



Staff Report PLAN-2024-097
Planning Committee
July 11, 2024

TO: Chair Bosomworth and Members of Planning Committee

AUTHOR: Teslyn Heron, Planner

SUBJECT: ZBA-25/24 (Maple Leaf Marinas Holdings Inc.), Civic Address:
1035 & 1043 Marina Road, Rolls #: 8-4-050 & 8-4-050-01

RECOMMENDATION

ZBA-25/24

THAT a decision on Zoning By-law Amendment Application ZBA-25/24 (MAPLE LEAF MARINAS INC.) be deferred so that public and agency comments can be received, and that staff be directed to undertake a review and analysis of the submissions with a view to providing a recommendation to Planning Committee on the application.

REPORT HIGHLIGHTS

This report provides background information on Zoning By-law Amendment Application ZBA-25/24 (Maple Leaf Marina.). The applicants propose to:

- Gain a zoning exemption necessary to construct two dock additions that each exceed the maximum permitted length.

BACKGROUND

The submitted Zoning By-law Amendment Application seeks to gain a zoning exemption necessary to construct two over length dock additions.

The subject lands are located slightly east of the intersection of Marina Road and Barlochan Road (Hwy 30) within the Township of Muskoka Lakes. The total area of the subject lands is approximately 2.0 hectares (4.94 acres) as shown in Figure 1. Currently there are six docks, labelled Docks 'A', 'B', 'C', 'D', 'E' and 'F' which are along the western portion of the property. Additions to Docks 'E' and 'F', located in the eastern portion of the property, are proposed and will result in 56 new boat slips, see Figure 1.

Technical details of the application are summarized in Table 1 below.

Table 1: Summary of Exemptions

Exemption	ZBL 2014-14 Section(s)	Description	Permitted	Proposed	Relief
A	4.2.8.a.ii	Construct Two (2) Over-length Dock Additions to Docks 'E' and 'F'.	80 feet	206 feet	126 feet

