed including data collected from environmental monitoring programs, reports, mapping, land use, development applications, and/or lot creation data should be compiled, centralized, and built in partnership with and be accessible to all watershed municipalities. Much of this information already exists on open data websites and would need to be coordinated to a single watershed database. This would require numerous data sharing agreements and a lead agency identified to coordinate and administer such information.

9.4 Challenges to Implementation

Administration of an Integrated Watershed Management approach within the Muskoka River Watershed is challenged in that the watershed occupies lands governed by a number of jurisdictions including indigenous communities as well as 2 upper tier municipalities and 13 lower tier municipalities all of which have Official Plan policy frameworks, Zoning By-laws and nuanced site plan and development

requirements. Accordingly, there are some considerations that must be given to the operational aspects of implementing IWM within the Muskoka River Watershed.

9.4.1 Allocation of Resources

It is well documented that there is a short-fall of resources at the municipal government level. This same challenge remains as it pertains to the implementation of IWM across local municipalities in the watershed. As part of this study, information interviews were conducted with staff in each watershed municipality. One of the key impediments noted by staff is a lack of both funding and staffing levels. There is a wide variance in the size of the municipalities across the watershed. This variance translates into variances in the resources available to various of the watershed municipalities including both budget and staffing level considerations. Planning departments in particular range from having no planner on staff (Kearney, Perry and McMurrich Monteith) to having planning departments with six or seven planners on staff (Bracebridge, Gravenhurst and Muskoka Lakes). A number of the watershed municipalities have existing vacancies in the allocating staff levels. The challenge then becomes staff time to dedicate to integrating IWM within existing processes as well as funding to do so. In a broader sense, the correlation between service responsibilities allocated to the municipal level and corresponding revenue streams to provide such services is an issues that critically needs addressed.

9.4.2 Enforcement

Policies and implementation mechanisms are only as strong as the quantitative metrics relied upon and the enforcement of those metrics or standards. The interviews with the watershed municipalities also identified enforcement as another challenge to regulating land use and by extension, IWM initiatives. The challenges described included processes structured around a complaint rather than an enforcement basis, a lack of staff resources for enforcement, a lack of political will (or conversely the impact of short political cycles), and ineffective penalties and remedies to enforcement. The remedies cited include insufficient fines that fail to act as a deterrence or the costs and requirements of prosecuting a case through the *Provincial Offences Act*. Many of the challenges noted above are beyond the purview of municipal staff however, it is recognized that staff do have a role in advising and providing recommendations to local Council within some circumstances.

9.5 Partnerships

As noted throughout this report, there is a strong need for coordination to implement IWM within the Muskoka River Watershed. There are numerous examples of collaborative partnerships that have been formed to pool resources or provide a service. Examples include the leadership of the Integrated Community Energy & Climate Action Plans (ICECAP) and the Federation of Canadian Municipalities in responding to climate impacts in the Georgian Bay area or the partnership activities of the North Bay – Mattawa Conservation Authority in acting as the regulatory body for the issuance of septic permits in many of the Parry Sound municipalities.

Regardless, there are opportunities to better facilitate an evolution of inter-jurisdictional relations from being that of consultation, to cooperation, to coordination, to partnership level initiatives. This not only includes lateral connections amongst municipalities but also includes collaborative efforts with upper level jurisdictions such as the Province and the federal government. In particular, an increased focus on

building and maintaining relationships with indigenous communities as partners and stewards of the watershed is encouraged.

Beyond this, there are opportunities to strengthen partnerships with non-governmental organizations such as lake associations, non-profit environmental groups or studies conducted in conjunction with post secondary institutions. Such opportunities are already being realized to some degree but there is an opportunity to actively seek out new opportunities while building upon those already in place.

9.6 Future Studies

This report provides an overview of a number of mechanisms that may be used to implement IWM within the Muskoka River Watershed. However, there are a number of matters that would benefit from further study where it was beyond the scope of this study to do so. Matters recommended for further study are identified below.

- Zoning Applied to Accessory Shoreline Structures - The zoning regulations applied accessory shoreline structures across the watershed are extremely detailed and nuanced. This report summarizes some of the key metrics including shoreline frontage and coverage requirements however, even as included in this report, such metrics are extremely varied. Further study is recommended to form a better understanding of development potential within the shoreline areas of the watershed.

- Existing Uses – The zoning regulations applied to legal non-conforming and legal non-complying existing uses are similarly detailed and nuanced. Again, this report touches on some of the key metrics applied to such uses however, further study is recommended to better understand the development potential related to the expansion or replacement of existing uses, particularly in proximity of the shoreline or other natural features. This is of increasing relevance as the pressures for redevelopment within the waterfront area has significantly increased over past trends.

- Septic System Reinspection Programs – As noted earlier in this report, the application of septic system reinspection programs in the Muskoka River Watershed is extremely varied. Yet, this remains as one of the actions with the greatest potential to solicit net benefits across the watershed. Further study is recommended to undertake a more detailed study that may address such matter as how such programs are currently implemented, where there are opportunities for collaboration to establish programs in municipalities that currently do not have one, best practices both within and beyond the watershed and identify data requirements to more easily facilitate such a program.

- IWM and Natural Resource Activities – Natural resource industries (aggregates, mining, agriculture, aquaculture and forestry) all have very specific needs and are governed by an interwoven web of regulations at varying government levels. It was beyond the scope of this report to review such requirements. It is recommended that further study be undertaken to investigate how IWM may take into account the needs of these industries and how the principles of IWM may be incorporated within the various industry specific practices.

- In December 2022, the District completed a Natural Capital Inventory of the Muskoka River Watershed. This inventory is the first step in better understanding the potential capacity for integrating natural capital assets within existing asset management systems and reporting. It is recommended that the work on natural capital asset management progress to the next steps including the valuation and management of the watershed's natural assets. This includes explicitly identifying the reciprocal linkages between IWM and Natural Capital Asset Management. Natural Capital Asset Management is an approach that has been gaining traction, particularly over the past eight to ten years. Such an approach presents a promising cross-connector opportunity and merits additional study.

APPENDIX 1

Lower Tier Definitions for ‘Shoreline’ and ‘High Water Mark’

Table ____: Shoreline and High Water Mark Definitions

Municipality	Shoreline	High Water Mark
Algonquin Highlands	The boundary between the water and land fronting on and providing access to a watercourse, bay or lake.	The normal ordinary or regulated high water mark of any body of water, as indicated by the character of the vegetation or soil.
Dysart et al.	A lot line which coincides with a high water mark, or which abuts an original shoreline road allowance that has not been closed and added to the abutting lot.	The normal water's edge or normal *high water mark* of a *water body* as shown on a current plan of survey prepared by an Ontario Land Surveyor or, where the water level of a *water body* is regulated by control structures, the regulated *high water mark* as shown on a plan of survey prepared by an Ontario Land Surveyor.
Bracebridge	No definition	Means the boundary between a navigable waterway and land not under water, at normal summer levels.
Gravenhurst	Shall mean that area of land abutting the Optimal Summer Water Level of a navigable waterway. (1)	OPTIMAL SUMMER WATER LEVEL - Shall mean the normal or controlled high water mark HIGH WATER MARK – No definition
Huntsville	Means the boundary between the water and the land, or any lot line or portion thereof which abuts a lake or river or an original shore road allowance abutting a navigable watercourse/waterway.	Means the present normal or controlled, high water mark of a navigable waterway
Lake of Bays	Means the ordinary water's edge. [No definition for ordinary water's edge.]	ORDINARY WATER LEVEL Means: a) where water levels are not managed by an MNRF control *structure*, the ordinary interface between land and water identified by a mark made by the action of water under natural conditions on the shore or bank of a water way, which action has been so common and usual that it has created a difference between the character of the *vegetation* or soil on one side of the mark and the character of the *vegetation* and soil on the other side of the mark, or; b) where water levels are managed by an MNRF control *structure*, the location at which the horizontal plane of the regulated summer water level intersects with the land. For the purposes

Municipality	Shoreline	High Water Mark
		of this By-law, the elevation of the regulated summer water level (GSC) is: i) Lake of Bays – 315.22 metres ii) Camp Lake – 412.60 metres iii) Peninsula Lake – 283.77 metres iv) Tasso Lake – 399.40 metres HIGH WATER MARK – No definition
Georgian Bay	SHORELINE means the same as the high water mark. NATURAL SHORELINE means the un-altered shoreline along a waterbody.	CURRENT WATER MARK means the location where the current water level of a lake or river meets the land. HIGH WATER MARK means the location where the high water level of a lake or river meets the land. For Georgian Bay, this level shall be measured as 177.4 C.G.D. CURRENT WATER LEVEL means the water level at a given point in time. HIGH WATER LEVEL means the highest normal or controlled water level on inland lakes and 177.4 C.G.D. on Georgian Bay.
Seguin	Means the line at which the normal or controlled high water mark of a lake or river meets the land.	Referenced but not identified nor defined.
Archipelago	Not defined	Means in the case of Georgian Bay 176.44 metres *G.S.C.* above sea level, and in all other cases means the normal water mark of any water at the time of the original surveys of the geographic townships unless altered by the construction of a dam or dams belonging to any municipal, provincial or other public authority, in which case the measurement shall be from the *high water mark* as controlled by such dam or dams.
McMurrich Monteith	Not defined	Means the normal ordinary or regulated *high water mark* of any body of water, as indicated by the character of the vegetation or soil.

Municipality	Shoreline	High Water Mark
Kearney	Not defined	Means the setback will be measured from the normal controlled highwater mark of the lake or river.
Perry	Means any lot line or part thereof which abuts the high water mark of a navigable waterbody.	Means the setback will be measured from the normal or controlled high water mark of the lake or river.

(1) Gravenhurst Notation – remainder of definition:

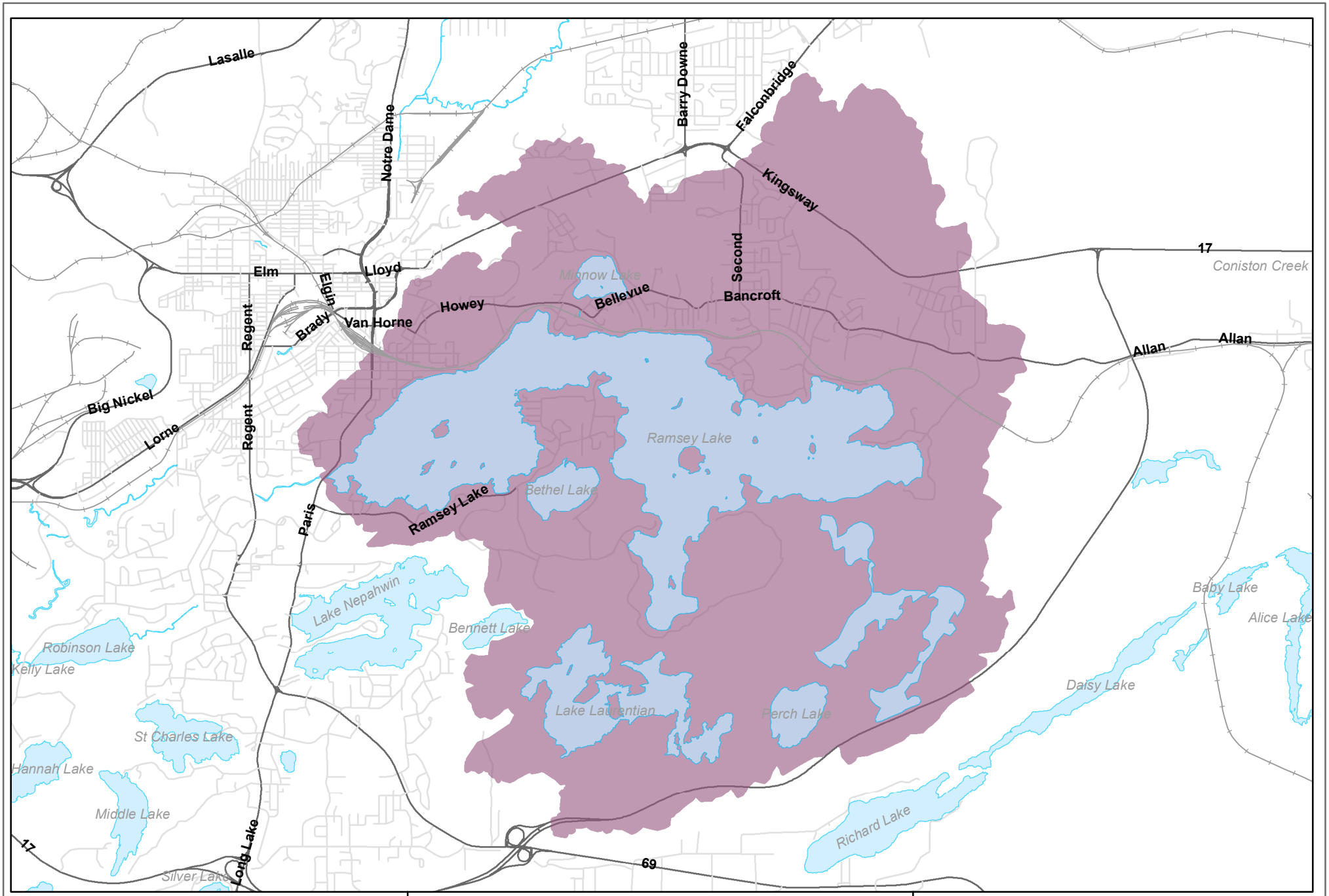
(i) In the Residential Waterfront Zones (RW-6, RW-6A, RW-6B, RW-6C, RW-6D, RW-6F or RW-6F1), the Residential Island Zones (RI-8, RI-8A, RI-8B, RI-8C, or RI-8D), or the Recreational Institutional Zone (RI), such shoreline shall mean the horizontal distance between the side lot lines measured along the front lot line, except where the front lot line is not a straight line, or where the side lot lines are not parallel, the shoreline is to be measured by either a line measured back the minimum front yard from and parallel to the chord of the front lot line, or by the chord of the front lot line, whichever is greater, and for the purposes of this paragraph, the chord of the front lot line shall be measured as a straight line joining the 2 points where the side lot lines intersect the front lot line.

(ii) In the Residential One Zone (R-1), the Residential Two Zone (R-2), the Residential Three Zone (R-3), the Residential Multiple One Zone (RM-1), the Residential Multiple Two Zone (RM-2) or the Residential Community Zone (RC-4), such shoreline shall mean the horizontal distance between the side lot lines measured along the rear lot line, except where the rear lot line is not a straight line, or where the side lot lines are not parallel, the shoreline is to be measured by either a line measured back the minimum rear yard from and parallel to the chord of the rear lot line, or by the chord of the rear lot line, whichever is greater, and for the purposes of this paragraph, the chord of the rear lot line shall be measured as a straight line joining the 2 points where the side lot lines intersect the rear lot line.

APPENDIX 2

City of Greater Sudbury Comprehensive Zoning By-law 2010-100Z

Schedule A1 – Ramsay Lake Watershed Boundary



Legend

Ramsey Lake Watershed (RLW) Overlay Zone

Ramsey Lake Watershed Boundary

Schedule A1 - Zone Maps
By-law 2010-100Z

City of Greater Sudbury

1:55,000

0 0.5 1 Kilometers 2 3

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September 02, 2016

APPENDIX 3

Lower Tier Definitions for 'Building' and 'Structure'

Definitions for 'Building' and 'Structure'

Municipality	Definition for 'Building'	Definition for 'Structure'
Algonquin Highlands	A structure that has one or more floors and a roof, used for the shelter or enclosure of persons, animals or chattel, and includes any structure serving the same purpose such as a tent, awning or carport.	Anything constructed or erected, the use of which requires location on the ground, or attached to something having location on the ground. All docks, whether attached to the shoreline or floating, shall be considered a structure. For the purposes of this By-law, all fences, a retaining wall that has a height of one (1) metre (3.3 feet) or less, and light standards shall not be considered structures.
Dysart et al.	A structure consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof, including all plumbing, works, fixtures, and service systems appurtenant thereto.	A building or any other constructed thing, the use of which requires location on or in the ground or attachment to something having location on or in the ground. A structure includes plumbing not located within another structure, a sewage system, and any structure designated in the Ontario Building Code. A structure does not include a raft. For greater certainty, outdoor swimming pools, outdoor hot tubs, telecommunications antennas and towers, and wind turbines are structures.
Bracebridge	Means a structure having a roof, supported by columns or walls or supported directly on the foundation and used for the shelter or accommodation of persons, animals or goods.	Means anything that is erected, built or constructed of parts joined together and permanently located on or in the ground or attached to any other structure permanently located on or in the ground. Structural development includes new buildings, additions, and enlargements.

