1. CALL TO ORDER

2. DECLARATIONS OF PECUNIARY INTEREST

3. PUBLIC MEETINGS
   3.1. Rezoning Application D14-15/17 – Joy Terry
   3.2. Rezoning Application D14-20/17 – Mircea and Nona Iliuta
   3.3. Fence Variance Application – Tammy Parchem

4. DELEGATIONS AND PRESENTATIONS
   4.1 Town Criers’ Report – 2017 – Bruce C. Kruger and Shaun Kruger

5. MINUTES FROM ADVISORY COMMITTEES
   5.1. Accessibility Advisory Committee Minutes – December 12, 2017
        That the minutes from the Accessibility Advisory Committee Meeting of December 12, 2017 be received.
   5.2. Accessibility Advisory Committee Minutes – January 8, 2018
        That the minutes from the Accessibility Advisory Committee Meeting of January 8, 2018 be received.

6. NEW BUSINESS
        1. That the property described as Lot 10, East Side of George Street, Draper Ward of the Town of Bracebridge, be rezoned from Rural (RU) to Rural Special - 54 Holding (RU-54H) as attached in Appendix “A” to Staff Report PD001-18.
        2. That further notice is not required pursuant to Section 34(17) of the Planning Act.
   6.2. Rezoning Application D14-20/17 – Mircea and Nona Iliuta (PD002-18)
        1. That the property described as Part of Lot 6, Concession 4, Macaulay Ward of the Town of Bracebridge, being Part 1 of Plan 35R-8725, be rezoned from Residential Type 1 (R1) to Residential Type 1 Special - 54 (R1-54) as attached in Appendix “A” to Staff Report PD002-18.
        2. That further notice is not required pursuant to Section 34(17) of the Planning Act.
6.3. Application for Variance under Fence By-law 2008-046 – Tammy Parchem (PD003-18)

That the application by Tammy Parchem for a variance under Fence By-law 2008-046 be approved to permit a 2.44 metre (8 foot) fence to extend into the front yard as outlined in Staff Report PD003-18.

7. ONGOING BUSINESS

7.1. Health and Safety Update

8. CORRESPONDENCE

Nil.

9. CLOSED SESSION

Nil.

10. RESOLUTIONS ARISING FROM CLOSED SESSION

11. ADJOURNMENT

That Committee adjourn until the next regular meeting or any special meeting called by the Chair.

This meeting will be Webcast and Audio and Video recorded.

A copy of this agenda is available in alternative formats upon request.

For your convenience, assistive listening devices are available from staff in the Council Chambers.
Town Criers’ Report
2017

To Bracebridge Town Council

Comments To Town Council

From
Town Crier Bruce C. Kruger, M.B.; SBSiJ & Escort Lynn
Town Crier Shaun Kruger & Escort Martina

This, our 150th Anniversary of Canada’s founding, has presented many interesting & unique activities for us, as Town Criers. As you will see in this report, crying has taken us not only around the Province of Ontario but also to Bermuda.

Throughout our travels, we have met such dignitaries as the Governor and Deputy Premier of Bermuda, the Consul General of Macedonia, the Premier of Ontario, many members & mayors of various municipal, federal and provincial parliaments, plus conversed directly with Santa Claus and a groundhog named, Willie.

Unfortunately, due to an injury, we were unable to attend the International Bruckl Crier Competition in Nova Scotia, nor several other engagements this fall, yet we were able to participate in over 50 cries throughout the year.

We remain very proud ambassadors for our beloved Bracebridge and look forward to an exciting 2018. Thanks to all members of Town Council and the staff of the Town of Bracebridge. Bruce continues as a Director of the Ontario Guild of Town Criers, while Shaun completes his position as Past President.
Opening Ceremonies - Pond Hockey

Saturday Feb. 18, 2017

The Polar Plunge is an exciting event that brings people together to support a good cause. This year, we're introducing a new activity to make it even more fun! The Polar Plunge is an event where participants jump into the frigid water to raise money for charity. It's a great way to have fun while supporting a good cause.

Opening Ceremonies
Peppercorn Ceremony, Freemasons, Town Crier
& an “Only-in-Bermuda” Tale

In Masonic Lodge originally the site of Bermuda Parliament

The Governor and his wife arrive in a horse-drawn carriage and their grand entrance is marked by a 17 gun salute. His excellency then reviews the military guard of honour while the Bermuda Regiment Band & Corps of Drums play. Inside the number of spectators is limited to a small section but not the order of battle.

Crier Bruce with Masonic Lodge watching arrival of Governor in horse drawn carriage

His Excellency, John J. Rankin, CMG, Governor of Bermuda

Rotary Robbie, Master Bear of the Breezebridge - Munkoka
Lion's Club, welcomed to Bermuda by His Excellency

The Hon. Everard Bob Richards, JP, MP
Deputy Premier & Minister of Finance
The first prize winner at the 2018 World Hula Hoop Championships was Mrs. A. B. Smith from New York, USA.

She was presented with a trophy and a cash prize of $10,000 for her outstanding performance.

The event was held in the beautiful setting of the Royal Garden in London on 25th July.

CTV News

Craig Smith

1st Place Winner

World Hula Hoop Championships

Mrs. A. B. Smith - Champion Hula Hooper

The event was attended by hundreds of hula hoopers from around the world, including some of the best hula hooper from the USA, UK, and Australia.

As they competed for the title, the audience was treated to an array of colorful costumes and amazing hula hoop designs.

The judges were impressed with Mrs. Smith's skills and her ability to entertain the audience.

"I'm thrilled to have won the championship," said Mrs. Smith. "This is a dream come true for me."
MEDICAL STUDENTS WELCOME IN BRACEBRIDGE

By Marcia Moore

Owen Sound’s Western College-Waterloo campus recently hosted 11 first-year medical students from Western University in Brantford. 

The students were the first of a total of 23 students who will be coming into the community for the coming academic year. 

"We have been coming to our community for several years now and have always enjoyed our time here," said Dr. John Miller, head of the Department of Family Medicine at the school. 

"We are excited to continue our partnership with our local community and to work with local medical professionals," he added. 

The students will be working with local medical professionals on various projects and initiatives. 

"We are looking forward to working with them and learning from them," said Dr. Miller. 

The students will be participating in a variety of activities, including research, patient care, and community outreach. 

"We are excited to be able to contribute to the community in a meaningful way," said Dr. Miller. 

Emancipation Festival New’s Year’s Message

(Excerpt)

"The next morning, the ancestors’ breakfast and ceremony with Town Crier Bruce Kruger delivered another one of his inspiring original presentations to officially open the day followed by greetings from some local, provincial and municipal representatives, a moving oral presentation of “I Am Your Ancestor” by various participants and an award presentation to Lawrence Hill by the OBHS (Ontario Black History Society), - the Dr. Anderson Abbott award for High Achievement.”
Jane was Bernard Thiele is now a
Canadian citizen!

CONGRATULATIONS!

The ceremony took place in Elbow Creek at the
Centennial Park Ski Lodge," reports Jane
Thiele. "We had food and drinks before the
ceremony followed by cake afterward, all
prepared and donated by the Elbow Creek
Council and Rotary Club.

Three Elbow Creek M.P.s attended along with
the Honourable Kirby Garon, M.P. of Elbow Creek
North and Minister of Science Mandate Letter,
who represented the Federal Government.

"Everything was simple and kind of fun with the
Town Crier and bagpiper dressed in period
costumes."

"I love Canada and being a Canadian citizen is
very important to me, its made me feel more
attached to Canada and the people. I never,
ever, regretted coming here."

Canadian
Citizenship Court
Thank You, Town Council!

Bruce Kruger, Shaun Kruger & MacGregor Tannahill

May God Bless
This Great Nation of Canada
1. CALL TO ORDER

Committee Chair Councillor S. Clement called the meeting to order at 2:02 p.m. and the following were recorded as being present:

Committee Members: Councillor, S. Clement (Chair)
Councillor, A. Buie
D. Lloyd
M. Young

Regrets: J. Caughey
R. Fudge

Staff: Director of Planning and Development, C. Kelley
Economic Development Programmer, J. Harris

2. DECLARATIONS OF PECUNIARY INTEREST

Nil.

3. DELEGATIONS AND PRESENTATIONS

Nil.

4. NEW BUSINESS

Nil.

