



## MEMO

<b>To:</b>	Erica Kellogg, Deputy Clerk – Planning & Development
<b>From:</b>	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd
<b>Date:</b>	March 17, 2025
<b>File:</b>	Housekeeping 2025 – 12153EM
<b>Subject:</b>	Overview of Proposed Zoning Housekeeping Amendment

This memo has been prepared following discussions with municipal staff regarding potential housekeeping updates to the Zoning By-law. This information has been prepared for background purposes and municipal staff and planning staff are seeking direction from Council to proceed with a housekeeping amendment, including a background information report that provides a detailed summary of the potential amendments for a Statutory Public Meeting under the *Planning Act*.

Below is a general summary of the proposed housekeeping amendments. It is recommended that the Municipality proceed with a Zoning Housekeeping Amendment for only Items #1 and #2 outlined below.

#### #1 - Minimum Dwelling Size:

Recommended Housekeeping Amendment – To include a general provision to require a minimum ground floor area of a detached dwelling of 17.5 square metres or 188 square feet, with the exception of detached dwellings within the Shoreline Residential (RS) Zone.

The Municipality is proposing a Housekeeping Amendment to ensure that all references to minimum dwelling unit sizes in the Zoning By-law are consistent with the *Ontario Building Code*. The Ontario Building Code includes a minimum dwelling size, and the legislation included in the Planning Act does not specifically reference a minimum dwelling unit size (relies solely on the requirements of the *Ontario Building Code*).

The following minimum dwelling unit sizes are included in the Zoning By-law:

- Single Detached Dwellings located in the Shoreline Residential (RS) Zone – **65 square metres or 700 square feet.**
- Tiny Homes – **17.5 square metres or 188 square feet.**
- Additional Dwelling Units (Attached) – **42 square metres or 450 square feet.**

The Zoning By-law currently includes a minimum dwelling unit size (minimum ground floor area) for a detached dwelling in the Shoreline Residential (RS) Zone. The minimum ground floor area for a single detached dwelling on a property that is located in the RS Zone is 65 square metres or 700 square feet. This is included in Section 4.2.2 ix) of the Zoning By-law.

The Zoning By-law also currently includes provisions regarding tiny homes, in Section 3.34 of the Zoning By-law. A tiny home is a type of building that is referenced under the *Ontario Building Code*. In response to the Province's overall direction to help municipalities permit additional housing types and sizes, legislation regarding tiny homes were included in the *Ontario Building Code* and legislation regarding additional dwelling units were included in the *Planning Act*.

Additional dwelling unit provisions are included in Section 3.6 of the Zoning By-law. For an attached additional dwelling unit, the minimum size is 42 square metres or 450 square feet. There is no minimum size referenced in the Zoning By-law for a detached additional dwelling unit.

The intent of requiring a minimum ground floor area for a single detached dwelling in shoreline areas is to ensure that new dwellings are consistent with the existing built form and character. Zoning permissions within the shoreline areas are structured in a manner that permits a principal detached dwellings and accessory structures, such as a guest cabin, which are intended to be accessory or secondary in nature in terms of use to the principal building.

By permitting smaller detached dwellings within the shoreline areas may lead to a mix of development forms that may not align with the intended character of the area and may result in a number of smaller buildings on a property where there is no "principal" larger detached dwelling to be used by an owner.

It is understood that the minimum ground floor area for a single detached dwelling is 17.5 square metres or 188 square feet under the Ontario Building Code. This is consistent with the minimum size of a tiny home in the Zoning By-law.

Through discussions with the Building Department, it is recommended that a general provision be added to the Zoning By-law that requires a detached dwelling to have a minimum ground floor area of 17.5 square metres or 188 square feet. This would also include additional dwelling units to ensure the minimum sizes are consistent with the *Ontario Building Code*.

This recommended general provision will ensure that the rules are clear for those wanting to construct buildings on a property to be used as a residence and to ensure that are enforceable measures to require a building that meets the definition of a detached dwelling under the *Ontario Building Code* to require appropriate approvals from the Municipality.

At present time, it is recommended that this general provision does not apply to the SR Zone and that the existing minimum dwelling unit size remain in this zone only.

## **#2 - Two-Storey Boathouses:**

**Recommended Housekeeping Amendment – To include provisions in Section 3.1 g) of the Zoning By-law to regulate the size of attached docks and decks to boathouses, specifically two-storey boathouses.**

Through a recent housekeeping amendment, permissions for two-storey boathouses were included in the Zoning By-law. General provisions for two-storey boathouses were added to Section 3.1 g) iii) of the Zoning By-law.