Municipality	Definition for 'Building'	Definition for 'Structure'
Gravenhurst	Shall mean a structure consisting of a wall, roof, or floor, or any one or more of these which is used or intended to be used for the shelter, accommodation, or enclosure of persons, animals, goods, or materials, but shall not include a lawful boundary wall or fence. For the purposes of this By-law: (i) a deck or a dock shall be included within the meaning of the term 'building'; and, (ii) the word 'structure' shall mean the same as building.	Shall mean anything constructed, erected or placed, the use of which requires location on the ground, or attached to something having location on the ground.
Huntsville	Means a structure occupying a ground floor area greater than 10 square metres consisting of any combination of walls, roof and floor or a structural system serving the function thereof, including all associated works, fixtures and service systems used for shelter, accommodation, or enclosure of persons, animals, goods or equipment.	Means anything constructed or erected, the use of which requires location on or in the ground or attached to something having location on or in the ground.
Lake of Bays	Means any enclosed structure used or intended to be used for shelter or the occupation of persons, animals, chattels, goods, materials, or equipment, other than a fence or wall.	Means anything constructed or erected, the use of which requires location on or in the ground or over water.
Muskoka Lakes	Shall mean any structure used or intended to be used for shelter or occupation of persons, animals or chattels other than a fence or wall.	Shall mean anything that is built, constructed or erected of parts joined together or requiring a foundation to hold erect, the use

Municipality	Definition for 'Building'	Definition for 'Structure'
		of which requires location on the ground, but shall not include free standing walls, driveways, fences, hedges, or a septic system except for a Septic System Leaching Bed Distribution Pipe. For the purposes of this definition, a structure shall include sport courts and recreational surfaces, or propane tank or generator intended to be permanent.
Georgian Bay	Means a structure consisting of any combination of walls, roof and floor or any structural system serving the function thereof, including all associated plumbing, works, fixtures, service systems and carports but not including tents and awnings.	Means anything that is erected, built or constructed of parts joined together with a fixed location on the ground or attached to something having a fixed location on or in the ground and shall include buildings, walls or any sign, but does not include fences, which do not exceed six feet in height or utilities. This definition shall include septic systems swimming pools, hot tubs, and whirlpools. For Open Space (OS, CL & LS) zones means anything that is erected, built or constructed of parts joined together that is located on the ground or attached to something having a fixed location on or in the ground and shall include buildings, walls, signs exceeding 0.25 square metres in area, fences, docks, and / or pit privies. For the Natural State Island (NSI) zone, means anything that is erected, built or constructed or parts joined together than is located on the ground or attached to something having a fixed location on or in the ground and shall include buildings, walls, signs exceeding 0.25

Municipality	Definition for 'Building'	Definition for 'Structure'
		square metres in area, fences, decks, docks, and / or pit privies.
Seguin	Means a structure occupying an area greater than 10 m2 and consisting of any combination of walls, roof and floor or any structural system serving the function thereof, including all associated plumbing, works, fixtures and service systems. This definition shall also include a private sewage system.	Means anything constructed, the use of which requires location on or in the ground, or attached to something having location on or in the ground. This definition shall include swimming pools, hot tubs, and Jacuzzis.
Archipelago	Shall mean a structure, whether temporary or permanent, as defined within the Building Code, used or intended to be used for the shelter, accommodation or enclosure of persons, goods or chattels.	Shall mean anything that is erected, built, or constructed, the use of which requires location on the ground or being attached to something having location on the ground, and for the purposes of this By-law, shall include a tennis court, an unlicensed vehicle, a boat affixed to the ground or a private sewage system, but shall not include free standing walls, fences or hedges.
McMurrich Monteith	Any structure used for the shelter or accommodation or enclosure of persons, animals, chattels or equipment, having a roof which is supported by columns or walls and including any tent, awnings or carports.	Anything man-made that is fastened to or into the earth or another structure or rests on the earth by its own mass or is attached to a building including a trailer, septic system leaching bed, holding tanks, satellite receiving dishes and heat pumps.
Kearney	A structure consisting of walls, roof and floor, or any of the preceding elements, or a structural system serving the same purpose	Anything man-made that is fastened to or into the earth or another structure or rests on the earth by its own mass.

Municipality	Definition for 'Building'	Definition for 'Structure'
	and including carports but does not include awnings.	
Perry	A structure consisting of walls, roof and floor or a structural system serving the same purpose as defined in the Building Code and including carports but does not include awnings. For the purposes of this By-law a building includes a tent or similar temporary structure located on a lot for more than 10 consecutive days.	Anything man-made that is fastened to or into the earth or another structure or rests on the earth by its own mass or is attached to a building, including a satellite receiving dish, septic system, heat pump, pool pump or air conditioner.

APPENDIX 4

Lower Tier Definitions for 'Front Lot Line'

Table ____: Front Lot Line Definition In Relation to Shorelines

County of Haliburton Lower Tier Municipalities	
Municipality	Zoning Requirement
Algonquin Highlands	In the case where a lot fronts upon a watercourse or waterbody or onto a shore road allowance, the shoreline or lot line abutting the shore road allowance shall be deemed to be the front lot line. In the case of a through lot where the lot abuts the shoreline or a shore road allowance, in which case the shoreline or shore road allowance is the front lot line.
Dysart et al.	In the case of a standard waterfront lot, the shoreline. In the case of a through waterfront lot, the longest shoreline.

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District of Muskoka Lower Tier Municipalities	
Municipality	Zoning Requirement
Town of Bracebridge	The line that divides the lot from a navigable waterway if the lot abuts a navigable waterway unless the lot is located in a R1 or R2 Zone. The line that divides the lot from the inner limit of a shore road allowance, if the lot abuts a shore road allowance but does not directly abut a navigable waterway. The line that divides the *lot* from a *street* or right-of-way, if the *lot* does not abut a *navigable waterway* or the inner limit of a shore road allowance unless the lot is located in a R1 or R2 Zone.
Town of Gravenhurst	Shall mean in the case of a lot abutting a navigable waterway or an original shore road allowance, the line formed by the **Optimal Summer Water Level** or the inner limit of the original shore road allowance. shall mean in the case of a through lot: b) if it abuts a street and a navigable waterway, the lot line along the navigable waterway; or c) if it abuts a street and a navigable waterway in the Residential One Zone (R-1), Residential Two Zone (R-2), Residential Three Zone (R-3), Residential Multiple One Zone (RM-1), Residential Multiple Two Zone (RM-2), the lot line abutting the street; or d) if it abuts a street and a navigable waterway, where a portion of the lands is flooded, the lot line along the **Optimal Summer Water Level**; or e) if it abuts a street and an original shore road allowance not under the ownership of the abutting property owner, the lot line abutting the original shore road allowance; or f) if it abuts 2 original shore road allowances not under the ownership of the abutting property owner or abuts 2 navigable waterways, the longer of the 2 lot lines abutting each; or g) if it abuts a navigable waterway and an original shore road allowance not under the ownership of the abutting property owner, the longer of the 2 lot lines abutting each.
Town of Huntsville (CPP By-law)	Means the lot line that divides the lot from the public street or from the **high water mark.** In the case of a lot abutting a navigable waterway or the unopened original shore road allowance along the navigable waterway, the lot line directly adjacent or closest to the navigable waterway or unopened original shore road allowance shall be deemed to be the front lot line, or in the case of a lot with more than one lot line abutting a navigable waterway or the unopened original shore road allowance, the lot line that abuts the navigable waterway or the unopened original shore road allowance for the longest distance shall be deemed to be the front lot line.

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District of Muskoka Lower Tier Municipalities	
Municipality	Zoning Requirement
Township of Lake of Bays	Referenced as 'Shoreline Front Yard Setback' Shoreline Yard - means a yard extending across the full width of the lot situated between the shoreline and a line parallel thereto and passing through the nearest point of the outside edge of walls or posts of a building or structure, including any attached or directly adjacent deck, or the nearest open storage on the lot.
Township of Muskoka Lakes	Shall mean in the case of an interior lot, the lot line abutting a navigable waterway or an original shore road allowance. A through lot: ii. if it abuts a street and a navigable waterway, the lot line along the high water mark or within the navigable waterway; iii. if it abuts a street and an original shore road allowance, the lot line abutting the original shore road allowance; iv. if it abuts two (2) original shore road allowances, the longer of the two (2) lot lines abutting the original shore road allowances; v. if it abuts a navigable waterway and an original shore road allowance, the longer of the two (2) lot lines; vi. if it abuts two (2) navigable waterways, the longer of the two (2) lot lines abutting the navigable waterways.
Township of Georgian Bay	In the case of any lot abutting a navigable waterway, or an unopened shore road allowance, the front lot line shall be the **high water mark** of the navigable waterway or the lakeward side of the open shore road allowance, whichever is higher in elevation. In the case of a through lot abutting a navigable waterway or an unopened shore road allowance, on two or more sides, all lot lines described in accordance with paragraph (a), shall be the front lot line.

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District of Parry Sound Lower Tier Municipalities	
Township of Seguin	In the case of a waterfront lot, the lot line that abuts the body of water shall be deemed to be the front lot line or the lot line shall be the outer limit of the shoreline road allowance along the shore of the body of water.
Township of Archipelago	On a lot where a lot line abuts a navigable waterway, the front lot line shall be the following: a) In the case of a lot on an island or a Single Ownership Island, the **high water mark** shall be the front lot line. b) In the case of a lot that is not located on an island but abuts a navigable waterway and/or a road or laneway, the **highwater mark** shall be the front lot line.
Township of McMurrich Monteith	In the case where a lot fronts upon a waterbody, the **high water mark** shall be deemed to be the front lot line. In the case of a through lot, in the case where the lot abuts the **high water mark**, in which case the **high water mark** is the front lot line.
Town of Kearney	The lot line that abuts the road, but in the case of any lot having water frontage or water access only, the front lot line shall be the lot line abutting the **highwater mark** of the navigable waterway. Where a lot abuts a municipally maintained road and a navigable waterway, the lot line abutting the navigable waterway shall be deemed the front lot line. The lot line abutting the navigable waterway shall be the **normal highwater mark** as defined by an Ontario Land Surveyor.
Township of Perry	Where a lot abuts a municipally maintained road and a navigable waterway, the lot line abutting the navigable waterway shall be deemed the front lot line.

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APPENDIX 5

CPPS By-law Case Study Goals and Objectives

APPENDEX 5
CPPS BY-LAW CASE STUDY GOALS & OBJECTIVES

Town of Huntsville

In 2019, the Town of Huntsville Official Plan was adopted and approved by the District Municipality of Muskoka. The Official Plan contains enabling policies for the creation of a Townwide CPP By-law. The By-law will implement the policies of the Town's Official Plan and the Official Plan's vision:

> *"Huntsville is a vibrant, caring and welcoming community. We are stewards of our natural environment, arts, culture and heritage. We value a strong and resilient economy. Growth will continue and will be sustainable and balanced with the public interest and the impact to our quality of life."*

In line with the Town's Official Plan, the goals of the CPP By-law include:

- Implement the vision, principles and policies of the Official Plan;
- Protect the Town's natural areas;
- Enhance connectivity to open space areas;
- Promote and enhance the Town's settlement areas for commerce, employment, and residential growth;
- Promote the tourism industry with an emphasis on active lifestyle tourism initiatives and development; and
- Protect rural lands for agricultural purposes, resource extraction and production.

The objectives of the CPP By-law include:

- Streamlining the development approvals process;
- Allowing for considerable flexibility in the application of development standards and land use permissions, providing more certainty to the public and interest parties on the future of land
- Establishing a comprehensive planning framework that facilitates and shapes appropriate, ecologically sound and safe development; and
- Regulating vegetation removal and site alteration as part of the development approval process to properly consider environmental protection and tree preservation where appropriate.

Township of Lake of Bays

The Community Planning Permit System will implement the Township's Vision as provided in the Official Plan as follows:

> *"The Residents of the Township of Lake of Bays will nurture and sustain clean water, fresh air, natural shorelines, healthy forests and* wetlands *that will be the pride of the Province. We will offer an outstanding combination of economic opportunity, peaceful living, and recreation. This is our dream and legacy for our grandchildren's children. We Value: Responsible Leadership, A Healthy Sustainable Natural Environment, A Sound Economy, Quality of Life for all, The Allure of Our Surroundings, and Our Heritage"*

… Council decided to proceed with a Community Planning Permit System in the Township of Lake of Bays in order to better implement the policies of the *Official Plan*, including the protection of our shorelines, and to streamline the planning process.

Planning Permits will be implemented to:

a) direct the proper placement, massing, and conceptual design of *buildings*, *structures,* and facilities on individual sites within required *development* standards;

b) promote compatibility, maintain character, and preserve aesthetic values;

c) address environmental and landscape conservation;

d) provide for safe, efficient, and appropriate movement of vehicular, vessel and pedestrian access and associated facilities;

e) ensure maintenance or restoration of *vegetation* or natural vegetative *buffers*, or provision of landscaping;

f) ensure proper grading, storm water management and construction mitigation measures are provided;

g) ensure the conveyance of any required easement or *road* widening; and

h) address measures for healthy communities.

Town of Innisfil

1.1.1 The goal of the Community Planning Permit System (CPPS) are to:

a. Implement the vision, principles and policies of the Official Plan;
b. Engage the community in the creation of the planned vision for the Lake Simcoe shoreline;
c. Establish a comprehensive planning framework that facilitates and shapes appropriate, ecologically sound and safe development along the Lake Simcoe shoreline; and,
d. To protect people and property from the natural hazards that exist for shoreline development.

1.1.2 The objectives of the CPPS are to:

a. Provide for an alternative land use regulatory framework;
b. Provide an opportunity for the shoreline to develop in a manner that is in keeping with the Lake Simcoe Protection Plan;
c. Protect people and property from the natural hazards associated with development along the Lake Simcoe shoreline;
d. Recognize existing land uses and identify expectations of future development;
e. Maintain the residential and recreational uses along the Lake Simcoe shoreline;
f. Use vegetative buffers to increase the natural appearance and ecological function of the Lake Simcoe shoreline; and,
g. Improve water quality and fish habitat.

