

Recommendation:

That the Building Department-2024-03 report, dated March 19, 2024, regarding Septics being classified as structures within the Township's Zoning By-law be received and that any potential changes to the Township's Zoning By-law and/or its interpretation, be further investigated during the creation of the Township's new Zoning By-law.

Overview:

Request from Council from February 20, 2024:

That staff bring forward a report regarding septic system being treated as a structure in the Township Zoning By-law, the effects of the current set backs and a possible zoning amendment.

Interpretation:

The Building Department considers an on-site sewage system, also referred to as a septic, as a building/structure. This interpretation comes directly from the definitions found in the *Building Code Act, 1992, as amended* and the Township's Comprehensive Zoning By-law, 10-1996, as amended.

Section 1 of the *Building Code Act* states; in this Act, "building" means, a sewage system.

Section 22.233 of the Township's Zoning By-law defines a structure as meaning anything constructed, built or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground including any component of a private sewage system; but does not include a sign, trailer, mobile home or tent.

The Township's Building By-law, 2021-74, defines a building the same as found in the *Building Code Act*.

It is clear that a septic system is to be considered as a building/structure.

Effect:

The horizontal clearances for on-site sewage systems are regulated through the Ontario Building Code. The Zoning By-law further restricts the placement of on-site sewage systems to areas outside of the 30m water yard and not within 15m from a property line abutting a public or private road.

Section 22.3 of the Township's Zoning By-law defines "accessory" as a use, building or structure that is naturally and normally incidental, subordinate and exclusively devoted to a main use, building or structure, and located on the same lot therewith.

Therefore, a septic is an accessory building/structure.

Section 3.1.2 of the Township's Zoning By-law addresses the location of accessory buildings/structures and reads as follows:

3.1.2 Location

Except as otherwise provided herein, in any residential zone category and where a residential lot is created in the Rural Zone (RU) for the purpose of constructing a detached dwelling, any accessory building or structure which is not part of the main building shall not be erected:

- (a) within any required front yard or water yard; save and except as permitted in accordance with Sections 3.1.5 and 3.1.6 hereof;
- (b) within a minimum rear yard of 1.5 metres;
- (c) within a minimum side yard of 1.5 metres;
- (d) within a minimum separation distance of 1.5 metres, from any building, structure, or part thereof, and not to be intruded upon by any awning, canopy, roof, wall or similar structure.

Notwithstanding any setback requirements of this By-law to the contrary; no accessory building or structure may be located within 15 metres of any lot line abutting a public or private road.

Notwithstanding any other provisions of this By-law to the contrary, no component of any private sewage system shall be located within 3.1 metres of any side or rear lot line.

Section 3.36 also addresses the setbacks of buildings/structures to public roads. The least restrictive being 15m (Township) or as permitted by the Ministry of Transportation (MTO). The MTO does regulate the location of sewage systems using the same minimum setbacks as structures/buildings.

Additionally, Otonabee Region Conservation Authority (ORCA) and Hydro One regulate the location of septs as well.

The Township's Zoning By-law is clear that a septic shall not be located within the water yard or within 15m to a property line abutting a public or private road. The location of a septic is usually regulated in the same manner as other buildings/structures by other authorities.

Zoning Amendment:

A zoning amendment would require a significant amount of Township resources.

The Official Plan specifically addresses the need for all new development and sewage systems to be set back at least 30m from the high-water mark of all water bodies.

Therefore, the only anticipated change to the current interpretation would be the reduction of the required 15m set back from a public or private road.

Depending on what the proposed road setback would be, Hydro One or the MTO may ultimately require a more restrictive horizontal clearance (14m and 5m respectively). Given the frequency of power lines running across the front of a property, it can be anticipated that a significant amount of properties would require at least a 5m setback.

Consideration should be given to the need for road widening in the future. The Municipality currently assumes a 3m strip, from severed parcels, for these purposes. Potentially, 3m should be applied to any proposed minimum setback.

The minimum horizontal clearance from a property line, as prescribed by the Ontario Building Code, can be up to 6m.

Additional Consideration:

Peterborough Public Health is terminating its Sewage Disposal Program. The responsibility for permitting and inspections are being transferred to the local municipalities. As Building Departments become more holistic in their permitting, their interpretations may be more likely to align with our current one.

I am unaware of any planning applications that have needed to be processed to deal strictly with a septic system that could not fit on a property due to the current interpretation under the current By-law, as amended.

Conclusion:

The Zoning By-law is required to be updated within three years of approval of the Official Plan. The Official Plan was submitted to the Province for approval on July 11, 2022 and posted to the Environmental Registry of Ontario on June 21, 2023.

Financial Impact: None

Strategic Plan Applicability: To ensure and enable an effective and efficient municipal administration.

Report Approval Details

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| Document Title: | Septics and the Zoning By-law.docx |
| Attachments: | |
| Final Approval Date: | Mar 13, 2024 |

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Elana Arthurs