Additional items are to be considered in the Zoning By-law that regulate the size of docks and decks associated with two-storey boathouses.

It is recommended that provisions be added to the sections of the Zoning By-law that apply to boathouses, to include additional provisions related to attached docks and decks to assist in regulating the size of these structures on the shoreline.

Review of other Zoning By-laws for other municipalities who permit two-storey boathouses would be undertaken to research size limitations in this instance, in order to create provisions that work in the Municipality.

### **#3 - Dwelling Units within a Boathouse:**

*Recommendation: At present time, it is recommended that the Zoning By-law not be updated to include any permissions for any type of dwelling units within boathouses, until such time Council establishes a clear direction on this matter and applies policies in the Official Plan to evaluate such uses on the shoreline.*

Through a recent housekeeping amendment, the definition of a guest cabin was updated to reflect permissions within a second storey of a boathouse. A guest cabin may include washroom facilities but does **not** include kitchen or cooking facilities.

The current Zoning By-law does not permit a dwelling unit or an additional dwelling unit within a boathouse. This means that a boathouse cannot be used as a principal dwelling unit on a shoreline property, nor can a boathouse be used as an additional dwelling unit (accessory dwelling unit to a principal dwelling unit on a shoreline lot).

The Zoning By-law does include permissions for an additional dwelling unit on a shoreline property, however an additional dwelling unit is only permitted within the Shoreline Residential (SR) Zone where the lot has a minimum lot frontage of 180 metres and the additional dwelling unit can only be located in the rear yard, i.e. located to the rear of the principal dwelling unit on the opposite side of the shoreline.

The current Official Plan or Zoning By-law does not contemplate dwelling units within a boathouse. Further, the Official Plan does not currently include policies to evaluate boathouses on shoreline properties within the Municipality.

Municipal staff have also reviewed previous Zoning By-laws and concluded although there have been periods of time where permissions have gone back and forth where two-storey boathouses were permitted, a dwelling unit (kitchen) has **never** been permitted in a **new** two-storey boathouse in the Zoning By-law.

The Municipality has the ability to apply policies and regulations in their Official Plan and Zoning By-law to regulate shoreline structures, including boathouses and docks. If a landowner is proposing a dwelling unit within a boathouse, approvals are required from the Ministry of Natural Resources.

Ontario's Crown Lands, commonly referred to as Public Lands, include areas of Ontario that the Ministry of Natural Resources (MNR) has stewardship responsibility for under the authority of the *Public Lands Act*. These include the beds of lakes and rivers within the Municipality.

Lakes and rivers are considered Crown Land, and the Ministry of Natural Resources has approval authority for dwelling units on Crown Land. Prior to the construction of the boathouse with any type of dwelling unit, a Permit of Occupation is required from the Ministry of Natural Resources. It is understood that the Ministry requires approvals from the Municipality prior to issuing a Permit of Occupation.

Following the review of other Official Plan and Zoning By-laws in or around the Muskoka region, the approach to boathouses and the inclusion of dwellings units is similar to that of Magnetawan. In some municipalities, guest cabins or similar terms are used to permit washrooms and sleeping accommodation within boathouses, however kitchens are not permitted. In cases where we have seen boathouses approved or legalized, it appears to be in instances where the buildings pre-dated the planning documents and was considered a legal non-complying use.

Permissions for dwelling units within boathouses is a departure from the Municipality's current zoning framework. At present time, we are not able to recommend that the Zoning By-law be updated to include permissions for a dwelling unit within a two-storey boathouse.

Depending on direction from Council whether or not they want to open the door for the permission of a dwelling unit within a boathouse, it is recommended that a policy basis be established in the Official Plan to include criteria to be considered when Council would entertain or not entertain dwelling units on a shoreline property or to provide policy support for the as-of-right permission for dwelling units in boathouses. Official Plan policies or criteria could include for example a minimum lot area or lot frontage.

Dwelling units are recommended to be setback from the shoreline for a number of reasons. Permanent dwellings over water are at more risk in terms of flooding and potential hazards, compared to a guest cabin that is only used on a temporary/non-permanent basis. The potential scale and impact of a permanent dwelling is greater than that of an accessory building on the character of the shoreline. A dwelling also has a greater intensity of use in comparison to a guest cabin that is used for sleeping. Dwellings also increase volumes of effluent in comparison to a guest cabin. Municipalities, including the *Ontario Building Code* require minimum setbacks from septic systems from the shoreline.

Permissions for dwelling units within boathouse should be established first through a policy basis that involves public involvement, prior to creating zoning permissions that would apply to the whole Municipality. It is recommended that the Municipality's Official Plan be updated prior to considering this Zoning By-law Amendment.