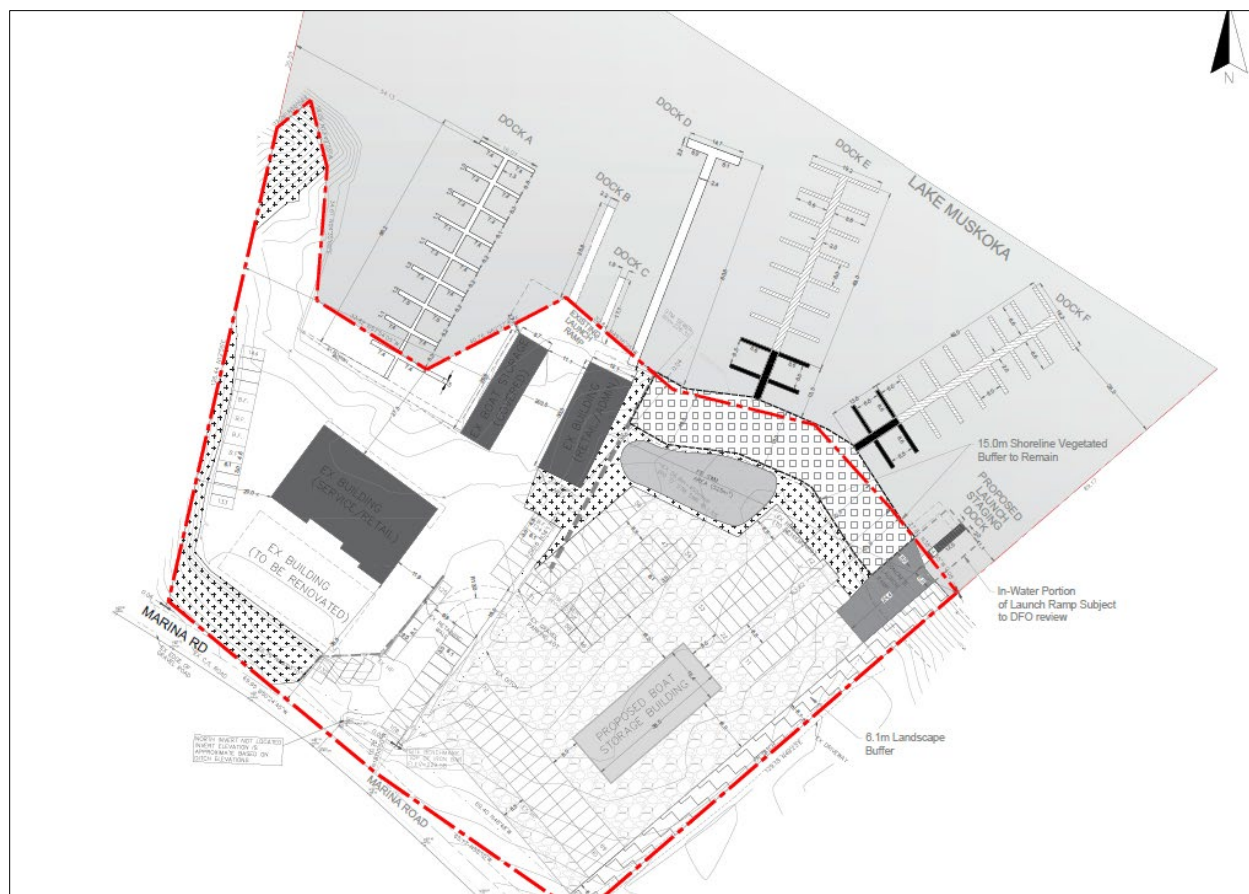


Figure 1: Proposed Site Plan

ANALYSIS

Proposed Exemption: Maximum Dock Length

- Policy E4.9 a) of the Township's Official Plan recognizes the importance of existing marinas in servicing the boating needs of waterfront residents, providing water access points for water access properties, and employment for the residents of the Township.

- Policy E4.9 b) of the Official Plan identifies that marinas are encouraged to retain a wide range of services including dockage.
- Policy E4.9 c) identifies that valet and taxi service in lieu of dock expansion is encouraged.
- The proposed Zoning By-law Amendment requests an exemption from Section 4.2.8.a.ii of the Township's Zoning By-law, which stipulates a maximum permitted dock length of 80 feet in a WC2 zone. The additions to Docks 'E' and 'F' are proposed to extend an additional 161 feet in length, resulting in two docks each 205 feet in length.
- For dock expansion proposals that involve the cumulative establishment of docking or mooring facilities for 15 or more boats, Section E4.11 a) of the Official Plan requires the completion of a Boating Impact Assessment (BIA). BIAs are intended to quantify and qualify the effect of the additional boating activity emanating from docking facilities on the use and enjoyment of recreational waters in the Township. In this case, as 56 new boat slips are proposed, a BIA, dated January 19, 2023, has been prepared by Michalski Neilsen and Associates Ltd. (MNAL) and submitted with the application. The recommendations from the BIA are as follows:
 1. Signage is to be erected at the new docks to advise all users that the embayment in vicinity of the marina is a congested area, and emphasizing the need for all patrons to travel at a speed of less than 10 km/hr until they reach Cedar Island as they exist the marina, and to similarly travel at a slow speed once they reach Cedar Island on their approach to the marina;
 2. Rental agreements must also emphasize the requirement for safe and courteous boating in vicinity of the marina, and should include a clause that the annual slip rental will not be renewed should this requirement not be heeded;
 3. Marina staff must continue to be trained to reinforce safety messaging in any circumstance where safe boating practices are not being observed, and the marina should maintain a log of any such occurrences;
 4. The marina management should also maintain a log of any neighbour concerns and address these as deemed appropriate to the circumstance.
- As per Michalski Nielson and Associates Ltd. Boating Impact Assessment, staff understand that the marina currently has 67 functional boat slips, 34 of which are rented on a seasonal basis, largely by the owners of water access (island) properties. The remaining slips include 17 slips used for the marina's servicing operations including the marinas valet service, and 16 are designated for retail and fueling. Existing Docks 'E' and 'F' have recently been issued Building Permits and result in an additional 12 boat slips. A further 2 temporary boat slips will be associated with a staging dock for a total of 81 existing/under construction slips.

With a further 56 slips proposed, staff understand that the total number of resultant boat slips will be 137.

