



LAND USE PLANNING: THE CHALLENGES OF  
COTTAGE COUNTRY

NORTHERN VISION  
PLANNING LTD.

Northern  
Vision  
Planning



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# WHY PLAN?

## HISTORY OF PLANNING IN ONT.

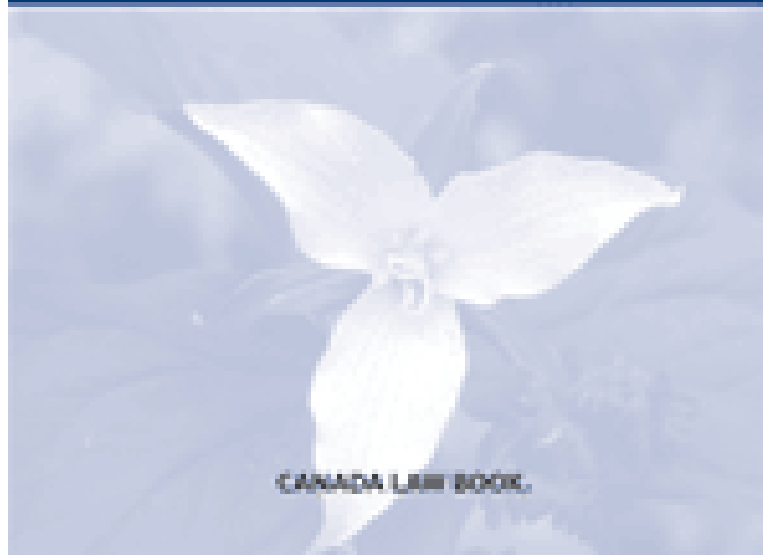
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- Largely an urban issue
- Need for order
- Need for efficiency of services
- Environmental quality



# Ontario Planning Legislation

2013



CANADA LAW BOOK

# HISTORY (cont'd)

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- Ontario Planning Act enacted 1946
- Introduced notion of Official Plans and implementation by zoning bylaws
- Also established system of amendments and Public Meetings

# HISTORY (cont'd)

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- Original philosophy was “grass roots” planning
- Any changes that did not conform, would be decided after a Public Meeting where neighbours notified
- Now top down approach (with P.P.S.)

# CITIZENS' GUIDE

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## THE PLANNING ACT



IN A SERIES  
Updated 2010



# PLANNING ACT



- Planning Act broken into a number of Parts
- Part I is Provincial Administration
- Under Part I, Section 3 allows Minister to make policy statements on matters of Provincial interest

# Planning Act (cont'd)

- Part III is Official Plans
- Section 17 addresses approvals of Official Plans
- Part V is Land Use Controls
- Section 34 addresses Zoning Bylaws
- Section 41 addresses Site Plan Control

# Planning Act (cont'd)

- Other implementation tools include:
  - Interim Control Bylaws
  - Holding Zones
  - Temporary Use Bylaws
  - Subdivision / Consent Agreements
  - Development Permit System

**2005**



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**Provincial**

**Policy**

**Statement**

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# 2014 Provincial Policy Statement

Under the *Planning Act*

[Ontario.ca/PPS](http://Ontario.ca/PPS)

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# PROVINCIAL POLICY STATEMENT

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- Official Plans must be “consistent with” PPS
- This is stronger language than previous “have regard for”
- A number of implementation guidelines were produced

*Natural. Valued. Protected.*

# Natural Heritage Reference Manual

for Natural Heritage Policies of the  
Provincial Policy Statement, 2005

Second Edition





## **Lakeshore Capacity Assessment Handbook**

**Protecting Water Quality in Inland Lakes on  
Ontario's Precambrian Shield**

**Consultation Draft  
December 2007**

**Ministry of the Environment  
Ministry of Natural Resources  
Ministry of Municipal Affairs and Housing**

 **Ontario**



# P.P.S. (Cont'd)

- PPS contains following sections:
  - Building Strong Communities
  - Wise Use and Management of Resources
  - Protecting Public Health and Safety
  - Implementation
  
- Most applicable sections are:
  - Section 2.1 Natural Heritage
  - Section 2.2 Water

# P.P.S. (Cont'd)

- Implementation section include policies related to:
  - Official Plan is best tool for implementation
  - Must read all policies
  - These are minimum standards
  
- Has added strength to environmental requirements and policies

# STEVE'S INFO POINT

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- New items added to PPS directed at managing shoreline development:
  - ▣ Cumulative impacts
  - ▣ Water resources systems including shoreline areas
  - ▣ Consideration of environmental lake capacity, where applicable

# COTTAGE COUNTRY CHALLENGE

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- PPS does not always apply well:
  - intensification,
  - growth and settlement,
  - endangered species (Endangered Species Act),
  - floodplains,
  - implementation.



City of North Bay

# Official Plan

Office Consolidation

Version 1.0 ~ January 2012

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APPROVED WITH MODIFICATIONS BY THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING, JANUARY 2012

Modifications represented through red bold text additions and strikethrough text deletions. Modification numbers added in superscript correspond with Decision.

# OFFICIAL PLANS

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- Purpose is to provide guidance on how municipality is to develop
- Done through statements of policy and maps
- Intended to be general in nature and provide some flexibility

# COUNTY OF PETERBOROUGH



## OFFICIAL PLAN

### CONSOLIDATION INCLUDES:

- OPA #1 (Oak Ridges Moraine - Approved October 2004)
  - OPA #2 (Official Plan Update - Approved March 2006)
  - OPA #3 (Local Component - Approved October 2008)
  - OPA #4 (Local - Fitzgerald Fuels- Approved August 2009)
  - OPA #5 (Local - Steranko - Approved March 2011)
  - OPA #6 (Local - Peterborough Housing - Approved December 2009)
  - OPA #7 (Growth Plan Conformity - Approved January 2010)
  - OPA #8 (Local - Shrama Pit - Approved March 2010)
  - OPA #9 (Local - Pirie - Approved September 2010)
  - OPA #10 (Local - Ennismore Homestead Theatre - Approved July 2011)
  - OPA #11 (Local - Meharg - Approved May 2011)
  - OPA #12 (Local - Community Improvement Policies - Approved January 2012)
  - OPA #13 (Local - Welch - Approved June. 2012)
-

# Official Plans (Upper Tier)

- Much of Province in a two tier planning system
- Two tiers can function differently in different areas of Province (eg. Muskoka vs. Peterboro)
- Cottage Country not affected as much (eg. Parry Sound, Kawartha Lakes)



# Official Plan (Upper Tier) cont'd

- Upper Tier is a strategic document
- Lower Tier Official plans are to conform
- Difficulty in co-ordinating upper and lower tier policy to address an issue, also duplication issues

# Official Plan (Upper Tier) cont'd

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- Must be consistent with PPS
- Lower tier plans must conform to upper tier Official Plan

**OFFICIAL PLAN  
FOR**

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**THE TOWN OF MIDLAND**

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**Updated to October 2004**

Prepared By:  
REINDERS SOUTHPARK & ASSOCIATES LTD.  
BARRIE

# Official Plan (Lower Tier)

- More detailed policy than upper tier Plan
- Most OPs now have detailed environmental policies (eg. Town of Gravenhurst, Township of Seguin)
- Some municipalities have adopted “environment first” policies (inherent risk)

## **B2 NATURAL ENVIRONMENT**

### **B2.1 GOAL**

The natural heritage features and areas and ecological functions of the Town will be protected and enhanced.

### **B2.2 OBJECTIVES**

- a) To identify all significant environmental features and associated ecological functions and ensure their protection.
- b) To require that all development be planned and designed to protect, maintain and enhance water related resources within the watersheds in the Town.
- c) To protect and improve water quality and hydrological characteristics, functions and processes of watercourses, lakes, aquifers and wetlands that have been impacted by human activity.
- d) To retain and, wherever possible, provide for biodiversity and connections between significant natural features and areas, habitats and the ecological functions they provide.
- e) To maintain and protect significant wildlife habitat, habitat corridors, fish habitat and the habitats of endangered and threatened species.
- f) To minimize fragmentation of the lands where significant natural features and areas exist.
- g) To direct development to suitable areas where significant natural heritage features do not exist.
- h) To preserve the ability to see the stars in the sky at night as an important and unique characteristic of the Town of Gravenhurst and Muskoka.
- i) To preserve the natural landscape features such as forested lands and bedrock barrens.

## **11.4 GENERAL DEVELOPMENT POLICIES**

### **11.4.1 Wetlands**

It is the policy of this Plan to protect all wetlands whether Provincially significant, regionally significant, locally significant or otherwise. All wetlands shall be protected and maintained in a natural state. Wetland re-establishment at the expense of those responsible for the loss of wetland will be encouraged if loss or degradation occurs.

An Environmental Impact Statement shall be required where development is proposed within 120.0 metres of any Provincially significant wetland or within 30.0 metres of any other wetland, as identified on Schedule B. Development adjacent to wetlands shall only be permitted if it can be demonstrated that it will not result in a negative impact on the wetland.

No development or site alteration shall be permitted in Provincially significant wetlands.

With the concurrence of MNR, wetland boundaries can change, and boundary verification or re-evaluation may be necessary from time to time.

Existing agricultural uses are permitted within wetlands except identified Provincially significant wetlands. Where agricultural uses are permitted, best management practices should be employed to protect and enhance the wetland features.

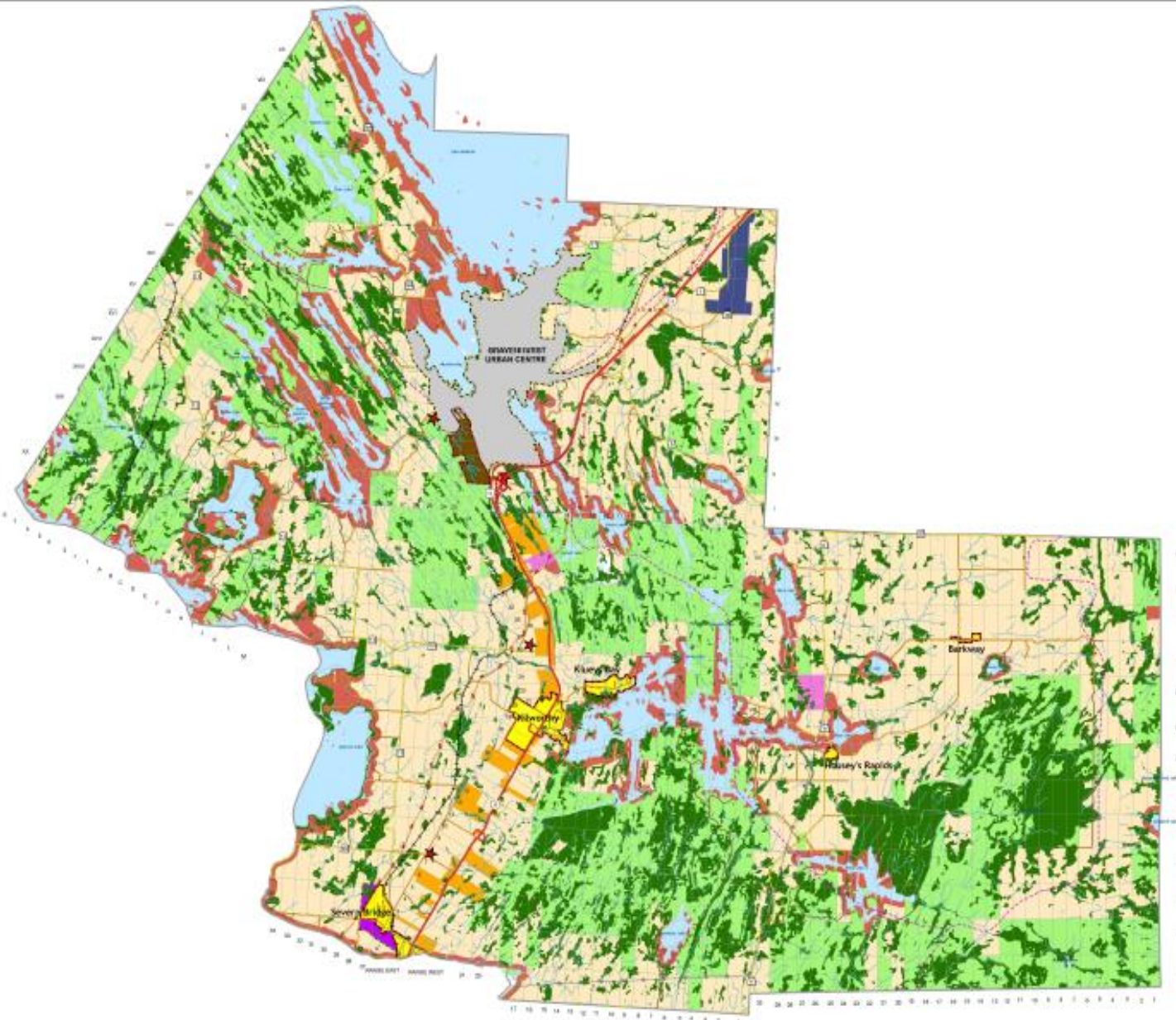
### **11.4.2 Conservation Reserves/Areas of Natural and Scientific Interest**

Conservation Reserves/Areas of Natural and Scientific Interest (ANSI's) are shown within the Conservation Reserve lands on Schedule B to the Official Plan. In accordance with the Provincial Policy Statement, development will be discouraged in ANSI's and on lands within 120.0 metres of an ANSI. Development may be permitted subject to the following criteria:

- a) the undertaking of an EIS has demonstrated that there will be no significant negative impacts on the natural features and ecological functions for which the area is identified;
- b) the development does not significantly alter the natural topography or geological features of the earth science ANSI; and,
- c) methods are employed to minimize the impact of the use on the values for which the site has been identified.