5. ONGOING BUSINESS

5.1 Three Amigos Dog Park

C. Kelley confirmed that Public Works was working on enhancements in regard to accessibility at the Three Amigos Dog Park. She will follow-up to see what has been decided for 2018. Funding for this project is yet to be determined.

5.2 Audible Traffic Signals – Update

Committee members are still waiting to hear when the District Municipality of Muskoka will call the first meeting to review the schedule of installations for audible traffic signals region wide. Members were unsure of who would be attending this meeting. Councillor S. Clement will follow-up with District staff to ensure that he, Councillor A. Buie, and D. Lloyd will be included.

5.3 David C. Onley Leadership Award Submission

The formal nomination is ready for submission.
5.4 Transit Committee Update

Committee was informed that transit drivers will be receiving customer service training later this week.

5.5 Report from District of Muskoka Accessibility Committee Representative

D. Lloyd confirmed that the Seniors’ Fair will continue to be a bi-annual event. It is expected that it might move to Bracebridge in 2019.

The District Municipality of Muskoka is proposing to increase the budget for their Accessibility Advisory Committee from $20,000 to $30,000. The DAC was informed that the additional $10,000 will be set aside in reserve for a yet to be determined project(s).

It was reported that Huntsville is revising their transit plan and is considering expanding the service to include Port Sydney.

5.6 Roundtable Discussions – Items for Future Meetings

Committee members discussed the draft Parks and Trails Master Plan as it related to the installation for a Mobi Mat at Bracebridge Bay. The committee expressed concern that this would not be the safest beach to install the mat due to the steep slope of the beach and then the drop off in the water.

Accessible pathways were also suggested for Kerr Park and Annie Williams Memorial Park. Many committee members thought the draft plan should also have addressed how existing Bracebridge trails might connect up with existing Gravenhurst trails to encourage travel between the two communities.

C. Kelley reported that she had just completed a review of the required activities of the Accessibility Advisory Committee. She was pleased to report that the Town was in compliance with the regulations and that she will be reporting to the AODA by year end.

Councillor A. Buie shared that a modular home builder (Quality Homes) is including accessible doorways, hallways and light switches as a standard part of all of their home designs.

A schedule for 2018 Accessibility Advisory Committee Meetings was circulated.

6. CORRESPONDENCE

6.1 Accessibility Advisory Committee Minutes – November 13, 2017

7. CLOSED SESSION

Nil.

8. RESOLUTIONS ARISING FROM CLOSED SESSION

Nil.
9. ADJOURNMENT

17-AA-017 Moved by: M. Young
               Seconded by: D. Lloyd

That Committee adjourn until the next regular meeting or any special meeting called by the Chair.

CARRIED

The meeting adjourned at 3:02 p.m.

A copy of this document in alternative formats is available upon request.
1. CALL TO ORDER

Committee Chair Councillor S. Clement called the meeting to order at 2:05 p.m. and the following were recorded as being present:

Committee Members:  
Councillor, S. Clement (Chair)  
J. Caughey  
D. Lloyd  
M. Young  
D. Bullock

Regrets:  
Councillor, A. Buie  
R. Fudge

Staff:  
Director of Planning and Development, C. Kelley  
Economic Development Programmer, J. Harris

2. DECLARATIONS OF PECUNIARY INTEREST

Nil.

3. DELEGATIONS AND PRESENTATIONS

Nil.

4. NEW BUSINESS

5. ONGOING BUSINESS

S. Clement began the meeting by welcoming D. Bullock to the Accessibility Advisory Committee for Bracebridge.

5.1 Three Amigos Dog Park

C. Kelley indicated that she would follow-up with the Director of Public Works and the Director of Recreation to determine what improvements to the entrance of the dog park are planned and report back to Committee.

5.2 Audible Traffic Signals – Update

S. Clement indicated that he is awaiting an email from District staff to set an initial meeting to review priority intersections for audible traffic signal installations. In light of the complicated nature of two of the previously chosen Bracebridge priority intersections, the Committee has decided to identify alternate priority intersections. Namely:

- Manitoba Street and Taylor Road;
- Manitoba Street in front of the Norwood Theatre (Mary Street);
- Wellington Street and Salmon Avenue (YIG’s/Wabora); and,
The Committee also agreed to continue to lobby the District Municipality of Muskoka to complete the next phase of investigation/study for how to improve the safety of the intersection located at the corner of Wellington Street, Monck Road and Muskoka Road 118 West.

5.3 Transit Committee Update

D. Lloyd reported that there has not been a lot of negative feedback about recent changes made to the Bracebridge Transit route.

5.4 Report from District of Muskoka Accessibility Committee Representative

D. Lloyd reported that D. Kirwin of Huntsville has been chosen to sit on the project advisory group who will be assisting the Accessibility Directorate with their upcoming survey of Municipal Accessibility Advisory Committees.

D. Lloyd reported that the federal government had recently announced plans to develop accessibility legislation that will cover accessibility issues for matters under federal jurisdiction.

5.6 Roundtable Discussions – Items for Future Meetings

For 2018, the Committee agreed that they would like to focus on securing curb cuts in the downtown area that are currently missing (e.g. in front of the Royal Bank and Tiggs).

D. Bullock suggested the development of an inventory of accessible businesses in our community. At this point the Committee was unsure of how these could be promoted but a starting point would be a page on the Town’s website. This option could be easily kept up to date as changes occur.

J. Harris indicated that information relating to Special Event Permits was dropped off to local Pet Valu staff in preparation for their annual Walk for Dog Guides.

A couple of Committee members mentioned group postal boxes that were not accessible due to snow banks. C. Kelley indicated Canada Post hired independent contractors for snow removal from their boxes and advised that she would relay the locations of the group boxes in question.

C. Kelley indicated that she was also keeping an eye on the pedestrian ramp at Manitoba Street in front of Sunchasers to ensure that snow removal was being properly handled.

C. Kelley indicated that the Bracebridge Chamber of Commerce had requested sponsorship of their annual Accessibility Award again for 2018. Committee agreed that this would be a worthy initiative to support but suggested that the Committee have final say as to which nominee receives the award.
6. CORRESPONDECNE

6.1 Accessibility Advisory Committee Minutes – December 12, 2017

7. CLOSED SESSION

Nil.

8. RESOLUTIONS ARISING FROM CLOSED SESSION

Nil.

9. ADJOURNMENT

18-AA-001 Moved by: M. Young
Seconded by: D. Lloyd

That Committee adjourn until the next regular meeting or any special meeting called by the Chair.

CARRIED

The meeting adjourned at 3:11 p.m.

A copy of this document in alternative formats is available upon request.
TO: Deputy Mayor R. Maloney, Chair and Members of Planning and Development Committee

FROM: C. Kelley, Director of Planning and Development
M. Holmes, Manager of Planning Services

SUBJECT: Rezoning Application D14-15/17 (Terry)

RECOMMENDATION

1. That the property described as Lot 10, East Side of George Street, Draper Ward of the Town of Bracebridge, be rezoned from Rural (RU) to Rural Special - 54 Holding (RU-54H) as attached in Appendix “A” to Staff Report PD001-18.

2. That further notice is not required pursuant to Section 34(17) of the Planning Act.

ORIGIN

3. An application for a zoning amendment has been received from Joy Terry, the owner of property legally described as Lot 10, East Side of George Street, Draper Ward of the Town of Bracebridge. George Street is an unopened road allowance located on the historic Muskoka Falls plan, which abuts the west side of the property.

4. The zoning amendment application is required for any structures to be constructed on the property which does not have direct frontage on a year round municipally maintained road.

5. A map showing the location of the subject property is attached as Appendix “B”.

6. An aerial photograph of the subject property is attached as Appendix “C”.

7. The subject property is vacant and is approximately 2.03 hectares (5.02 acres) with 100 metres (330 feet) of frontage on the unopened road allowance named George Street.

8. There is an existing approved entrance from Spence Lake Drive, however the subject lands are located approximately 1.5 metres (5 feet) from the Spence Lake Drive according to a preliminary survey sketch on file. The approved entrance crosses property owned by the Ministry of Natural Resources and Forestry (MNRF). Prior to the issuance of the entrance permit, correspondence from MNRF was received granting permission for the driveway to cross MNRF lands. The issuance of an entrance permit does not establish development rights for a property as the Comprehensive Zoning By-law requires direct frontage on a year round municipally maintained road.