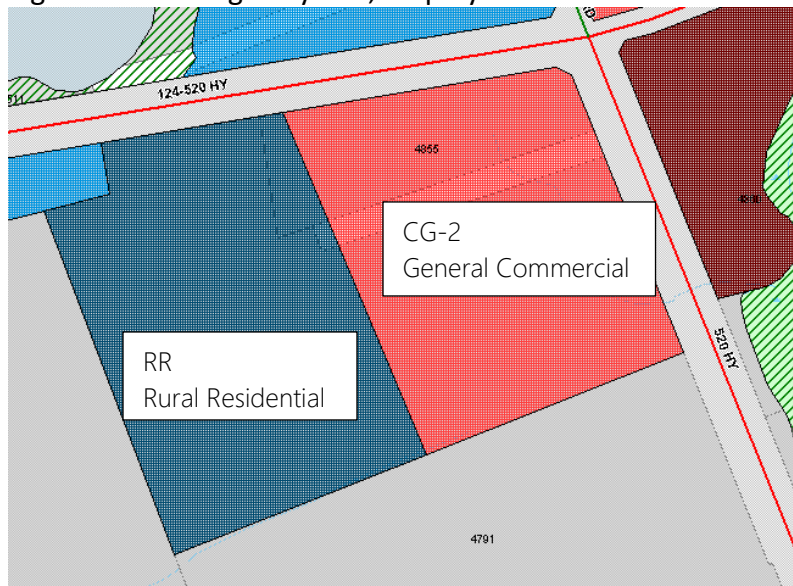
#### #4 – Re-zoning of 4855 Highway 520 (Employment Lands):

Recommended Housekeeping Amendment – To include a rezoning of lands Municipally known as 4855 Highway 520 to permit General Industrial uses and Institutional.

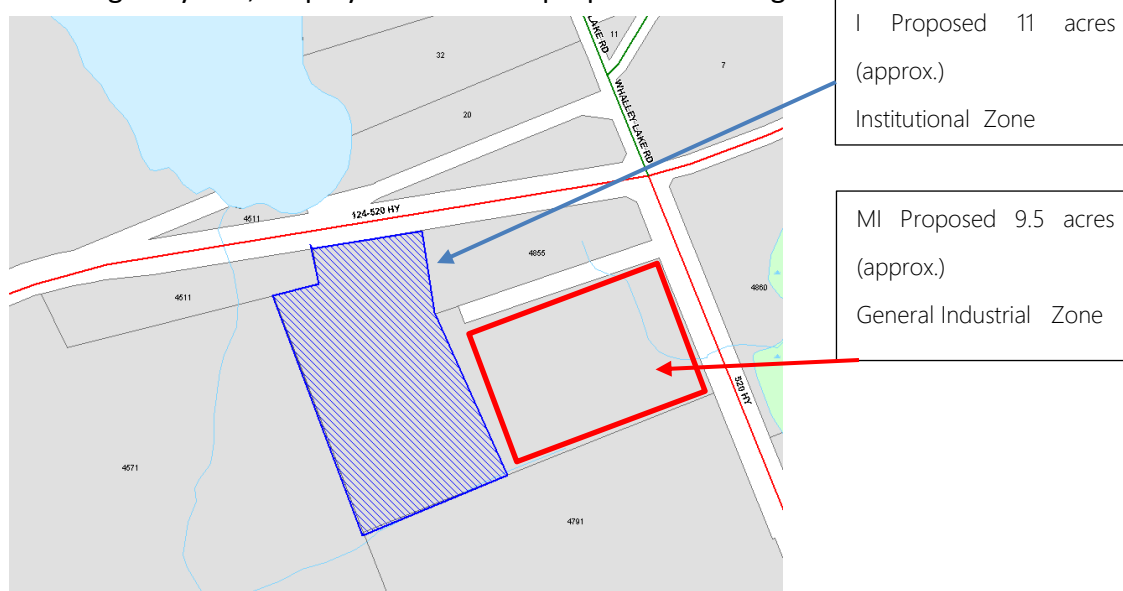
The subject land is currently zoned Rural Residential and General Commercial exception two (CG-2) as seen below in Figure 1. A recommendation to rezone a portion of the subject lands to Institutional (I) to permit uses such as ambulance station, library, municipal office and other similar institutional uses.