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# Town of Gravenhurst Official Plan Schedule A Land Use



## Legend

### Land Use Designations

Gravenhurst Urban Centre

### Waterfront

Waterfront Area

Natural Heritage Area

Open Space Area

### Rural

Rural Area

Near Urban Area

Near Community Area

Airport Industrial Area

Highway 11 Commercial Area

Natural Heritage Area

Open Space Area

Recreation Area

### Community

Community Area Boundary

Community Area

Natural Heritage Area

Open Space Area

### Transportation and Utilities

Provincial Highway

Proposed Highway 11 Re-alignment

District Road

Municipal Road

Private Road

Rail Line

Snowmobile Trail

Hydro Corridor

Trans Canada Pipeline

Waste Disposal Site

### Cartographic Legend

Water Feature

Municipal Boundary

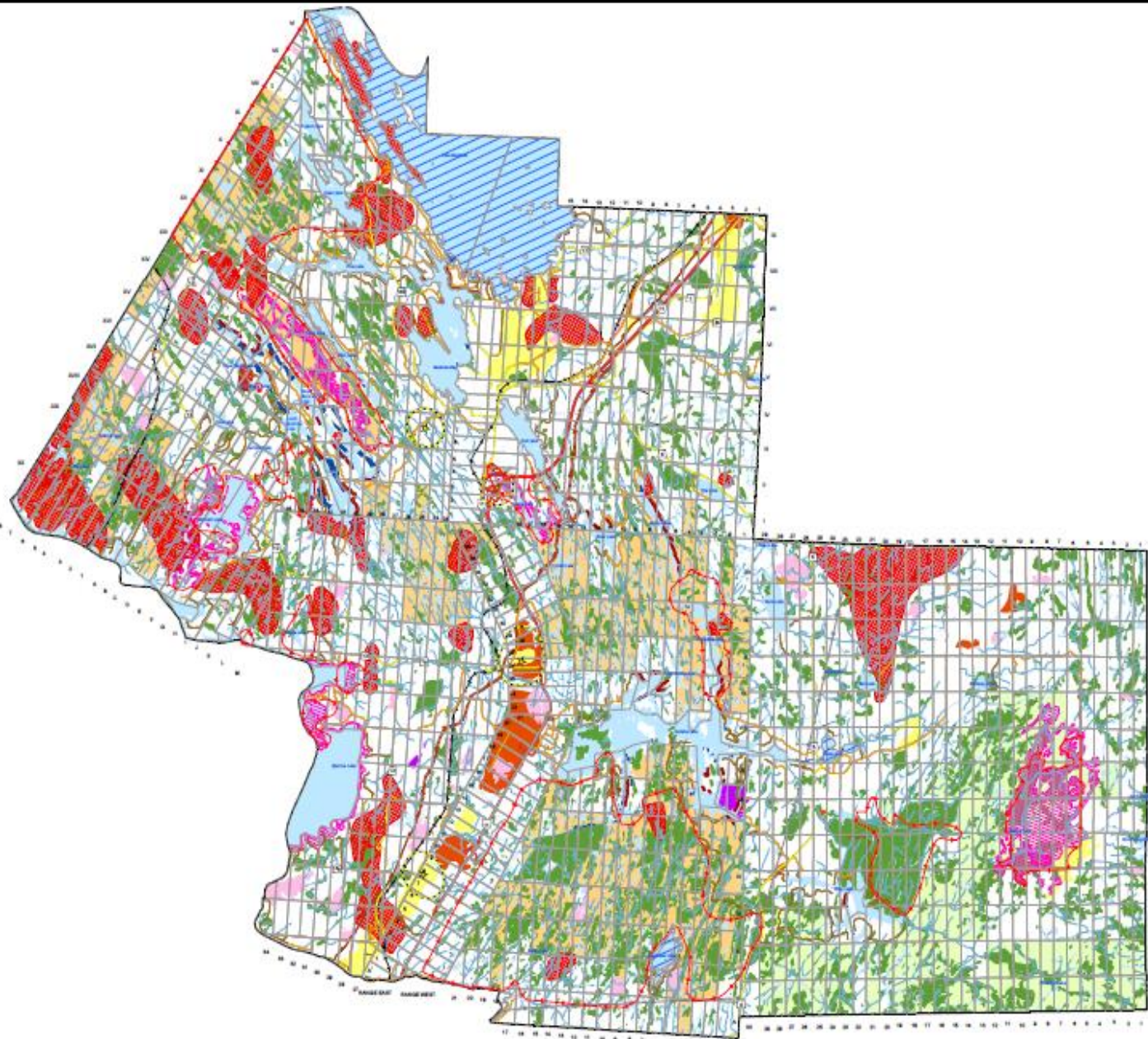


Data Source: Source Data has been provided by the Ministry of Natural Resources, District of Muskoka and the Town of Gravenhurst.

Adoption Date: October 24, 2006  
Approved With Modifications Date: \_\_\_\_\_

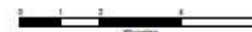


# Town of Gravenhurst Official Plan Schedule B Environment



## Legend

- Natural Environment Constraints**
- Coldwater Lakes
  - Conservation Reserves
  - Deer Wintering Area
  - Muskoka Heritage Areas
  - Provincial Parks
  - Provincially Significant Wetlands
  - Wetlands
- Significant Forests**
- Forest Stands Over 120 Years
  - White Pine Stands Over 150 Years
- Development Constraints**
- Boat Channel Protected Areas
  - Steep Slopes
  - Waste Disposal Assessment Area
  - Waste Disposal Site
- Aggregate Mineral Resources**
- Primary Significance
  - Secondary Significance
- Transportation and Utilities**
- Provincial Highway
  - Proposed Highway 11 Re-alignment
  - District Road
  - Municipal Road
  - Private Road
  - Rail Line
  - Hydro Corridor
  - Trans-Canada Pipeline
- Cartographic Legend**
- Municipal Boundary
  - Water Feature



Data Source: Source Data has been provided by the Ministry of Natural Resources, District of Muskoka and the Town of Gravenhurst.

Adoption Date: October 24, 2006  
Approved With Modifications: June 2, 2008  
Revised: June 11, 2008

# Official Plan (Lower Tier) cont'd

- Official Plan Amendment process
- Can apply specific policies to a certain area
- Site Specific Amendment vs. General Amendment
- Policy Shift depending on Council and economy

# Official Plan (Lower Tier) cont'd

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- Importance of Background reports
- Implementation policies
- Trend to more detailed policies and interpretation like zoning bylaw

# Steve's Info Point

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- Official Plan Policies are not a regulation
- Section 34 (3.2) of the Planning Act relates to shorelines but is rarely cited (buildings can be prohibited along a significant corridor or lake)
- Appendix are not part of Official Plan

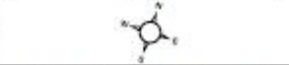
# COTTAGE COUNTRY CHALLENGE



- ❑ Many municipalities cannot afford to update an Official Plan (no grants)
- ❑ Lack of staff or qualified staff
- ❑ Lack of ownership of policies
- ❑ Disconnect with Lake Plans

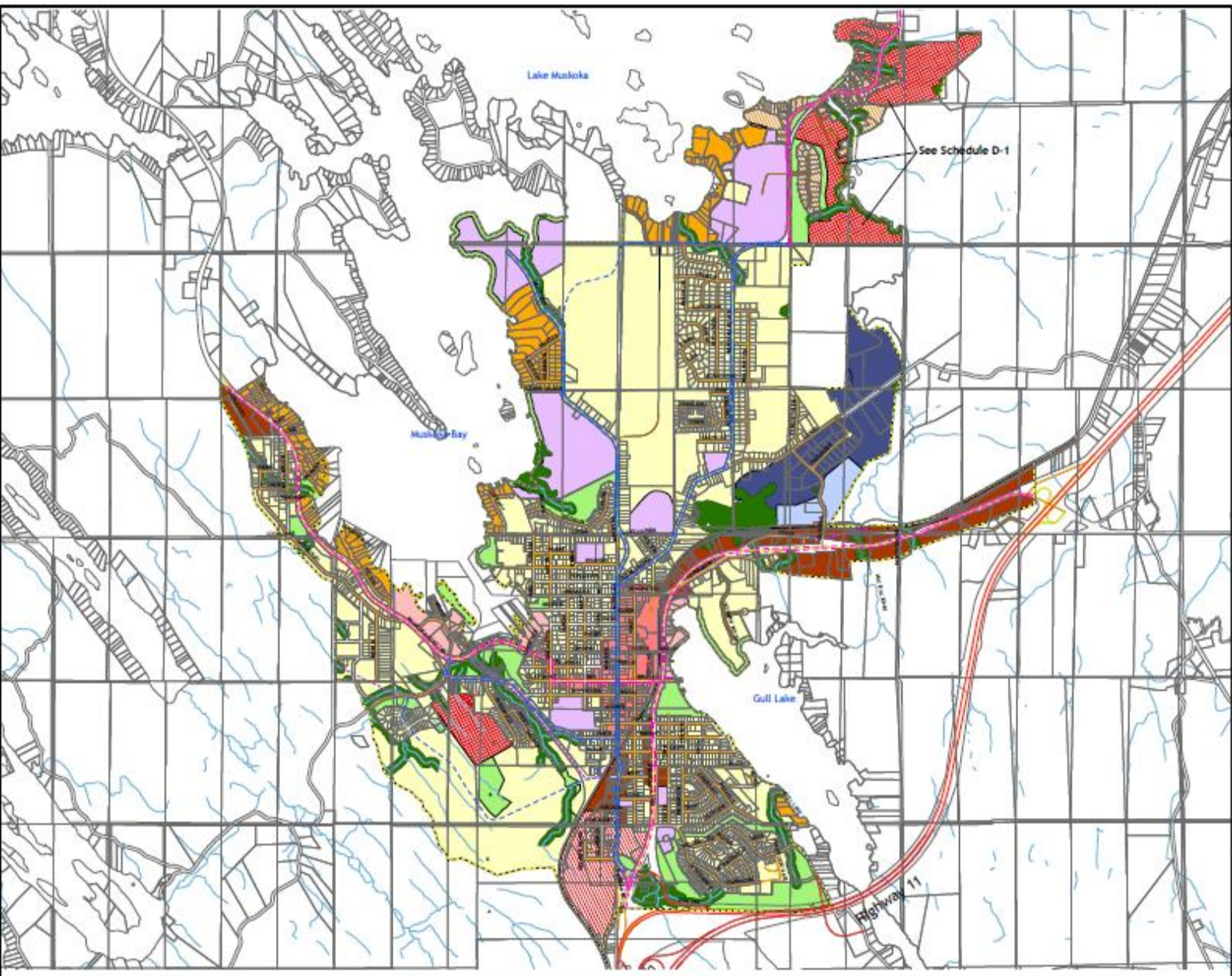
# Town of Gravenhurst Official Plan Schedule A-1 Land Use

- Legend**
-  Gravenhurst Urban Centre
- Land Use Designations**
-  Waterfront Area - Serviced
  -  Urban Open Space Area
  -  Natural Heritage Area
  -  Institutional Area
  -  Business Area
  -  Industrial Area
  -  Central Business District Area
  -  Gateway Commercial Area
  -  Highway Commercial Area
  -  Urban Resort Commercial Area
  -  Urban Mixed Use Waterfront Area
  -  Urban Residential Area
  -  Muskoka Beach Area
- Transportation and Utilities**
-  Provincial Highway
  -  Highway 11 Re-alignment
  -  District Road
  -  Municipal Road
  -  Private Road
  -  Private Lane
  -  Arterial Road
  -  Collector Road
  -  Proposed Collector
  -  Snowmobile Trail
  -  Railway
- Cartographic Legend**
-  Water Features



Date Source: Source Data has been provided by the Ministry of Natural Resources, District of Muskoka and the Town of Gravenhurst.