9. The property is heavily treed with mature vegetation, is level on the majority of the lands with the lands slopes up near the northern boundaries of the property.

10. The property is located just outside the boundary for the community of Muskoka Falls. Surrounding uses include are residential dwellings to the east and Crown lands to the north, south and west.

11. A map showing the current surrounding zoning can be found in Appendix “D”.
ANALYSIS

12. The following table provides a summary of the Official Plan designation and zoning of the property and the action requested or required to be taken:

<table>
<thead>
<tr>
<th>Policy/Regulation</th>
<th>Current Status</th>
<th>Requested/Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning By-law 2016-088</td>
<td>Rural (RU)</td>
<td>Rezone to Rural Special – 54 Holding (RU-54H) to permit development without frontage on a year round municipally maintained road.</td>
</tr>
<tr>
<td>Town Official Plan</td>
<td>Designated Rural Area Countryside</td>
<td>Conforms – no action required</td>
</tr>
<tr>
<td>Muskoka Official Plan</td>
<td>Designated Rural</td>
<td>Conforms – no action required</td>
</tr>
</tbody>
</table>

13. The subject property is currently zoned Rural (RU) according to Comprehensive Zoning By-law 2016-088. The Rural (RU) Zone permits Agricultural Uses and Forestry Operations, as well as a Detached Dwelling Unit, Bed and Breakfast Establishment, Group Home ‘A’, Hobby Farm, Home Industry, Home Occupation, Boarding Kennels, Veterinary Clinic, Hunt Camp and Woodland Retreat. The Hunt Camp and Woodland Retreat uses require a minimum lot area of 40 hectares (98.6 acres) and 10 hectares (24.7 acres) respectively, which the subject lands could not satisfy.

14. Section 4.10 of Comprehensive Zoning By-law 2016-088 indicates that no person will erect any building or structures in any zone, except for a Hunt Camp or Woodland Retreat, unless the lot fronts on either a year round municipally maintained road, a condominium road or a road identified on a draft plan of subdivision to be assumed and maintained by a public authority. The Zoning By-law does provide additional alternative frontage options for waterfront properties.

15. As the subject lands do not front on a year round municipally maintained road, a condominium road or a road identified on a draft plan of subdivision to be assumed and maintained by a public authority, the proposed zoning by-law would to permit development to occur without frontage on a road that is year round municipally maintained.

16. The proposed zoning by-law, as recommended by staff, would amend Comprehensive Zoning By-law 2016-088 by rezoning the subject lands from Rural (RU) to Rural Special – 54 Holding (RU-54H). The RU-54H zone would limit the permitted uses to the existing uses until the Holding Symbol is removed, at which time the permitted uses are all those uses in the Rural (RU) Zone. The Rural Special – 54 Holding (RU-54H) Zone would contain the following provisions:

16.1. The minimum lot area is the lot size at the date of passing of this by-law;

16.2. Section 4.10 shall not apply to lands located within the Rural Special – 54 (RU-54) zone;

16.3. The Holding Symbol may only be removed once either: confirmation is received that there is no occurrence of species at risk or their habitat on the subject lands; or a Site Plan Agreement is entered into with the Town that implements recommendations of an Environmental Impact Statement to mitigate potential impacts on species at risk or their habitat; and

16.4. All other provisions of the Rural (RU) Zone would apply.
17. In reviewing the Town of Bracebridge’s Official Plan Appendix "A" – Environmental Features and Constraints Mapping, no features have been identified on the site. In reviewing the District of Muskoka’s Natural Constraint Web Mapping the property may contain habitat of threatened species on the property. The District of Muskoka has provided comments on the possibility of the habitat, which are summarized in the agency comment section of this report.

18. Under the Habitat of Endangered or Threatened Species and Significant Wildlife Habitat policies in Section B10.3 of the Town of Bracebridge Official Plan, the following policy would be relevant to the application:

18.1. In Section B10.3.1, the Town recognizes the importance and value of endangered and threatened species and supports protection of these species and their habitat areas;

18.2. In Section B10.3.2, the Endangered Species Act requires the protection of Habitat of Endangered or Threatened Species. Large portions of the Town are potential habitat for Species at Risk. All development is prohibited within the significant habitat of endangered and threatened species, and must address the requirements of the Endangered Species Act; and

18.3. In Section B10.3.3, where development is proposed within 120 metres of Habitat of Endangered or Threatened Species or Significant Wildlife Habitat, an Environmental Impact Statement shall be required, to ensure that appropriate measures are in place to mitigate potential impacts on Endangered and Threatened Species or Significant Wildlife Habitat.

19. The draft by-law as circulated did not contain a Holding Symbol, however based on comments from the District of Muskoka, the potential occurring of habitat of threatened species on the property and the Town’s Official Plan policies on Habitat of Endangered or Threatened Species and Significant Wildlife Habitat, staff are recommending the use of the Holding Symbol.

20. The subject lands are located within the Rural Area Countryside Designation in the Town of Bracebridge Official Plan.

21. Under the Land Use Concept in Section A3.0 of the Town of Bracebridge Official Plan, the following policy would be relevant to the application:

21.1. In Section A3.3, the Rural Area designation includes lands outside of the Urban Centre, Waterfront Area and Muskoka Falls Community designations. The Rural Area designation contains expansive undeveloped areas which provide opportunities for space extensive resource, recreational uses, small scale commercial and industrial uses and low density residential development. Subject to the environmental policies of this plan, space extensive industrial or commercial uses may be located in the Rural Area designation provided the use is resource based and cannot be accommodated in the Urban Centre and does not require urban services. Many significant natural, environmentally sensitive and wildlife habitat areas exist within this designation. Public lands in the Rural Area designation are generally recognized by the Open Space designation.
22. Under the Principles in Section A6.0 of the Town of Bracebridge Official Plan, the following principles would be relevant to the application:

22.1. In Section A6.2.2, Bracebridge has historically been a community with urban, rural, and waterfront development areas that cater to people who wish to live in a small community or in a rural or waterfront environment. This trend will be supported to satisfy the lifestyle demands of a wide variety of individuals, however to ensure efficient and cost effective use of municipal services there will be an emphasis on directing growth to the Urban Centre;

22.2. In Section A6.3.1, permanent residential and Employment Area growth will generally be directed to the Urban Centre on full municipal services. Limited development in the Waterfront, Rural Areas and Muskoka Falls Community designations will be permitted that maintains the character of those areas of the Town; and

22.3. In Section A6.3.5, the Rural area will continue to support a mix of natural areas, resource production opportunities, low density residential uses, small scale commercial, industrial and community facility or space extensive uses that are compatible with the rural land uses and by their nature are required to be located in the Rural Area

23. Under the Goals and Objectives in Section A7.0 of the Town of Bracebridge Official Plan, the following goals and objectives would be relevant to the application:

23.1. In Section A7.2.2.9, to allow a limited amount of permanent residential and Employment Area growth in the Muskoka Falls Community and the Rural Area that maintains the character of the area;

23.2. In Section A7.9.1.1, it is the goal of this Plan to protect and maintain the character of the Rural Area;

23.3. In Section A7.9.2.1, to permit development that would not negatively impact natural areas in the Rural Area; and

23.4. In Section A7.9.2.2, to limit development that would adversely impact existing rural land uses.

24. Under the Land Use Compatibility policies in Section B15.0 of the Town of Bracebridge Official Plan, the following policies would be relevant to the application:

24.1. In Section B15.1, new development or use of land shall be compatible with:

24.1.1. Other legal land uses in the vicinity so as to ensure the continued operation of such uses and to allow expansion where feasible and appropriate to such uses; and

24.1.2. The type and character of the area in which the use is being proposed.
25. Under the Property Access Policies in Section B19.0 of the Town of Bracebridge Official Plan, the following policies would be relevant to the application:

25.1. In Section B19.1.1, development shall front on and have access from a year round publicly maintained road where approvals have been or may be obtained from the road authority having jurisdiction with the exception of the following:

25.1.1. Where development is in the Rural Area Countryside designation, lands that do not have frontage on such road shall be limited in use to resource management, extraction and harvesting uses.

26. The intent of the access policies in Section B19.1.1 is to ensure that non-recreational properties can be accessed year round by emergency services and that there is not increased pressure on the municipality to maintain additional roads, which has financial implications. As the property is located in close proximity to the road, approximately 12 metres (39 feet) and the entrance to the property is directly from a year round municipally maintained road, it is staff’s opinion that the intent of this policy is being maintained.