Additionally, should Council wish, the remaining portion of the subject lands could be rezoned from General Commercial to General Industrial. The General Commercial Zone permits uses such as vehicle repair shops, clinics, retail store and service shops among other service-oriented uses. These lands are conveniently located at the intersection of Highway 124 and 520, as such the subject lands may attract business in the manufacturing and assembly industry. To facilitate marketing efforts drawing these industrial uses to the subject lands, the subject lands would need to be rezoned to General Industrial (MI). The MI zone permits uses such as manufacturing, processing, assembling and/or fabricating plants among other uses.

Figure 1: 4855 Highway 520, Employment Lands – Current Zoning



4855 Highway 520, Employment Lands – proposed rezoning.



#5 – Revisions to current Zoning By-law 2001-

Recommended Housekeeping Amendment – To include the follow revisions into the Zoning By-law to establish conformity and clarity with respect to the below Sections and definitions.

Proposed Zoning By-law Amendment	Staff Explanation
<p><b>Section 3.13 Minimum Distance Separation:</b> Remove references to Schedule D and E</p>	<p>Within Section 3.13 two schedules are referenced as forming part of the By-law. There are no schedules noted within the By-law that speak to Minimum Distance Separation; thus, the suggestion is to remove historical, redundant references to Schedules.</p>
<p><b>Section 3.34 Tiny Homes</b> i) No tiny home shall be smaller than 17.5m<sup>2</sup> (188sqft), which is the minimum required size set out in the Ontario Building Code. ii) A tiny home shall not exceed 50 square meters (538ft<sup>2</sup>)</p> <p><b>Replace with:</b> i) A tiny home shall be the required size as per the relevant Section of the Ontario Building Code for Tiny Homes.</p>	<p>This revision will bring conformity with the <i>Ontario Building Code</i> and any subsequent future changes of the code as it pertains to Tiny Homes.</p>
<p><b>Section 4.5.1, iii) Residential Mobile Home Zone (RMH) Permitted Uses:</b> i) Mobile home ii) Community centre iii) Recreation facilities, commercial and service facilities, accessory to the mobile home establishment, intended to serve only the mobile home community</p> <p><b>Replace with:</b> i) Mobile Home Park ii) Recreation facilities, commercial and service facilities and/or a community centre that will be accessory to the mobile home establishment and is intended to serve only the mobile home community.</p>	<p>This revision is suggested to bring in line the intended permitted use within the RMH Zone, as defined in Term 143 Mobile Home Park. A community center should be established as an accessory structure to the established Residential Mobile Home Park use, not as a singular permitted use.</p> <p><b>Definition of Residential Mobile Home Park:</b> <i>“a parcel of land which is developed and managed as a unit where individual lots are made available on a rental basis for the placing of a mobile home, where the ownership and responsibility for the maintenance of private internal roads, services, communal areas and buildings, including snow plowing and removal, garbage collection, together with general park management rest with management”.</i></p>

<p><b>Section 4.5.3 Residential Mobile Home Zone (RMH)</b></p> <p>No less than 10% of the total area of any mobile home community establishment shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community building and pathways for pedestrian and cyclists. At least one principle common recreational area shall contain not less than 5% of the total area of the community.</p> <p><b>Replace with:</b></p> <p>No less than 10% of the total area of any mobile home <b>park</b> shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community building and pathways for pedestrian and cyclists. At least one principle common recreational area shall contain not less than 5% of the total area of the community.</p>	<p>This suggestion is to again bring the RMH Zone in conformity with definition.</p>
<p>Amend Section 5 (Definitions):</p>	
<p><b>Term 23 Bed and Breakfast Establishment</b></p> <p>A detached dwelling wherein no more than 3 guest rooms are made available for temporary accommodation of the travelling or vacationing public. Such an establishment may offer light meals to those persons temporarily residing at the establishment. A Bed and Breakfast Establishment shall not include a restaurant, a tourist Establishment or Short-term Accommodation.</p> <p><b>Replace with:</b></p> <p>A single detached dwelling in which not more than three (3) guest rooms are used or maintained for the accommodation of the traveling or vacationing guests, which is owner occupied, suppling lodgings and meals for the guests.</p>	<p>This suggestion is to bring conformity with the Bed and Breakfast definition contained within By-law 2024-44, being a by-law to regulate Short-term Accommodations.</p> <p><b>By-law 2024-44 Definition: Bed and Breakfast:</b> <i>“means an owner-occupied residential Dwelling Unit where a bedroom(s) is offered for rent and includes meals.”</i></p>

<p><b>Term 199 Recreational Dwelling:</b></p> <p>A detached dwelling that is used for temporary occupation on a seasonal basis by persons who maintain a permanent residence in another location.</p>	<p>This term is not utilized within By-law 2001-26 as amended. It is recommended the term be deleted as it is redundant.</p>
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