

Township of Lake of Bays

Community Planning Permit By-law 2021-111

This By-law is a consolidated version and includes amendments made by the amending by-laws listed on the following page. This consolidation is prepared for purposes of convenience only and is not the official version of the By-law. Contact the Planning Department for more information.

Consolidation Update: May 22, 2026

Incorporating amendments made by:

By-law No.	Effective Date:	
BL 2024-137	October 31, 2024	Township-wide Housekeeping Amendments
BL 2025-117	August 22, 2025	Township-wide Housekeeping Amendment No. 2 – Parking Provisions
BL 2026-064	May 22, 2026	Township-wide Housekeeping Amendment No. 4 – Limits on Council Variations

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1 EXPLANATORY NOTES AND CONTEXT

1.1 INTRODUCTION

Explanatory notes and context are provided to assist in explaining the basis for, and assisting in an understanding of, the Community Planning Permit By-law. This section does not comprise a formal part of the Community Planning Permit By-law and where there is any conflict of interpretation, the requirements of the By-law shall prevail.

The Community Planning Permit System is a relatively new planning system in Ontario which is designed to combine and replace the zoning, site plan, and minor variance processes into one streamlined process. The Community Planning Permit By-law also regulates removal of *vegetation* and alteration of the landscape (grading, blasting, filling, etc.). The Township of Lake of Bays has proceeded with extending the Community Planning Permit System across all land use designations, including Waterfront, Rural, and Community areas.

The Community Planning Permit System will implement the Township's Vision as provided in the Official Plan as follows:

"The Residents of the Township of Lake of Bays will nurture and sustain clean water, fresh air, natural shorelines, healthy forests and wetlands that will be the pride of the Province. We will offer an outstanding combination of economic opportunity, peaceful living, and recreation. This is our dream and legacy for our grandchildren's children. We Value: Responsible Leadership, A Healthy Sustainable Natural Environment, A Sound Economy, Quality of Life for all, The Allure of Our Surroundings, and Our Heritage"

The Community Planning Permit System requires a Community Planning Permit By-law to clearly identify *development* rules and requirements, and it facilitates flexibility and permits the regulation of *site alteration* and *vegetation removal*. Council decided to proceed with a Community Planning Permit System in the Township of Lake of Bays in order to better implement the policies of the *Official Plan*, including the protection of our shorelines, and to streamline the planning process.

The *Township's* Waterfront areas, Community areas, and Rural areas are all subject to the Community Planning Permit By-law. Under the former Development Permit System, only lands in the Waterfront areas were subject to the Development Permit By-law (2004-180); lands in the Community areas and Rural areas were subject to the Comprehensive Zoning By-law (2004-181). This updated Community Planning Permit By-law replaces the former Development Permit By-law and former Zoning By-law, and it applies to the entire *Township*.

This Community Planning Permit By-law is similar to traditional Zoning By-laws in that it includes both general provisions which apply across the entire area to which the By-law applies, as well as specific provisions for each Planning Permit Area (zone).

This By-law differs from a Zoning By-law because it permits discretionary *uses*, i.e. those *uses* which are permitted provided that certain conditions are met, in addition to permitted *uses*. It also allows variations from the standards, such as *setback* or *lot coverage* requirements, provided that identified criteria are addressed. Variation requests are evaluated on whether they result in the appropriate *development* of the lands, are minor, have no detrimental impacts on adjoining properties, maintain the intent, policies, and principles of the *Official Plan* and this By-law, and have regard for the design principles and character preservation policies of the Settlement, Waterfront, and Rural areas.

The Community Planning Permit System allows Council to delegate a degree of approval authority to staff. Approvals that are delegated to staff are identified throughout this By-law. For these minor variations, notice to neighbours is not required and the process will be streamlined. Where a Council approval is required, notice to neighbours of a public meeting will be given. Appeals to the Local Planning Appeal Tribunal (LPAT) of a Council decision may only be made by an applicant, not third parties.