27. Under the Rural Area policies in Section E1.0 of the Town of Bracebridge Official Plan, the following policies would be relevant to the application:

27.1. In Section E1.1.1, the Rural Area designation consists of all lands in the Town that are not in the Urban Centre, Waterfront Area or Muskoka Falls Community designations; and

27.2. In Section E1.1.2, the Rural Area designation contains expansive undeveloped areas which provide opportunities for space extensive resource, recreational use, small scale commercial and industrial uses and low density residential development. The rural areas are characterized by large lots, low density well separated development patterns and modest infrastructure. Remnants of the historic settlement pattern including clusters of houses and small scale schools and places of worship may still be seen in the rural area. Together these elements define the rural character of Bracebridge.

28. Under the Rural Area Countryside Designation policies in Section E2.0 of the Town of Bracebridge Official Plan, the following policies would be relevant to the application:

28.1. In Section E2.1.1, the purpose of the Rural Area Countryside designation is to permit development that recognizes the rural character of the Town and has minimal negative impacts on the natural environment;

28.2. In Section E2.2.2.1, to ensure that development is sustainable and has minimal negative impacts on the existing environment;

28.3. In Section E2.3.1, land uses permitted in the Rural Area Countryside designation are generally space extensive resource based activities;

28.4. In Section E.2.3.2, permitted uses in the Rural Area Countryside designation include traditional resource based uses such as forestry, agriculture, and small scale (Class B) pits and accessory uses. Limited low density residential development, bed and breakfast establishments, and home businesses shall also be permitted. Small scale community facilities, rural industrial and commercial uses, recreational camps, wilderness tourist facilities and hunt camps shall also be permitted subject to the policies of this plan; and
28.5. In Section E2.4.1, limited residential uses, small scale industrial, commercial and community facility and space extensive development, which by their nature are required to be located in the Rural Area Countryside designation, may be permitted that is in conformity with this Plan by protecting and maintaining the natural environment and the character of the Town.

29. The District of Muskoka Official Plan permits rural residential development: in proximity to existing rural residential uses in order to create a sense of community; in areas that do not preclude the use or exploitation of resource values; in areas that do not have a significant detrimental effect on the natural or cultural systems of Muskoka; in areas that optimize the demand on public services such as fire, police and home care; in areas that have reasonable access to community facilities such as schools, and recreation centres; in areas accessible by year round roads; and in areas that do not consist of hazard lands.

30. The Provincial Policy Statement (PPS) permits limited residential development on rural lands in municipality when development is compatible with the rural landscape and can be sustained by rural service levels.

31. It is staff’s opinion that the Zoning Amendment conforms to the Town of Bracebridge Official Plan, conforms to the Official Plan of the District of Muskoka, is consistent with the Provincial Policy Statement, is appropriate and represents good planning.

32. Comments from other Town Departments and outside agencies are as follows:

<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>32.1. Chief Building Official</td>
<td>No concerns with the application.</td>
</tr>
<tr>
<td>32.2. Public Works Department</td>
<td>No concerns with the application.</td>
</tr>
<tr>
<td>32.3. Fire Chief</td>
<td>No concerns with the application.</td>
</tr>
<tr>
<td>32.4. Manager of Economic Development</td>
<td>No concerns with the application.</td>
</tr>
<tr>
<td>32.5. District of Muskoka</td>
<td>No concerns with the application.</td>
</tr>
</tbody>
</table>

Section C.10 of the Muskoka Official Plan states that proper and adequate means of access will be provided to all new lots to a standard appropriate to the situation. The District understands that access has been obtained through the lands to the south and the Town has granted an access permit to the property.

A review of species occurrence data provided by the Natural Heritage Information Centre (NHIC) has confirmed that the subject property may contain habitat for threatened species. It is recommended that the Ministry of Natural Resources and Forestry be consulted to be sure the proposed development will not have any negative impacts on species at risk or their habitat.

32.6. Lakeland Power                | No concerns with the application.            |
Department/Agency | Comment
--- | ---
32.7. Union Gas | No concerns with the application.
32.8. Other Agencies | No comments have been received from Canada Post, CN Rail, Ministry of Municipal Affairs and Housing, Ministry of Transportation, Infrastructure Ontario, Hydro One, Veridian Connections, Simcoe Muskoka Catholic District School Board, Trillium Lakelands District School Board, Union Gas, Bell Canada, TransCanada Pipeline Ltd. or MPAC.

33. At the time of writing this report, correspondence had been received from one neighbouring property owner, Mr. Richard Mroz of 25 Franklin Street, which is attached as Appendix “E”. Mr. Mroz indicating his opposition to the rezoning for the following reasons:

33.1. Across the road from the subject lands is Crown Land that fronts on Spence Lake. This Crown lands abut property owned by Bruce and Maggie Durham, which contains several hundred feet of flooded land from Spence Lake, as does Mr. Mroz’s property. He is concerned that owners of the property will want to access Spence Lake through the Crown Land and would be trespassing across the Durham’s and his property to get to the main body of water; and

33.2. There is an intermittent stream that crosses the subject lands goes under Spence Lake Drive and empties into Spence Lake. He indicates he has observed frogs, fish, blandings turtles and snapping turtles using this stream. He also has observed game trails on the subject lands and believes a full environmental assessment should be undertaken.

34. A map showing the location of property owners in the vicinity is attached as Appendix ‘F’.

35. Staff are recommending the approval of the zoning amendment as recommended in Appendix “A” for the following reasons:

35.1. The proposed zoning amendment will allow development on a lot that is legally accessed from a year round municipally maintained road;

35.2. The lot is in close proximity to the year round municipally maintained road and the separation from the road is by a narrow strip of Crown land;

35.3. The use of the Holding Symbol will ensure that development occurs in a manner that conforms to the Endangered Species Act; and

35.4. The development of the lot is in character with the surrounding rural area.

LINKAGE TO COMMUNITY BASED STRATEGIC PLAN

36. The zoning amendment is well aligned with the community-based strategic plan objective:

- An Engaged, Healthy and Socially Sustainable Community

37. The zoning amendment is in keeping with the Community Based Strategic Plan as it will aid in an engaged, healthy and socially sustainable community by providing a diversified range of housing.
LINKAGE TO COUNCIL PRIORITIES

38. The zoning amendment supports an Engaged, Healthy and Socially Sustainable Community, which has been identified by Council as a 2014-2018 priority area. The zoning amendment helps to support this priority by providing a diversified range of housing.

ALTERNATIVE

39. The following alternative is available for Committee’s consideration:

   Alternative #1  The Committee could decide that the zoning amendment application is not appropriate.

   This alternative is not recommended as the application conforms to the Town of Bracebridge Official Plan.

EXISTING POLICY


41. Town of Bracebridge Comprehensive Zoning By-law 2016-088.

FINANCIAL IMPLICATIONS

42. Approval of the zoning amendment will facilitate building permit and development charge revenue for the Town in the future.

COMMUNICATIONS

43. This staff report was distributed to Council, Media, and all Town staff and was published on the Town’s website in accordance with the Town’s Procedural By-law.

44. Notice of the Public Meeting for the proposed Zoning by-law amendment was sent on December 20th, 2017 by first class mail to the respective owners and assessed persons within 120 metres (400 feet) of the property and to the prescribed agencies in accordance with the regulations under the Planning Act.

45. The notice included the time, date and location of the meeting and an explanation of the purpose of the meeting for the proposed Zoning By-law amendment. The notice was provided at least 20 days prior to the public meeting in accordance with the Planning Act.

46. A sign providing Notice of the Public Meeting was posted at the entrance to the property on December 21st, 2017. The sign was located to be clearly visible from a public road in accordance with the regulations under the Planning Act. The sign included information regarding the time, date and location of the meeting and an explanation of the purpose of the meeting for the proposed Zoning By-law amendment.
47. If the zoning amendment is approved by Council on January 24th, a Notice of Passing will be mailed within 15 days (by February 8th) by first class mail to anyone who requests notice and to the owner and prescribed agencies in accordance with the regulations under the Planning Act. Within 20 days of the mailing of the Notice of Passing, the by-law can be appealed to the Ontario Municipal Board.
APPENDIX “A”

Draft By-law

BILL NO.