Adoption Date: October 24, 2005  
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 Revised: June 11, 2008



# ZONING BYLAWS

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- Parent bylaw known as Comprehensive Zoning Bylaw
- Governed by Section 34 of Planning Act
- Can regulate use of land and buildings, building density and location, building height

# Zoning Bylaws (cont'd)

Section 34

Zoning Bylaw

Jurisdiction

(refer to  
Planning Act)





# Zoning Bylaws (cont'd)

- Used to implement Official Plans
- Turns policies into enforceable numbers
- Do not always apply well to cottage country as properties highly variable
- Perfect bylaw would be special provision per lot

# Zoning Bylaw Contents

- Various zones apply throughout municipality
- Most commonly sorted based on use
- Some sorted by area (eg. Muskoka Lakes)
- Criteria should emanate from Official Plan

**SECTION III WATERFRONT RESIDENTIAL ZONES**

**3.1 WATERFRONT RESIDENTIAL ZONES**  
(WR1, WR2, WR3, WR4, WR5, WR6, WR8, WR)

**3.1.1 Permitted Uses**

No person shall within any Waterfront Residential Zone USE any land or ERECT, locate, ALTER or USE any BUILDING or STRUCTURE for any USE except in accordance with the following permitted uses:

Amended By  
2001-201

- a. RESIDENTIAL
- b. HOME OCCUPATION
- c. ACCESSORY USES

Amended By  
2005-05

**3.1.2 Zone Requirements**

No person shall within any Waterfront Residential Zone USE any LOT, or ERECT, locate, ALTER or USE any BUILDING or STRUCTURE except in accordance with the following requirements of the applicable zone:

**a. LOT AND SITE REQUIREMENTS:**

ZONE		LOT REQUIREMENTS			MINIMUM YARD REQUIREMENTS				MAXIMUM HEIGHT		MAIN BUILDING MINIMUM GROUND FLOOR AREA
TITLE	SYMBOL	MIN. FRONTAGE	MIN. AREA	MAX. COVERAGE**	FRONT*	INT. SIDE	EXT. SIDE	REAR	MAIN BLDG. *	ACCESSORY	
WATERFRONT	WR1	200 FT	1 AC	10% (8) (7)	66 FT (5)	15 FT	30 FT	15 FT	35 FT (8)	20 FT	750 SQ. FT.
BACKLOT	WR2	660 FT	5 AC	8%	66 FT (5)	15 FT	30 FT	15 FT	35 FT (8)	20 FT	750 SQ. FT.
ISLAND	WR3	200 FT	2 AC	10% (8) (7)	66 FT (5)	15 FT	30 FT	15 FT	35 FT (8)	20 FT	750 SQ. FT.
SPECIAL LAKES	WR4	-(1)	-(1)	10% (8) (7)	100 FT (5)	15 FT	30 FT	15 FT	35 FT (8)	20 FT	750 SQ. FT.
NATURAL CONSTRAINTS	WR5	300 FT	1.5 AC	10% (8) (7)	66 FT (5)	15 FT	30 FT	15 FT	35 FT (8)	20 FT	750 SQ. FT.
NATURAL CONSTRAINTS	WR6	400 FT	2 AC	10% (8) (7)	66 FT (5)	15 FT	30 FT	15 FT	35 FT (8)	20 FT	750 SQ. FT.
HABITAT	-7(2)	--	--	--	--	--	--	--	--	--	--
SPECIAL LAKES	WR8	500 FT	2AC	10% (8) (7)	66 FT (5)	15 FT	30 FT	15 FT	35 FT (8)	20 FT	750 SQ. FT.
WATERFRONT	WR	-(1)	-(1)	10% (8) (7)	66 FT (5)	15 FT	30 FT	15 FT	35 FT (8)	20 FT	750 SQ. FT.

\*Amended By 08-00, 2005-05

\*\*Amended By 2005-05

Amended By 80-110, 95-05, 98-08

- (1) The minimum LOT FRONTAGE and LOT AREA requirements of LOT in the Waterfront (WR) or Waterfront residential (WR4) zone are the dimensions of that LOT existing on the date this By-law was passed. No new STRUCTURE or BUILDING may be constructed on a LOT unless the LOT complies with the appropriate section of the Existing Lot of Record Provision 7.3 (see Page 68). All LOTS zoned Waterfront Residential (WR4) are subject to site plan control.
- (2) The inclusion of a "-7" suffix to a zone symbol indicates that the Ministry of Natural Resources has identified a concern for habitat significant to wildlife populations. All such lands will be subject to site plan control in consultation with that Ministry.

# Zoning Bylaws (cont'd)

- Separate zones for Environmental Protection
- No standard criteria as to what is included
- Usually includes wetlands, floodplains
- May include river valleys, fish habitat

# Zoning Bylaw (cont'd)

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- Could utilize straight zone, overlay, Holding zone
- Must conform to Official Plan
- Can be prohibitive, regulatory or permissive

ENVIRONMENTAL PROTECTION ZONE (EP1, EP2)6.3.1 Permitted Uses

No person shall within the Environmental Protection Zone (EP1, EP2) USE any LOT or ERECT, locate, ALTER, or USE any BUILDING or STRUCTURE for any purpose except in accordance with the following:

- a. All STRUCTURES, BUILDINGS and facilities necessary in conjunction with:
  - i) the production of cranberries excluding BUILDINGS and STRUCTURES;
  - ii) flood control;
  - iii) erosion control; and
  - iv) provision of pedestrian access and other similar activities.
- b. DOCKS and BOATHOUSES if it is an ACCESSORY USE to the main USE on the LOT or associated with a WATERFRONT LANDING or MARINA.

6.3.2 Zone Requirements

No person shall within the Environmental Protection Zone (EP1, EP2) USE any LOT, or ERECT, locate, ALTER or USE any BUILDING or STRUCTURE except in accordance with the following:

- a. STRUCTURES OVER WATER
  - i) In the case of BOATHOUSES
    - a) no part of any BOATHOUSE shall extend beyond 50 feet from the HIGH WATER MARK;
    - b) the total BOATHOUSE WIDTH shall not exceed 25 percent of LOT FRONTAGE or 50 feet whichever is greater, excluding BOATHOUSES associated with a MARINA;
    - c) the BOATHOUSE does not exceed 25 feet in HEIGHT;
    - d) the BOATHOUSE is permitted to extend from or to be located in the FRONT YARD of a LOT;
    - e) the BOATHOUSE shall only be used for the storage and servicing of boats and marine related equipment; and,

# Zoning Bylaws (cont'd)

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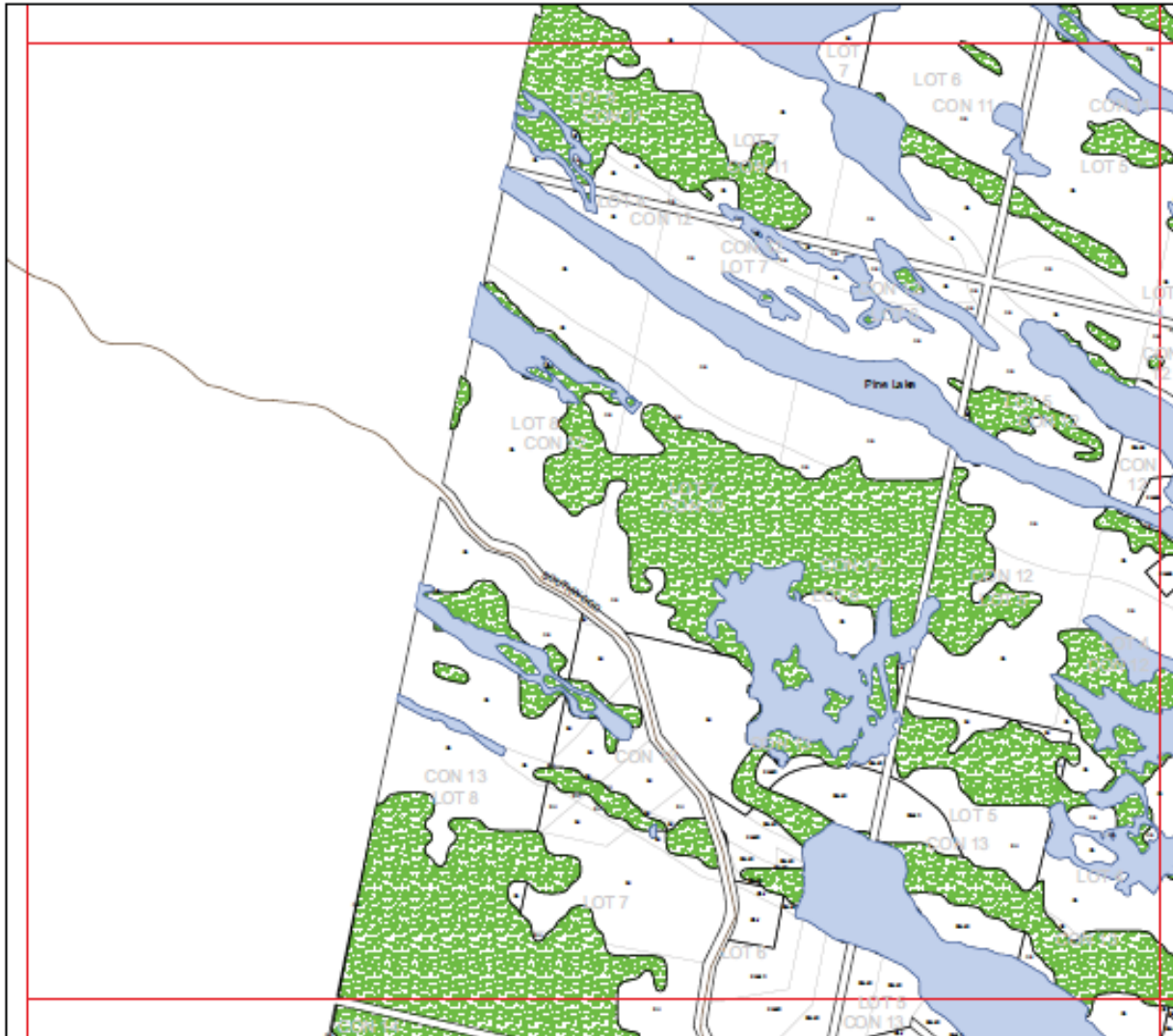
- Also contains definitions and General Provisions
- Use of zoning schedules (accuracy)
- Should have separate study for background

# Zoning Bylaws (cont'd)

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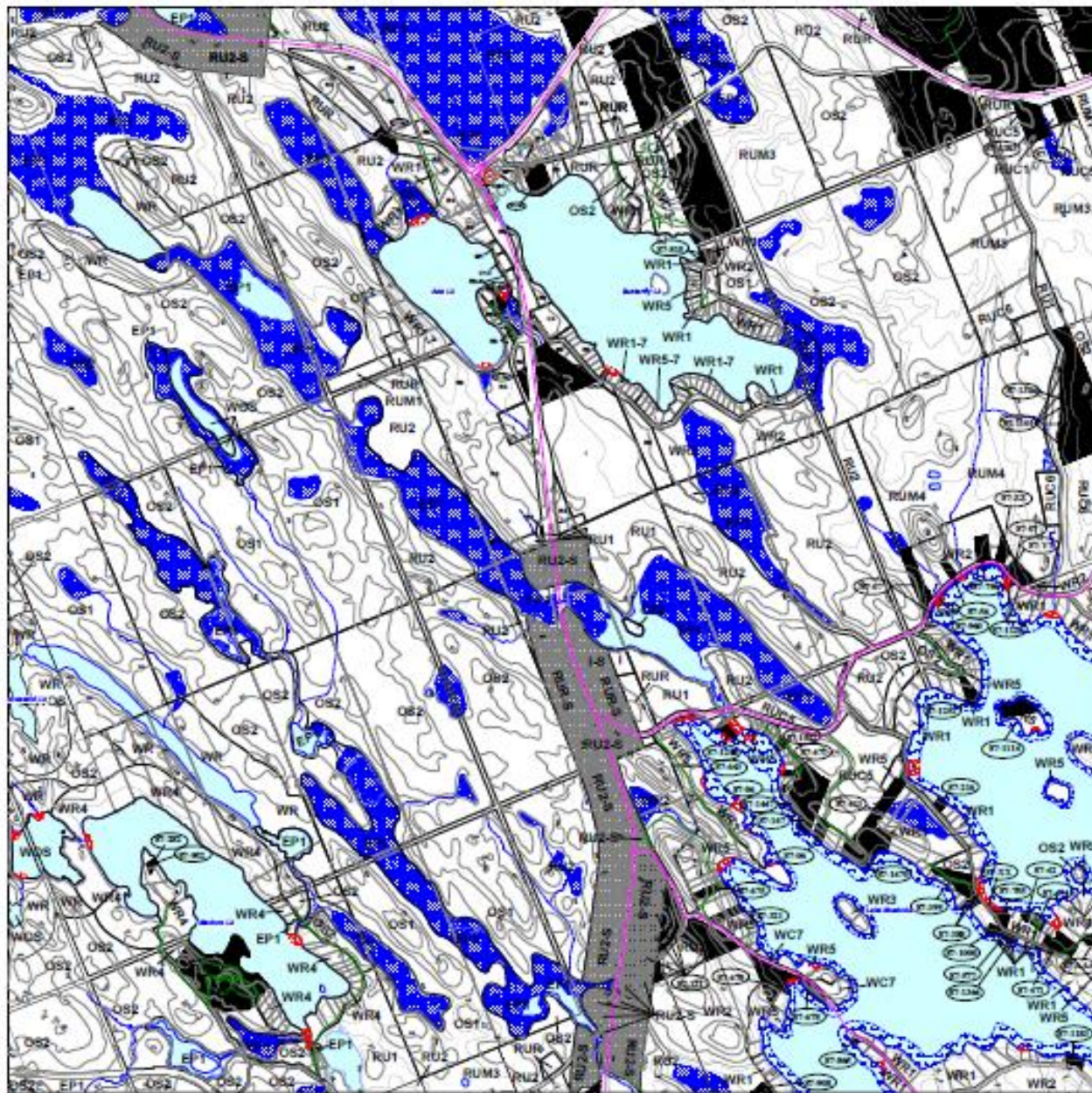
- Some bylaws zone lake bed
- Question of jurisdiction over shoreline structures





