

TOWNSHIP OF ALGONQUIN HIGHLANDS

ZONING BY-LAW REVIEW



Presentation
to
Council

July 18, 2013

PROCESS TO DATE

Council Presentation – June 21, 2012

Initial Public Open House – July 14, 2012

Response to Comments – July 29, 2012

Second Public Open House – October 13, 2012

Revised Mapping – Throughout

Discussions with Planning Administrator and Chief Building Official

Review of Comments Received

MAPPING REVISIONS

- Number of Zoning Maps has been increased from 18 to 74.
- Mapping revised to incorporate the property fabric from the County of Haliburton.
- Each property reviewed for the appropriate zone based on the existing zoning, Official Plan policies, and MPAC property codes.
- Where required, site visits undertaken.
- Establishment of a new Crown Land zone to apply to Crown Lands.
- Extractive Industrial (M2) Zoning revised so that only licensed pits and/or quarries are zoned with an M2 zoning applied to Licensed Pits and M2A zoning applied to Licensed Quarries.
- Shoreline Residential properties zones either SR1 or SR2, with SR1 Zone applied to lots fronting on a municipal road and SR2 Zone applied to lots with water access or private road access

ADMINISTRATION

- Single Patented property in Nightingale recognized and zoned SR2.
- SR2 Zone properties identified as having restricted access and thus public services may be limited.

COMPLIANCE

- Provision respecting enforcement of By-law.
 - Can enter property but not dwellings as per Planning Act

- Transition period for Minor Variances, Site Plans and Building Permits
 - Minor Variances can proceed within 3 years of By-law even if they do not comply with revised provisions.
 - Site Plans deemed to comply with By-law.
 - Building Permits permitted to continue.

DEFINITIONS

- Additional definitions added and some existing definitions revised.
- Intention is that all permitted uses would be defined to assist with interpretation and administration.
- Of particular note:
 - Accessory apartment defined as it is a new permitted use being added to the By-law.
 - Seasonal Dwelling deleted as By-law will no longer distinguish between Permanent and Seasonal dwellings.
 - Lot Area clarified that it does not include OSRA in calculation if it has not been closed.
 - Lot Coverage clarified as including all covered buildings and structures, including boathouses and boatports.

GENERAL PROVISIONS – Accessory Apartments

- New provision to implement Provincial policy
- One accessory apartment permitted in a single detached dwelling.
- Limited to the Rural, Rural Residential and Hamlet Residential zones.
- Size restricted to 35% of the gross floor area of the single detached dwelling or 60.0 square metres, whichever is less.
- Provision of adequate services.
- Satisfy all fire, health and safety regulations.

GENERAL PROVISIONS – Shoreline Structures

Original Shore Road Allowance

- If not owned, uses are limited to a dock, pumphouse, and access pathway.
- If purchased, additional structures may be permitted such as boathouse, boatport, sauna, gazebo, utility shed and free-standing deck

Width of Shoreline Structures

- Applies to dock, boathouse, boatport, boatlift and marine railway.

Existing Requirement	New Requirement
<ul style="list-style-type: none">➤ Width of shoreline structures not to exceed 30% of lot frontage to maximum of 20 metres for all shoreline lots.	<ul style="list-style-type: none">➤ 30% of lot frontage to maximum of 15 metres for residential uses.➤ 30% of lot frontage to maximum of 30 metres for commercial development .➤ 50% of lot frontage to maximum of 45 metres for marinas.

GENERAL PROVISIONS – Shoreline Structures

Docking Facilities

Existing Requirement	New Requirement
<ul style="list-style-type: none">➤ 3 to 6 metre side lot setback➤ 10 metre setback for commercial lots abutting residential	<ul style="list-style-type: none">➤ 4.5 metre side lot setback for all lots➤ 15 metre maximum length within residential zones➤ Gazebos, pergolas and similar structures not permitted on a dock

Boathouse/Boatport

- Clarify that no decks are to be attached to boathouse and the roof of a flat roof boathouse or boatport shall not be used as a deck.