BY-LAW NO. 2018 -

A BY-LAW OF THE CORPORATION OF THE TOWN OF BRACEBRIDGE TO AMEND BY-LAW 2016-088, A LAND USE CONTROL BY-LAW TO REGULATE THE USE OF LAND IN THE TOWN OF BRACEBRIDGE

WHEREAS By-law No. 2016-088 was enacted to regulate land use in Draper Ward, of the Town of Bracebridge, in the District Municipality of Muskoka.

AND WHEREAS it is deemed necessary to amend the said by-law by rezoning certain lands and by the addition of certain provisions;

AND WHEREAS by motion 18-PD- the Council of The Corporation of the Town of Bracebridge deems it expedient to pass such a by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF BRACEBRIDGE ENACTS AS FOLLOWS:

1. That Schedule “D” to By-law No. 2016-088 is hereby amended by rezoning the property described as Lot 10, East Side of George Street, Draper Ward of the Town of Bracebridge, from the present zone of Rural (RU) to Rural Special – 54 Holding (RU-54H), which lands are more particularly outlined in red on Schedule “A” attached hereto.

2. That Section 7.1.7: Rural Zone Exceptions is hereby amended by the addition of the following:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Permitted Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>RU – 54H</td>
<td>In a Rural Special – 54 Holding (RU-54H) Zone, the permitted uses are limited to the existing uses until the Holding Symbol is removed by by-law, at which time the permitted uses are all those uses in the Rural (RU) Zone, with the following additional provisions:</td>
</tr>
<tr>
<td></td>
<td>(i) The minimum lot area is the lot size at the date of passing of this by-law;</td>
</tr>
<tr>
<td></td>
<td>(ii) Section 4.10 shall not apply to lands located within the Rural Special – 54 (RU-54) zone; and</td>
</tr>
<tr>
<td></td>
<td>(iii) The Holding Symbol may only be removed once either: confirmation is received that there is no occurrence of species at risk or their habitat on the subject lands; or a Site Plan Agreement is entered into with the Town that implements recommendations of an Environmental Impact Statement to mitigate potential impacts on species at risk or their habitat.</td>
</tr>
</tbody>
</table>

All other applicable provisions of the Rural (RU) Zone shall continue to apply in respect to the lands located within the Rural Special – 54 (RU-54) Zone.

3. That Schedule “A” attached hereto forms part of this by-law.

That this By-law shall take effect on the date of passage by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O., 1990.
READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS ___ DAY OF JANUARY 2018.

Mayor, Graydon Smith

Director of Corporate Services/
Clerk, Lori McDonald
Schedule "A"
Lot 10, East Side of George Street
Draper Ward of the Town of Bracebridge,

Scale 1 : 5,000
APPENDIX “B”

Location of Subject Property
APPENDIX “C”

Aerial Photography
APPENDIX “D”

Surrounding Zoning
APPENDIX “E”

Correspondence from Richard Mroz

Richard Mroz
25 Franklin Street
Bracebridge, Ontario
P1L 0A1
705 394 4724

Ms. Lori Mcdonald
Director of Corporate Services
Town of Bracebridge

Re: Rezoning File No. D14-15/17, Spence Lake Drive

Dear Ms. Mcdonald,

My wife Patricia Mroz and I own a property around the corner from the subject property at Part 2, 3 and 8, Town Plot of Muskokaville Plan 35R-11675. I understand the current owner of the subject property, Ms. Joy Terry has applied for a zoning change in order to sell the property and for a new owner to be able to build on this property. We are in opposition to this zoning change.

Across the road from Ms. Terry’s property there is a strip of crown land that adjoins the property of Bruce and Maggie Durham (Part 9) and fronts on Spence Lake. Our property also fronts on Spence Lake and in fact our lot is flooded by Spence Lake for several hundred feet. I believe the property of Mr. and Mrs. Durham also has the same situation. A new owner of Ms. Terry’s property may think that they can access Spence Lake by crossing the crown land. Anyone accessing Spence Lake from this area would actually trespass across the Durham’s property and ours to get to the main body of the lake.

Development of Ms. Terry’s property would also affect our privacy and quiet enjoyment of our property.

In addition there is an intermittent stream that crosses Ms. Terry’s property, goes under Spence Lake Drive and empties into Spence Lake. I have observed frogs, fish, Blanding’s turtles and Snapping turtles using this access stream. The turtles use the stream to access egg laying sites in the gravel along Spence Lake Drive. Any construction or development on Ms. Terry’s property could have a severe negative impact on this wildlife.

As a naturalist, hiker and hunter I have also noticed that there are several game trails that cross Ms. Terry’s property. Deer and bear leave the crown land at the rear of Ms. Terry’s property, and cross her land to drink in Spence Lake. Her land forms a natural valley between two large granite ridges. Any development of her property could reduce the number of wildlife seen in the area. I believe a full environmental assessment should be ordered.

Respectfully submitted,

Richard Mroz
APPENDIX “F”

Surrounding Property Owners
TO: Deputy Mayor R. Maloney, Chair and Members of Planning and Development Committee
FROM: C. Kelley, Director of Planning and Development  
M. Holmes, Manager of Planning Services
SUBJECT: Rezoning Application D14-20/17 (Iliuta)

RECOMMENDATION

1. That the property described as Part of Lot 6, Concession 4, Macaulay Ward of the Town of Bracebridge, being Part 1 of Plan 35R-8725, be rezoned from Residential Type 1 (R1) to Residential Type 1 Special - 54 (R1-54) as attached in Appendix “A” to Staff Report PD002-18.

2. That further notice is not required pursuant to Section 34(17) of the Planning Act.

ORIGIN

3. An application for a zoning amendment has been received from Northern Vision Planning Limited on behalf of Nona and Mircea Iliuta, the owners of property located at 1379 Cedar Lane and legally described as Part of Lot 6, Concession 4, Macaulay Ward of the Town of Bracebridge, being Part 1 of Plan 35R-8725.

4. The zoning amendment application is required as a condition of approval for severance application D10-14/17. Conditional severance approval was granted in October 2017 for the subject lands, which contain two primary dwellings. The conditional severance would create one severed lot and one retained lot on Cedar Lane with each lot containing one of the existing dwellings.

5. Although not frequently used, Section 53(23) of the Planning Act permits the approval authority for a consent to change conditions of a provisional consent up until the consent is finalized. Following the conditional approval in October 2017, it was determined that a condition requiring a separate septic system for the retained lot was required to ensure compliance with the Ontario Building Code. Further, it was recommended that a condition be added to require a planning application be approved to permit a dwelling on a lot within the full service boundary where full municipal services are not available. Without this condition, the existing dwellings would become legal non-conforming. These two new conditions were added by the Committee of Adjustment for Consent in December of 2017.

6. A map showing the location of the subject property is attached as Appendix “B”.

7. An aerial photograph of the subject property is attached as Appendix “C”. The aerial photography shows the severed and retained lots as per the conditional severance approval.

8. The subject property is approximately 2.1 hectares (5.3 acres) with approximately 98 metres (322 feet) of frontage on Cedar Lane.

9. The proposed retained is approximately 1.9 hectares (4.9 acres) with 66.4 metres (218 feet) of frontage on Cedar Lane. The retained lot contains a dwelling, barn and accessory structures.
10. The proposed severed lot is approximately 0.16 hectares (.39 acre) with approximately 32 metres (104 feet) of frontage on Cedar Lane. The severed lot contains a detached dwelling. The application included the granting of a right-of-way over the severed lands in favour of the retained lands for vehicular access.

11. The property is serviced by municipal water but not sewer, and is located at the northeastern edge of the urban centre. Surrounding uses include residential dwellings with the Trillium Lakeland District School Board yard and offices further to the south.

12. A map showing the current surrounding zoning can be found in Appendix “D”.

ANALYSIS

13. The following table provides a summary of the Official Plan designation and zoning of the property and the action requested or required to be taken:

<table>
<thead>
<tr>
<th>Policy/Regulation</th>
<th>Current Status</th>
<th>Requested/Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning By-law 2016-088</td>
<td>Residential Type 1 (R1)</td>
<td>Rezone both parcels to Residential Type 1 Special – 54 (R1-54) to remove Second Dwelling Unit as a permitted use and to permit development without municipal sewer services.</td>
</tr>
<tr>
<td>Town Official Plan</td>
<td>Designated Residential within Urban Centre</td>
<td>Conforms – no action required</td>
</tr>
<tr>
<td>Muskoka Official Plan</td>
<td>Designated Urban Centre</td>
<td>Conforms – no action required</td>
</tr>
</tbody>
</table>

14. The subject property is currently zoned Residential Type 1 (R1) according to Comprehensive Zoning By-law 2016-088. The Residential Type 1 (R1) Zone permits the following uses: Detached Dwelling; Home Occupation; Bed and Breakfast; Group Home ‘A’; Second Dwelling Unit, and Backyard Hens.