This By-law may be amended by the same process by which a Zoning By-law is amended. Where a proposal for *development* does not meet the criteria of this By-law, an amendment to this By-law will be required. For example, an application requiring major variations from the provisions and standards outlined in this By-law, which are not covered by Class One - Staff Variations or Class Two - Council Variations, will require a more detailed level of review, notification of neighbours, and may be subject to appeals to the Local Planning Appeal Tribunal (LPAT).

1.2 BACKGROUND

The Township of Lake of Bays was the first municipality in Ontario to implement a Development Permit System (DPS) with the adoption of By-Law 2004-180. The DPS By-law applied to lands within the Waterfront Designation as illustrated in the *Township's Official Plan* (OP). Comprehensive Zoning By-law 2004-181 applied to all other land use designations within the municipality.

In 2014, the *Township* undertook a five (5) year review of its *Official Plan*. The new *Official Plan* was adopted by Council in January, 2016 and was ultimately approved with modifications on June 20, 2016 by the *District of Muskoka*. Section J of the *Township Official Plan* provides the policy framework for the *Township's* Community Planning Permit System. The *Official Plan* identified all land use designations – including Waterfront, Community, and Rural – across the *Township* for inclusion in the Community Planning Permit System.

1.3 COMMUNITY PLANNING PERMIT

The Community Planning Permit is a planning tool in Ontario that allows for the replacement and combining of the zoning amendment, minor variance, and site plan approval processes, as well as the regulation of *vegetation removal* and *site alteration*. Community Planning Permits differ from traditional land use regulations by allowing discretionary *uses*, conditional approvals, and variations to specified provisions within the By-law.

The Planning Act provides the legislative framework to establish a Community Planning Permit (CPP) for municipalities in Ontario as a planning tool designed to streamline approvals. Ontario Regulation 173/16 issued under subsection 70.2 of the Act provides for the establishment of Community Planning Permits.

The development of the *Township's* Community Planning Permit (CPP) By-law has been undertaken in the context of the following legislative, regulatory, and policy framework:

- Planning Act and Ontario Regulation 173/16;
- Provincial Policy Statement, 2020 (PPS);
- District of Muskoka Official Plan; and
- Township of Lake of Bays Official Plan.

Other provincial and municipal guidelines and reports also helped inform the CPP drafting process and the updated CPP By-law.

Planning Permits will be implemented to:

- a) direct the proper placement, massing, and conceptual design of *buildings, structures*, and facilities on individual sites within required *development* standards;
- b) promote compatibility, maintain character, and preserve aesthetic values;
- c) address environmental and landscape conservation;
- d) provide for safe, efficient, and appropriate movement of vehicular, vessel and pedestrian access and associated facilities;
- e) ensure maintenance or restoration of *vegetation* or natural vegetative *buffers*, or provision of landscaping;
- f) ensure proper grading, storm water management and construction mitigation measures are provided;
- g) ensure the conveyance of any required easement or *road* widening; and
- h) address measures for healthy communities.

It is intended that residential *development* which complies with the standards in the By-law, which is not located on or *adjacent* to a sensitive feature, which does not involve significant *vegetation* clearing or grading, and which does not involve *development* within the *shoreline*

yard and front and *rear yard* along a *road*, would generally not require a Planning Permit. Additionally, other *development* proposals which meet the criteria for exemption from a Planning Permit, or which meet all of the criteria within the relevant zone where *development* is proposed, may proceed directly to the building department for building permit review.

Timelines for approval in the Community Planning Permit are significantly shorter than former Zoning, Minor Variance, and Site Plan Control processes. Once an application for a Planning Permit is received by the *Township* and is deemed complete, there is a 45-day window for the *Township* to make a decision.

Under the Community Planning Permit, approvals may be delegated to staff. The delegation to staff as outlined in this By-law is intended to ensure that minor, straight-forward applications, with little potential to affect neighbours which are determined to be minor in scope so as not to impact adjacent properties in terms of visual or functional factors, but which require minor variations from standards, could be approved by staff in order to streamline the planning process. