

# **So You Want to Improve Your Property Get Answers from Township of Muskoka Lakes**

## **Question Details**

### **1. For what type of applications is an Environmental Impact Statement/Study required?**

- This will depend on a number of factors, including applicable Official Plan policies, proposed development, location of the property, any natural constraints present (significant fish habitat, wildlife habitat, steep slopes, natural heritage areas, wetlands, etc.). Studies are typically required for Zoning By-law Amendment and Consent Applications.

### **2. Is there a tree cutting by-law on waterfront lots and can it be enforced retroactively?**

- Rob Kennedy explained during the webinar that the Tree Preservation by-law can be enforced retroactively, and charges can be laid up to 6 months after the illegal cutting occurred. It is recommended to not wait to call as the sooner the Township are aware the better as it provides them a chance to collect the best evidence possible.

### **3. What are taxes based on - size of property, size of structures, number of bedrooms, number of bathrooms, location - or other criteria?**

- Taxes are based on Market Value Assessment as determined by the provincial agency known as Municipal Property Assessment Corporation (MPAC). MVA takes into account all of those factors you mention, using comparable data in the area. You pay your proportionate share of the total residential tax requirement based on your proportionate share of the total residential assessment in the whole Township. This is really outside the scope of this webinar; for further questions you can contact the Township's finance department. (Answered by MLA staff)

### **4. Is a permit required to install stairs to get down to the lake? If a permit is required, what is the normal processing time?**

- If the stairs exceed 10 sq. m. (108 sq. ft.) in size a Building Permit is required. Normal processing time for a complete application is 10 business days. A building permit is not required for stone or landscape stairs supported directly on ground.

**5. What are the notification requirements for neighbours when a change is being made to a property? e.g boathouse construction, new docks, and cottage expansion?**

- The only time there is a requirement for notification to neighbours is on Planning applications such as a Minor Variance or Zoning By-law Amendment Application where development does not comply with the Zoning By-law. These range from 400 feet to 800 feet from the subject property and 10 to 20 days prior. No notification is required when a Building Permit is issued for development that complies with the Zoning By-law.

**6. How many by-law officers are there, and do they respond to issues on weekends?**

- We have two full time officers and during the summer months we have one seasonal officer as well. Starting May 21<sup>st</sup> by-law will be on shift on weekends and starting in June staff will be working extended hours until 6pm each week night. Even when officers are not on shift, complaints can be submitted at any time and will be investigated.

**7. To add an addition to the cottage, what square area is the max to build?**

- The Township's Comprehensive Zoning by-law sets out the maximum size of buildings, it will depend on the zoning and lake. As a general rule of thumb, the maximum dwelling size in the Township is 7,500 sq. ft., however, lot coverage requirements will typically dictate the maximum density and dwelling size permitted on a property. You can find the Zoning By-law on the Township's website at [www.muskokalakes.ca](http://www.muskokalakes.ca)

**8. Are by-law enquiries about a neighbour's construction kept anonymous?**

- Rob Kennedy explained during the webinar that inquiries or complaints about a neighbour's construction are not disclosed to the neighbour or any other member of the public. The only exception is if the matter goes to court and disclosure documents related to the initial complaint could be released as part of evidence, or if the complainant is required to testify.

**9. What are permitted uses for property zoned OS?**

- There are different types of OS zones within the Township, Permitted uses can be found within the Zoning By-law under Section 9.2 on page 99.

**10. Is the public able to view a neighbour's building permit?**

- The face of a Building Permit is available upon request.

**11. Are the Tree Preservation by-law and Site Alteration by-law available on the Township website?**

- Yes, you can find these by-laws on the Township of Muskoka Lakes website under the list of by-laws and policies. [www.muskokalakes.ca](http://www.muskokalakes.ca)

**12. Are the details of a site plan control agreement for a neighbouring property (or my own property if I bought it a long time ago) available through the Township Website? If not, is there a way to get it without a title search?**

- Site Plan Agreements are not currently available on the Township website. To view an Agreement, please contact the Planning Division of the Development Services and Environmental Sustainability Department.

**13. Can a deck be built around an existing gazebo?**

- A sundeck can be built around a gazebo, however, gazebos are permitted to within 3 feet of the water, while sundecks are required to be setback 50 feet from the water (in most general situations). Please note that a Building Permit may be needed. A building permit will be required if the cumulative area of the structure and added deck exceed 10 sq.m. (108 sq ft)

**14. How far can a dock extend into the water?**

- The maximum dock length permitted is 66 feet from the shore in most zones. The details are in the Township of Muskoka Lakes comprehensive zoning by-law.

**15. Is a permit required for a floating dock?**

- Yes, if the dock exceeds 10 sq. m. or 108 sq. ft. a Building Permit is required for a floating dock.

**16. What are the permit requirements for the installation of solar panels on the property or near the shoreline? Can this be controlled if the panels are visually disruptive?**

- As David said when this question was asked, the argument would be that they are structures and would need to comply with all setbacks within the Zoning By-law. Therefore if they are in the front yard they would have to be at least 66 feet from the hwm. The reason of “visually disruptive” is not a contravention of any by-laws that would be in relation to a solar panel. A building permit would be required to add solar panels to the roof or other area of an existing building.