15. The proposed zoning by-law would amend Comprehensive Zoning By-law 2016-088 by rezoning the subject lands from Residential Type 1 (R1) to Residential Type 1 Special – 54 (R1-54). The Residential Type 1 Special – 54 (R1-54) Zone would permit all uses in the Residential Type 1 (R1) Zone except Second Dwelling Unit and would permit development to occur without municipal sewer services. All other provisions of the Residential Type 1 (R1) Zone would apply.

16. Municipal sewer services do not extend to this property, though municipal water does. As the property is located within the full service boundary shown on Schedule I of the Comprehensive Zoning By-law, a detached dwelling is only permitted on an existing lot where full municipal services are available. As the property is being severed, neither of the proposed lots (severed or retained) is considered an existing lot under the Comprehensive Zoning By-law and an exemption is required in order to ensure the existing dwelling does not contravene the zoning by-law.

17. In the absence of municipal sewer services, Second Dwelling Unit has been removed as a permitted use in the site specific by-law as the lot is located in the Urban Centre and municipal sewer services are not available. Given the smaller lot sizes in the Urban Centre, Second Dwelling Units should only be located on full municipal services in the Urban Centre.
18. In reviewing the Town of Bracebridge’s Official Plan Appendix “A” – Environmental Features and Constraints Mapping and District of Muskoka Natural Constraint Web Mapping there are no identified environmental features or constraints.

19. The subject lands are located within the Future Service Area identified on Schedule “D” – Service Areas in the Town of Bracebridge Official Plan.

20. The subject lands are located within the Residential Designation within the broader Urban Centre Designation in the Town of Bracebridge Official Plan.

21. Under the Land Use Concept in Section A3.0 of the Town of Bracebridge Official Plan, the following policy would be relevant to the application:

   21.1. In Section A3.1, the Urban Centre designation identifies the major settlement area in the Town. This area contains the necessary public infrastructure to enable it to be the major service centre for the surrounding waterfront and rural areas. To promote the efficient use of land and infrastructure as well as to reinforce the character and function of the Urban Centre, the majority of permanent residential and Employment Area growth shall be directed to this area, unless the use is more appropriate in another designation due to land requirements or the nature of the use.

22. Under the Principles in Section A6.0 of the Town of Bracebridge Official Plan, the following policies would be relevant to the application:

   22.1. In Section A6.2.2, Bracebridge has historically been a community with urban, rural, and waterfront development areas that cater to people who wish to live in a small community or in a rural or waterfront environment. This trend will be supported to satisfy the lifestyle demands of a wide variety of individuals, however to ensure efficient and cost effective use of municipal services there will be an emphasis on directing growth to the Urban Centre; and

   22.2. In Section A6.3.1, permanent residential and Employment Area growth will generally be directed to the Urban Centre on full municipal services.

23. Under the Goals and Objectives in Section A7.0 of the Town of Bracebridge Official Plan, the following goals and objectives would be relevant to the application:

   23.1. In Section A7.2.2.6, it is an objective to provide the present and future residents of the Town a full range of housing types and densities to meet projected demographic and market requirements in a manner that supports the overall goal of mixed uses, visual attractiveness, and safe accessible active transportation connectivity;

   23.2. In Section A7.8.2.1, it is an objective to direct permanent population and Employment Area growth to the Urban Centre;

   23.3. In Section A7.8.2.4, it is an objective to ensure that appropriate servicing is available to support new development in an efficient and effective manner; and

   23.4. In Section A7.12.2.2, it is an objective to encourage the efficient use of municipal water and sewer services within the existing built up area and to avoid undue extension of such services.
24. Under the Urban Centre policies in Section C1.0 of the Town of Bracebridge Official Plan, the following policies would be relevant to the application:

24.1. In Section C1.1.2, the function of the Urban Centre is to accommodate a wide range of land uses that meet the needs of local residents, businesses and visitors. The Urban Centre provides a nucleus for a full range of residential, commercial, industrial and community facility uses at a density that will make the most efficient use of municipal services and infrastructure; and

24.2. In Section C1.2.1, a broad, diverse range of housing types and tenure, which is affordable and accessible to a broad range of residents, shall be encouraged throughout the Town.

25. Under the Residential Designation policies in Section C3.0 of the Town of Bracebridge Official Plan, the following policy would be relevant to the application:

25.1. In Section C3.2.1, in areas designated Residential, a broad range of residential dwelling types at varying densities are permitted ranging from single unit structures to multiple unit structures. Uses compatible with, complementary to, and serving the primary residential use of the land such as community facilities, home occupations, convenience commercial and open space uses are permitted within the Residential designations.

26. Under the Water and Wastewater Servicing policies in Section I.0 of the Town of Bracebridge Official Plan, the following policies would be relevant to the application:

26.1. In Section I4.1.5, where full municipal water and sewer services are not yet available within the Existing Service Area or Future Service Area, development may be exempt from connection to municipal water and sewer services, where:

26.1.1. such services are currently not available and no present or immediately foreseeable water or sanitary problem would be further compounded and the development represents limited infilling in an established built area or the development or redevelopment of an existing lot of record. Where such development is permitted, private individual water supply and sewage disposal services shall be provided to the satisfaction of the authority having jurisdiction and the uses shall be restricted to low effluent producing;

26.1.2. a specific capital funding reserve has been approved to provide for the installation of municipal service on the lands or area, but the works are not scheduled for construction; or


26.2. In Section I4.1.6, the creation of a new lot presently serviced with municipal water only may be permitted where:

26.2.1. The lots front on an existing year round maintained municipal road;

26.2.2. The lot has a frontage at least double the requirement for fully serviced lots in the Zoning By-law, a minimum lot area of 0.4 hectares, can accommodate a private individual sewage disposal system and is configured in such a way that the lot may be divided in the future when full services become available;
26.2.3. Development on the lot occurs on one side of the property, to ensure that future division of the property is possible;

26.2.4. An agreement is entered into between the owner and the Town or the District Municipality of Muskoka where the owner agrees to support any local improvements for the extension of municipal piped services and to connect to such services when they become available;

26.2.5. Future development of the balance of the property on full services is not jeopardized; and

26.2.6. The creation of the lot would be considered minor infilling in an established built up area.

27. The severed lot as conditionally approved does not meet the minimum lot area of 0.4 hectares, and although the lot could have been reconfigured to meet the minimum lot area of this policy, the reconfiguration would have created an irregular and impractical lot configuration due to the terrain and shape of the property. Given the average size of both lots are over 1.0 hectare (2.5 acres) and further lot creation could not occurring due to limitations on any new entrances, it is staff’s opinion that the intent of the policy is being maintained.

28. The District of Muskoka Official Plan states that where municipal sewer and water services are not yet available within the Urban Centre, infilling of a minor nature is permitted provided the use is non-toxic, low effluent producing, private waste disposal can be accommodated to the satisfaction of the municipality and development is consistent with future growth strategies.

29. The Provincial Policy Statement (PPS) states that individual on-site sewage services and individual on-site water services may be used provided site conditions are suitable for long term provision of such services with no negative impacts. In settlement areas (which include cities and towns) private services may only be used for infilling and minor rounding out of existing development.

30. It is staff’s opinion that the Zoning Amendment conforms to the Town of Bracebridge Official Plan, conforms to the Official Plan of the District of Muskoka, is consistent with the Provincial Policy Statement, is appropriate and represents good planning.