### Legend - Zoning By-Law

Residential Zones	Commercial Zones	Industrial Zones
R-01 Residential One	C-01 Commercial Core	I-01 Extractive Industrial
R-02 Residential Two	C-02 Commercial Core	I-02 Rural Industrial
R-03 Residential Three	C-03 Commercial Core	I-03 General Industrial
R-04 Residential Multiple One	C-04 Commercial Service	U-01 Institutional
R-05 Residential Multiple Two	C-05 Commercial Service	U-02 Recreational Institutional
R-06 Residential Community	C-06 Commercial Highway	U-03 Middle Home
R-07 Residential Rural	C-07 Commercial Special Purpose	U-04 Rural
R-08 Residential Waterfront	C-08 Commercial Community	U-05 Waterfront Landing
R-09 Residential Waterfront	C-09 Commercial Community	B-01 Business Zones
R-10 Residential Waterfront	C-10 Commercial Community	B-02 Business One
R-11 Residential Waterfront	C-11 Commercial Gateway	P-01 Special Provision
R-12 Residential Waterfront	C-12 Commercial Rural	P-02 Holding Provision
R-13 Residential Waterfront	C-13 Commercial Waterfront	
R-14 Residential Waterfront	C-14 Commercial Waterfront	
R-15 Residential Waterfront	C-15 Commercial Waterfront	
R-16 Residential Waterfront	C-16 Commercial Recreation	
R-17 Residential Waterfront		
R-18 Residential Waterfront		
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R-100 Residential Waterfront		



**LEGEND**

- OC1 - COMMUNITY COMMERCIAL - RESORT
- OC2 - COMMUNITY COMMERCIAL - RESORT
- OC3 - COMMUNITY COMMERCIAL - RESORT
- OC4 - COMMUNITY COMMERCIAL - RESORT
- OC5A - COMMUNITY COMMERCIAL - RESORT
- OC5 - COMMUNITY COMMERCIAL - RESORT
- OC6 - COMMUNITY COMMERCIAL - RESORT
- OC7 - COMMUNITY COMMERCIAL - RESORT
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- OC100 - COMMUNITY COMMERCIAL - RESORT



NCT36  
 1. ALL LANDS UNDER WATER ARE ZONED WATERFRONT RESIDENTIAL (WR2)  
 2. ALL UNMARKED ISLANDS ARE ZONED WATERFRONT RESIDENTIAL (WR2)

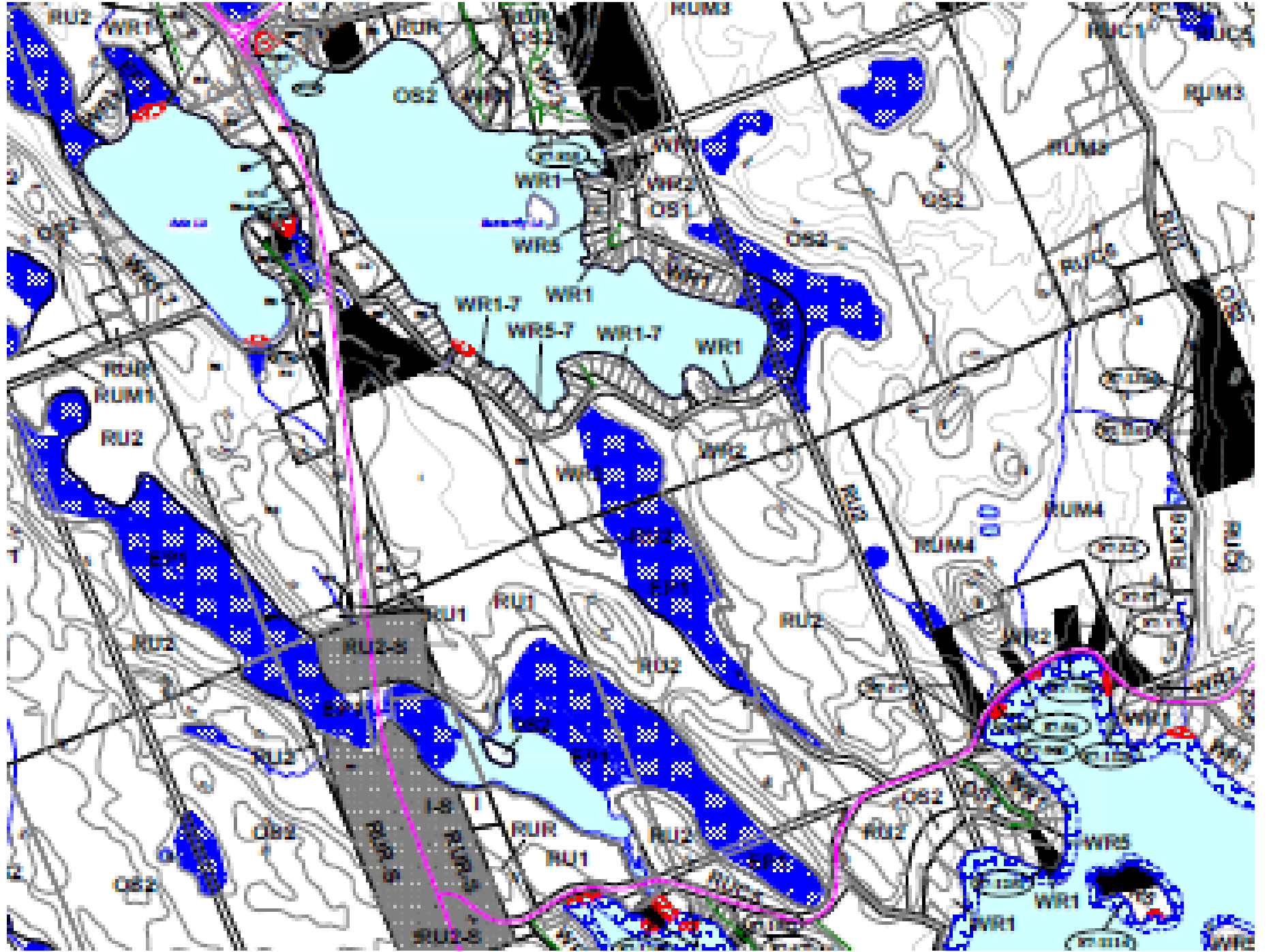


**SCHEDULE 35**  
 OBM Sheet No. 10 17 6050-4990  
 Schedule 35 to By-law 87-87 as amended  
 Printed on 21/06/2011

	EMPTY LOT		COMMUNITY BOUNDARY
	EMPTY LOT BOUNDARY		FISH HABITAT TYPE 1
	ZONE BOUNDARY		FISH HABITAT TYPE 2
	ZONING CODE		



Draft Version  
 Printed 21/06/2011



# Steve's Info Point

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- Zoning bylaws do not address tree preservation well
- Addressing shoreline development is not mandatory
- Without strict adherence policies, difficult to take hard line on provisions

# COTTAGE COUNTRY CHALLENGE

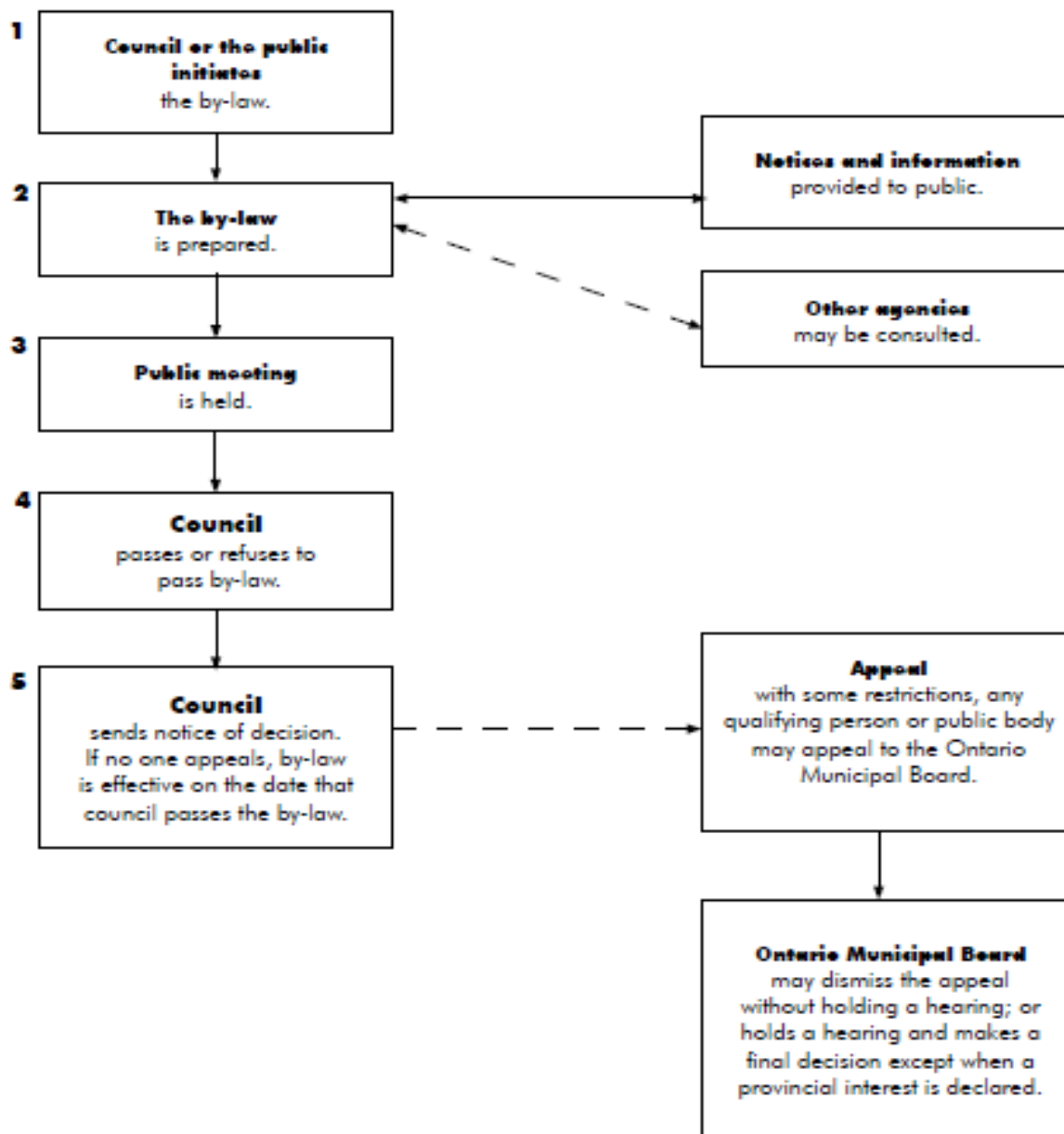


- Properties are highly variable
- Difficult for one set of rules to apply well
- Enforcement difficult due to cost and lack of qualified staff
- Cost of defending zoning bylaw during reviews

# Zoning Bylaw Amendments / Minor Variances

- ZBA process
- Notice, Public Meeting
- Powers of Council / Committees, Decisions
- Appeals

## The Zoning By-law Process



**This flowchart focuses on the basic process - some steps are not shown**

## What is a Zoning By-law Amendment?

If you want to develop your property in a way that is not allowed by the zoning by-law, you may have to apply for a zoning by-law amendment, also known as a rezoning. A zoning change will only be considered if the new use is allowed by the Official Plan. An official plan amendment may be required if the zoning change does not comply with the Official Plan. A minor variance may be required if the relief from a zone provision is considered "minor".

South Huron Council is the approval body for zoning by-law amendments. Section 34 of the *Planning Act* sets out the process and requirements for zoning by-law amendment applications.

### Pre-consultation

Applicants are strongly encouraged to meet with the Planner before submit an application.

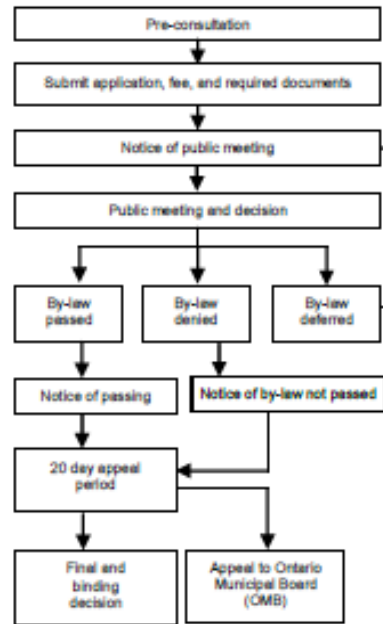


The average time to process an application from start to finish is about 3 to 4 months.

### Application

Forms are available online or at the municipal office. Potential applicants are advised to contact Development Services in advance of filling out an application. The application forms for zoning by-law amendments and official plan amendments are the same.

### Zoning By-law Amendment Process



322 Main Street South  
PO Box 759  
Exeter ON N0M 1S6  
Phone: 519-235-0310  
Fax: 519-235-3304  
Website: [www.southhuron.ca](http://www.southhuron.ca)

**Municipality of South Huron**

This pamphlet is intended to provide preliminary information only.