APPENDIX 6

Town of Huntsville CPPS By-law Exemptions

APPENDEX 6
CPPS BY-LAW CASE STUDY EXEMPTIONS

Town of Huntsville

1.3.1 The following activities and types of development shall not require a Community Planning Permit:

a) Development that has been constructed, or for which a site plan agreement has been entered into pursuant to the Town's former Site Plan Control By-law 2018-152, as amended, or its predecessors;

b) Interior renovations provided there is no change in use;

c) Repairs and maintenance of any existing lawfully established buildings or structures such as the replacement of windows, doors, stairs, and decks, that will not result in changes to the footprint of the structure; its location, its height or its gross floor area;

d) Repairs and replacement of existing lawfully established buildings and foundations provided that the works do not involve the placement of fill, alteration of existing grades, or changes to the footprint or height of the structure;

e) Placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007;

f) A new single detached dwelling, an addition to a single detached dwelling and/or any associated accessory structure that meet all requirements of the By-law, except a permit will be required if the buildings or structures are proposed within:

    i. 30 metres of a shoreline, watercourse, waterbody or wetland;

    ii. identified Deer Wintering Habitat Stratum 1, as illustrated on Schedule C of the Official Plan;

    iii. the Waterfront Precinct

    iv. the Flood Zone Overlay;

    v. the Mary Lake Ridgeline area, as illustrated on Appendix 5 and the Gryffin Bluff Special Policy Area, as illustrated on Schedule A of the Official Plan, except within approved building envelopes;

    vi. 300 metres of a pit;

    vii. 500 metres of a quarry;

    viii. 30 metres of an operating or identified non-operating waste disposal site;

    ix. 300 metres of a railway right-of-way and 1000 metres of a railway yard; and

    x. areas where site plan control was required as a condition of a previous Planning Act approval.

g) Development approved through an issued building permit;

h) Seasonal water structures subject to the standards and provisions in Section 2.4;

i) Agricultural uses and new agricultural buildings or structures in the Rural Precinct, where minimum separation distance (MDS) is met in accordance with Provincial requirements; and the uses, buildings or structures are set back a minimum of 30m from any shoreline, watercourse or wetland;

j) Infrastructure projects initiated by a public authority; unless they are proposed within the Natural Heritage System or the Natural Constraint Overlay;

k) Construction of fences that are compliant with applicable provisions of this By-law; and

l) Vegetation removal or site alteration in the following circumstances:

i. Vegetation removal for forest management purposes, except a permit will be required for vegetation removal described as clear cutting unless supported within an approved forest management plan;

ii. Vegetation removal in the Rural and Waterfront Precincts, except a permit will be required for vegetation removal defined as clear cutting or where the removal is proposed within:
- 10 metres of abutting roads, except for a driveway access;
- 30 metres of a shoreline, watercourse, waterbody or wetland;
- an identified Deer Wintering Habitat Stratum 1, as illustrated on Schedule C of the Official Plan;
- a Conservation Precinct;
- the Mary Lake Ridgeline, as illustrated on Appendix 5, and the Gryffin Bluff Special Policy Area, as illustrated on Schedule A of the Official Plan, except within approved building and septic envelopes; and
- areas where site plan control was required as a condition of a previous Planning Act approval.

iii. Vegetation removal in the Urban Residential – Shoreline Precinct, except a permit will be required for vegetation removal defined as clear cutting or where the removal is proposed within:
- 20 metres of a watercourse or a shoreline for non-Lake Trout lakes identified in the District of Muskoka Official Plan;
- 30 metres of wetlands or a shoreline for Lake Trout lakes identified in the District of Muskoka Official Plan; or;
- the Natural Constraint Overlay.

iv. Vegetation removal or site alteration for providing temporary access to lands for collection of data relating to the preparation of predevelopment technical reports, provided the proposed vegetation removal is limited in size and is authorized in advance by the Director of Development Services or designate;

v. In the Urban Residential and Community Residential Precincts, vegetation removal of site alteration for single detached dwellings and accessory structures, outside of Flood Zone Overlay, that meet the lot requirements of this By-law;

vi. Vegetation removal or site alteration for an approved septic system;

vii. Vegetation removal or site alteration to establish and maintain a vehicular entrance and driveway associated with a single detached dwelling, outside of the Flood Zone Overlay, where an entrance permit either lawfully exists or an entrance permit has been obtained;

viii. Site alteration within the Rural Precinct outside of the Natural Constraint Overlay or Flood Zone Overlay;

ix. Site alteration for placement of fill of less than 10 cubic metres overall (on single or multiple successive occasions), for purposes other than an approved septic system; and

x. Notwithstanding (i) to (ix), a permit is not required in any circumstance for tree removal if it is for:
- personal use of resulting wood product for heating and cooking purposes, recreational uses, or use in making wood-based products, provided such products are not for commercial sale on the property unless as permitted in accordance with this By-law;
- Removal of dead, dying or damaged trees that pose a hazard to health or safety or which, through damage to other trees, could cause them to become similarly hazardous; and
- Forestry operations as permitted in accordance with this By-law.

Township of Lake of Bays

2.14.1 The following classes of development shall not require a Planning Permit:

a) any development that is a permitted use which fully complies with all of the relevant provisions of this By-law, in a Waterfront, Settlement, Rural, or Institutional Planning Permit Area, which:
   i) does not require a variance or conditions of approval;
   ii) is not in or adjacent to a Natural Heritage Area as shown on Schedule 'B' or within 120m of, or adjacent to, a natural heritage feature or area otherwise identified at the time of permit application;
   iii) is not within a shoreline activity area or shoreline buffer
   iv) is not within 30m of a watercourse;
   v) is not on or immediately adjacent to slopes in excess of 30%;
   vi) is not on or adjacent to Hazard Lands as defined or as shown on Schedule 'B' or otherwise identified at the time of permit application;
   vii) is not within a Heritage area as shown on Schedule C2 of the District of Muskoka OP;
   viii) is not island development; and
   ix) is not substantial development, including lot creation, development of a vacant lot and redevelopment of a lot with waterfront (including backlots) on a waterbody listed in Schedule E2 of the Muskoka District Official Plan.

b) development for which a site plan agreement has been entered into pursuant to the Township's former Site Plan Control By-law;

b) site alteration and vegetation removal provided that it is located outside of the areas identified as requiring a Planning Permit in Section 3.26 (Vegetation Removal & Site Alteration);

c) repairs and maintenance of any existing buildings or structures such as the replacement of windows, doors, stairs, and decks, that will not result in changes to any floor area or gross floor area of the structure and location;

d) placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007;

e) placement of fill less than 10 cubic metres, however, fill for an approved septic system and development approved through an issued building permit is also exempt;

f) an agricultural use in the Rural Planning Permit Area except where the property is adjacent to a natural heritage feature;

g) a Forestry Operation or Conservation Use; and

h) site alteration or vegetation removal within the Rural Planning Permit Area outside of required vegetated buffer along roads.

All other development and site alteration shall require a Planning Permit.

Town of Innisfil

1.3.1 The following types of development shall not require a Planning Permit:

a. any development consistent with a site plan agreement pursuant to the Town's Site Plan Control By-law;

b. interior renovations provided that there is no change in use or intensification;

c. maintenance of existing buildings and structures, such as the replacement of windows, doors, stairs and decks, that will not result in changes to the footprint of the structure and location;

d. repairs to existing buildings and foundations provided that the works do not involve the placement of fill, alteration of existing grades or changes to the footprint of the structure;

e. seasonal water structures subject to the standards and provisions in Section 5.2.3;

f. storage sheds no greater than 10 square metres in size, subject to the standards and provisions in Section 5.2.1;

g. placement of fill less than 7 cubic metres or 2 half ton loads;

h. lands subject to By-law 029-05 (Friday Harbour);

i. placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007; and,

j. projects initiated by a public authority in accordance with Section 4.22.

APPENDIX 7

Town of Huntsville CPPS By-law Conditions

Appendix B – List of Conditions of Approval or Provisional Approval

Conditions of Approval or Provisional Approval may include, but are not limited to, the following matters:

a) the proposed **development** shall be required to be undertaken in accordance with a Community Planning Permit, including plans and drawings, and provisions for the maintenance or restoration of **shoreline** vegetation;

b) road widenings required to the extent established in the Town and Muskoka Official Plans;

c) in the case of commercial or industrial **development**, facilities may be required to provide access to and from the **lot**, such as **access ramps**, curbs, turning lanes and traffic direction **signs**;

d) lighting facilities in accordance with the Outdoor Lighting By-law (By-law # 2016-3), and designed to minimize the impacts on lake views, night skies and environmental features;

e) walls, fences, hedges, **trees**, shrubs or other ground cover or facilities for the landscaping of the lands or the protection of adjoining lands which include green infrastructure and pervious permeable surfaces;

f) in the case of commercial or industrial facilities, garbage storage facilities with appropriate screening;

g) easements in favour of the municipality for the construction, maintenance or improvement of **watercourses**, ditches, land drainage works and other public utilities;

h) facilities for the disposal of storm, surface and wastewater from the land and from any **buildings** or **structures** thereon such as low impact development principles and green infrastructure;

i) the dedication of parkland or the payment of cash-in-lieu, equal to 2% of the land for commercial **development** and 5% of the land for all other **development**;

j) maintenance of any of the works described in subsections (a) to (h) above;

k) in the case of a **lot** with development constraints, as set forth in the Official Plan and further defined in this By-law, exist, a site evaluation;

l) in the case of **development** which is suspected to be within an area prone to flooding or erosion, a natural hazard engineering report or technical report to determine the compatibility of the proposed land use and to recommend mitigation measures;

m) in the case of **development** within 400 metres of the design limit of a sewage lagoon facility, a technical report recommending mitigation measures;

n) in the case of **development** within 300 metres of a licensed pit or 500 metres of a licensed **quarry**, an impact assessment to determine the compatibility of the proposed land use and to recommend mitigation measures;

o) in the case of a **lot** which has suspected soil contamination constraints or hazardous sites, an environmental site assessment;

p) a noise and/or vibration report where development is likely to have an impact on adjacent uses, or where a sensitive land use is proposed in the vicinity of a noise generator such as a railway, highway, commercial or industrial use, in accordance with the District of Muskoka Official Plan;

q) a technical report where a **development**:

   i. is located within 120 metres of a provincially significant wetland, or within 30 metres of any other wetland,
   ii. proposes a reduced **setback** from that required in this By-law;
   iii. is located within a deer wintering area, and
   iv. is located within a natural heritage feature or area;

r) in the case of a **lot** containing or abutting Type 1 Fish Habitat or unknown **Fish Habitat**, a Fish Habitat Impact Assessment if development is proposed within the **shoreline yard**, or if a variation to the **shoreline yard** is requested;

s) where **shoreline vegetation** has been removed, or the required shoreline buffer is non-complying, a re-vegetation plan by a qualified professional for re-establishment of a **buffer**;

t) in the case of **buildings**, **structures** or works extending beyond the normal or controlled **high water mark** or located at the **shoreline**, studies will be provided to demonstrate, and plans for construction will be designed in a manner which addresses the following matters:

   i. navigation,
   ii. fish and **wildlife habitat**,
   iii. the natural flow of the water,
   iv. potential damage from water levels and ice heaving,
   v. natural landscape and terrain,
   vi. narrow water body constraints,
   vii. access from the land and water, and

viii. privacy and views, as a result of projecting property lines onto the water;

u) in the case of a **golf course**, a hydrogeological assessment, a surface water impact assessment, a pesticide and chemical management plan and an operation and management plan;

v) a visual impact analysis;

w) a lighting impact analysis;

x) a land use compatibility analysis;

y) a **site alteration** plan to demonstrate alteration or restoration of the grade of land and the placing or dumping of fill;

z) a plan for the identification, protection, maintenance and enhancement of existing **trees** and other vegetation, including the restoration or replacement of **vegetation** where removed;

aa) a requirement to close, stop up and purchase an original shore road allowance or original road allowance;

bb) actions and recommendations as set out in any approved study submitted to support the application;

cc) an agreement with the Town and/or any regulating bodies, to be registered on title, to confirm that **development** will proceed in accordance with the Community Planning Permit, including the provision of financial securities.

dd) Storm Water Management and construction mitigation plans where construction abuts any **watercourse**;

ee) a plan showing that residential uses shall be **setback** a minimum of 200 metres from a sanitary sewage disposal site;

ff) a plan showing that non-residential uses shall be **setback** a minimum of 150 metres from a sanitary sewage disposal site;

gg) a plan showing that all uses will be **setback** a minimum of 400 metres from a waste stabilization pond (i.e. sewage lagoon);

hh) In the case of **development** and/or lot creation for water access only lots, demonstration that suitable arrangements for mainland parking have been made, including confirmation of any applicable authorization for such parking, planning approvals and/or agreements where necessary to secure such parking;

ii) a preliminary technical report or comprehensive technical report where new **development** is proposed within 500 metres of an operating or non-operating waste disposal site or waste management system;

jj) **development** will not be permitted within 1000 metres of a municipal water supply intake or sanitary sewage outfall, unless the proponent provides a study containing sufficient data to demonstrate no negative impacts of any proposed **development**;

kk) a Record of Site Condition; and

ll) in the case where action is recommended by a technical report, conditions which address the recommendations, including siting requirements that exceed minimum requirements, may be imposed.

APPENDIX 8

Town of Innisfil Vegetation Removal and

Site Alteration Development Standards

APPENDIX 8
TOWN OF INNISFIL VEGETATION REMOVAL AND SITE ALTERATION DEVELOPMENT STANDARDS

5.5 SITE ALTERATION

5.5.1 Vegetation Removal

Vegetation is essential in the protection of shoreline habitat, water quality and in the reduction in shoreline erosion. Vegetation along shorelines is important for its ecological functions, its contribution to aesthetics and lake character and the reduction of the visual impact of development on Lake Simcoe.

a. Regulated vegetation includes healthy woody vegetation (trees and shrubs) and smaller vegetation, including herbaceous vegetation.

b. Vegetation removal is permitted in limited circumstances in accordance with shoreline buffer provisions. A Class 2 permit is required.

c. Development, including the removal of woody vegetation or site alteration requires a Class 2 permit in accordance with the provisions in the following chart. The provisions do not apply to the removal of dead or dying trees, including those trees which present a potential hazard to life or property, or reasonable trimming or pruning without intent to harm the tree.

Planning Permit Required For Vegetation Removal or Site Alteration	Criteria For Vegetation Removal or Site Alteration
Within the 30 metre waterfront yard and shoreline buffer	i. Vegetation removal which in the opinion of the Town, would not compromise the ecological or visual functions of the shoreline buffer; or ii. Vegetation removal which is required to be removed for the establishment of a ii. pervious pathway of a width not exceeding 1 metre; or iii. Vegetation removal supported by an arborist, professional forester or ecologist
Remainder of lot in Shoreline Permit Area o Within 120 metres of a Provincially Significant Wetland o In any wetland o In a natural heritage area o On a slope > 30%	Site evaluation and/or tree inventory and/or tree canopy details

5.5.2 Revegetation / Replanting

5.5.2.1 In a case where vegetation removal or site alteration has already occurred, further development on the subject lands is only permitted by a Class 2 permit provided that the areas are re-vegetated and replanted to establish a natural shoreline buffer as follows:

a. Trees of a minimum height of 1.6 metres combined with shrubs, and at a density of one tree or shrub per 5 square metres, measured from the stems, more or less evenly along the shoreline buffer as site conditions permit.

5.5.2.2 If a proposal does not achieve the requirements of Section 5.5.2(a), an overall net gain of shoreline vegetation shall be required.

5.5.2.3 Where the natural shoreline is determined to be other than forested, as in the case of a natural beach, a shoreline buffer that is reflective of the natural shoreline shall be required.

5.5.3 Fill Placement, Fill Excavation and Removal and Lot Grading

5.5.3.1 Fill placement, fill excavation and removal and lot grading activities shall not affect the control of flooding, erosion, dynamic beach, pollution or land conservation.

5.5.3.2 Any activities shall not create negative adverse impacts on the natural coastal processes of the Lake Simcoe shoreline.

5.5.3.3 Fill placement greater than 7 cubic meters and less than 250 cubic metres require a Class 2 permit.

5.5.3.4 Fill placement of 250 cubic metres or greater is prohibited on the shoreline of Lake Simcoe unless supported by an Environmental Impact Study.

5.5.3.5 Any fill placement shall be greater than 30 metres from the shoreline of Lake Simcoe.

5.5.3.6 Only clean fill may be placed in conformity with Provincial guidelines and regulations and a soils report may be required to confirm fill quality and import location.

5.5.3.7 A site alteration plan may be required to show the following:

a. fill placement slopes are not to exceed a gradient of 3 (horizontal): 1 (vertical);

b. sediment and erosion control measures;

c. pre and post filling drainage patterns; and

d. restoration details (stabilization, topsoil, seed, sod, hydro seed and timing).

5.5.4 Aquatic Vegetation Removal And Shoreline Alteration

5.5.4.1 Removal of vegetation in Lake Simcoe is not encouraged. In conjunction with an approval for an in water structure, should it be necessary to remove aquatic vegetation or alter the shoreline, a Class 2 permit shall be required.

5.5.4.2 All other aquatic vegetation activities are to be done in accordance with the regulations of the Ministry of Natural Resources and Forestry and Fisheries and Oceans Canada

APPENDIX 9

Township of Lake of Bays Sample Planting Agreement and

Landscape/ Planting Plan

Schedule "C"
PLANTING AGREEMENT

THIS AGREEMENT made in duplicate as of the _____, between _____ (the "Owner") and the Corporation of the Township of Lake of Bays (the "Township").