GENERAL PROVISIONS – Shoreline Structures

Gazebos, Utility Shed and Sauna

Existing Requirement	New Requirement
<ul style="list-style-type: none"> ➤ No specific restriction on number ➤ Restricted to 9 square metres in size if located within 20 metres of a waterbody. ➤ 3 to 6 metre setback from side lot line ➤ No setback requirement from shoreline 	<ul style="list-style-type: none"> ➤ Restricted to one of each ➤ Restricted to 10 square metres in size if located within 30 metres of a waterbody. ➤ 4.5 metre setback from side lot line ➤ 4.5 metre setback from shoreline

Pumphouse

Existing Requirement	New Requirement
<ul style="list-style-type: none"> ➤ No restriction on number ➤ 3 to 6 metre setback from side lot line ➤ Restricted to 6 metres in height and no restriction on size 	<ul style="list-style-type: none"> ➤ Restricted to one of each ➤ 4.5 metre setback from side lot line ➤ Restricted to 2.0 metres in height and 2.5 sqm in size

GENERAL PROVISIONS – Shoreline Structures

Free-standing, Unenclosed Decks

Existing Requirement	New Requirement
<ul style="list-style-type: none">➤ No restrictions	<ul style="list-style-type: none">➤ Restricted to one within 30 metres of shoreline➤ Restricted to 25 square metres in size.➤ 4.5 metre setback from side lot line➤ 4.5 metre setback from shoreline➤ 1.0 metre in height

GENERAL PROVISIONS – Accessory Apartments

Existing Requirement	New Requirement
<ul style="list-style-type: none">➤ No restrictions	<ul style="list-style-type: none">➤ Restricted to one per 30 metres of frontage➤ Not permitted if lot abuts shoreline or OSRA➤ One parking space for each apartment required.

GENERAL PROVISIONS – Non-complying Buildings

- Buildings damaged by causes beyond control of owner can be reconstructed provided reconstruction occurs within three (3) years of damage.
- Where more than one single detached dwelling exists on a lot and only one is permitted, no extension or reconstruction of either is permitted, except as above.

GENERAL PROVISIONS – Existing Lots

- Existing vacant lots within the SR1 and SR2 zones required to have 30 metres of frontage and 0.3 hectares of area to permit development.

GENERAL PROVISIONS – Hunt Camps

- Do not require frontage on a improved public street.
- Limited to one Hunt Camp per property.
- All buildings to be setback 30 metres from all lot lines.

GENERAL PROVISIONS – Outdoor Wood Burning Furnaces

- 30 metre setback from all lot lines.
- Requirement for a building permit.
- Construction to be in compliance with manufacturer's instructions.

GENERAL PROVISIONS – Outside Display and Storage

Outside Display

- Accessory to a commercial use.
- Not to be located in an area required for parking, loading space or landscaping.
- Satisfy yard requirements for the zone in which it is located.

Outside Storage

- Located behind the front or exterior wall of main building facing any street.
- Satisfy all yard requirements.
- To be screened from adjacent uses and streets by a building, fence or landscaping.
- Not to be located in an area required for parking, loading space or landscaping.

GENERAL PROVISIONS – Refreshment Vehicles

- Permitted within Commercial Zones only.
- Not permitted on Municipal Road Allowances.
- Not permitted within parking lot if it would result in a deficiency in parking requirement.
- 3.0 metre setback from all lot lines.
- Not to exceed 10.0 square metres in size.

GENERAL PROVISIONS – Shoreline Buffer

Existing Requirement	New Requirement
<ul style="list-style-type: none">➤ 20 metre depth from shoreline of property with exception of 30% of width of frontage.	<ul style="list-style-type: none">➤ 30 metre depth from shoreline of property.➤ 80% of shoreline area to be maintained as buffer within residential zone.➤ 70% of shoreline area to be maintained as buffer within commercial zone.

NEW ZONES

CROWN LAND (CL) ZONE

- Applies to all Crown Land in the municipality.
- Formerly zoned Rural.
- Intention is to distinguish Crown lands from private lands.

WATERBODY OPEN SPACE (WOS) ZONE

- Applies to all lands underwater located below the high water mark.
- Docks, boatports and boathouses are permitted, if they are permitted in accordance with the provisions related to docks, boatports and boathouses and provided that they are an accessory use to the permitted uses of the nearest abutting zone above the high water mark.

EXTRACTIVE INDUSTRIAL PITS (M2) ZONE

- Applies to properties licensed by the Ministry of Natural Resources as a Pit Operation only.