Last Updated: March 2013

## GUIDE TO THE ZONING BY-LAW AMENDMENT PROCESS

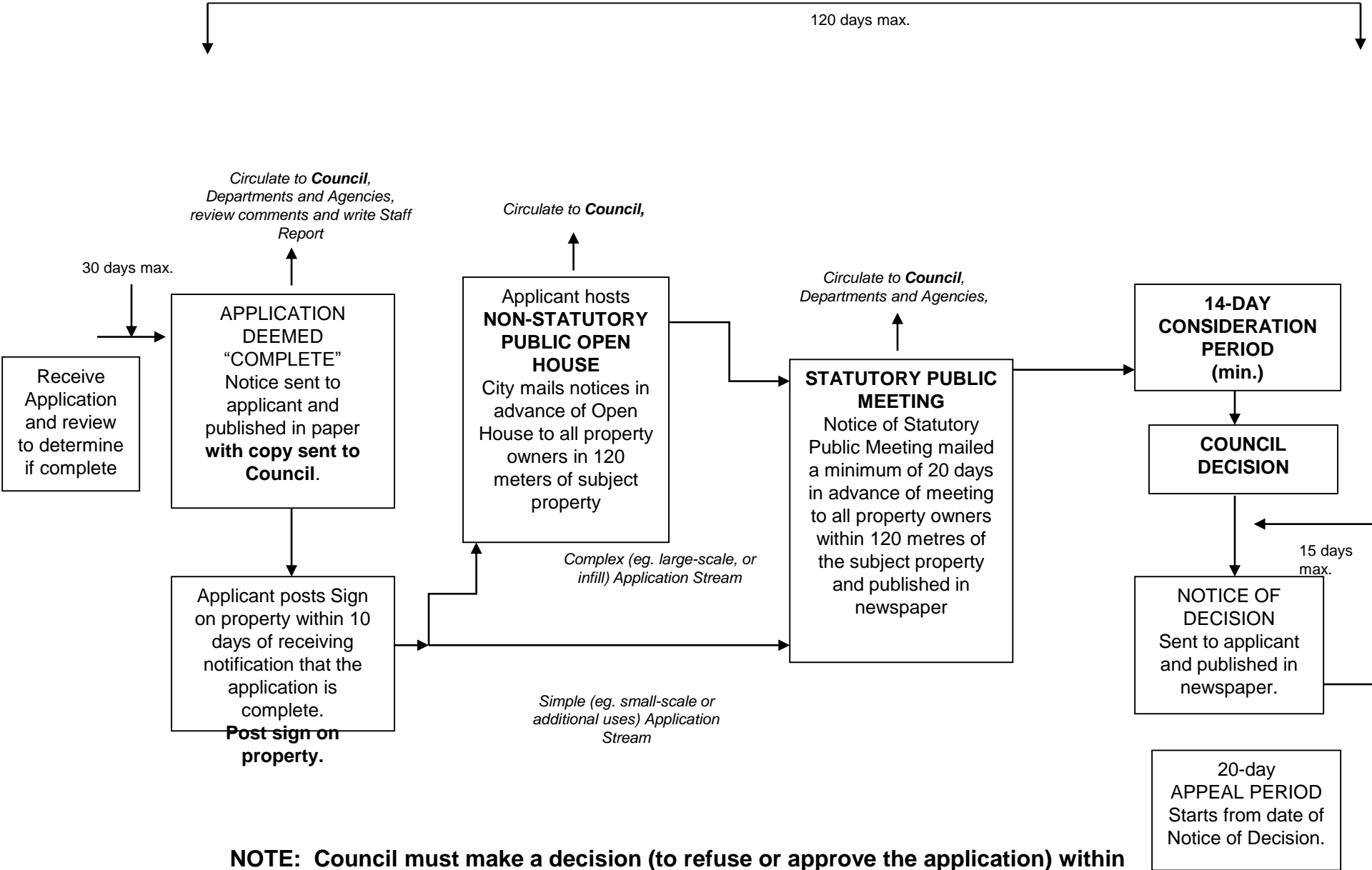


**Municipality of South Huron**

Development Services



**TWO-STREAM PROCESS APPROVED BY CITY OF ORILLIA COUNCIL  
EFFECTIVE FOR NEW APPLICATIONS RECEIVED AFTER JULY 1, 2009)**



**NOTE: Council must make a decision (to refuse or approve the application) within 120 days of the receipt of a “complete application”.**

# Zoning Bylaw Amend. (cont'd)

- Must conform to intent and purpose of Official Plan (in its entirety)
- More requirements for environmental background information, difficult properties
- 4 tests of a minor variance

# Steve's Info Point

- Section 34(17) of Planning Act permits a Council to amend a bylaw without further Notice
- Cannot appeal to OMB if did not make submission (this does not apply to minor variances)
- How specific an approval is varies from municipality to municipality

# COTTAGE COUNTRY CHALLENGE



- Properties highly variable
- Broad range of implementation of conditions
- Differing bylaw provisions

# BYLAW ENFORCEMENT

- Usually governed by the individual bylaw
  
- Municipalities act on complaint basis
  - Cannot afford to patrol
  - Have a witness
  - Have another interested party
  
- Enforced through Planning Act, no Stop Work Order ability

# Bylaw Enforcement (Cont'd)

- Challenge for small municipalities
- Usually done by Building Department, sometimes Planning Department
- Lack of expertise, environmental and enforcement
- Soft enforcement approach

# IMPLEMENTATION TOOLS



- Site Plan Agreements (site plans)
- Subdivision / Consent Agreements
- Holding Zones
- Interim Control Bylaws

# SITE PLAN CONTROL

- Governed by Section 41 of the Planning Act
- Must have policies in Official Plan
- Items governed
  - Parking
  - Lighting
  - Landscaping
  - Garbage



# Site Plans (cont'd)

- Applicable environmental items:
  - Trees for landscaping or preservation of adjoining land
  - Land drainage works
  - Grading of land and disposal of stormwater
  
- Applicable Law under Building Code Act
  
- Contract Law

# A Guide to Site Plan Approval



Planning Department  
March 2008

- ◆ a gross floor area greater than that of the existing building to which it is being added; or
  - ◆ a gross floor area greater than 500 square metres.
- Or;
- ii) comprise residential buildings with more than five (5) dwelling units.

A major site plan application also includes any works associated with the above-noted buildings or building additions.

#### Required Copies

The owner/agent is required to submit a minimum of ten sets of all plans (with the exception of five storm water management plans). The size of these plans shall be 28 cm x 43 cm (11" x 17").

In addition, one large-scale folded set of all plans shall be provided unless otherwise indicated by Planning staff. One colour set of building elevation plans shall also be submitted for major developments as identified in By-law 2003-99P.

All plans submitted shall be prepared by qualified professionals.

All plans submitted shall be legible and include the following general information:

1. Title block and revision block to include:
  - a) Identification of the proposed use of the site
  - b) Name and address of firm submitting the site plan
  - c) Name and seal of the professional submitting the plan
  - d) Name of applicant
  - e) Municipal address and legal description (reference plan part number, lot, concession, and geographic township)
  - f) Date prepared and all revision dates
2. Legend
3. Metric scale
4. Key Plan indicating general location of the development with respect to the Town street network
5. North arrow

Proponents are also required to provide a copy of a survey or reference plan, and a copy of their deed with their application.

### 3.3 Specific Site Plan Requirements

The following information must be shown on site plans for review by the Town:

- A description of the type of development;
- Location of all required fire access routes and fire protection facilities (e.g. fire hydrants);
- Location of natural features, including trees, which are existing on the subject lands or in proximity on adjacent lands;
- Location of all natural drainage courses;
- Land uses on adjacent lands and the approximate location of those buildings and structures in proximity to mutual property lines;

- Proposed location, height, dimensions, area, and uses of all buildings and structures, including massing, conceptual design and general type of building materials and the use of all remaining lands on the site;
- Facilities to provide access to and from the land such as ramps, curbs and traffic direction signs;
- Off-street vehicular loading and parking facilities (including barrier free parking), either covered or uncovered, access driveways, (including driveways for emergency vehicles) and the surfacing of such areas and driveways;
- Any permitted outdoor storage, handling and processing areas;
- Walkways, including the surfacing thereof, and all other means of pedestrian access;
- Facilities for the lighting (including flood-lighting) of the land, or of any buildings or structures thereon;
- All barrier free design requirements in accordance with the Ontario Building Code;
- Exterior building, pylon, ground and any other exterior signage;
- All exterior residential, industrial, commercial and institutional building, site and sign illumination shall be "dark sky friendly" and certified as shown by a qualified illumination professional;
- Retaining walls, fences, hedges, trees, shrubs, or other groundcover, or facilities for the landscaping of the lands, or the protection of the adjoining lands (e.g., planting and landscape strips, etc.);
- Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage, waste and snow, as applicable;
- Location of utilities, e.g. hydro, water and sanitary services;
- Location of wells and sewage systems;
- Type, height, and location of utilities on the municipal road allowance, including transformers, light poles, hydro poles, trees, telephone pedestals, etc.;
- Grading or alteration in elevation or contour of the land, and provisions for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
- All existing easements and rights-of-ways;
- Road widening and/or easements required by the municipality; and,
- A site information chart providing information as to how applicable requirements of the zoning by-law are to be satisfied (e.g., parking, building floor area, parking area, landscaped area, yard requirements, lot coverage, number of units, etc.).

Sample Site Information Chart

Lot Area		No. of parking spaces required	
Lot frontage		No. of parking spaces provided	
Lot coverage permitted		No. of barrier free parking spaces required	
Lot coverage proposed		No. of barrier free spaces provided	
Paved area		Loading/delivery spaces required	
Landscaped area		Loading/delivery spaces provided	
Proposed yard requirements		Number of proposed units/ buildings/structures	
Minimum yard requirements		Maximum height proposed	
Gross floor area per unit/building/structure		Maximum height permitted	

## Appendix C: Guide To Healthy Shorelines

### Shoreline Protection Measures

Limiting the size of your lawn allows more water to infiltrate into soil. A buffer strip of natural vegetation provides the scenic beauty that attracts many to visit and live in Muskoka. Some recommended native trees, shrubs and grasses include:

- ♣ Trembling aspen, Balsam poplar, White cedar, Mountain ash, and willow.
- ♣ Meadowsweet, Red-osier dogwood, Bearberry, and Staghorn sumac.
- ♣ Bluemont grass, Bottle-brush grass, Canada wild rye grass, and Virginia creeper.

Planting non-native species may destroy wildlife habitat and contribute to soil erosion and the reduction of water quality.

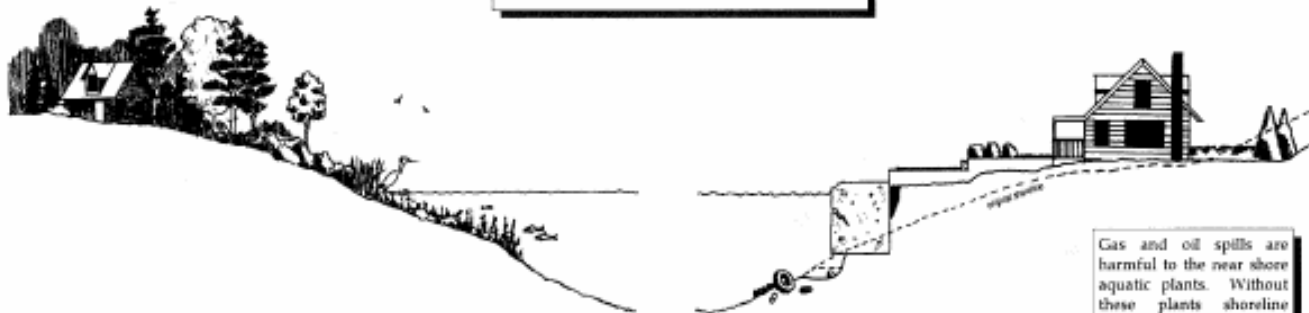
- ♣ Trees and shrubs provide protection for the shoreline by stabilizing the soil and preventing it from being washed away.
- ♣ Overhanging branches provide shade that helps keep the water cool for trout and other fish populations.
- ♣ The root system of these plants also act as a filter, absorbing nutrients that otherwise would have entered the lake or river, including phosphorus. Additions of phosphorus can lead to the eutrophication of a lake, which ultimately changes the species composition and abundance in the water body.
- ♣ Native plant species are an important part of the local ecology because they provide food and shelter for wildlife.
- ♣ Removing aquatic plants to improve a swimming area or make a boating channel can harm the environment.

Fertilizers, pesticides, detergents and cleaners may contain phosphorus and other nutrients harmful to our waterways.

Leachate from your septic tank may also be high in phosphorus and can enter the lake through the groundwater or by overland flow.

These nutrients cause an increase in the growth of aquatic plants and organisms such as algae. When these plants die, the decomposition process uses up oxygen that is in the water.

This reduction in dissolved oxygen can be harmful to fish populations.



The Department of Fisheries and Oceans suggests that all construction take place away from the shoreline, and that 75% of your shoreline be left in a natural state. By maintaining a low impact lifestyle, the natural features of the Muskoka landscape are sustained for future generations to enjoy.

The wave action from turbulent boat wake can lead to shoreline erosion. Waves deflected off retaining walls can stir up sediments and destroy vegetation.

Gas and oil spills are harmful to the near shore aquatic plants. Without these plants shoreline habitat is lost, limiting the filter area that protects the lake from nutrient enrichment and erosion.

Single Detached Dwelling

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

SITE PLAN AGREEMENT

THIS AGREEMENT made in triplicate this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

BETWEEN \_\_\_\_\_  
hereinafter called the "OWNER" of the first part,

- AND -

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES,  
hereinafter called the "TOWNSHIP" of the second part.

WHEREAS the OWNER is the owner in fee simple of those lands and premises located in the Township of Muskoka Lakes in the District of Muskoka being more particularly described in Schedule "A" to this Agreement (the "Lands");

AND WHEREAS the OWNER has applied to the TOWNSHIP to permit development on the Lands;

AND WHEREAS the OWNER has agreed with the TOWNSHIP to furnish and perform the works, material, matters and things required to be done, furnished and performed in the manner hereinafter described in connection with the proposed development and use of the Lands;

AND WHEREAS the Lands have been designated by the Council of the TOWNSHIP as being within a site plan control area as provided for by Section 41 of the Planning Act, R.S.O., 1990, as amended;

NOW THEREFORE witnesseth that in consideration of the mutual covenants hereinafter expressed and for other good and valuable consideration and the sum of ONE -----(\$ 1.00) --  
----- DOLLAR of lawful money of Canada now paid by the TOWNSHIP to the OWNER, the receipt whereof is hereby acknowledged, the OWNER and the TOWNSHIP covenant, declare and agree as follows:

SECTION I - LANDS TO BE BOUND

- 1) The Lands to be bound by the terms and conditions of this Agreement, are located in the former (\_\_\_\_\_) Ward of the TOWNSHIP, and are more particularly described in Schedule "A" hereto.