WHEREAS:

1. The Owner is the owner of those lands described in Schedule "A", identified as [LEGAL DESCRIPTION OF LANDS] (the "Lands");

2. The Owner has agreed to enter into this Agreement with the Township as a condition of development of those lands identified in Schedule "A" attached hereto.

IN CONSIDERATION of the premises and other good and valuable consideration the Owner does hereby agree with the Township as follows:

1. The Owner agrees to install trees or vegetation or not alter grades with vegetation within the Lands described in Schedule "A" attached hereto in accordance with the approved Landscape Plan prepared by [NAME OF CONSULTANT], dated _____, 2023, and on file within the Township and attached as Schedule "B".

2. Despite clause 1, no such approval shall be required with respect to the planting of trees or vegetation:

   (a) within any building envelope identified on Schedule "B" hereto;

   (b) in connection with the completion of any existing driveway shown on Schedule "B", including its extension to the building envelope;

   (c) within the area of any septic field serving the Lands, the location of which shall be subject to the usual and normal approval process established by the Township; and

   (d) The planting of trees is determined to be contrary to sound forestry management practices.

3. The Owner agrees that, prior to the commencement of any work on the Lands contemplated by this agreement, every precaution necessary will be taken to prevent damage to the trees and vegetation to be planted in accordance with this Agreement. Such precautions shall include:

   (a) not disturbing areas of the vegetation to be preserved and keeping such areas free of storage of surplus soil, debris and building materials or equipment;

   (b) not dumping or flushing contaminants where feeder roots of the vegetation to be preserved exist;

   (c) not wrapping or installing rigging cables around or in vegetation to be preserved;

   (d) not removing, pruning or otherwise damaging limbs of such vegetation during the course of construction; and

   (e) installation of snow fence hoarding or its equivalent on the boundaries of the area of vegetation to be preserved.

4. The Owner agrees to carry out, or cause to be carried out, forthwith any of the following measures that may be required by the Township, including:

   (a) where limbs of any tree or shrub to be preserved must be removed to accommodate construction, they will be cleanly pruned. Leaders shall not be removed under any circumstances;

   (b) where root systems of any tree or shrub to be preserved are exposed directly adjacent to or are

damaged by construction, they shall be pruned cleanly, and the area backfilled immediately with soil native to the location in which the tree is growing;

(c) the trees and shrubs to be preserved shall be given an overall pruning to restore balance between roots and top growth or to restore the appearance of the tree or shrub; and

(d) the trees to be preserved shall be root fed to reduce the stress caused by root damage and the change in the water table.

5. The Owner and the Township acknowledge that a purchaser of the Lands from the Owner may wish to seek approval to amend this Agreement to disturb the vegetation or remove trees in other areas of the Lands for the purposes of constructing recreation facilities, including *[description of recreation facilities including swimming pool or tennis court]*.

6. The requirements of this Agreement shall be in addition to any other normal and usual requirements of the Township in connection with the issuance of a development permit and/or building permits.

7. The Owner agrees to deposit with the Township, as a condition of obtaining a development permit, security to ensure the performance of this Agreement in the amount of $_____, in accordance with the Township's User Fee By-law, which security shall be returned to the Owner immediately after inspection by the Township, or such person designated by the Township, upon completion of final lot grading in relation to the [description of works] proposed to be constructed, provided, in the opinion of the Township, acting reasonably, all measures required in this Agreement relating to the preservation of areas of vegetation during the period of construction have been undertaken.

8. The Owner authorizes the Township or its agent access to the property to conduct inspections and or perform the required plantings set out in the agreement as noted in section 9 of this agreement.

9. The Owner agrees that should the approved landscape plan not be completed on or before [1 year from the date of execution] the Owner, through this agreement, authorizes the Township to complete the work and all funds required to complete the work will be withdrawn from the securities paid, and furthermore if the cost to complete the authorized works exceeds the securities retained, the Owner authorizes the Township to collect the additional costs from those lands described in Schedule "A" in a like manner as municipal taxes as provided for in Section 446 of the *Municipal Act*, 2001. The Owner may request extension of the above-noted timeline, which may be granted at the discretion of the Township,

10. The Owner agrees that this Agreement shall enure to the benefit of the parties hereto and their respective successors and permitted assigns.

11. The Owner further agrees that this Agreement shall be attached to and form a schedule of Permit number DP ##/##.

12. For ease of reference, the parties acknowledge that the following schedules are attached hereto and form part of this agreement.

a.) Schedule "A" – Legal Description of Lands

b.) Schedule "B" – Landscape Plan

IN WITNESS WHEREOF the parties have duly executed this Agreement as at the year and date first above mentioned.

_____
Owner(s)

_____
The Corporation of the
Township of Lake of Bays

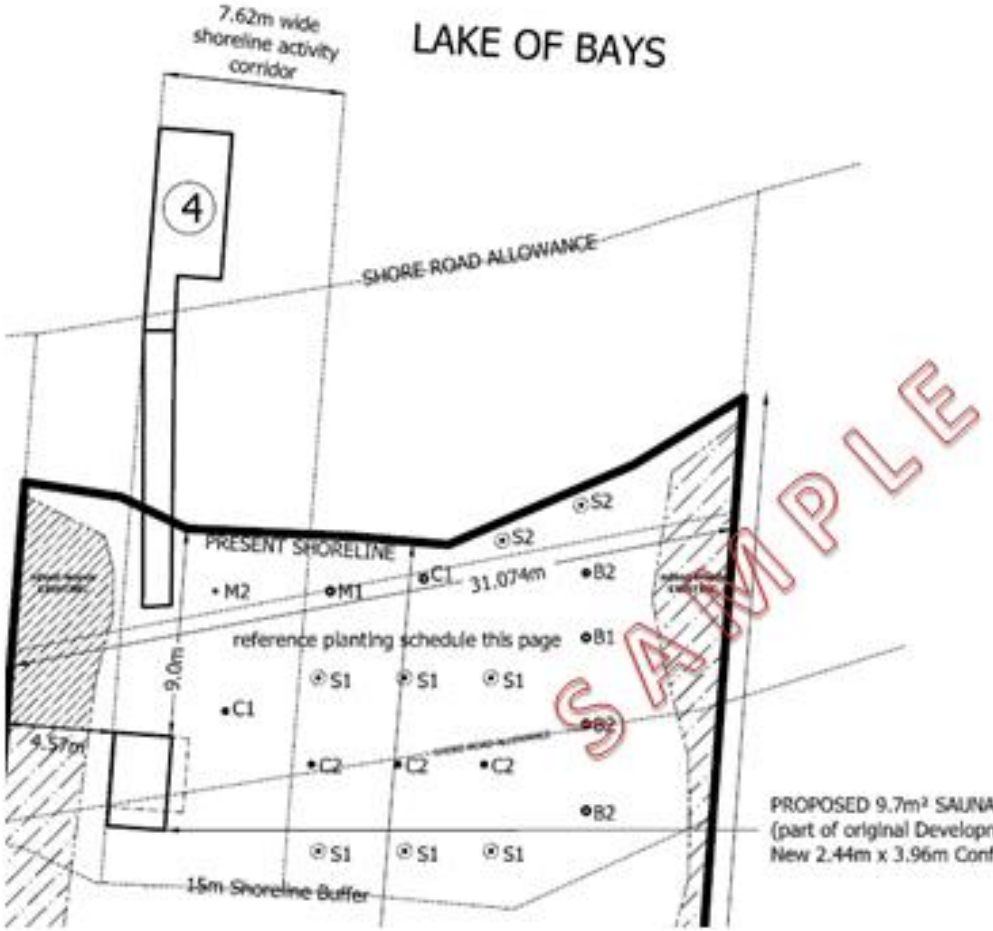
SCHEDULE “A”

Legal Description of Lands

SCHEDULE “B”

Landscape Plan

Township of Lake-of-Bays Sample Planting Plan



PROPOSED 9.7m² SAUNA
(part of original Development Permit Application)
New 2.44m x 3.96m Configuration

EXISTING PLANTINGS WITHIN SHORELINE BUFFER

ID	SPECIES	SIZE	STEMS
M1	Maple	12"	1x existing
M2	Maple	3"	1x existing
C1	Cedar	6"	2x existing
B1	Birch	8"	1x existing

NEW PLANTINGS WITHIN SHORELINE BUFFER

ID	SPECIES	SIZE	STEMS
C2	White Cedar	3"	3x new
B2	Paper Birch	3"	3x new
S1	Silverberry	shrub	6x new
S2	Winterberry	shrub	2x new

TOTAL NEW PLANTING STEMS = 14x

APPENDIX 10

Town of Cary, North Carolina

Watershed Overlay Zone Regulations

Raleigh-Durham Airport Authority and as may be amended from time to time by the Raleigh-Durham Airport Authority are prohibited in the Airport Overlay. Structure means an object, including a mobile object, constructed, or installed by man, including, but not limited to, buildings, towers, cranes, earth formations, and overhead transmission lines.

(E) Nonconforming Uses and Structures

Nonconforming uses and structures may be continued in the Airport Overlay in accordance with Chapter 10 of this Ordinance. However, no building permit shall be issued that would allow the expansion of a structure or use that does not comply with the requirements of this Ordinance.

(F) Location of Buildings and Parking Areas

All buildings and structures located in the Airport Overlay shall meet the minimum setback requirements of the underlying zoning district and any other applicable setback requirements set forth elsewhere in this Ordinance. All parking areas in the Airport Overlay shall be located no less than thirty (30) feet from the right-of-way of a major thoroughfare.

4.4.6 Watershed Protection Overlay

(A) Purpose and Intent

The intent of the Watershed Protection Overlay is to ensure the availability of public water supplies at a safe and acceptable level of water quality for present and future residents of the Town and the surrounding region. Watershed protection measures allowed by this section include:

(1) Restriction of land uses allowed within water supply basins;

(2) Impervious area and density limitations; and

(3) Engineered stormwater control measures and the best management practices as listed in the Department of Environmental Quality State Design Manual.

(B) Applicability

(1) ***Designated Watersheds***

The Watershed Protection Overlay is an overlay district to be applied to all lands lying within the watershed of a public water supply. The boundaries of the Watershed Protection Overlay shall be shown on the Town of Cary Official Zoning Map. The Watershed Protection Overlay consists of three sub-areas:

(a) Swift Creek Watershed;

(b) Jordan Lake Watershed; and

(c) Jordan Lake Watershed Critical Water Quality Area.

(2) ***Applicability to Development Activity***

(a) The following types of development activity are exempt from the requirements of this Section 4.4.6:

1. Development existing prior to June 30, 1993;

2. Development on vacant lots inside of PDs approved prior to June 30, 1993;

3. Development on vacant lands in subdivisions platted prior to June 30, 1993, unless such lands have undergone a zoning change after June 30, 1993 and new development is required to submit a development plan; and

4. Redevelopment provided there is no increase in the total amount of impervious surface for a lot or development site.

(b) The requirements of this Section 4.4.6 shall apply to the following:

1. Vacant land that is rezoned from its designation in place on June 30, 1993;

2. New lands added to a planned development after June 30, 1993, even if the original planned development was approved prior to June 30, 1993;

3. Development in a planned development if the development had to be amended after June 30, 1993, to accommodate the development;

4. Any expansions to existing development in place as of June 30, 1993 (provisions are only applied to the addition, not the impervious surface in place on June 30, 1993).

(3) ***Sedimentation and Erosion Control***

Responsible control of erosion and sedimentation is crucial to the protection of stormwater quality and the continued proper function of the measures required in this section. Requirements pertaining to sedimentation and erosion control are addressed in Section 14.4 of this Ordinance.

(C) Procedures for Development Approval

(1) ***Development Review***

All development within the Watershed Protection Overlay shall demonstrate compliance with the requirements of this Section 4.4.6 at the time of approval of a development plan. Applicants complying with the standards of this section must also satisfy all other applicable requirements and obtain all other necessary approvals or permits under this Ordinance.

(2) ***Protection Measures Prerequisite to Certificate of Occupancy***

A Certificate of Occupancy shall not be issued for any development in the Watershed Protection Overlay until all of the watershed protection measures required by this section have been approved and are in place on the property.

(D) Overview of High Density and Low Density Development Options

There are two (2) development options in the Watershed Protection Overlay, a Low Density Option and a High Density Option, each with different provisions related to either the Swift Creek Watershed or the Jordan Lake Watershed as well as to sub-areas within either watershed.

(1) ***Impervious Surfaces***

The maximum allowable amount of impervious surface within a proposed development is limited based upon the Low or High Density Option, and differs from watershed to watershed as depicted in Table 4.4-5.

(2) ***Calculation of Impervious Surfaces***

Calculation of impervious surface area shall include the pavement area of all existing and proposed internal public and private streets, one-half (½) of the width of roadways on the perimeter of the project, driveways, rooftops, parking lots, patios, and all other impervious surfaces. For the purpose of calculating the impervious surface of roadways on the perimeter of a project, the ultimate pavement cross section of the roadway based on the Comprehensive Transportation Plan and any sidewalk(s) or greenway(s) along the perimeter roadway will be included in the calculation. For purposes of calculating the percentage of impervious area coverage, the total project area shall be regarded as the actual area of the property plus the area within the rights-of-way of the internal and perimeter streets included in the calculation of impervious area.

(3) ***Residential Density***

In addition to limitations on the amount of impervious surface, the Low and High Density Development Options limit the gross residential densities of projects based upon the watershed where they are proposed, with higher densities allowed under the High Density Option as depicted in Table 4.4-5.

(4) ***Runoff Control***

Engineered stormwater control measures intended to contain the runoff from the first one (1) inch of rainfall are required in any development utilizing the High Density Option in either watershed.

(E) Restrictions on Allowed Uses

The uses allowed within the Watershed Protection Overlay are the same as the uses permitted in the general use zoning district within which the land is located, pursuant to Table 5.1-1. However, the following uses are allowed within the overlay district only if they comply with the performance standards set forth in this Section 4.4.6.

(1) ***Swift Creek Watershed and the Jordan Lake Watershed***

(a) All industrial service uses;

(b) All waste-related uses;

(c) Uses producing and/or storing toxic and/or hazardous materials; and

(d) Any use discharging sewage, industrial waste and/or non-process industrial waste.

(2) ***Jordan Lake Watershed Critical Water Quality Area***

All uses set forth in paragraph (1) above; and all agricultural uses.

(F) Limitations on Impervious Surface Area and Density

(1) *Low Density Option*

Maximum impervious surface limits for the Low Density Option are set forth in the table below. Separate regulations are provided for the Jordan Lake and Swift Creek areas. The Jordan Lake regulations recognize two (2) sub-areas, the Critical Area and the remainder of the watershed; while the Swift Creek regulations distinguish between three (3) different sub-areas: New Suburban, New Urban, and Existing Urban development. These sub-areas are depicted on the Town's Official Zoning Map.

TABLE 4.4-4: MAXIMUM IMPERVIOUS SURFACE LIMITS: LOW DENSITY OPTION

Suburban-New		*Urban-New*		*Existing Urban*
Residential	*Non-Residential*	*Residential*	*Non-Residential*	*Residential and Non-Residential*
Swift Creek Watershed				
Two and one-half (2.5) dwelling units per acre not to exceed twelve (12) percent impervious surface area.	Twelve (12) percent	Six (6.0) dwelling units per acre east of Holly Springs and Jones Franklin Roads, Greater than six (6.0) units per acre west of Holly Springs and Jones Franklin Roads, not to exceed twelve (12) percent, impervious surface area.	Twelve (12) percent	The impervious surface of the underlying zoning of the property not to exceed twelve (12) percent impervious surface area.
Jordan Lake Watershed				
Impervious surfaces shall not exceed twenty-four (24) percent of the project area, or two (2) dwelling units per acre; or three (3) dwelling units per acre and thirty-six (36) percent impervious surface area for projects containing streets built without curbs and gutters.				
Jordan Lake Watershed Critical Area				
Non-residential and multi-family residential development's impervious surface ratios shall not exceed twenty-four (24) percent. Residential density (other than multi-family) shall not exceed two (2) dwelling units per acre.				