EXTRACTIVE INDUSTRIAL PITS & QUARRIES (M2A) ZONE

- Applies to properties licensed by the Ministry of Natural Resources as a Quarry Operation .

PERMITTED USES

OPEN SPACE ZONE

Existing Requirement	New Requirement
<ul style="list-style-type: none">➤ Residential➤ Golf Course➤ Golf Driving Range➤ Equestrian Facility➤ Conservation➤ Public Use	<ul style="list-style-type: none">➤ Conservation➤ Public Use➤ Park➤ Recreational Trail

RESIDENTIAL ON NON-RESIDENTIAL ZONED LOTS

Existing Requirement	New Requirement
<ul style="list-style-type: none">➤ Single Detached Dwelling permitted in following zones: Open Space Highway Commercial Recreational Commercial General Industrial	<ul style="list-style-type: none">➤ Delete as permitted in General Industrial zone.➤ Permit within other zones only as an accessory use.

PERMITTED USES

PERMITTED USES IN SR1 AND SR2 ZONES

Existing Requirement	New Requirement
<ul style="list-style-type: none">➤ SR1 Zone permits Single Detached Dwelling➤ SR2 Zone permits Seasonal Dwelling	<ul style="list-style-type: none">➤ Allow Single Detached Dwelling in both SR1 and SR2 Zones and no longer distinguish between permanent and seasonal.

WATERFRONT DEVELOPMENT

COLDWATER LAKES

- By-law contains a list of coldwater lakes that are considered to be at capacity with the minimum lot size restricted to “as existing” to prevent further lot creation except in specific circumstances
- Additional lakes have been identified as being “at capacity” and include: Bear Lake, Clinto Lake, Eighteen Mile Lake, Kushog Lake, Livingstone Lake, Lower Fletcher Lake and McFadden Lake

SETBACK FOR DEVELOPMENT ON LAKES

Existing Requirement	New Requirement
<ul style="list-style-type: none">➤ 23 metres➤ 30 metres for Kawagama Lake and lots created after July 2008.	<ul style="list-style-type: none">➤ 30 metres for all lots.

RURAL AREA

RURAL RESIDENTIAL LOT SIZE

Existing Requirement	New Requirement
<ul style="list-style-type: none">➤ 0.4 hectares (1 acre) lot area➤ 60 metres (200 feet) lot frontage	<ul style="list-style-type: none">➤ 2 hectares (5 acres) lot area➤ 90 metres (300 feet) lot frontage

LOT COVERAGE

Zone	Existing Requirement	New Requirement
SR1	30%	15%
SR2	30%	15%
RU	20%	20%
RR	30%	15%
HR	30%	30%
CF	40%	40%
C1	25%	25%
C2	25%	25%
C3	40%	40%
C4	25%	25%
M1	50%	25%
M2	10%	10%
M2A	10%	10%
M3	n/a	n/a
OS	30%	20%
EP	n/a	n/a
CL	-	n/a

SHORELINE LOT COVERAGE

OTHER AREA MUNICIPALITIES

Minden Hills	15%	Lake of Bays	5-10%
Dysart et al	15%	Bracebridge	15%
Highlands East	10%	Muskoka Lakes	5-10%

EXAMPLE

- Minimum Lot Size in a SR1 and SR2 zone is 0.4 hectares (43,563 sqft)

	Existing Requirement	New Requirement
Total Lot Coverage	30% = 13,069 sqft	15% = 6,534.5 sqft
Accessory Structures	5% = 2,178 sqft	5% = 2,178 sqft
Dwelling	10,891 sqft	4,356.5 sqft

OTHER COMMENTS

- Limited Width of Dock and Boathouse Width further to 5 metres. - 15 metres proposed.
- Permit only dock and stairs on OSRA if not owned. – pumphouses proposed as also permitted
- Gazebos, sheds, saunas and boathouses should not be permitted in the front yard. – currently permitted and proposed to be permitted with limit on size
- Increase minimum water frontage requirement to 90 metres. - currently required and proposed at 60 metres
- Include a maximum dwelling size in the SR1 and SR2 zones of 2,000 sqft. - no specific dwelling size limit currently required or proposed