SECTION II - COMPONENTS OF THE AGREEMENT

- 1) The text, consisting of Sections I through VI, and the following Schedules, which are annexed thereto, constitute the components of the Agreement.  
  
Schedule "A" - Legal Description of the Lands being developed.  
  
Schedule "B" - Approved Plans which for the purpose of this Agreement shall include all plans, drawings, sketches, details and specifications approved for construction and development to be carried out with respect to the Lands (all of which are available for viewing at the Office of the Township of Muskoka Lakes, in Port Carling, Ontario).

SECTION III - REGISTRATION OF AGREEMENT

- 1) This Agreement shall be registered on title to the Lands as provided for by Section 41(10) of the Planning Act R.S.O. 1990 as amended, at the expense of the OWNER;

- 2) The OWNER agrees that all documents required herein shall be submitted in a form suitable to the TOWNSHIP and, where necessary, suitable for registration.
- 3) The PARTIES agree that this Agreement must be registered against the OWNER'S Lands within thirty (30) days of the execution thereof by the TOWNSHIP;
- 4) The OWNER agrees to have the TOWNSHIP register this Agreement at the expense of the OWNER.

SECTION IV - BUILDING PERMITS

- 1) The OWNER agrees to not request the Chief Building Official to issue a building permit to carry out the development until this Agreement has been registered on title to the Lands and a copy of the registered Agreement has been provided to the TOWNSHIP.
- 2) It is agreed that if the OWNER fails to apply for any building permit or permits to implement this Agreement within 12 months from the date upon which such building permit would be available, then the TOWNSHIP, at its option has the right to terminate this Agreement and the relate approval and require that a new Site Plan application be submitted for approval and execution.

SECTION V – PROVISIONS

- 1) The OWNER covenants and agrees to develop the Lands in accordance with the Approved Plans referred to in Schedule "B", and that no work will be performed on the Lands except in conformity with all provisions of this Agreement.
- 2) The OWNER acknowledges that the Lands contain steep slopes or are on a special lake or narrow waterbody where the location of structures and the preservation of vegetation are important in maintaining the natural integrity of the Muskoka landscape.
- 3) The OWNER further agrees to preserve and maintain all natural vegetation, healthy trees, and any natural watercourses on the Lands which are located beyond building sites, as shown on the Approved Plans as listed in Schedule "B", in order to provide a visual screen and environmental buffer. The OWNER also agrees to allow any disturbed areas of the Lands to regenerate and to plant further vegetation and trees if necessary from time to time if there is a loss of the shoreline vegetative buffer due to or as result of construction or development work having been carried out on the Lands or environmental conditions. The shoreline vegetative buffer shall be maintained to the satisfaction of the Director of Planning or their designate.
- 4) The OWNER acknowledges that the Lands described in Schedule "B", are considered significant deer wintering habitat by the Ministry of Natural Resources. As a result of this, and for the protection of adjoining lands, the OWNER hereby agrees that no existing trees or other vegetation shall be removed or diminished from the Lands without prior written consent from the Township. It is understood that approval will be given for the removal of vegetation to provide for a building envelope, a septic system location, access and removal of dead trees.
- 5) The OWNER further agrees to complete all landscaping and re-naturalization in those areas designated for such and in accordance with the Approved Plans referred to in Schedule "B". The OWNER shall replace any unsatisfactory landscape components, trees, and/or plant material not in a healthy growing state, as soon as possible. All proposed planting and landscaping features shall utilize nursery stock native tree, shrub, and grass species, and all proposed trees shall be a minimum of five feet in height when planted, unless otherwise detailed on Schedule "B".

- 13) Upon completion of the works detailed on the approved Plans and/or as detailed in Schedule "B", the OWNER agrees to contact the Planning Department of the Township of Muskoka Lakes in order to arrange for a final site inspection. The OWNER further agrees and hereby consents to the entry of an authorized agent or employee of the Township onto the Lands, for the purpose of carrying out an inspection to ensure compliance with this Agreement.
- 14) The OWNER shall pay to the Township any property taxes that are due and owing to the Township in relation to the lands affected by this Agreement prior to its registration on title.

SECTION VI - BINDING PARTIES, ALTERATION, AMENDMENT, EFFECT, NOTICE,  
PENALTY

- 1) This Agreement may only be amended or varied by a written document of equal formality herewith duly executed by the parties hereto and registered against the title to the Lands.
- 2) The OWNER shall complete the items detailed on the Approved Plans listed in Schedule "B" within two (2) years from the date of registration of this Agreement, failing which the OWNER shall be deemed to be in default under the terms of this Agreement and the Township shall be entitled to take all steps necessary to enforce the terms of this Agreement all at the expense of the OWNER.
- 3) Time shall always be of the essence of this Agreement. Any time limits specified in this Agreement may be extended with the consent in writing of both the OWNER and the Township, but no such extension of time shall operate or be deemed to operate as an extension of any other time limit, and time shall be deemed to remain of the essence of this Agreement notwithstanding any extension of any time limit.
- 4) Following completion of the works, the OWNER shall maintain to the satisfaction of the TOWNSHIP, and at the sole expense of the OWNER, all the facilities or works described in the Approved Plans referred to in Schedule "B".
- 5) This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and lawful assigns.
- 6) The OWNER further agrees that upon the transfer of the ownership of the lands, the Township shall not be required to return any security required to be provided under this Agreement until the new owner (transferee) provides the Township a substitute cash, letter of credit or such other security as may be permitted in the required amounts to the satisfaction of the Township.
- 7) The Agreement shall come into effect on the date of registration by the TOWNSHIP.
- 8) The OWNER acknowledges that this Agreement is entered into under the provisions of Section 41(10) of the Planning Act R.S.O. 1990, as amended, and that the expenses of the TOWNSHIP arising out of the enforcement of this Agreement may be recovered as taxes under Section 427 of the Municipal Act, S.O. 2001, c.25.
- 9) The parties covenant and agree with each other not to call into question or challenge, directly or indirectly, in any proceeding or action in court, or before any administrative tribunal, the party's right to enter into and enforce each and every term, covenant and condition herein contained in this Agreement. The law of contract applies to this Agreement and the parties are entitled to all remedies arising from it, notwithstanding any provision in Section 41 of the Planning Act interpreted to the contrary. The parties agree that adequate consideration has flowed from each party to the other and that they are not severable. This provision may be pleaded by either party in any action or proceeding as an estoppel of any denial of such right.



OWNER'S NAME AND ADDRESS:

AREA MUNICIPALITY: Clerk,  
Township of Muskoka Lakes,  
P.O. Box 129,  
Port Carling, Ontario,  
POB 1J0.

IN WITNESS WHEREOF the OWNER and the TOWNSHIP have caused their corporate seals to be affixed over the signatures of their respective signing officers.

SIGNED, SEALED AND DELIVERED  
in the presence of:

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Print name of Witness

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Print name of Witness

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Print name of Owner

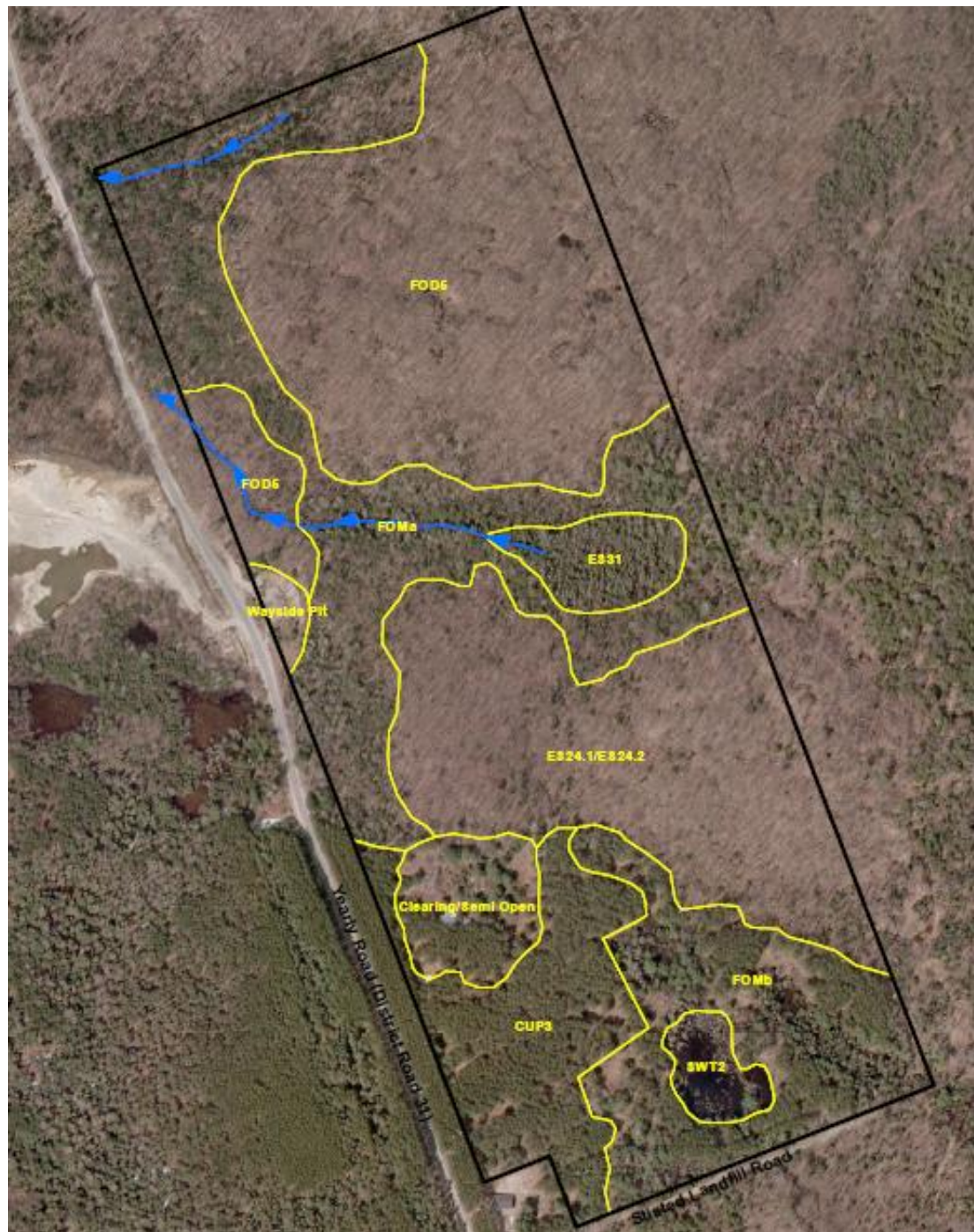
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Signature of Owner

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Print name of Owner

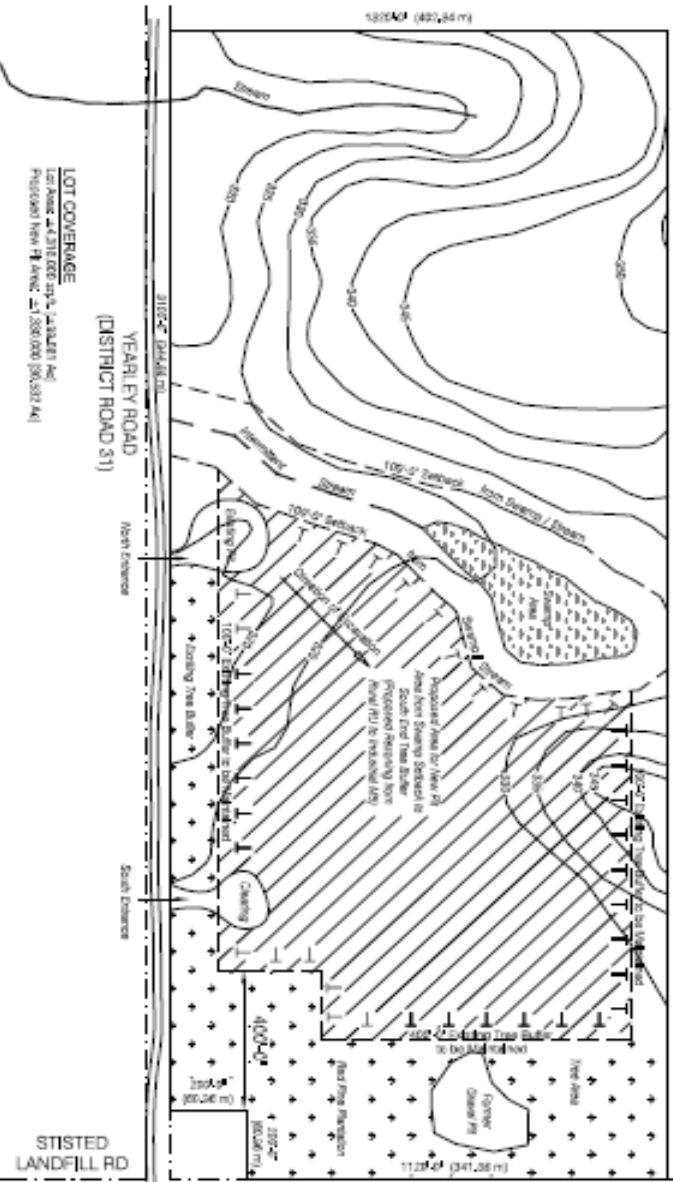
THE CORPORATION OF THE  
TOWNSHIP OF MUSKOKA LAKES