(2) *High Density Option*

High Density Option development proposals may be approved, provided that the development applications are consistent with the following standards:

TABLE 4.4-5: MAXIMUM IMPERVIOUS SURFACE LIMITS: HIGH DENSITY OPTION					
	Suburban-New		*Urban-New*		*Existing Urban*
	Residential	*Non-Residential*	*Residential*	*Non-Residential*	*Residential and Non-Residential*
Swift Creek Watershed					
Maximum Impervious Surface Limits	Two and one-half (2.5) dwelling units per acre not to exceed thirty (30) percent impervious surface area.	The impervious area allowed under the underlying general use zoning districts, not to exceed thirty (30) percent.	Six (6.0) dwelling units per acre east of Holly Springs and Jones Franklin Roads. Greater than six (6.0) units per acre west of Holly Springs and Jones Franklin Roads, not to exceed seventy (70) percent impervious surface area.	The impervious area allowed under the underlying general use zoning districts, not to exceed seventy (70) percent.	The impervious area allowed under the underlying general use zoning districts, not to exceed seventy (70) percent.
Sewer	Required				
Impoundment and Maintenance	Required to contain and treat the runoff from the first one (1) inch of rainfall and to achieve a minimum of eighty-five (85) percent average annual removal for Total Suspended Solids (TSS). Public or private maintenance. [Other SCMs besides impoundments may be available; consult the Department of Environmental Quality State Design Manual.]				
Jordan Lake Watershed					
Where new development exceeds the Low Density Option Standards above, stormwater control measures shall be used to control and treat runoff from the first inch of rainfall and to achieve a minimum of eighty-five (85) percent average annual removal for Total Suspended Solids (TSS). Development shall not exceed seventy (70) percent impervious surface area.					
Jordan Lake Watershed Critical Area					
Where proposed development exceeds the Low Density Option Standards above, stormwater control measures are required to control and treat runoff from the first inch of rainfall and to achieve a minimum of eighty-five (85) percent average annual removal for Total Suspended Solids (TSS). Development shall not exceed fifty (50) percent impervious surface area.					

(G) Engineered Stormwater Control Measures

(1) *Ownership and Design Requirements*

Stormwater control measures shall be owned by a property owner's association, or, for non-residential or multi-family development, the owner of the property. All stormwater control measures shall be designed by either a North Carolina registered professional engineer or landscape architect, to the extent that the N.C. General Statutes allow. Other stormwater systems shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architects, to the extent that the N.C. General Statutes allow and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in N.C. General Statutes.

(2) *Measures Required for High-Density Option*

(a) All development under the high-density option shall use engineered stormwater control measures as a primary treatment system. Engineered stormwater control measures shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Department of Environmental Quality. Specific requirements for these systems shall be in accordance with the State's Minimum Design Criteria and Cary's Standard Engineering Details and Specifications Manual.

(b) SCM's that control stormwater on a runoff volume basis may be used in lieu of an SCM designed for specific pollutant removal in accordance with Section 4.4.6(G)(2)(a) provided that the post development volume of stormwater leaving the site is equal to or less than the predevelopment volume for the ninetieth (90th) percentile storm.

(3) *Ground Cover Required*

In addition to the vegetative filters required in Cary's Standard Engineering Details and Specifications Manual, all land areas outside of the engineered stormwater control measures shall be provided with a ground cover sufficient to restrain erosion within fifteen (15) days after any land disturbance. Upon completion of the stormwater control measure, a permanent ground cover shall be established and maintained as part of the maintenance plan described in Section 4.4.6(G)(9) below.

(4) *Legal Description Required*

A legal description of the area containing the stormwater control measure shall be prepared and filed consistent with Section 4.4.6(G)(9) as a separate deed with the appropriate County's Register of Deeds along with any easements necessary for general access to the stormwater control measure. The deeded area shall include sufficient area to perform inspections, maintenance, repairs and reconstruction. The deeded area shall include, but is not limited to detention pond, vegetative filters, all pipes and water control structures, berms and dikes.

(5) *Computation of Total Built-Upon Area*

Qualifying areas of the stormwater control measure may be considered pervious when computing total built-upon area. However, if the measure is used to compute the percentage built-upon area for one (1) site, it shall not be used to compute the built-upon area for any other site or area.

(6) ***Stormwater Control Measures***

Stormwater Control Measures (SCM) including Regional SCM's designed following the State Design Manual and Cary's Standard Engineering Details and Specifications Manual, properly constructed, with all required financial assurances and maintenance agreements in place may be regarded as adequate to satisfy the requirements of the entire upstream contributory drainage basin.

(7) ***Posting of Financial Security Required***

All engineered stormwater control measures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs, or reconstruction necessary for adequate performance of the stormwater control measures. Financial assurance shall be in the form of the following:

(a) Acceptable Forms of Security

Acceptable financial security shall be deposited with the Town to ensure that the engineered stormwater control measure is adequately maintained. The permit applicant shall deposit with the Town of Cary either cash or an evergreen letter of credit as financial security approved by the Town that is readily convertible into cash at face value. The cash or evergreen letter of credit shall be in an amount equal to fifteen (15) percent of the total cost of the stormwater control measure.

(b) Operation and Maintenance Agreement

For all development built under the high density development option, the owner shall enter into a binding Operation and Maintenance Agreement between the Town and all persons having a freehold estate in the development. Said Agreement shall require the owning entity to inspect, maintain, repair and, if necessary, reconstruct the stormwater control measure in accordance with the operation and management plan or manual provided by the owner. The owner of the stormwater control measure shall file the Operation and Maintenance Agreement with the appropriate County's Register of Deeds.

(c) Default Under the Cash or Evergreen Letter of Credit

Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control measure in accordance with the Operation and Maintenance Agreement, the Town shall obtain and use all or any portion of the financial security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the Operation and Maintenance Agreement. The Town shall not return any of the unused deposited cash funds, which shall be retained for maintenance.

(8) ***Inspections for Stormwater Control Measures***

(a) The Stormwater Manager shall inspect the stormwater control measure after the owning entity notifies the Stormwater Manager that all construction-related work has been completed. At this inspection, the owning entity shall provide:

1. The executed deed, related easements, operation and maintenance agreement and survey plat for the stormwater control measure ready for filing with the appropriate County's Register of Deeds;

2. A certification sealed by a qualified professional stating that the stormwater control measure is complete and complies fully with the approved plans and specifications.

3. Reproducible as built plans and/or record drawings showing stormwater control measures.

(b) The Stormwater Manager shall review the documents submitted by the owning entity and Cary's inspection.

1. The owning entity shall file the Operation and Maintenance Agreement, deed and easements with the appropriate County's Register of Deeds and provide proof of recordation to the Stormwater Manager. Following receipt of proof of recordation, and approval of Cary's inspection, deed(s), easement(s), and the certification by the engineer of record, the Stormwater Manager will issue a Certificate of Watershed Compliance.

2. If deficiencies are found, the Stormwater Manager shall direct the owning entity to correct the deficiencies, make improvements and inspections and/or correct documents and resubmit proof of the corrections and/or improvements to the Stormwater Manager.

(c) A Certificate of Occupancy shall not be issued for any building within the permitted development until Cary has approved the stormwater control measure, as provided in Section 4.4.6(G)(8)(b).

(d) The owner of each stormwater control measure shall submit a Maintenance Inspection Report annually on the anniversary date of the Certificate of Watershed Compliance, to the Stormwater Manager. A qualified professional, licensed in the state of North Carolina, must conduct the inspection. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Department of Environmental Quality and shall be provided to the Stormwater Manager in a timely manner.

(e) In the event the annual inspection reveals the need for corrective action or improvements, the Stormwater Manager shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control measure and the operation and maintenance plan or manual as provided by section 4.4.6(G)(7)(b). After all corrective actions have been taken, the qualified professional shall re-inspect the stormwater control measure and certify to the town that the appropriate corrective actions have been taken.

(f) Appeals of any order, requirement, decision or determination made by the Stormwater Manager may be made to and decided by the Zoning Board of Adjustment.

(9) ***Maintenance and Upkeep***

(a) An operation and maintenance plan or manual shall be provided by the developer for each stormwater control measure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control measure to design specifications if a failure occurs.

(b) Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the stormwater control measure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control measure.

(c) Except for general landscaping and grounds management, the owning entity shall notify the Stormwater Manager prior to any repair or reconstruction of the stormwater control measure. All improvements shall be made consistent with the approved plans and specifications of the stormwater control measure and the operation and maintenance plan or manual. After all repairs have been completed, the owning entity shall engage the services of a qualified professional, licensed in the state of North Carolina, to inspect said improvements and to issue a report to the Stormwater Manager. The owning entity shall perform all additions, changes, or modifications noted in the inspection report supplied by the qualified professional in a timely manner.

(d) The Stormwater Manager retains the right to perform inspections, deemed necessary by the Stormwater Manager, on any stormwater control measure.

(e) Amendments to the plans and specifications of the stormwater control measure and/or the operation and maintenance plan or manual shall be approved by the Stormwater Manager. Proposed changes shall be prepared by a qualified professional.

1. If the Stormwater Manager approves the proposed changes, the owning entity of the stormwater control measure shall file sealed copies of the revisions with the Office of the Stormwater Manager.

2. If the Stormwater Manager disapproves the changes, the proposal may be revised and resubmitted as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.

(f) If the Stormwater Manager finds that the operation and maintenance plan or manual is inadequate for any reason, the Stormwater Manager shall notify the owning entity of any required changes and the owning entity shall prepare and file copies of the revised agreement first with the appropriate County's Register of Deeds. The owning entity shall then file a copy certified by the Register of Deeds with the Stormwater Manager.

(H) Clustered Development Option

Clustering of development in the Watershed Protection Overlay may be allowed as an optional configuration in either Low Density or High Density developments on a project-by-project basis. Clustering shall follow the procedures and standards set forth in Section 8.4, and is subject to the following additional criteria:

(1) The overall density and/or impervious surface coverage of the project may not exceed the density and/or impervious surface coverage allowed under either the Low Density or the High Density option. At a minimum, lot sizes shall conform to the standards of the TR district (see Chapter 6) for residential cluster development projects; however the total number of lots shall not exceed the number of lots allowed for residential subdivision development under any Chapter 4 zoning district; and

(2) Impervious surfaces shall be designed and sited to minimize stormwater runoff impacts on the receiving waters and to minimize the concentration of stormwater flow; and

(3) The remaining undeveloped portion of the tract shall remain in an undisturbed vegetated or natural state. Where the development has an established property owner's association, the title to the open space area shall be conveyed to the association. Where a property owner's association has not been established, a maintenance agreement shall be filed with the County's Register of Deeds.

(I) Modifications and Variances

Requests for relief from the requirements of this Section 4.4.6 shall be decided either by the Zoning Board of Adjustment or by the Environmental Management Commission, depending on the watershed and the type of standard from which relief is sought.

(1) ***Variances Granted by the Environmental Management Commission***

The Environmental Management Commission shall have the sole authority to grant major variances from the provisions of this Section 4.4.6 for properties in the Jordan Lake Watershed and Jordan Lake Watershed Critical Area. For purposes of this section, a major variance is a variance from the minimum statewide watershed protection or Jordan Rules (contained in 15A NCAC Chapter 2B) that results in (a) the relaxation, by factor greater than five percent (5%) of any buffer, density or built upon area requirement under the high density option; (b) any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system; or (c) relaxation by a factor greater than ten percent (10%), of any management requirement under the low density option.

(2) ***Modifications Granted by the Zoning Board of Adjustment***

The Zoning Board of Adjustment shall have primary, but not sole, authority to grant modifications from the provisions of this Section 4.4.6 for properties in the Swift Creek Watershed, pursuant to this Sub-section.

(a) In the Swift Creek Watershed, the Zoning Board of Adjustment may modify the standards of Section 4.4.6(F), Limitations on Impervious Area and Density, where using perimeter or adjacent roadways in the impervious surface calculation causes a development to exceed the allowed impervious surface percentage.

(b) In the Swift Creek Watershed, the Zoning Board of Adjustment may modify the standards of Section 4.4.6(F), Limitations on Impervious Area and Density, to allow impervious surface ratios greater than twelve (12) percent but less than twenty-four (24) percent. However, requests for relief greater than twenty-four (24) percent shall be forwarded for review and decision by the Environmental Management Commission.

(3) ***Recommendation by Zoning Board of Adjustment to the Environmental Management Commission***

If an application calls for the granting of a modification as listed in paragraph (2b) or paragraph (1) above that requires a decision by the Environmental Management Commission, the Zoning Board of Adjustment shall first reach a recommendation on the modification in accord with the requirements of Section 3.19. If the Zoning Board of Adjustment decides in favor of granting the modification, the Zoning Board of Adjustment shall prepare a preliminary record of the hearing as soon as possible and forward it to the Environmental Management Commission. The preliminary record of the hearing shall include:

(a) The modification application;

(b) The hearing notices;

(c) The evidence presented;

(d) Motions, offers of proof, objections to evidence, and rulings on them;

(e) Proposed findings and exceptions;

(f) The proposed decision, including all conditions proposed to be added to the permit.

(4) ***Decision by the Environmental Management Commission***

(a) Approval

If the Commission approves the variance as proposed or with additional conditions, the Commission shall prepare a decision and send it to the Zoning Board of Adjustment. The Zoning Board of Adjustment shall prepare a final decision in accordance with the Commission's decision.

(b) Disapproval

If the Commission denies the variance as proposed the Commission will prepare a decision and send it to the Zoning Board of Adjustment. The Zoning Board of Adjustment shall prepare a final decision in accordance with the Commission's decision.

(J) Violations; Enforcement

This Section 4.4.6 shall be enforced by the Town Manager or designee. Any person or association who fails to comply with any provision of this Section 4.4.6, or who fails to submit a report, or who submits a fraudulent or false report, shall be in violation of this Ordinance for each occurrence or non-compliance.

APPENDIX 11

Ontario Regulation 254/23 (O.Reg 254/23)

Français

Planning Act

ONTARIO REGULATION 254/23
PRESCRIBED AREAS — SECTION 41 OF THE ACT

Consolidation Period: From August 9, 2023 to the e-Laws currency date.

No amendments.

This is the English version of a bilingual regulation.

Prescribed areas

1. (1) The following areas are prescribed for the purposes of subsection 41 (1.2) of the Act:

1. Any area that is within 300 metres of a railway line other than a railway line set out in subsection (2).
2. Any area that is within 120 metres of,
   i. a wetland,
   ii. the shoreline of the Great Lakes-St. Lawrence River System,
   iii. an inland lake, or
   iv. a river or stream valley that has depressional features associated with a river or stream, whether or not it contains a watercourse.

(2) For the purposes of paragraph 1 of subsection (1), a railway line excludes,

(a) a railway line to which the *Canada Transportation Act* (Canada) applies and whose operations have been discontinued under section 146 of that Act;

(b) an abandoned railway line to which the *Canada Transportation Act* (Canada) does not apply; and

(c) a railway line on which the only railway that operates is an urban rail transit system.

(3) Subsection (1) does not apply in respect of any development for which a building permit has been issued on or before August 9, 2023.

2. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

Français

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APPENDIX 12

Town of Bracebridge Site Plan Control Guidelines

THE CORPORATION OF THE

TOWN OF BRACEBRIDGE

BRACEBRIDGE
The Heart of Muskoka

Site Plan Application Guidelines
Low Density Residential

Approved by Council on June 16, 2021

Motions 21-PD-064

PLEASE NOTE that the following document is provided for the guidance in preparation of site plans submitted under Section 41 of the Planning Act, R.S.O. c. P. 13, as amended. It should be noted that while this document addresses most situations, it cannot address every situation that may be encountered. Consultation should be made with the appropriate Town Departments and agencies. It is the responsibility of the applicant to ensure that the site plan depicts the appropriate and workable designs, services and facilities.

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1. INTRODUCTION

The Town of Bracebridge has a Community-Based Strategic Plan that lays out the principal objectives for development within municipality for the coming years. In this plan the community expressed its desire to protect its natural amenities while creating a community that is economical, socially, cultural, environmentally and creatively sustainable.

The Town of Bracebridge Official Plan provides direction on land use decisions and managing growth and development in the Town builds on the principle objectives of the Town's Community-Based Strategic Plan. The Official Plan lays out the foundation of where site plan control will be required in the Town.