- The proposed additions otherwise comply with all other applicable zoning provisions, including side yard setbacks and width. The submitted site plan projects the easterly side lot line a distance $\pm$ 292 feet from the high water mark and indicates that the nearest addition will be set back $\pm$ 91 feet from this projection. The minimum setback for a dock in the WC2 zone, measured from a 100 foot side lot line projection, is 30 feet. While the easterly slips of Dock 'F' are proposed to orientate parallel to the shoreline and towards the abutting owner, the Zoning By-law does not regulate slip orientation.
- The total cumulative width of docks and boathouses on a lot shall not exceed 75% of the lot frontage. The cumulative width is 40.1%, including docks and dock fingers and therefore is in compliance with width requirements.
- The boat storage building listed as proposed on the submitted site plan has received site plan approval and complies fully with the Zoning By-law.
- There are 144 parking spaces available to accommodate the existing retail buildings, existing boat slips and proposed boat slips including 5 barrier free parking spaces, which is compliant with Zoning By-law requirements.
- A Scoped Environmental Impact Study (SEIS), dated August 8, 2022, and an Addendum thereto, dated March 27, 2023, both completed by Roots Environmental were submitted as part of a recent Application for Site Plan Approval. The former contains a site plan depicting the proposed dock additions, whereas the latter also contains a site plan, but does not depict the proposed dock additions. The SEIS concluded that no negative impacts to the natural heritage features and related ecological functions are anticipated provided that development occurs in accordance with the proposed plans and recommendations of the report. The Addendum notes a requirement for a request for review by the Department of Fisheries and Oceans Canada (DFO) and formed a schedule to the Site Plan Agreement, which has been registered on title. Owing to the discrepancy between site plans contained in the two documents prepared by Roots Environmental, staff can evaluate if an update to the SEIS and Addendum is necessary as part of the recommended deferral.

Public and Agency Comment

Commercial dock expansions of this nature and magnitude have in the past raised both concerns, typically from those neighbouring mainland waterfront owners, as well as support, typically from water access owners. A number of comments from the public on the subject application have already been received, as noted in the Appendix. Staff have recommended that a decision on the application be deferred. A deferral will enable

receipt, review, and analysis of all public and agency comments with a view toward making an ultimate recommendation to Planning Committee.

Transport Canada Comment

The applicant's agent has provided correspondence from Transport Canada confirming that the Canadian Navigable Waters Act applies to the project and will require Transport Canada approval. Staff have been in correspondence with Transport Canada to determine Transport Canada's feedback with respect to the preferred sequence of review necessary for this application, owing to its multi-jurisdictional nature, however, this nor any Transport Canada comments could be confirmed at the time of writing. This will be completed as part of the recommended deferral.

General Analysis

Further property details, site visit photos, constraints and past planning approvals, and applicable planning documents are included in an appendix to this report.

PREPARATION

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APPENDIX

A1: Property Details, Constraints, and Background

Matter	Comment
Official Plan Designation	Waterfront Area
Zoning (ZBL 2014-14, as amended)	Waterfront Commercial – Marina Commercial Waterfront (WC2)
Zoning Schedule	43
Frontage	668 ft.
Area	2.0 hectares
Access	Marina Road
Neighbouring Uses	Waterfront Residential
Lake/River Category	Lake Muskoka
Species at Risk (SAR)	SAR may be encountered in the area. More information regarding SAR can be found at www.ontario.ca/SpeciesAtRisk . Property owners should consult the Ministry of the Environment Conservation, and Parks (MECP) to ensure any proposed development will not have any adverse impacts on SAR or SAR habitat. Given the applicant's statutory obligations under the <i>Endangered Species Act, 2007</i> , an evaluation of potential habitat of endangered and threatened species and impacts has been completed, through a Scoped Environmental Impact Study by Roots Environmental dated August 8, 2022
Fish Habitat	The subject land fronts onto an area of Lake Muskoka that has been identified by the MNRF as Type II (General) Fish habitat. Type I Fish Habitat is generally known to be sensitive to the potential impacts of development and can include spawning habitat, whereas Type II Fish Habitat is not limiting to fish populations. As per statutory obligations under the Fisheries Act, it is the responsibility of applicants to confirm, through a self-assessment, if any future development/redevelopment will trigger a requirement for a review by the Department of Fisheries and Oceans (DFO) as laid out in Guidelines for Projects Near Water (http://www.dfo-mpo.gc.ca/pnw-ppe-index-eng.html). An evaluation of potential impacts to fish and fish habitat has been reviewed in the Scoped Environmental Impact Assessment completed by