31. Comments from other Town Departments and outside agencies are as follows:

<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.1. Chief Building Official</td>
<td>No concerns with the application.</td>
</tr>
<tr>
<td>31.2. Public Works Department</td>
<td>No concerns with the application.</td>
</tr>
<tr>
<td>31.3. Fire Chief</td>
<td>No concerns with the application.</td>
</tr>
<tr>
<td>31.4. Manager of Economic Development</td>
<td>No concerns with the application.</td>
</tr>
</tbody>
</table>
Department/Agency | Comment
--- | ---
31.5. District of Muskoka | No concerns with the application. The applicant is advised that in accordance with the District’s Mandatory Connection By-law 2007-24, the applicant is required to connect to municipal water services and individual separate lines for both the severed and retained lots shall be required at the applicant’s expense.
31.6. Lakeland Power | No concerns with the application.
31.7. CN Rail | No concerns with the application.
31.8. Ministry of Transportation | No concerns with the application.
31.9. Other Agencies | No comments have been received from Canada Post, Ministry of Municipal Affairs and Housing, Infrastructure Ontario, Hydro One, Veridian Connections, Simcoe Muskoka Catholic District School Board, Trillium Lakelands District School Board, Union Gas, Bell Canada, TransCanada Pipeline Ltd. or MPAC.

32. Staff are recommending the approval of the zoning amendment as recommended in Appendix “A” for the following reasons:

32.1. The proposed zoning amendment will allow the creation of one new residential lot in the Urban Centre in an area that does not have municipal sewer services;

32.2. The proposed zoning amendment will facilitate the separation of two existing dwellings, which brings the dwellings into conforming with the Town’s Official Plan; and

32.3. The proposed lots are suitably configured for residential development on municipal water and private septic services.

LINKAGE TO COMMUNITY BASED STRATEGIC PLAN

33. The zoning amendment is well aligned with the community-based strategic plan objective:

☐ An Engaged, Healthy and Socially Sustainable Community

34. The zoning amendment is in keeping with the Community Based Strategic Plan as it will aid in an engaged, healthy and socially sustainable community by providing a diversified range of housing.

LINKAGE TO COUNCIL PRIORITIES

35. The zoning amendment supports an Engaged, Healthy and Socially Sustainable Community, which has been identified by Council as a 2014-2018 priority area. The zoning amendment helps to support this priority by providing a diversified range of housing.
ALTERNATIVE

36. The following alternative is available for Committee’s consideration:

   Alternative #1
   The Committee could decide that the zoning amendment application
   is not appropriate.
   This alternative is not recommended as the application conforms to
   the Town of Bracebridge Official Plan.

EXISTING POLICY


38. Town of Bracebridge Comprehensive Zoning By-law 2016-088.

FINANCIAL IMPLICATIONS

39. Approval of the zoning amendment will facilitate building permit and development charge revenue
    for the Town in the future.

COMMUNICATIONS

40. This staff report was distributed to Council, Media, and all Town staff and was published on the
    Town’s website in accordance with the Town’s Procedural By-law.

41. Notice of the Public Meeting for the proposed Zoning by-law amendment was sent on December
    22nd, 2017 by first class mail to the respective owners and assessed persons within 120 metres
    (400 feet) of the property and to the prescribed agencies in accordance with the regulations under
    the Planning Act.

42. The notice included the time, date and location of the meeting and an explanation of the purpose
    of the meeting for the proposed Zoning By-law amendment. The notice was provided at least 20
    days prior to the public meeting in accordance with the Planning Act.

43. The notice sent on December 22nd, 2017 contained an incorrect legal description under the
    complete application section of the notice and an amended notice was resent on January 3, 2018
    with the correct legal description. The key plan, address of the subject lands and explanation of
    the purpose of the public meeting were all correct on the original notice.

44. A sign providing Notice of the Public Meeting was posted on the property on December 27th,
    2017. The sign was located to be clearly visible from a public road in accordance with the
    regulations under the Planning Act. The sign included information regarding the time, date and
    location of the meeting and an explanation of the purpose of the meeting for the proposed Zoning
    By-law amendment.
45. If the zoning amendment is approved by Council on December 24th, a Notice of Passing will be mailed within 15 days (by December 28th) by first class mail to anyone who requests notice and to the owner and prescribed agencies in accordance with the regulations under the Planning Act. Within 20 days of the mailing of the Notice of Passing, the by-law can be appealed to the Ontario Municipal Board.

Prepared By: M. Holmes  
Manager of Planning Services  
Ext. 258

Approved by: C. Kelley, MCIP, RPP  
Director of Planning and Development  
Ext. 253

Approved for Submission to Planning and Development Committee By: J. Sisson  
Chief Administrative Officer  
Ext. 229
APPENDIX “A”

Draft By-law

BILL NO.

BY-LAW NO. 2018 -

A BY-LAW OF THE CORPORATION OF THE TOWN OF BRACEBRIDGE TO AMEND BY-LAW 2016-088, A LAND USE CONTROL BY-LAW TO REGULATE THE USE OF LAND IN THE TOWN OF BRACEBRIDGE

WHEREAS By-law No. 2016-088 was enacted to regulate land use in Macaulay Ward, of the Town of Bracebridge, in the District Municipality of Muskoka.

AND WHEREAS it is deemed necessary to amend the said by-law by rezoning certain lands and by the addition of certain provisions;

AND WHEREAS by motion 18-PD-1 the Council of The Corporation of the Town of Bracebridge deems it expedient to pass such a by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF BRACEBRIDGE ENACTS AS FOLLOWS:

1. That Schedule “A” to By-law No. 2016-088 is hereby amended by rezoning property described as Part of Lot 6, Concession 4, Macaulay Ward of the Town of Bracebridge, being Part 1 of Plan 35R-8725, from the present zone of Residential Type 1 (R1) to Residential Type 1 Special – 54 (R1-54), which lands are more particularly outlined in red on Schedule “A” attached hereto.

2. That Section 7.1.1: Residential Zone Exceptions is hereby amended by the addition of the following:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Permitted Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1 - 54</td>
<td>In a Residential Type 1 Special – 54 (R1-54) Zone, the permitted uses are all those uses in the Residential Type 1 (R1) Zone, except Second Dwelling Unit, with the following additional provision:</td>
</tr>
</tbody>
</table>

(i) Notwithstanding Section 4.25, land can be used and buildings or structures can be erected or used in the absence of municipal sanitary sewer services.

All other applicable provisions of the Residential Type 1 (R1) Zone shall continue to apply in respect to the lands located within the Residential Type 1 Special – 54 (R1-54) Zone.

3. That Schedule “A” attached hereto forms part of this by-law.

That this By-law shall take effect on the date of passage by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O., 1990.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS ___ DAY OF JANUARY 2018.

________________________  ______________________________
Mayor, Graydon Smith     Director of Corporate Services/
                        Clerk, Lori McDonald
Schedule "A"
Part of Lot 6, Concession 4,
Macaulay Ward of the Town of Bracebridge
being Part 1 of Registered Plan 35R-8725

Scale 1:3,500
APPENDIX “B”

Location of Subject Property
APPENDIX “C”

Aerial Photography
APPENDIX “D”

Surrounding Zoning
TO: Deputy Mayor R. Maloney, Chair and Members of Planning and Development Committee
FROM: C. Kelley, Director of Planning and Development
SUBJECT: Application for Variance under Fence By-law 2008-046 – Tammy Parchem

RECOMMENDATION

1. That the application by Tammy Parchem for a variance under Fence By-law 2008-046 be approved to permit a 2.44 metre (8 foot) fence to extend into the front yard as outlined in Staff Report PD003-18.

ORIGIN

2. An application has been received from Tammy Parchem for a variance to the Town of Bracebridge Fence By-law for the property located at 41 Fairlawn Boulevard. The applicant is seeking relief from the following provisions in Fence By-law 2008-046:

2.1. Section 7.1.1, that restricts the height of the fence in the front yard to be no higher than 1.22 metres.

3. This application was received on October 27, 2017 and the required fee of $200 was paid by the applicant to initiate the variance process.

4. Staff believe the fence was installed in the early fall 2017. Based on a complaint about the potential violations to the Town's Fence By-law, an investigation was undertaken by staff from the By-Law Enforcement Branch of the Corporate Services Department and the Building Services Branch of the Planning and Development Department. As a result of the investigation and confirmation that the fence installed is in contravention of the Town's By-law, the Fence Variance application was submitted.

5. On December 22, 2017 notice of the application was circulated to the various Town Departments and all neighbouring property owners within 39.62 metres of the applicant’s property lines. In accordance with the by-law, notice was required to be provided within 10 days of the hearing date.

6. The property is Zoned Residential Type 1 (R1) under the Town’s Comprehensive Zoning By-law 2016-088 and therefore is subject to the Residential provisions of the Fence By-law 2008-046.