The purpose of the Site Plan Application Guidelines is to assist property owners, builders, and developers in the preparation, submission and completion of the site plan process in the Town of Bracebridge.

2. WHAT IS SITE PLAN CONTROL

In 1973 the Province of Ontario introduced Site Plan Control in the *Planning Act,* R.S.O., 1990 to provide municipalities with another tool, other than zoning by-laws, to ensure good and orderly development within their municipality.

Section 41 of the *Planning Act,* R.S.O. provides Council of a local municipality enabling legislation from the Province of Ontario to establish a site plan control area by by-law within the whole or portion of the municipality when the municipality has reference to Site Plan Control in the Official Plan. In the Town of Bracebridge, all areas within the corporate limits of the Town of Bracebridge are within the Site Plan Control Area, as set out in Section J6.0 of the Town of Bracebridge Official Plan and By-law 2013-042.

Site Plan Control enables Town Council to require plans showing the location of all buildings and structures to be erected in conjunction with all facilities and work. In addition, Council can require plans showing massing, conceptual design and the relationship of the proposed building(s) to adjacent buildings, streetscapes and exterior areas to which members of the general public will be accessing.

Section 41 of the *Planning Act,* R.S.O. also enables the Town to impose conditions on the approval of plans and enter into agreements with the landowner, which can be registered on title of the property. The conditions are to be fulfilled to the satisfaction of the Town. The fulfillment of the conditions shall not impose any financial burden onto the municipality.

Site Plan Control allows municipalities to bring together all aspects of development such as:

- Zoning Regulations
  - Placement of buildings and structures
  - Height of buildings and structures
  - Lot coverage
- Parking Areas and Driveways
  - Layout and dimensions
  - Entrance location
  - Snow storage
- Landscaping
  - Retention and restoration of existing vegetation
  - New plantings
- Environmental Protections
  - Shoreline buffers
  - Wetland, watercourse and other feature setbacks
  - Timing for vegetation removal and site alteration
- Natural Constraints
  - Identification of steep slopes
  - Floodplain restrictions
  - Landfill assessment areas
- Engineering Works
  - Site drainage
  - Construction mitigation
- Parkland
  - Parkland dedication (if required)
- Accessory Uses
  - Accessory buildings
  - Shoreline structures
- Servicing
  - Municipal services
    - Water main connection location and dimensions
    - Sewer main connection location and dimensions
  - Private services
    - Septic system location and setbacks
    - Well location and setbacks

3. WHEN A SITE PLAN APPLICATION REQUIRED

3.1 Site Work Requiring a Site Plan Application

A site plan application or amended application is required in the following circumstances, when associated with development set out in Section 3.2:

a. A new dwelling is being constructed;

b. An existing dwelling is being altered by:

   i. Increasing the building footprint by the lesser of 93m^2 (1,000 ft^2) or 50% of the existing dwelling; or

   ii. Demolishing and reconstructing the existing structure in a new location;

c. One or more new accessory structures are being constructed with a total minimum footprint of 93m^2 (1,000 ft^2) that is located within 30 metres (98.4 feet) of a waterbody;

d. The site is being altered by:

   i. Removing any tree that would require a Tree Cutting Permit; or

   ii. Changing the elevation of the site in such a way that would require a Site Alteration Permit.

3.2 Type of Development Requiring a Site Plan Application

A site plan application is required when work as set out in Section 3.1 is being performed in conjunction with the following types of development:

a. Development in any Shoreline Residential Zone within 60 metres (196.8 feet) of a waterbody;

b. Site Plan Control is a condition of one of the following types of planning applications:

   i. Minor Variance;
   ii. Consent; or
   iii. Removal of a Holding Symbol;

c. Site Plan Control is a condition of a Shore Road Allowance closing; or

d. Site Plan Control is a provision of a Subdivision Agreement.

4. SITE PLAN APPLICATION PROCESS

4.1 Site Plan Application Process

There are three different Site Plan Processes at the Town of Bracebridge for low density residential developments.

4.1.1 New Site Plan Application

Council has delegated authority to the Director of Planning and Development or their delegate, the authority to approve all new low density residential applications.

In rare circumstances, the Director of Planning and Development in their discretion can determine that a site plan application should be approved by Council.

4.1.2 Amended Site Plan Application

Council has also delegated authority to the Director of Planning and Development or their delegate, the authority to approve all amendments to residential applications. An amendment is required when there is an existing site plan agreement registered on title of the property and the development proposed has not been shown on the site plan.

4.1.3 Exemption from Site Plan Approval

The Director of Planning and Development has the delegated authority to determine to exempt minor enlargements or redevelopment of a site from Site Plan Control. When making this determination, the Director looks at the following factors:

a. Floor area of the additional development;
b. Impact on neighbouring properties;
c. Requirement for additional parking;
d. Requirement for additional landscaping or fencing;
e. Impacts on drainage and storm water management;
f. Impacts on natural features;
g. Removal of existing vegetation;
h. Alteration of grades; and
i. Official Plan policies

4.2 Preconsultation

The applicant is required to preconsult with Planning and Development staff prior to submitting an application to discuss the scope of the application and to allow staff to help the applicant fully understand the requirements and process of a site plan application. A preconsultation meeting can be set up by contacting planning@bracebridge.ca. When setting up a preconsultation meeting, a computer generated preliminary site sketch is required to be submitted with the preconsultation request. Depending on the type and location of the development, Planning and Development staff may also recommend that the applicant contact the Town of Bracebridge Public Works Department, the District of Muskoka and Lakeland Power Distribution Ltd. prior to making an application.

4.3 Submitting the Application

A copy of the Town of Bracebridge Site Plan application can be obtained from the Town's website: www.bracebridge.ca. There are two different application forms and for low density residential development you would select the "Site Plan Application (Low-Res)" form.

Hard copies of the application form are available at the Town of Bracebridge Municipal Offices in the Planning and Development department at the 1000 Taylor Court in Bracebridge.

The site plan application must be complete in full and must include:

- Electronic PDF formatted copies of all plans and documents;
- Two (2) large format hardcopies of the Site Plan
- Two (2) large format hardcopies of any other plans that are determined to be required through preconsultation. These plans may include, but are not necessarily limited to;
    - Landscape Plan;
    - Grading Plan; or
    - Construction Mitigation Plan
- The current deed or transfer document of the property; and
- Corporate profile to demonstrate signing authority (if applicable)

The following constitutes a complete application:

- Application form completed in full;
- Affidavit on application form signed in front of commissioner
- Application fee paid in full;
- Legal deposit paid in full;
- Authorization for agent (if applicable);
- Deed of the property;
- Corporate profile (is applicable); and
- Complete set of drawings and reports

The submission requirements are discussed in further detail in Section 5.0 of this Guide. Failure to submit any of the above will result in the application not being considered a complete application. The application will not proceed until it is deemed complete. Please note that the Town would recommend contacting Planning and Development prior to submitting an application to ensure that a qualified member of our staff is available to review the application and commission the application if necessary.

4.4 Circulating the Application

Once a complete application has been received, Planning and Development staff will prepare the application for circulation. Staff will send a notice along with a copy of the site plan and required documentation to the following agencies:

- Town of Bracebridge Public Works Department;
- Town of Bracebridge Building Services Branch;
- Town of Bracebridge Fire Department;
- Town of Bracebridge By-Law Enforcement Branch;

- District of Muskoka Engineer and Public Works Department;
- Bell Canada;
- Lakeland Power Distribution;
- Hydro One;
- Enbridge Gas;
- Canada Post Corporation;
- Ministry of Transportation; and
- Municipal Property Assessment Corporation.

Other agencies, such as the Canadian National Railway, may also be circulated depending on the location of the development.

If a member of the public has specifically requested to be notified of any site plan application on the subject lands, that person will also be notified of the application, otherwise no public notification is required.

4.5 Staff Report

Prior to the Director of Planning and Development approving a site plan application, and once all agency comments are received, Planning and Development staff prepare a staff report for the site plan application. In the report, staff summarizes the proposed development, site characteristics, surrounding area, zoning, Official Plan policies and agency comments.

Town Staff will also make a recommendation in the report as to whether the application should be approved, denied or otherwise dealt with. If the staff recommendation is for approval, staff will also recommend conditions to be included in the site plan agreement. It is important to note that the recommended conditions in the staff report are not a complete list of all the provisions that will be included in the Site Plan Agreement.

The staff report may also require additional information be submitted if the application is approved. This additional requested information is based on a review of the application as well as agency comments received and may include revising drawings or the submission of additional drawings. This information must be received and approved by the Town prior to a site plan agreement being prepared. The approval is typically to the satisfaction of the Director of Planning and Development or the Director of Public Works or both Directors.

4.6 Site Plan Agreement

Once an application is approved by the Director of Planning and Development, and all additional required information is received to the satisfaction of the Town, the Planning and Development staff will prepare a site plan agreement for the applicant to enter into with the Town of Bracebridge. The items covered in the site plan agreement will vary depending on the type of development and the direction of Council.

A site plan agreement for low density residential development primarily refers to work being completed as per the site plan drawing submitted with the application.

This type of site plan agreement may also include other requirements not specifically shown on the site plan such as conditions for construction mitigation to protect waterways and neighbouring lands, protection of vegetation, and site lighting. Securities may be required depending on the specifics of the application. For example, securities may be required for construction mitigation or for landscaping.

4.7 Site Securities

If site securities are required, the applicant will be required to provide the Planning and Development Department detailed work cost estimates for the required outdoor work such as tree planting or construction mitigation. The detailed work cost estimates must include individual costs for each component of outdoor work to be completed. In some situations, the Town may indicate the appropriate amount for the site securities.

The Town of Bracebridge will then require the applicant to provide the Town with securities in the amount of 100% based on the work cost estimates. Site securities can be submitted by cash, cheque, letter of credit or surety bonds. **A building permit will not be issued until all securities are received and the site plan agreement is registered on title.**

4.8 Site Inspection/Release of Securities

In a situation where site securities have been taken, the property owners shall contact the Town in writing to request that Town staff perform a site inspection to verify the required work has been completed. If all required work has been completed site securities will be reimbursed.

Requests for the release of securities should not be made until the site has been substantially completed in accordance with the site plan agreement.

In the case of site securities for vegetation the Town may hold 15% of the total securities as a guarantee against defects for a period of one (1) year after completion.

5. SITE PLAN APPLICATION REQUIREMENTS

The following is a list of items that must be included when making a site plan application. Failure to provide **all** of these items will result in the application being considered incomplete and therefore not being processed.

5.1 Application Form

A site plan application form must be **completed in full** for the application to be determined complete. The site plan application form includes contact information to be completed for the registered owner, which must include all registered owners on the subject lands and any authorized agent. The site plan application also includes information to be completed for the following:

- property description;
- present uses and size of structures;
- proposed uses and size of structures;
- Official Plan designation; and
- Zoning including a table of required and proposed zone provisions

The affidavit on the application must be completed and signed in front of a Commissioner. The Town of Bracebridge has Commissioners on staff; however, it is highly recommended that you contact the Planning and Development Department prior to traveling to the Municipal Offices to ensure that a Commissioner is available.

If an authorized agent has been included on the application, authorization for that agent must be provided and signed by all registered owners. There is a section at the end of the application form, which can be used as the authorization or a separate page may be prepared.

5.2 Cost Recovery Agreement

As part of the application, a cost recovery agreement must be entered into with the Town of Bracebridge. The cost recovery agreement is an agreement by the applicant to reimburse the Town for any costs incurred if the Town, at its sole discretion, finds it necessary to engage professional planning, engineering, legal or other services in reviewing the application. Typically, legal fees are incurred for the review and registration of the site plan agreement by the Town's solicitors.

5.3 Application Fee

The application fee must be included with the application. The Planning and Development Department will not begin to process an application until the full application fee is received. The application forms contain the current fees.

5.4 Legal Deposit

A legal deposit is required with all site plan applications. The application forms contain the current legal deposit amount. As indicated in the Cost Recovery Agreement, the applicant is responsible for all legal fees incurred by the Town for their application. For a site plan application this includes the costs of the Town's solicitor reviewing the draft site plan agreement and registering the site plan agreement on title once it has been executed. If legal fees are less than the legal deposit, the additional funds are refunded to the application. If the legal fees are higher than the legal deposit, the applicant will be invoiced for the additional fees.

5.5 Copy of the Deed

A copy of the deed showing ownership of the subject lands including any registered right-of-ways or easements must be provided when submitting your application. This ensures that all registered owners have been accounted for and that all right-of-ways and easements are being protected. Please ensure that the PIN number assigned to the property by the Land Registry Office is included.

5.6 Corporate Profile

Should the ownership of the subject lands be an incorporated company, a copy of the Corporate Profile of a Corporation is required or documentation confirming the signing authority on behalf of the Corporation.

5.7 Copy of Survey Plan

If an existing survey plan prepared by an Ontario Land Surveyor is available it should be included with a site plan application, however a survey is not required to be completed prior to the submission of a site plan application. In some circumstances, a survey plan may be required as a condition of site plan approval.

5.8 Site Plan

All applications require two (2) large format copies and electronic copies in PDF forma of all required plan be submitted with the application. Site Plan must be prepared to scale and computer generated. **Hand draw site plans will not be accepted.**

Appendix 'C' provides a checklist of all the items and information that need to be shown on a site plan.

If additional plans beyond a site plan are required as part of a complete application, please refer to the Town's Site Plan Application Guidelines for Multiple Residential, Commercial, Industrial, and Institutional for the information required on those specific plan types.

5.9 Registration

As part of the registration process, a title search of the property will be obtained and further information may be required in connection with signing authority or registration of a postponement to a mortgage.

6. DESIGN STANDARDS

The following design standards are taken to be minimum requirements unless otherwise specifically mentioned otherwise. It is at the sole discretion of the Town, acting in a reasonable manner as to whether or not the following design standards are being satisfied.

6.1 Landscaping

6.1.1 General Landscaping Standards

Landscaping provides important features to a site which can enhance the aesthetic, environmental and architectural components of the site. All landscaping shall be designed to take the following guidelines into account:

a. Removal of existing vegetation or changes to the existing topography will only be permitted after a site plan agreement has been entered into with the Town that permits the work to be undertaken and adequate site securities has been posted;

b. Existing natural features that require protection such as watercourses and wetlands shall be identified on the site plan and protected included during site preparation and building construction;

c. Existing native vegetation shall be preserved where possible; and

d. Where existing vegetation is to be removed, a zero net loss approach will try to be achieve by planting new vegetation at a minimum ratio of 1:1 for vegetation that has been removed.

6.1.2 Vegetation Standards

a. Vegetation Preservation and Replacement

Every effort shall be made to preserve existing vegetation on site using the following measures:

i. During construction, all existing trees that are to remain shall be fully protected with snow fencing erected beyond the “drip line” of the trees. Groups of trees and other existing vegetation to be protected shall have snow fencing erected around the entire clump(s). Areas within the protective fencing shall remain undistributed and shall not be used for storage of materials, equipment or surplus soil. This work shall be completed prior to the issuance of a building permit for the site;

ii. Nothing is to be nailed or attached to tree trunks that are to be preserved;

iii. No contaminants shall be dumped of flushed where feeder roots of existing trees exist;

iv. Where limbs or portions of tree are removed to accommodate construction work, they are to be carefully removed and all exposed wood treated with an approved tree wound dressing unless the wound area is less than 5 centimetres (2 inches) in diameter;

v. Where root systems of protected trees are exposed directly adjacent to or damaged by construction work, they shall be trimmed neatly and the area backfilled with appropriate material to prevent desiccation;

vi. If grades around trees to be preserved are likely to change, the applicant shall be required to take precautions such as dry welling and root feeding. Retaining walls for tree preservation may be required;

vii. Where necessary, trees are to be given an overall pruning to restore the balance between roots and top growth or to restore the appearance of the tree; and

viii. Where vegetation that is to be preserved die or is damaged beyond repair, this vegetation shall be replaced by the applicant with vegetation of a size and species as approved by the Town.

b. Vegetation Dimensions

The following vegetation standards provide minimum size requirements for new vegetation to be planted, unless otherwise required by the Town:

i. Coniferous trees shall have a minimum height of 1.5 metres;

ii. Deciduous trees shall have a minimum trunk caliper of 70 millimetres, which is to be measured 150 millimetes above ground level; and

iii. For cedar hedging, nursery-grown cedars are required. The plants must be single stem, rather than clump, and have a good form with branches to ground level. Cedar hedges are to be planted 300 millimetres apart on centre and have a minimum height of 1.0 metre.