	Roots Environmental dated August 8, 2022. An update to this study may be necessary to include the latest dock expansion.
Past Planning Approvals	Minor Variance A-11/85 was approved to permit a reduced side yard setback for a marina building. Minor Variance A-49/89 was approved to permit relief from the maximum lot coverage. a) Site Plan Approval SPA-32/06, SPA-08/07 & SPA-97/22. With respect to the latter, SPA-97/22 approves the development shown on the submitted site plan with the current application save for and except the proposed non-compliant dock additions. SPA-97/22 includes the following schedules: Site Plan a) Storm Water Management and Construction Mitigation Plan and Report b) Storm Sewer Design Sheet c) Scoped Environmental Impact Study and Addendum d) Architectural Drawings for Proposed Boat Storage Building e) Retaining Wall Design Drawings f) Planting Plan and Cost Estimate g) Securities
Site Plan Control	The proposed dock additions automatically trigger a requirement for further Site Plan Approval, necessitating an amendment to the existing Site Plan Agreement.

A2: Site Photos, June 28, 2024



Figure 2: Existing Retail/Admin Building



Figure 3: Boat Storage Building



Figure 4: Existing Dock 'E'



Figure 5: Existing Dock 'F'

A3: Agency and Public Comments Submitted at Report Writing

Submission	No Objection	Objection	Comments
District Municipality of Muskoka		X	No objection.
Township of Muskoka Lakes, Development Services Division			Comments had not been received at the time of writing.
Township of Muskoka Lakes, Operational Services	X		Comments had not been received at the time of writing.
Township of Muskoka Lakes, Emergency Services			The calculated fire response time is 12 minutes and 28 seconds based on the average 'chute time' of the fire department in the last 36 months and a travel distance of 3.6 km from the fire station.

			Fire Smart Homeowners manual should be consulted to understand how treatments to the property influence wildfire spread.
Public Comments:			
Rob and Sharon Staffen	X		Letter of support
Mike & Rose Robbins		X	Letter of objection citing significant impacts to views, use of the waterfront, concerns of noise, water safety and congestion.
Linda Schell		X	Letter of objection stating concerns of water/air contamination, increased boat traffic, impacts on wildlife, shoreline erosion, noise and light pollution, enjoyment of property & concerns with the relief that is being asked.
Jill Coles		X	Letter of objection stating concerns of increased boat traffic, shoreline erosion, noise, impacts on fish habitat & the natural environment, future expansion plans of the marina and its cumulative impacts on the bay.
Helena Scheffer		X	Letter of objection citing concerns regarding environmental impacts, increased noise and chemical pollution and impacts to the community.
Elisa & Peter Redmond		X	Letter of objection stating concerns over increased boat traffic & tranquility of the lake.
Bill & Deborah Hacon		X	Letter of objection raising concerns around increased boat traffic, shoreline erosion, environmental and noise pollution and setting precedent for future applications.

Allan Detsky & Rena Mendelson		X	Letter of objection raising concerns regarding increased boat traffic, shoreline erosion, noise and impact to the natural environment, visual impacts and magnitude of proposed expansion.
Wendy Sherwood		X	Letter of objection including concerns of increased boat traffic, noise levels, pollution, waves.

A4: Planning Policy

Provincial Policy Statement
The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject property is identified as Rural Lands in the PPS.
District of Muskoka Official Plan
The subject property is designated Waterfront Area in the District of Muskoka Official Plan. The District Municipality of Muskoka is a commenting agency in regard to Provincial and District interests. Comments from the District had not been received at the time of writing.
Township of Muskoka Lakes Official Plan (Approved November 20, 2023)
The Township's Official Plan designates the subject property as Waterfront Area.