\_\_\_\_\_  
Mayor  
Alice Murphy

\_\_\_\_\_  
Clerk  
Cheryl Mortimer



PLAN OF  
 CONCESSION 7, PART LOT 11  
 FORMER TOWNSHIP OF STIBTED  
 NOW IN THE  
 TOWN OF HUNTSVILLE  
 DISTRICT MUNICIPALITY OF MUSKOKA



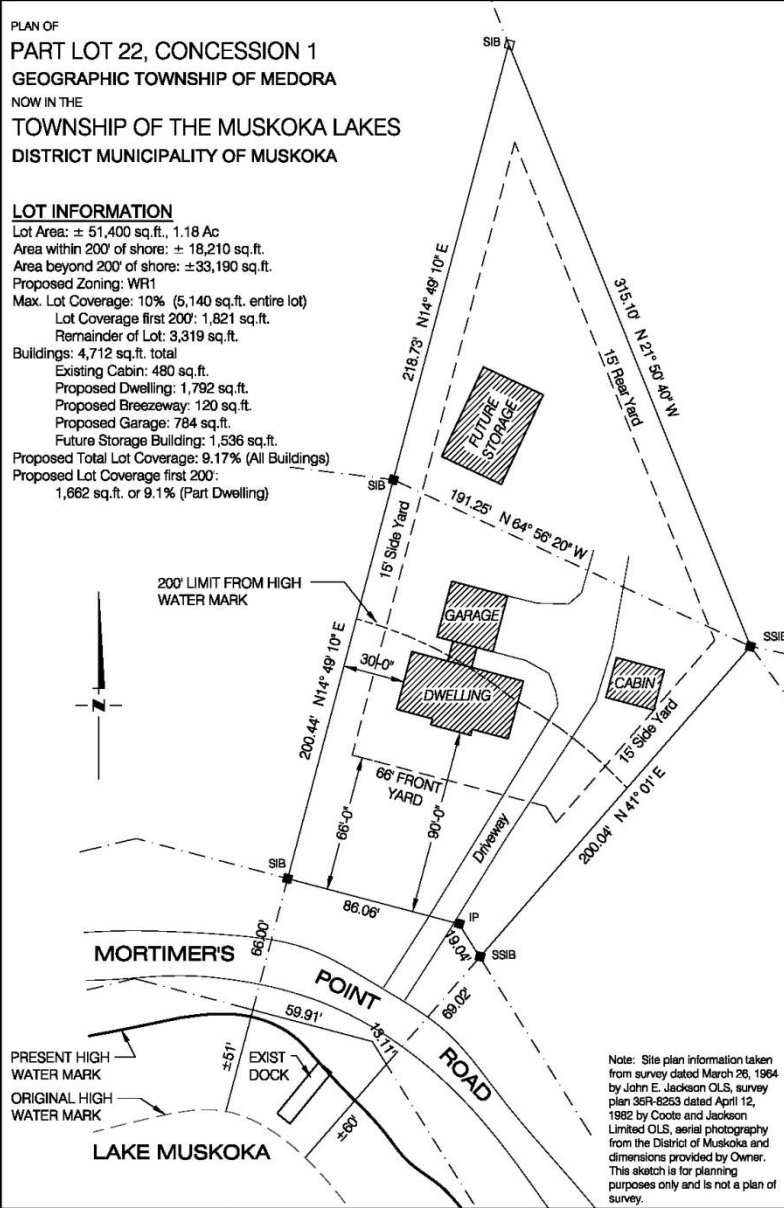
**LOT COVERAGE**  
 LOT AREA: 4,317,000 sq. ft. (99.04 ha)  
 PROPOSED NEW FLOOR AREA: 2,350,000 sq. ft. (54.02 ha)

<b>THE DRAWING BOARD</b> Architectural Design P.O. Box 244 Port Cartier, ON P0B 1J0 TEL (705) 786-2299 FAX (705) 782-1142	Project	Earl Sand & Gravel Pit	Drawn by	The Zoning Schedule Site Sketch	Scale: 1" = 300'	Project No.	18-43
	1223 Valley Road				Issue: Revision 5 Date: December 16, 2019 Revision Number	Drawn by:	TWO
						Drawing Number:	SP-1

PLAN OF  
**PART LOT 22, CONCESSION 1**  
**GEOGRAPHIC TOWNSHIP OF MEDORA**  
 NOW IN THE  
**TOWNSHIP OF THE MUSKOKA LAKES**  
**DISTRICT MUNICIPALITY OF MUSKOKA**

**LOT INFORMATION**

Lot Area: ± 51,400 sq.ft., 1.18 Ac  
 Area within 200' of shore: ± 18,210 sq.ft.  
 Area beyond 200' of shore: ± 33,190 sq.ft.  
 Proposed Zoning: WR1  
 Max. Lot Coverage: 10% (5,140 sq.ft. entire lot)  
 Lot Coverage first 200': 1,821 sq.ft.  
 Remainder of Lot: 3,319 sq.ft.  
 Buildings: 4,712 sq.ft. total  
 Existing Cabin: 480 sq.ft.  
 Proposed Dwelling: 1,792 sq.ft.  
 Proposed Breezeway: 120 sq.ft.  
 Proposed Garage: 784 sq.ft.  
 Future Storage Building: 1,536 sq.ft.  
 Proposed Total Lot Coverage: 9.17% (All Buildings)  
 Proposed Lot Coverage first 200':  
 1,662 sq.ft. or 9.1% (Part Dwelling)



Note: Site plan information taken from survey dated March 26, 1964 by John E. Jackson OLS, survey plan 36R-8253 dated April 12, 1962 by Coote and Jackson Limited OLS, aerial photography from the District of Muskoka and dimensions provided by Owner. This sketch is for planning purposes only and is not a plan of survey.

<p><b>THE DRAWING BOARD</b>          Architectural Design          P.O. Box 248          Port Carling, ON P0B 1J0          Tel (705) 785-0300          Fax (705) 785-1142</p>	Project: <b>WEATHERILL</b> 1239 Mortimer's Point Road	Project No.: 13112
	Scale: 1" = 50'-0"	Drawing Title: <b>SITE PLAN</b>
Issue: Application	Date: April 29, 2013	Drawing Number: <b>A-1</b>

# TREE PRESERVATION BYLAW



- Passed under Section 135 of the Municipal Act
- Municipal Act allows for considerable amount of latitude
- Bylaw can contain provisions for Stop Work Order and Order to Remedy

# Tree Preservation Bylaw (cont'd)

- Core themes considered:
  - Area along shoreline
  - Areas zoned Environmental Protection (wetlands)
  - Scenic Corridors
  
- Muskoka Lakes BL is model for Province
  
- Restoration successes / soft sell approach to enforcement

# THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

## BY-LAW NUMBER 2008 - 55

**A By-law of The Corporation of the Township of Muskoka Lakes to  
conserve, prohibit, protect, restrict, and regulate the possible  
harvesting, removal, injuring, damaging and destruction of trees on  
(private) property in the Township of Muskoka Lakes**

**WHEREAS**, Section 135 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, permits the enactment of a By-law by the Council of The Corporation of the Township of Muskoka Lakes to prohibit and regulate the destruction or injuring of trees by cutting, burning or other means;

**AND WHEREAS**, pursuant to Section 135(7) of the Municipal Act, a municipality may require that a permit be obtained for the injuring or destruction of trees or any class of trees specified in the By-law and impose conditions including those relating to the manner in which destruction occurs and the qualification of persons authorized to destroy or injure trees;

**AND WHEREAS**, the Council of The Corporation of the Township of Muskoka Lakes deems it desirable in the public interest to enact a Tree Preservation By-law for the purposes of:

- Protecting vegetation in Shoreline Vegetative Buffers for the purpose of habitat protection, water quality, aesthetics, and implementing the District of Muskoka Lake System Health Program;
- Protecting and conserving vegetation in Environmental Protection Areas;
- Retention of tree cover in Scenic Areas and Scenic Corridors;
- Minimizing the destruction or injuring of trees;
- Regulating and controlling the removal, maintenance and protection of trees;
- Protecting, promoting and enhancing the aesthetic values of land;
- Sustaining a healthy natural environment;
- Protecting significant and sensitive natural areas to ensure maximum environmental benefits of trees in both urban and rural settings;
- Contributing to human health and quality of life through the maintenance of tree cover.

**NOW THEREFORE**, the Council of The Corporation of the Township of Muskoka Lakes enacts as follows:

### 1. **Definitions**

In this By-law:

- (a) "Applicant" means the person who submits an application for a permit under this By-law;
- (b) "Breast height" refers to a point of measurement 1.37 metres above the highest point on the tree where the ground meets the trunk;
- (c) "Building Permit" means a building permit issued under the Building Code Act, 1992, S.O. 1992, c. 23, as amended;
- (d) "Clerk" means the Clerk of Township;
- (e) "Council" mean the Council of The Township;
- (f) "Crown" means the upper part of a tree, which includes the branches and leaves;
- (g) "Destroy" means the removal of a tree or harm resulting in the death, ruin, or removal of a tree by cutting, burning, uprooting, chemical application or other means including irreversible injury that may result from neglect, accident or design and the term "destruction" shall have a corresponding meaning;
- (h) "Diameter" means the diameter of the stem of a tree measured outside the bark at a specified point of measurement;
- (i) "Director" means the Director of Planning for the Township or his or her designate provided such designate is an officer appointed under this By-law;
- (j) "DBH" is also known as "diameter at breast height" and refers to the diameter of the stem of a tree measured at a point 1.37 metres (4.5 feet) above the highest point on the tree where the ground meets the trunk;

- (k) "Injure" means to harm, damage or impair a tree and includes, but is not limited to, harm, damage or impairment caused by changing grades around a tree, compacting soil over root areas, severing roots, improper application of chemicals, improper pruning or the removal of branches and bark and the term "injury" shall have corresponding meaning;
- (l) "Major Damage" to a tree means any one of:
- (i) a wound greater than the square of the DBH of the tree (for example, a wound with an area of 100 square centimeters is major damage to a tree with a DBH of 10 cm),
  - (ii) any wound greater than 1000 square centimeters,
  - (iii) if the wound in paragraph 1 (m)(i) or 1(m)(ii) contacts the ground then the wound shall be considered major damage if it is 50% of the size specified in paragraph 1(m)(i) or 1(m)(ii) respectively,
  - (iv) broken branches destroying more than 50% of the Crown,
  - (v) the exposure, severing or compaction of more than 25% of the root area,
  - (vi) the breaking off of any tree,
  - (vii) the noticeable tipping of any trees,
  - (viii) a cut greater than 1/3rd of the DBH or a cut with a depth of 1/10th of the DBH.
- (m) "Officer" means any person designated by this or any other By-law of the Township to issue permits and impose conditions and to enforce the permits, and such Officers are so designated pursuant to Schedule "C" to this By-law;
- (n) "Owner" means the registered Owner(s) of the property;
- (o) "Permit" means the authorization from the Director or his or her designate provided such designate is an Officer, to injure or destroy trees pursuant to this By-law;
- (p) "Person" means any individual, corporation, partnership, association, firm, trust, or other entity and includes anyone acting on behalf or under the authority of such entity;
- (q) "Remove, Removes or Removal" means to move from a place or position occupied; or
- (i) To transfer or convey from one place to another; or
  - (ii) To take off; or
  - (iii) To take away; withdraw; or
  - (iv) To do away with; eliminate.
- (r) "Scenic Corridor" or "Scenic Area" means lands so designated by the zoning by-law and having the suffix "-s"
- (s) "Shoreline Vegetative Buffer" means the natural area maintained in its predevelopment state:
- i) 50 feet wide abutting and running parallel to the high water mark of a navigable waterway for those lands designated as Waterfront in the Township Official Plan,
  - ii) 25 feet wide abutting and running parallel to the high water mark of a navigable waterway for those lands designated as Urban Centres or Communities in the Township Official Plan.
- (t) "Site" means the area of land containing any tree(s) proposed to be injured;
- (u) "Township" and "Township of Muskoka Lakes" means The Corporation of the Township of Muskoka Lakes;
- (v) "Tree" means a plant of any species of woody perennial plant including its root system which has reached or can reach a height of at least 4.5 metres (15 feet) at physiological maturity;
- (w) "Zoning By-law" means the By-law regulating land use as provided for under the Planning Act within the Township.

## 2. LAND SUBJECT TO THIS BY-LAW

This by-law applies to the following lands within the Township:

- I. All lands within 200 feet of a navigable waterway in the Waterfront as designated in the Official Plan,
- II. All lands within 25 feet of a navigable waterway in the Urban Centre or Community designation in the Official Plan,
- III. All lands zoned Environmental Protection (EP1) in the Township Comprehensive Zoning By-law,
- IV. All lands zoned Scenic Corridor in the Township Comprehensive Zoning By-law.



