

OFFICIAL PLAN AMENDMENT NO. 6

MUNICIPALITY OF DYSART ET AL

**AMENDMENT NO. 6 TO THE OFFICIAL PLAN
OF THE MUNICIPALITY OF DYSART ET AL**

TABLE OF CONTENTS

	Page
<u>Statement of Components</u>	3
<u>Part A - The Preamble</u>	4
Purpose and Effect	4
Location and Description	4
Basis	5
<u>Part B - The Amendment</u>	8
Introductory Statement	8
Details of the Amendment	8
Implementation and Interpretation	10

STATEMENT OF COMPONENTS

Part A - The Preamble does not constitute part of this Amendment. It provides general introductory information on the purpose, location, and basis of the amendment.

Part B - The Amendment consisting of the following text, constitutes Amendment No. 6 to the Official Plan of the Municipality of Dysart et al.

PART A - THE PREAMBLE

1. Purpose and Effect

The municipality is undertaking an amendment to its official plan. The proposed amendment is to update the shoreline protection policies to permit one building near the shoreline of a waterbody, and to address the challenges and constraints of steep lots, subject to compliance with the natural shoreline policies of the Official Plan.

Official Plan Amendment No. 6 will change the language in Section 3.2.7 to clarify what structures are permitted in the minimum water setback, during the review of applications to purchase a road allowance.

Official Plan Amendment No. 6 will delete and replace certain policies in Section 5.1.2 to clarify what structures are permitted in the minimum water setback. Policies are included that regulate the use, size and location of the permitted accessory building, recognizing the challenges and constraints of steep lots. This will be further implemented in the zoning by-law. Strict controls will be implemented requiring natural shorelines, the purchase of the shore road allowance (if the structure is located on the shore road allowance), and a site plan agreement.

Official Plan Amendment No. 6 will delete Section 15.2.2 – Special Area LSP-2: Percy Lake. The updated policies of Section 5.1.2 apply across the entire municipality, including the waterfront properties on Percy Lake, thus rendering this section unnecessary.

2. Location and Description

This amendment to the Municipality of Dysart et al Official Plan will affect all lands within the Municipality.

3. **Basis**

The basis of Official Plan Amendment No. 6 is in response to public preference to permit a small accessory building near the shoreline of a waterbody while maintaining a natural shoreline.

The proposed amendments recognize the preference of the public and therefore intend to update the policies around structures permitted within the minimum water setback while strengthening the existing language surrounding natural shorelines.

An amendment to the Municipality's Zoning By-law is also being contemplated to incorporate definitions and provisions to regulate structures within minimum setback areas. The zoning amendment will outline the specific use, size, height, and setback provisions as well as shoreline vegetation policies. The official plan amendment and zoning by-law amendment are being processed concurrently.

The proposed Amendment is prepared within the context of Provincial Policy and the Policies of the Official Plan of the County of Haliburton and Municipality of Dysart et al. Key policies, which provide direction, include:

PROVINCIAL PLANNING STATEMENT:

Policy 2.0	Wise Use and Management of Resources
Policy 2.5	Rural Areas in Municipalities
Policy 2.6	Rural Lands in Municipalities
Policy 4.1	Natural Heritage
Policy 4.2	Water
Policy 5.2	Natural Hazards

COUNTY OF HALIBURTON OFFICIAL PLAN:

Section 3	Rural Lands
Section 3.4	Permitted Uses
Section 5.3.6	Shorelines

DYSART ET AL OFFICIAL PLAN:

Section 2.1.2	Importance of Natural Environment
Section 2.1.5	Trends in Recreational Development
Section 2.2.1	Protection and Enhancement of the Environment
Section 3.2.7	Closing and Conveyance of Road Allowances
Section 3.7.2	Flood Hazards
Section 3.7.3	Storm Water Management
Section 4.1	Settlement Pattern
Section 4.2	Sustainable Development
Section 4.6	Lot Size and Shape
Section 5.1	Water Resources
Section 5.1.2	Lakes and Rivers
Section 5.2	Lake Capacity
Section 5.3.4	Natural Heritage Features
Section 15.2.2	Special Area LSP-2 – Percy Lake
Section 16.9	Site Plan Control

The following controls will ensure the proper development of accessory buildings along the shorelines and shorelands:

- Implementing zoning by-law: a by-law amendment is being processed concurrently with this application which will include the following:
 - The zoning by-law will include strict provisions regulating the use, size and location of structures, while also requiring the purchase of the shoreline road

allowance, renaturalization of the shoreline vegetation and a site plan agreement.