**17. Is a permit required for a dock?**

- Yes, if the dock exceeds 10 sq. m. or 108 sq. ft. a Building Permit is required. It is always best to inquire with the Building Division of the

Development Services and Environmental Sustainability Dept. to confirm whether or not what you are planning to build needs a Building Permit or not. Please also note that regardless if a Building Permit is required or not, all construction must comply with the Zoning By-law.

**18. Can the Township do anything about suspected sources of water pollution such as agricultural runoff? We are concerned about algae growth.**

- Farming and by products of farming are typically regulated by the Province and OMAFRA/ Ministry of Agriculture. If properties subject to site plan control undergo development, the municipality can through that process implement measures to control runoff and sources of water pollution.

**19. What about grandfathering of an existing boathouse cottage?**

- Any buildings that were constructed lawfully and do not comply with current zoning provisions are considered legal non-conforming or non-complying. If an owner wishes to replace or reconstruct the building, it would have to be built in the same location and at equivalent or reduced dimensions as the existing building.

**20. regarding dock length - 25% of shoreline length. Is this straight-line frontage?**

- The maximum permitted dock length in most zones is 66 feet from shore. The maximum permitted dock width is 25% of the straight-line frontage, up to 75 feet, on Category 1 lakes (Muskoka, Joseph and Rosseau).

**21. Can one have a sleeping room above a 9x12 shed that cantilevers beyond the footprint? Electricity, water permitted?**

- Waterfront residentially zoned properties permit one sleeping cabin per lot. There are no prohibitions on second stories, however, the maximum permitted accessory building height in these zones is 20 feet. Similarly, there are no prohibitions on cantilevered designs, however, the full extent of roofed buildings will be included in lot coverage calculations. Electricity and pressurized water are permitted in sleeping cabins. The addition of plumbing facilities would necessitate a building permit.

**22. If the dock is under 108 sq ft, no permit is required?**

- Although a permit is not required, David Pink explained in the webinar that the dock must still comply with the Comprehensive Zoning by-law on the Township of Muskoka Lakes website at [www.muskokalakes.ca](http://www.muskokalakes.ca)

**23. Is a sundeck on top of a boathouse considered a second story?**

- No, it is still considered a single storey boathouse. The Zoning By-law does though impose an increased side yard setback in comparison to a single storey peaked roof boathouse.

**24. Does repairing or replacing part of a damaged crib require a permit?**

- This depends on the situation, sometimes you may need one, again it is best to contact the Building Division to make sure.

**25. What if you have a non-compliant property that needs repairs? We had to tear a deck off to do repairs and want to replace it but is 45 feet from the shore. Do you need a variance?**

- Please see answer to #19, as long as the existing building is lawful it can be reconstructed within the same footprint. A building permit would be required to reconstruct this deck.

**26. I understand that if you register your dock as a boat, you do not need a permit. Is that true?**

- Registered watercraft do not require Building Permits. Please note the Province is currently investigating potential regulations surrounding this use.

**27. If you moor your own sailboat offshore, is there a requirement as to the allowable distance from your shoreline?**

- The Township has no authority to regulate the operation of marine vessels.

**28. Do I need a permit to place a Shelterlogic style portable garage on my property?**

- No, but it must comply with the Zoning By-law (including lot coverage, setbacks, etc.). If any alterations are made, however, a building permit may be required. A tent in less than 60 sq.m. in area, not attached to a building, and more than 3m from other structures would not require a building permit.

**29. For the purpose of setbacks, how do you tell where your high-water mark is?**

- David Pink explained during the webinar that the high-water mark is the present normal waters edge, as determined by a surveyor. Section 11.71 of the Township Zoning By-law provides a detailed definition.

**30. If you are developing your property behind the 200-foot water mark, is it free reign, do you want?**

- At the current time, the Tree Preservation and Site Alteration By-laws would not apply past 200 feet but the Zoning By-law must still be complied with for any proposed buildings or structures. Also note that the Tree Preservation and Site Alteration By-laws are currently under review by Council and this setback could change (current draft proposes increasing 200 feet to 300 feet).

**31. How do you measure shoreline frontage around a point?**

- David Pink explained during the webinar that generally speaking the measurement is taken as a straight-line between where the side lot lines intersect the water, which may cut across the point. If in doubt, best to check with the Township.

**32. Can you thin trees within 50 ft of the shoreline?**

- In the current Tree Preservation By-law owners are permitted to prune tree branches in accordance with good arboricultural practice to maintain, improve or protect tree health and surrounding tree health and must keep the natural shape of the tree (see Section 4(k) in the By-law). Owners are not permitted to thin or prune trees solely to get a better view of the lake if the branches/trees are healthy.

**33. What is the requirement for Tiny homes on a property?**

- The Township of Muskoka Lakes Comprehensive Zoning By-law has various rules about permitted dwellings and sleeping cabins, their size, etc. There is no specific provision for 'tiny homes', however the minimum permitted gross floor area of a dwelling is typically 750 sq. ft. The Township is currently giving consideration to reducing this requirement.

**34. Is there any by-law relating to the use of drones disturbing neighbours?**

- No, the Township does not have jurisdiction for aircraft of any kind, which are regulated by the Federal government (Transport Canada).

**35. What are the rules around anchoring a swimming platform beyond your dock?**

- The Zoning By-law defines a dock, in part, as built at or anchored to shore, and deems any structure within 10 feet of the dock to be part of the dock. I believe transport Canada/Coast Guard may have requirements for this.