6.1.3 Tree Species

New trees must be one of the following species:

- Deciduous
  - Sugar Maple (*Acer saccharum*)
  - White Ash (*Fraxinus americana*)
  - Black Ash (*Fraxinus nigra*)
  - White Birch (*Betula papyrifera*)
  - Red Oak (*Quercus rubra*)
  - White Oak (*Quercus alba*)
  - Largetooth Aspen (*Populus grandidentata*)
  - Trembling Aspen (*Populus tremuloides*)
- Coniferous
  - White Spruce (*Picea glauca*
  - Jack Pine (*Pinus banksiana*)
  - Tamarack (*Larix laricina*)
- Other acceptable species native to Muskoka

6.2 Shoreline Buffer

6.2.1 Purpose of Shoreline Buffers

Shoreline buffers are vegetated lands located adjacent to lakes, rivers and creeks. Shoreline buffers are important for several reasons as they:

- substantially slow or even prevent stormwater runoff from entering the waterbody, which protects the water quality of the lake;
- reduce or eliminate erosion of the site;
- may reduce the need for fertilizers, pesticides or herbicides as is typically used for manicured lawn areas; and
- provide important habitat for many native species of birds, animals and aquatic wildlife.

By protecting lake water quality, reducing erosion, eliminating pollutants and protecting wildlife this can have positive effects on the value of your property.

6.2.2 Shoreline Buffer Requirements

In most circumstances where a property is abutting a lake, river or creek the Town's Comprehensive Zoning By-law requires a shoreline buffer be maintained or established. It is important to note that the Comprehensive Zoning By-law provides **minimum requirements** for shoreline buffers and exceeding these minimums will provide even greater benefits to the water features and your site. The shoreline buffer is required to meet the following provisions:

a. The shoreline buffer must consist of tree or shrubs that are a minimum of 1.8 metre (5.9 feet) in height;

b. A minimum density of one tree per 9.3 square metres (100 square feet) of shoreline buffer area is required;

c. The shoreline buffer shall extend inland from the shoreline a minimum of 15 metres (49.2 feet);

d. The shoreline buffer must have a minimum width of 75% of the lot frontage; and

e. Where the property contains redevelopment of an existing legal non-complying building or structure that will prevent the minimum inland depth or minimum width of the shoreline buffer from being met, the shoreline buffer may be reduced provided the shoreline buffer is maintained beyond 5 metres of the proposed building envelope.

An example of a shoreline buffer is provided in Appendix 'D'.

6.2.3 Aquatic Vegetation

Although shoreline buffers described in the Town's Comprehensive Zoning By-law only refer to vegetation on land, aquatic vegetation (vegetation in water) both floating and submerged are important components in protecting lake health. Prior to removing any aquatic vegetation adjacent to your site, you should contact the Ministry of Natural Resources and Forestry.

7. SITE PLAN CONTACTS

The following is a list of municipal and agency contacts:

Planning and Development
Planning Services Branch
Town of Bracebridge
1000 Taylor Court
Bracebridge, ON P1L 1R6
Phone: 705-645-6319, Ext. 233
planning@bracebridge.ca

Public Works Department
Town of Bracebridge
1000 Taylor Court
Bracebridge, ON P1L 1R6
Phone: 705-645-6319, Ext. 251
publicworks@bracebridge.ca

Fire Department
Town of Bracebridge
1000 Taylor Court
Bracebridge, ON P1L 1R6
Phone: 705-645-8258, Ext #203
firechief@bracebridge.ca

Building Services Branch, Planning and Development
Town of Bracebridge
1000 Taylor Court
Bracebridge, ON P1L 1R6
Phone: 705-645-6319, Ext. 236
building@bracebridge.ca

Municipal Law Enforcement Department
Town of Bracebridge
1000 Taylor Court
Bracebridge, ON P1L 1R6
Phone: 705-645-6319, Ext. 252
sstakiw@bracebridge.ca

District of Muskoka
70 Pine Street
Bracebridge, ON P1L 1N3
Phone: 705-645-2231
EPW.Development@muskoka.on.ca

Lakeland Power Distribution Ltd.
200 – 395 Centre Street N.
Huntsville, ON P1H 2M2
Phone: 705-789-5442
Fax: 705-789-3110

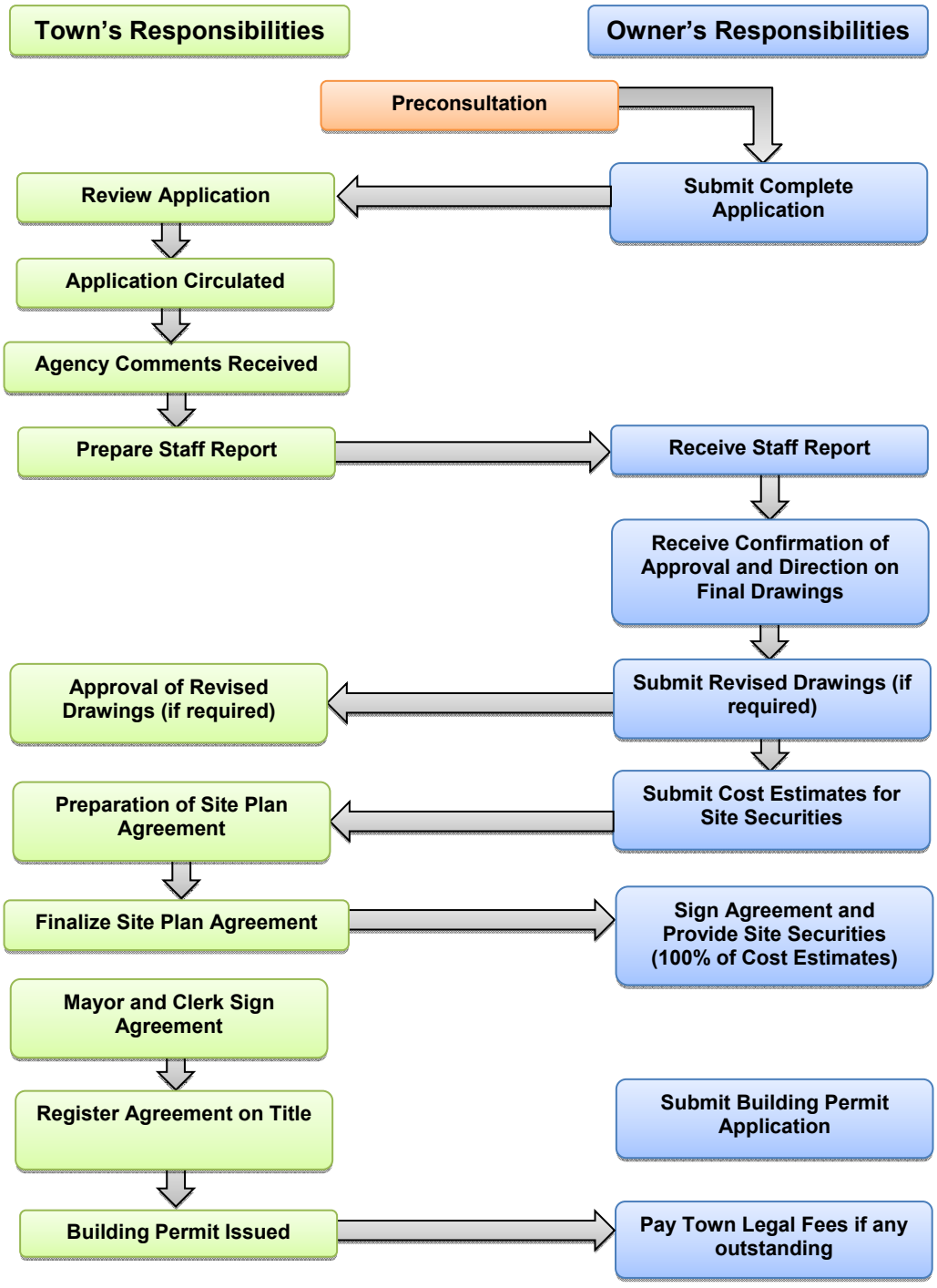
Bell Canada
Engineering Department
9 High Street
Floor 2
Huntsville, ON P1H 1P2

Canada Post Corporation
525 Dominion Avenue
2nd Floor
Midland, ON L4R 1P0
Phone: 705-321-7440
Fax: 705-526-8368

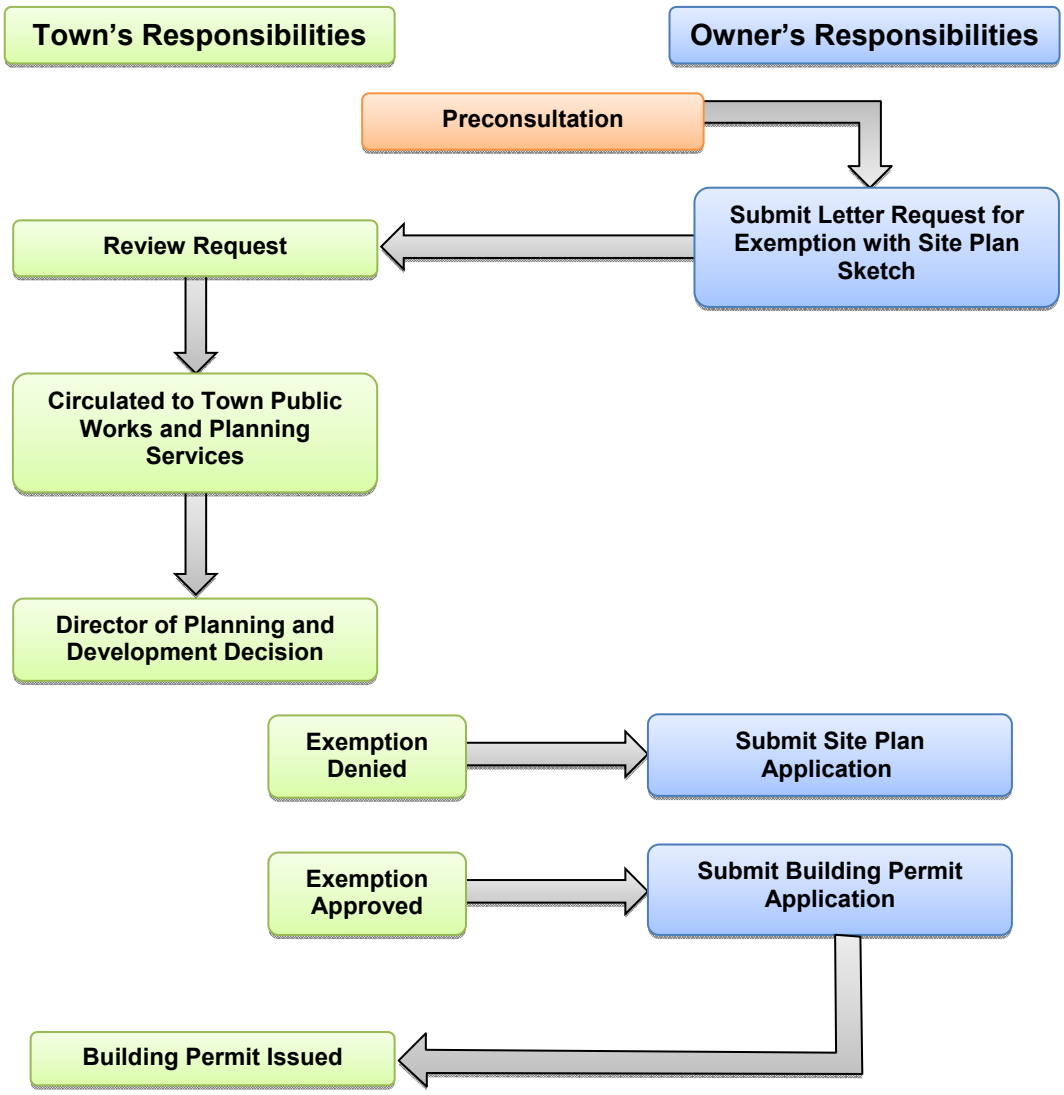
Ministry of Transportation
Corridor Management Section
447 McKeown Avenue
North Bay, ON P1B 9S9

Hydro One
Attn: Vitu Mhango
185 Clegg Road
Markham, ON L6G 1B7
Phone: 1-905-946-6244
Fax: 1-905-946-6242

APPENDIX 'A' - FLOW CHART FOR STAFF DELEGATED APPROVAL



APPENDIX 'B' - FLOW CHART FOR EXEMPTION REQUEST



APPENDIX 'C' – SITE PLAN CHECKLIST

The following is a checklist of items that need to be including on the site plan required to be submitted with a site plan application:

General Plan Information

The following general information is required for every site plan:

- ❑ Municipal address
- ❑ Date
- ❑ North arrow
- ❑ Lot area
- ❑ Property boundaries
- ❑ List of revision numbers with date (if submitting revised drawings)

Buildings and Structures

All building and structures, whether existing or proposed need to be identified on the site plan including

- ❑ Main dwelling
- ❑ All decks, porches, stairs, patios and ramps
- ❑ Accessory buildings or structures including
  - ❑ Garages
  - ❑ Sheds
  - ❑ Sleeping Cabins
  - ❑ Leanto
- ❑ Shoreline structures
  - ❑ Docks
  - ❑ Boat Ports
- ❑ Municipal water and sewer services, if applicable
- ❑ Septic system location and setbacks
- ❑ Well location and setbacks, if applicable
- ❑ Privy
- ❑ Any other building or structure, even if a building permit is not required
  - ❑ Boathouses
  - ❑ Sundeck

Buildings and Structures Information

The following information should be included for existing and proposed buildings and structures

- ❑ Dimensions
- ❑ Heights in metres plus number of storeys
- ❑ Ground floor area and gross floor area
- ❑ Setbacks for **all** buildings and structures from the following:
  - ❑ all property boundaries;
  - ❑ the centerline of all roads;
  - ❑ hydro lines;
  - ❑ any natural features such as waterbodies, watercourses, wetlands or steep slopes; and
  - ❑ septic system
- ❑ Shoreline Structures
  - ❑coverage of shoreline
  - ❑projection into water
  - ❑projection onto land
  - ❑Setback from lot lines and projection of lot lines

Vegetation/Shoreline Buffers

The following information on vegetation and shoreline buffers is required on the site plan