### 3. PROHIBITIONS

Subject to Section 3 of this By-law:

- (a) No person shall injure or destroy a tree within 15 metres (50 feet) of a navigable waterway for those lands designated as Waterfront in the Township Official Plan and within 7.5 metres (25 feet) of a navigable waterway for those lands designated Urban Centre or Community in the Township Official Plan;
- (b) No person shall injure or destroy a tree within an area zoned Environmental Protection (EP1) in the Township's Comprehensive Zoning By-law;
- (c) No person shall injure or destroy a tree in an area zoned as a Scenic Corridor or Scenic Area in the Township's Comprehensive Zoning By-law within a distance of 100 feet from the front lot line;
- (d) No person shall injure or destroy a tree on land where a permit is required to do so, unless such permit has been obtained in advance;
- (e) No person shall fail to comply with an Order issued under this By-law;
- (f) No person shall pull down or deface an Order posted under this By-law;
- (g) No person shall fail to produce or post permit.
- (h) No person shall obstruct or interfere with an Officer, or any person or agent authorized by an Officer, in the discharge of his or her duties under this by-law. Such action shall be considered a violation of this By-law.

### 4. EXEMPTIONS FROM APPLICATION OF BY-LAW

The provisions of this By-law do not apply to:

- (a) Trees injured or removed by or with the permission of the Township of Muskoka Lakes that are situated on lands owned or controlled by it;
- (b) The removal of damaged or destroyed trees in the interests of public safety, health and general welfare following any man-made or natural disasters, storms, high winds, floods, fires, snowfalls, freezes, or as a result of insects, disease or wildlife;
- (c) Activities or matters undertaken by the Township, District of Muskoka or a local board of the Township;
- (d) Activities or matters undertaken by the provincial government or federal government or their authorized agents;
- (e) The destruction or injury of trees required in the exercise of the rights or powers of a hydroelectric corporation or any public utility board or commission;
- (f) Activities or matters authorized under the *Crowe Forest Sustainability Act, S.O. 1994*;
- (g) Trees cut by a person licensed under the *Sawyer's Act, R.S.O. 1990, c. 5.29* to engage in the practice of cadastral surveying or any person in his or her employ while making a survey;
- (h) Trees that are part of plantations for the purposes of an orchard, nursery, or Christmas tree farm;
- (i) Trees measuring less than 25 millimetres (1 inch) DBH;
- (j) The removal of dead, dangerous, diseased or severely injured trees or stumps, in accordance with good forestry practice;
- (k) The pruning of tree branches in accordance with good arboricultural practice to maintain, improve, or protect tree health and surrounding forest health while maintaining the tree's natural shape;
- (l) The injuring or removal of trees that is required in order to erect any building, structure or thing in respect of which a building permit is issued and has taken into consideration the protection of trees surrounding the structure or work within the building envelope, provided that no tree is removed or injured that is located more than 5 m (15 ft) from the outer edge of the building, structure, septic system, or thing;

- (m) The injuring or removal of trees that is required to erect any structure or thing permitted as an exemption to the front yard setback in the Comprehensive Zoning By-law provided that no tree is removed or injured that is located no more than 3m (10 feet) from the outer edge of the structure or thing;
- (n) The injuring or destruction of as a condition of the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53 of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (o) The injuring or destruction of trees imposed as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (p) The injuring or destruction of trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distributor system, as those terms are defined in that section;
- (q) The injuring or destruction of trees undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
- (r) The injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
  - i) That has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
  - ii) On which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*.
- (s) The injuring or destruction of trees necessary for one driveway no wider than 4.5m (15 ft.) to access a property in an area zoned as a Scenic Corridor or Scenic Area in the Township's Comprehensive By-law.
- (t) The injuring or destruction of trees for the purpose of one temporary access road no wider than 4.5m (15 ft.) on properties only accessible by water.

**5. APPLICATION FOR PERMIT TO INJURE OR DESTROY TREES**

A permit is required under this By-law as follows:

- (a) A permit is required under this By-law for lands outside of the Shoreline Vegetative Buffer but within 200 feet of the high water mark of a navigable waterway.
- (b) Every person who intends to injure or destroy a tree where a permit to do so is required under this By-law shall first complete and submit an application to the Township containing the information set out in Schedule "A" to this By-law, in such form as may be approved by the Director;
- (c) Each application shall be accompanied by the prescribed fee payable in accordance with Schedule "B", to this By-law;
- (d) As part of the application for a Permit, the owner shall permit an officer to enter upon his or her property and undertake such site inspections as may be required to consider the application. An officer may undertake a site inspection prior to, during and after the proposed activity.
- (e) An application for a Permit shall be deemed incomplete, and no Permit be issued if,
  - (i) The application has not been completed in full;
  - (ii) The owner/applicant has not signed the application;
  - (iii) The party who will be undertaking or responsible for the injuring or destruction of trees has not signed the application;
  - (iv) The application fee has not been paid; or
  - (v) Any required inspections have not been undertaken.

**6. RENEWAL OR TRANSFER**

- (a) A permit may be transferred or renewed upon application to the Township, if the Owner is in compliance with the existing Permit. A permit may be renewed a maximum of two times. A transferred Permit expires on the date that the existing Permit was due to expire. A renewed Permit expires one year after the expiry date of the previous Permit.

protected trees adjacent to or on the land where the tree destruction or injury is to take place.

- (e) An Officer, appointed by resolution of Council, or any person authorized by an Officer, may at all times enter upon and inspect any land for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, determining compliance with an Order issued under Section 13 of this By-law or laying charges under this By-law.

#### **9. DURATION OF PERMIT**

- (a) Every permit shall be issued to the applicant and shall expire twelve (12) months after issuance. For greater certainty, to the extent that the expiry date would occur during the restricted period between March 15 to April 30 in any year as provided in Paragraph 7(b) below, the expiry date in the permit shall be deemed to have been extended to a date in the month next following the restricted period that would have the effect of granting the permit to an owner for a full twelve month period clear and not including the restricted period.
- (b) All permits for the injury or destruction of trees will be deemed not to be in effect during the period of March 15 to April 30. The Director may grant exemptions to this requirement in writing having regard to the potential for rutting soil and subsequent damage to the ecology.
- (c) The Director may extend the expiration date of a Permit if a written request for an extension is received by the Director a minimum of 10 working days before the date the Permit expires. Any request that is received after this time may require the submission of a new application. In no case shall the Director extend a Permit for a period of greater than one year.

#### **10. REVIEW OF DECISIONS OF DIRECTOR**

An Applicant for a Permit under this By-law may request a review by Council:

- (a) where the Director refuses to issue a permit, within ten (10) days after the refusal; or
- (b) if the Director fails to make a decision on a complete Application, within thirty (30) days after an application is received by the Director, or
- (c) if the Applicant objects to a condition in the permit, within thirty (30) days after the issuance of the permit.

#### **11. DESIGNATION OF OFFICERS**

In addition to the Township's Municipal By-law Enforcement Officers, who are deemed to be designated as Officers for the purposes of enforcing this By-law, the individuals employed by the Township and filling the positions set out in Schedule "B" are hereby designated as Officers pursuant to the provisions of this By-law and the Clerk is authorized to issue Certificates of Designation to these individuals.

#### **12. INSPECTIONS BY AN OFFICER**

- (a) During daylight hours and upon producing a Certificate of Designation, an officer, may enter and inspect any land to which this By-law applies at any time.
- (b) Any person who obstructs an officer in carrying out an inspection under this By-law is guilty of an offence.

#### **13. ORDERS**

- (a) Where an officer is satisfied that a person has contravened any provision of this By-law, the officer may make an Order requiring the person to stop the injuring or destruction of trees and shall set out the particulars of the contravention. The Order shall set out the information contained in Schedule "D".
- (b) Where the Director is satisfied that a person has contravened any provisions of this Bylaw, the Director may make a Repair Order requiring the person to rehabilitate the land or to plant or replant trees in such a manner and within such a period as the Director considers appropriate, including any silvicultural treatment necessary to re-establish the trees.
- (c) An Order issued under this section may be served personally or served by sending it by registered mail to the last known address of,
  - (i) The owner of the property at the address shown on the municipal tax rolls; and
  - (ii) The person identified as injuring, destroying or harvesting a tree or trees.

# SITE ALTERATION BYLAW



- Passed under Section 142 of the Municipal Act
- Similar provisions to Tree Preservation Bylaw
- Defining significant site alteration (blasting)
- Works hand in hand with Tree Preservation BL

# Implementation (Subdivision)

- Zoning: setbacks, density, define buffer, EP location
- Sub. Agreement: recognize EP area, land dedication, timing of works, will enter into SPs, implementation of EIS, registered on title
- Site Plans: renaturalization plan, securities, usually required prior to building permit, registered on title

# Environmental Constraints and Opportunities and Development Concept

## Figure 3

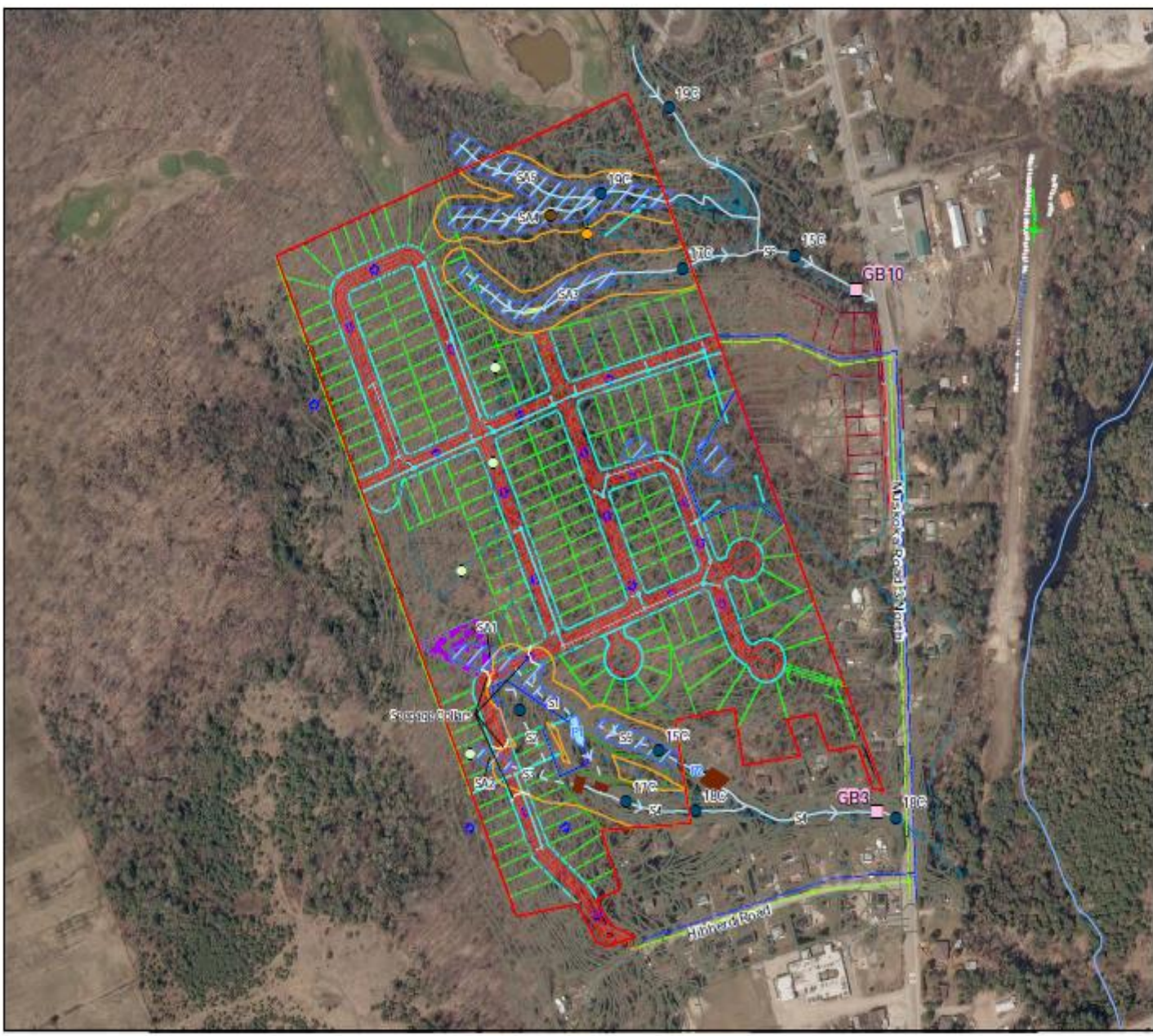
Huntsville Haven Environmental Impact Study

### Legend

- Subject Property
- Direct Fish Habitat
- Indirect Fish Habitat
- SA-1: Seepage Area #1
- S1: Stream Reach #1
- Gypsy Bill Creek
- GB3: Woolen (2006) Brook Trout Sampling Locations
- 20 m Watercourse Buffer
- Seepage Collars
- Water Temperature Monitoring Locations
- Fish Barriers
- Seepage Zone
- Groundwater Conveyance Corridor
- Pond
- Rare/Uncommon Plants
- Caulophyllum thalictroides
- Sorbus decorus
- Bristle-Stalked Sedge

First Base Solutions Web Mapping Service	
UTM Zone 17 N, NAD 83	
<div style="display: flex; justify-content: space-between; width: 100%;"> <span>0</span> <span>45</span> <span>90</span> <span>180 Meters</span> </div>	1:4,000

Project 210089  
November 2010



# Implementation (Rezoning)

- Can only deal with matters in Section 34 (use, location, density)
- Can define buffer, location of EP area
- Must rely on site plan control, can withhold third reading

# CONCLUSIONS (Cottage Country Challenge)

- Planning is a complicated set of processes
- Documents have variety of functions that are not well understood
- Sometimes lack of expertise at local municipalities
- Followup / Enforcement challenges



The End