7. A location map of the property is included in Appendix “A”.

8. An aerial map of the property is included in Appendix “B”.

9. Photographs of the fence in question are located in Appendix “C”.

10. Photographs of the surrounding neighbourhood are located in Appendix “D”.

11. In 2008, the Town approved by-law 2008-046 that applies to fences erected within the municipality.
12. Section 13 of the Fence By-law requires that any variances to the By-law be granted by the Town Council and requires that the applicant and any neighbouring property owners be provided the opportunity to provide comments in favour of, or in opposition to the application.

13. Since the enactment of the By-law in 2008, the Town has not processed any applications for a variance.

14. The purpose of this report is to provide recommendations with respect to the application received.

ANALYSIS

15. The Fence By-law was established under the powers granted to the Town under Section 9 and 11 of the Municipal Act. Specifically, Section 11 (3) states that municipalities may pass by-laws for “Structures, including fences and signs”.

16. The applicant has indicated the following rationale for the variance:

16.1. their home is the last house on a dead end street and there are no residents on the opposite side of the street;

16.2. the neighbour (37 Fairlawn Boulevard) parks in their driveway and along the road in front of their house;

16.3. the trees on the property extend beyond the fence line; and

16.4. the applicant has indicated that there are a number of challenges why the fence is required, as follows:

16.4.1. impact from the neighbour’s taxi business that operates day and night all year long;

16.4.2. there are multiple vehicles and drivers moving regularly on the neighbour’s property;

16.4.3. the applicant’s dog barks when the lights come from the neighbour’s driveway;

16.4.4. there is noise from the neighbour when communicating with each other on their property;

16.4.5. ensures that domestic pets are not wandering onto the applicant’s property;

16.4.6. prevents smoke from blowing toward the applicant’s property when the neighbour is burning garbage; and

16.4.7. prevents non-verbal communication between the applicant and their neighbour.

17. The applicant has indicated that there is a dual peace bond between “our home’s occupants and the neighbour at 37 Fairlawn Boulevard” and that tensions have remained high despite the peace bond.
18. There is no record of any complaints about the business (A-Cabs) operating at 37 Fairlawn Boulevard. Although Town Staff have not undertaken a full review of the operation the business, it appears to be in compliance with the provisions of a Home Occupation under the definition of Town’s Comprehensive Zoning By-law as follows:

18.1. There is no external signage on the property;
18.2. Staff believe that only the occupants of the building are involved in the business;
18.3. The use is confined to the dwelling unit and not in an accessory structure;
18.4. Not more than 25% of the total floor area of the dwelling unit is used for the business;
18.5. There is no outdoor storage associated with the business;
18.6. The use does not interfere with television or radio reception of neighbours;
18.7. The use is clearly secondary to the main residential use and does not create a nuisance with respect to noise, traffic, parking or vibration; and,
18.8. The use does not generate or store any hazardous waste.

19. There is one provision under the Home Occupation regulation that was added in the 2006 Comprehensive Zoning by-law that provides a restriction on hours of operation to between 7 a.m. and 9 p.m. While staff are certain that the taxi business operates beyond these hours, the activity would be limited to taxi cabs leaving/entering the property.

20. A-Cab is licensed annually by the Town of Bracebridge for the taxi business and have been since 2009. The Fairlawn Boulevard property is the address of record for the business.

21. The applicant’s property is well treed along the property line and while the fence is higher in the front yard, staff believe that the impact on the neighbour is minimal. In addition, the fence is setback from the driveway and therefore does not block any sightlines.

22. Along Fairlawn Boulevard, there are a number of properties with significant tree lines to the front property lines. There is a similar “privacy” situation located at 21 Fairlawn Boulevard where by the property owner has utilized an unpierced row of cedars to achieve a similar result. This row of cedars is located in the front yard adjacent to the road at a similar distance to the applicant’s fence at 41 Fairlawn Boulevard. Refer to Appendix “E”.

23. Although Planning and Development staff generally, would not support a 2.4 metre high fence in a front yard, this situation is somewhat unique in that the applicant’s property is the last property on a dead-end street and there are no properties located opposite this property on Fairlawn Boulevard. The fence directly impacts only one neighbouring property owner located at 37 Fairlawn Boulevard.

24. Staff have considered an alternative to require the applicant to reduce the size of the fence in accordance with the by-law in their front yard or reduce the height of the fence to correlate with the front yard of the neighbour at 37 Fairlawn Boulevard. However, because the applicant’s house is located further back than the neighbour’s house at 37 Fairlawn Boulevard, the reduction in the front yard of the applicant’s property would not meet with the applicant’s intent to shield the impact of the activity on the neighbour’s property which occurs largely in the front yard.
25. There have been no concerns raised by any other Town Department on this application. Public Works Department staff have reviewed the sight lines from the applicant’s driveway onto Fairlawn Boulevard and see no concerns.

26. Therefore, staff are recommending approval of the variance application for the following reasons:

   26.1. The fence is not inhibiting the use of the road nor any driveway sight lines.

   26.2. In staff’s opinion, the fence has minimal impact on the adjacent property owner and surrounding neighbourhood.

LINKAGE TO COMMUNITY BASED STRATEGIC PLAN

27. The approval of the variance to the Fence By-law for this property is well aligned with the community-based strategic plan objective:

   Yes An Engaged, Healthy and Socially Sustainable Community

28. The approval of the fence variance is in keeping with the Community Based Strategic Plan as it will assist with neighbourhood relations on Fairlawn Boulevard. In addition, the public meeting for the variance provides the opportunity for neighbouring property owners to engage in the process.

LINKAGE TO COUNCIL PRIORITIES

29. The variance to the Fence By-law for this property supports an Engaged, Healthy and Socially Sustainable Community, which has been identified by Council as a 2014-2018 priority area. The fence variance will support this priority by improving neighbourhood relations on Fairlawn Boulevard. In addition, the public meeting for the variance provides the opportunity for neighbouring property owners to engage in the process.

ALTERNATIVE

30. The following alternative is available for Committee’s consideration:

   Alternative #1 The Committee could approve the variance with conditions.

   This alternative is not recommended as staff believe the application has minimal impact on the adjacent property owner and surrounding neighbourhood and therefore should be approved as submitted. Additionally, staff do not believe approval of this variance causes a negative precedence for the Town in regard to enforcement of the Town’s Fence by-law in the future.

   Alternative #2 The Committee could deny the fence variance application.

   This alternative is not recommended as staff believe the application has minimal impact on the adjacent property owner and surrounding neighbourhood. As noted above, staff do not believe approval of this variance causes a negative precedence for the Town in regard to enforcement of the Town’s Fence by-law in the future.
EXISTING POLICY

31. Town of Bracebridge Fence By-law 2008-046.

FINANCIAL IMPLICATIONS

32. The applicant has submitted the required application fee for the variance application. There are no other financial implications related to this application for the Town.

COMMUNICATIONS

33. This staff report was distributed to Council, Media, and all Town staff and was published on the Town’s website in accordance with the Town’s Procedural By-law.

34. Notice of the Public Meeting for the proposed Fence Variance application was sent on December 22, 2017 by first class mail to the respective owners and assessed persons within 39.62 metres (150 feet) of the property and circulated to other Departments within the Town.

35. The notice included the time, date and location of the public meeting and an explanation of the purpose of the meeting including the variance requested. The notice was provided at least 10 days prior to the public meeting in accordance with the Town of Bracebridge Fence By-law 2008-046.
APPENDIX “A”

Property Location Map
APPENDIX “B”

Aerial Photograph

37 Fairlawn

41 Fairlawn
APPENDIX “C”

Photos submitted with the application

Look and location of the fence as seen by the property owners at 37 Fairlawn Boulevard

2015 view of the activity on the property at 37 Fairlawn Boulevard
APPENDIX “D”

Property & Neighbourhood Photos

Applicant’s Property

Fence/Front Yard Views – from Fairlawn Boulevard looking south
Taken from in front of the applicant’s property looking north

View from the front adjacent to the neighbouring property at 37 Fairlawn Boulevard
View from the front adjacent to the neighbouring property at 37 Fairlawn Boulevard

Looking south from near the front at 37 Fairlawn Boulevard
APPENDIX “D”

Cedar Tree Hedge – 21 Fairlawn Blvd.