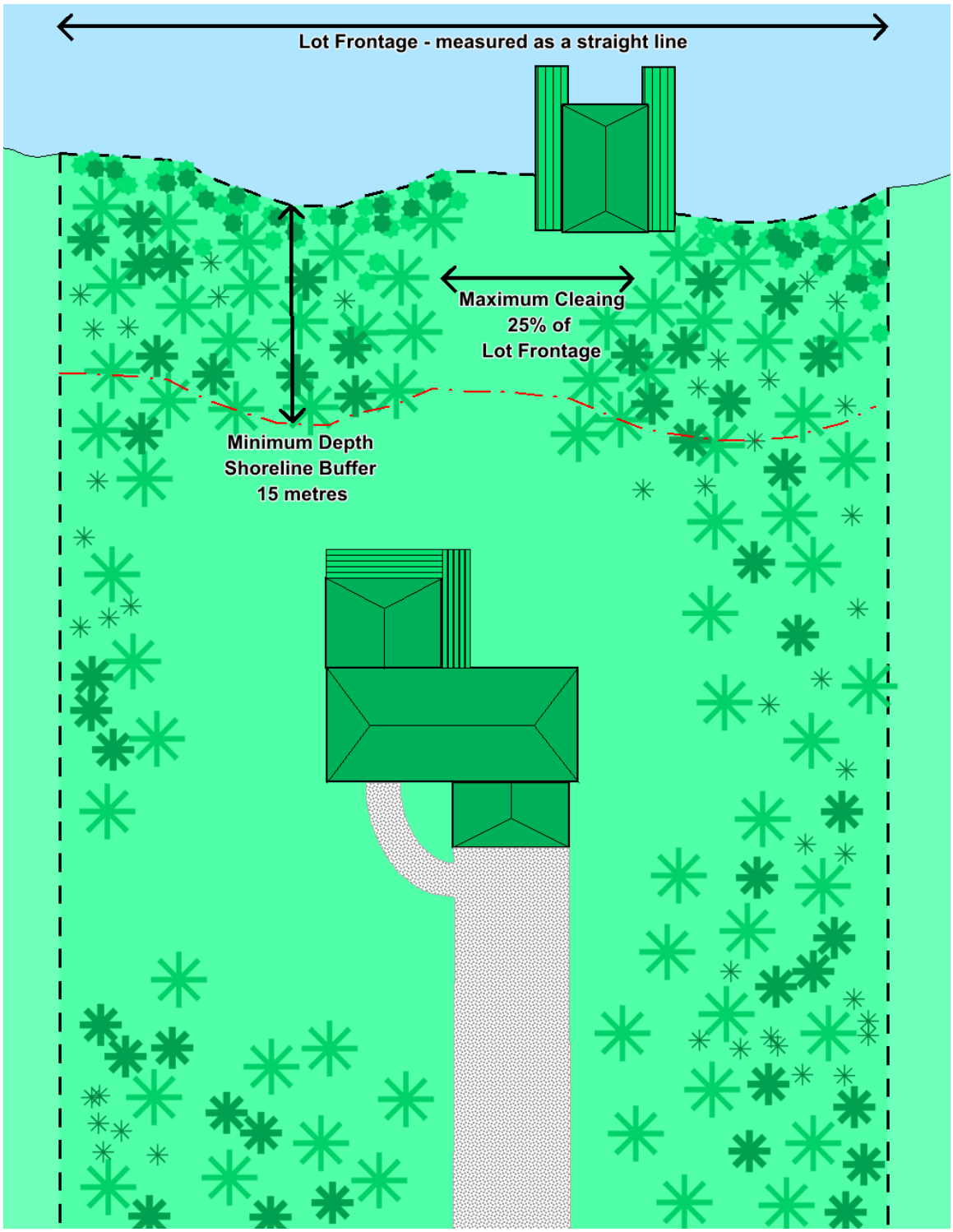
- ❑ Vegetation proposed to be removed including
  - ❑ Type of vegetation (i.e. tree, shrub)
  - ❑ Species of vegetation (i.e. white pine, sugar maple)
  - ❑ Size of vegetation - height for shrubs, diameter at breast height (dbh) for trees
- ❑ Vegetation proposed to be retained
  - ❑ Type of vegetation (i.e. tree, shrub)
  - ❑ Species of vegetation (i.e. white pine, sugar maple)
  - ❑ Size of vegetation - height for shrubs, diameter at breast height (dbh) for trees
- ❑ Vegetation proposed to be planted
  - ❑ Type of vegetation (i.e. tree, shrub)
  - ❑ Species of vegetation (i.e. white pine, sugar maple)
  - ❑ Size of vegetation - height for shrubs, diameter at breast height (dbh) for trees
- ❑ Width and depth of shoreline buffer

Other Information

The following additional information is required on the site plan:

- ❑ Location of parking areas
- ❑ Location of driveway
- ❑ Location and size of shoreline amenity area(s)
- ❑ Areas and volume of soil removal or fill outside of building envelopes
- ❑ Location of any natural constraints such as steep slopes, watercourses, and wetland with setbacks to these constraints
- ❑ Location of hydro lines with building setbacks to these lines

APPENDIX 'D' – EXAMPLE OF SHORELINE BUFFER



APPENDIX 13

City of Brampton Draft Official Plan Excerpts (December 2022)

APPENDIX 13 –
CITY OF BRAMPTON DRAFT OFFICIAL PLAN POLICIES[1] – SUSTAINABLE NEW COMMUNITIES PROGRAM SUSTAINABILITY METRICS IN DEVELOPMENT REVIEW PROCESS

3.1.1 Urban Design

3.1.1.52 To achieve design excellence in the city's built-form and public realm, and to encourage successful implementation, the following is required:

h. As per the requirements of the Sustainable New Communities Program, ensure that planning and development applications for new development achieve the minimum level of sustainability performance and encourage achieving the gold level of sustainability performance.

3.2.1 Municipal Leadership

3.2.1.6 The City will implement and regularly update the Sustainable New Communities Program that facilitates and evaluates the sustainability performance of new development.

3.2.2 Green Communities

The City of Brampton will use a range of tools to facilitate the evolution of new green communities and the greening of existing communities. One tool that guides, measures, and evaluates the sustainability performance of new developments in the city is the Sustainable New Communities Program. Another is the Development Design Guidelines (DDG), which establishes basic community design standards for new communities. These types of tools help build healthier, resilient, and sustainable communities within Brampton.

3.2.2.2 The City will encourage the establishment of sustainable and resilient new development through the Sustainable New Communities Program and Sustainable Community Development Guidelines, including the Sustainability Assessment Tool and Sustainability Score Thresholds, which support the elements listed in this section.

3.2.2.3 Through the Sustainable New Communities Program, the City will establish minimum sustainability performance requirements for Site Plans, Draft Plans of Subdivision, and Precinct Plans.

3.2.3 Energy, Efficiency and Emissions

3.2.3.21 The Sustainable New Communities Program will be leveraged to facilitate homes and buildings that deliver high levels of energy efficiency, renewable energy production, and minimize greenhouse gas emissions, by setting minimum building performance requirements.

[1] Brampton Official Plan, Second Draft, December 2022

3.2.6 Civic Infrastructure

3.2.6.12 The City will encourage or require, where appropriate, new development to incorporate water conservation and efficiency measures in accordance with the Sustainable New Communities Program, Sustainability Community Development Guidelines and the requirements of this Plan.

3.5.2 Healthy Communities

3.5.2.6 In accordance with the Sustainability and Climate Change policies of this Plan, the City will encourage the establishment of sustainable, resilient, and healthy communities through implementation of the Sustainable New Communities Program, including Sustainability Metrics and Sustainability Score Thresholds and the Sustainable Community Development Guidelines, that supports the policies listed in this section.

5.11 Planning and Development Applications

5.11.10 An application will be deemed complete by the City when:

g. For a Site Plan Approval Application and a Plan of Subdivision, the minimum performance standards have been achieved under Brampton's Sustainable New Communities Program.

Definition - Sustainable New Communities Program means a collaborative program between the Cities of Brampton, Markham, Richmond Hill, and Vaughan that evaluates development proposals using a point-based system for achieving specific criteria (metrics) organized around the categories of Built Environment, Mobility, Natural Environment & Open Space, and Infrastructure & Buildings.

Sustainability Community Development Guidelines (SCDG) is a comprehensive document that guides environmentally sustainable development at a level of planning and design that focuses on the community as a whole. The goal of the SCDG is to provide criteria for assessing development applications from a sustainability perspective.

INTEGRATED WATERSHED MANAGEMENT OFFICIAL PLAN CHECKLIST

Integrated Watershed Management (IWM) brings a broad and multi-layered approach to managing the complex interrelationships between natural systems, societal and economic influences within watershed. The policy framework of an Official Plan provides the foundation through which the principles of IWM may be woven into the land use planning system. The Official Plan provides enabling policy support for zoning, site plan, and planning and development approvals processes at the local level. In this regard, there is an opportunity to take advantage of lower tier Official Plan review and update processes over the next 10 year horizon to better integrate IWM within the planning framework. The following recommendations highlight opportunities to incorporate Integrated Watershed Management within Official Plan policy frameworks.

1.0 CORE CONSIDERATIONS

Independent of the IWM principles, there are some core considerations in drafting Official Plan policy. These include:

Vision, Goals and Objectives - Municipal land use priorities are articulated through the vision statement, principles, goals and objectives of Official Plans. These are the foundations that help to structure the local level policy framework. Thus, in order to truly apply IWM, IWM should be expressed within these foundational sections of an Official Plan both as an approach as well as the component principles of IWM.

- Identify IWM as one of the foundational pillars supporting the vision, goals and objectives of the Official Plan.

- Incorporate, or in some cases better incorporate, IWM principles into the vision, goals and objectives of the Official Plans. Such sections of the Official Plan assist in policy interpretations, particularly where the application of various, sometimes competing policies may not be clear.

Terminology - Outside of the minimum policy requirements of the Provincial Policy Statement/Draft Provincial Planning Statement, there is a great deal of variability in the strength of the policies that may be contained in Official Plans. In some cases, this is a matter of terminology between mandatory requirements relying on terminology such as “shall” and “must” to more permissive but not obligatory terminology such as “may”, “encourage” or “support”. In other cases, it is a matter of achieving a clearly articulated policy objective versus a policy intent to achieve a best effort.

- Deliberate consideration should be given to the language used within the policy structures. The strength of the terminology used will be impacted by conformity with the Provincial Policy Statement/Draft Provincial Planning Statement as well as the local context such as the priorities expressed through the upper tier Official Plans, municipal Strategic Plan, Climate Plans or other foundational documents.

Prescriptive Policy – In some instances, the policies of an Official Plan are a more a descriptive statement of context or conditions rather than being prescriptive or actionable. The Official Plan is the primary document to implement the vision for the municipality. While there is merit to establishing an informative context through descriptive text where necessary, Official Plan policies should be prescriptive and actionable. As the existing conditions of the watershed and development change over time, so too must

the policy frameworks that establish land use objectives and regulate development activity within the watershed.

- To the greatest degree possible, Official Plan policies should be prescriptive to provide policy direction that is actionable.

Importance of Good Mapping – Good mapping is key. Mapping informs the development and administration of policy. In many cases it is critical to understanding the interconnections and impact of the policy framework within the context of land use, natural heritage systems, hazard lands, resource areas and other municipal components such as growth and infrastructure requirements.

- In addition to natural heritage features and hazard land mapping, include mapping delineating watershed and/or subwatershed boundaries in the Official Plan which are referenced within the Official Plan policies and function to support the application of those policies.

Focus on Implementation - Policy is only as effective as the mechanisms that implement those policies. The policy framework should seek to establish connections between the Official Plan and those mechanisms that will implement the broader land use policy framework.

- The effectiveness of Official Plan policies should be maximized by establishing linkages to the implementing zoning, identifying requirements to be incorporated within the site plan or development approval process or to otherwise provide the necessary policy support to enable other municipal tools.

2.0 INTEGRATING THE PRINCIPLES OF IWM WITHIN OFFICIAL PLANS

IWM is a holistic, geographically-based approach for managing development, natural resources and ecosystem health at a watershed scale. It is an adaptive, comprehensive process that integrates planning for land and water across jurisdictions and is founded on a science/evidence based, outcome oriented approach to assessing and managing watershed impacts and cumulative effects. Government, agency and stakeholder partnerships are key to the IWM approach.

2.1 Watershed/Ecosystem Based Approach

- Structure policies around a systems approach that recognizes the watershed as the framework for geographically based planning and management. For example, cross-watershed and interconnected impacts of land use may include:
  - impacts that are transitory from one geography to another;
  - impacts between systems such as ground/surface water interface or terrestrial to aquatic/coastal ecosystems;
  - impacts that are cumulative over time or geography; and,
  - land use impacts and distinctions based on location within the watershed.

- While Official Plan policies regarding matters such as land use, water quality, sustainability, resilience, adaptation, and mitigation are all important inclusions in an Official Plan, it is the application of these policies within the geographic context of the watershed that focuses the effectiveness of comprehensive land use planning and management.

- The framework of a watershed unit - whether a watershed, subwatershed or catchment basin basis - should be woven throughout the policies of the Official Plan including as it relates to how such policies may be implemented through other mechanisms.

- The Official Plan policies should weave the key principles of the IWM approach into the various components of the Official Plan including (but not limited to):

- land use;
- development permissions including green development standards;
- lot creation;
- infrastructure;
- water quality and quantity / lake capacity;
- natural heritage features;
- hazard lands;
- adjacent lands; and,
- natural resources.

2.2 Science/Evidence Based, Outcome Oriented

- The integration of a science/evidence based, outcome oriented policy framework woven through the Official Plan is key to assessing, planning and managing watershed impacts and cumulative effects. Science/evidence based, outcome oriented policies integrated within Official Plan documents provide a target, or desired end result or condition.

- Quantifiable metrics are key. The Official Plan policy framework should seek to incorporate quantifiable metrics that can be translated into performance criteria which, if/when applied across the watershed, effectively establish a watershed-wide standard for best practices.
  Example: Establish the high water mark as the base starting point for measurements for development setbacks from the water or to delineate the extent of shoreline buffers.

- The Official Plan policy framework should seek to incorporate identified thresholds that can be translated into tangible benchmarks and applied to measure progress over time.
  Example: Maximum permitted lot coverage for development in the shoreline area expressed as a percentage of the lands within the delineated shoreline buffer area
  Example: Development standards that are applied based on the phosphorus level of adjacent waterbodies. Identification of target threshold for phosphorus that is deemed to be within an acceptable range.

- Scientific data and evidence should be used to inform policy that may in turn establish target outcomes, priorities, and development requirements based on the science of the conditions of the watershed.
  Example: A transition from the policy test of 'no negative impact' to a policy test of 'net gain' to be realized through the development approval process
  Example: Reliance on water quality data to direct the efforts of a septic reinspection program.

- Reliance on scientific data or evidence to identify baseline conditions and set a framework for monitoring impacts and/or cumulative impacts over both time and geography.
  Example: District of Muskoka Lake System Health Program

2.3 Cumulative Effects

- There is a synergy between individual watershed impacts that collectively result in cumulative effects. Individual impacts may be direct or indirect. Further, an identified impact may individually be minor however, such impact in combination with other impacts, stressors or natural processes may contribute to more significant or complex cumulative effect that must be managed within the context of the broader watershed.

- Official Plan policies should provide policy direction and/or policy tests that can be used to assess the impacts of development, and where applicable the cumulative impacts of development, through the development approval process.

- The Official Plan policy tests may require that individual impacts at the site level be addressed, that system level impacts be addressed (ie. subwatershed level studies/impacts) or may more specifically identify the parameters of the impacts be to addressed.
  Example: New development on identified upstream lakes may be permitted subject to modeling which confirms that there is a net reduction or no net increase in annual phosphorus loadings to the downstream lake.
  Example: Percentage of vegetative cover retained.

2.4 Interjurisdictional Coordination

- One of the primary goals of IWM is to move beyond interagency consultation, cooperation and coordination to interagency partnership level initiatives.

- Acknowledge the need to work in partnership not only with neighbouring municipalities but also across various levels of government including indigenous communities.

- Provide support for interjurisdictional partnerships broadly and in some cases, include actionable policy direction such as a joint approach to lake capacity/ development thresholds where a waterbody crosses municipal boundaries or in instances where regulatory authority is shared between different levels of government such as fisheries.

- Address inter-jurisdictional partnerships that also provide actionable policy direction for key implementation tools, monitoring and feedback frameworks.

- Provide policy support and increased focus on building and maintaining relationships with indigenous communities as partners and stewards of the watershed.

- Acknowledge the role for partnership actions outside of the Official Plan framework and provide policy support for cross-connector opportunities such as climate change, community partnerships and stewardship programs.

2.5 Monitoring Programs, Reporting, Feedback Loops

- Monitoring and reporting structures provide a feedback loop between policy directives and the management of lands and waterbodies within the watershed.

- Provide broad policy support for the need and function of monitoring requirements generally or in relation to specific programs such as the activities of a lake association that contribute to monitoring and feedback loops.

- Identify circumstances where monitoring may be required such as:
  - within a specific context such as in relation to levels of development activity, infrastructure (i.e. stormwater quality/flows), or for water quality and other natural heritage features;
  - monitoring on a property specific basis and as a condition of development approval;
  - monitoring required/prescribed as part of a study or report such as an Environmental Impact Study (EIS); and/or,
  - activity specific monitoring such as for aquaculture or a major recreational use.

- Establish policy connections between monitoring and reporting or feedback loops including, where appropriate, the stakeholders involved.

- Incorporate monitoring metrics and performance criteria such as stakeholders, thresholds or time horizons.

- Provide policy guidance and be prescriptive in terms of what should be included in a monitoring report.