- Site Plan agreement: An agreement, pursuant Section 41 of the Planning Act, will be required to ensure the proper development of the accessory building. In particular, the agreement will address the requirements of the Dysart et al Official Plan, including renaturalization of the shoreline vegetation with native species. The gazebos and sheds located within the minimum water setback shall blend with the natural surroundings and be screened from view, from the lake and from neighbouring lots.
- Application to Purchase Road Allowance: An application to purchase the shoreline road allowance will be required if the proposed accessory building will be located on municipal lands.
- By-law Enforcement: Proactive enforcement is a condition of approval, ensuring that the existing illegal structures are addressed and that the shoreline vegetation buffer is renaturalized where it has been impaired by past activities. Permitted buffers and clearings around each structure are provided for access and a limited view. Buffers and clearings are further defined in the Municipal Site Alteration By-law. The Site Alteration By-law will need to be updated to conform to the policies contemplated by Official Plan No. 6.

PART B - THE AMENDMENT

1. Introductory Statement

All of this part of the document, entitled "Part B - The Amendment", consisting of the following text constitutes Amendment No. 6 to the Official Plan of the Municipality of Dysart et al.

2. Details of the Amendment

The Official Plan of the Municipality of Dysart et al is amended as follows:

1. Section 3.2.7 – Closing and Conveying Road Allowances, the fourth bullet of the third paragraph is hereby amended by adding the words “permitted in Section 5.1.2” following the words “any building or structure”, and adding the words “and 3.1” following the words “Section 3.19”, such that the fourth bullet of the third paragraph of Subsection 3.2.7 shall read as follows:
 - “require the removal of inappropriately located accessory buildings. For clarity, any building or structure permitted in Section 5.1.2, or any building or structure that was clearly constructed prior to July 11th, 1977, and has been assessed for tax purposes, will be permitted, subject to compliance with Section 3.19 or 3.1 of Zoning By-law 2005-120, as amended from time to time; or”
2. Section 5.1.2 – Lakes and Rivers is hereby amended by deleting the paragraph beginning with the words “The shoreline setback for an individual lot is defined in the implementing zoning by-law” in its entirety and replacing it with the wording as follows:

“The shoreline setback for an individual lot is defined in the implementing zoning by-law as the "water setback". This setback shall be strictly adhered to.

Excepted from the shoreline setback requirements are docks and marine facilities as defined and permitted in the implementing zoning by-law; stairs that provide access to the water and are not attached to a building or structure; and landings that are less than 9.3 square metres (100 square feet) in area.

Also excepted from the shoreline setback requirements are a deck and patio that are not attached to a main building, and a maximum of one (1) accessory building as defined and permitted in the implementing zoning by-law.

An accessory building within the water setback is restricted to either a gazebo or storage shed and shall comply with the following criteria, which shall be strictly enforced:

- storage sheds shall only be permitted on lots that have a minimum slope of 15% measured over a horizontal distance inland 30 metres from the high water mark;
- gazebos and storage sheds shall be restricted to a maximum ground floor area of 10 sq. metres and a maximum height of 3.5 metres (11.5 feet);
- gazebos and storage sheds shall be located a minimum of 5 metres (16.4 feet) from the high water mark;
- the storage of vehicles and motor vehicles (including boats), as defined by the implementing zoning by-law, is not permitted in storage sheds;
- gazebos and storage sheds shall blend with the natural surroundings and be screened from view, from the lake and from neighbouring lots; and
- Prior to construction of a gazebo or storage shed, the shoreline vegetation shall be restored to a natural state, to the full depth of the shoreline setback.

The following development approvals shall be required prior to constructing a gazebo or storage shed, in the water setback:

- a site plan agreement; and
- purchase of the shoreline road allowance, if the gazebo or storage shed will be located on the shore road allowance.

This policy ensures that the general intent of Section 5.1.2 is implemented, addressing the constraints and challenges of steep lots, permitting limited development within the shoreline setback in exchange for the restoration and repair of the shoreline vegetation to a natural state.

Boathouses are not permitted in the shoreline setback.”

3. Section 15.2.2 – Special Area LSP-2: Percy Lake is hereby deleted in its entirety.

3. **Implementation and Interpretation**

This Amendment to the Official Plan will be implemented and interpreted in accordance with the respective policies of the Official Plan of the Municipality of Dysart et al.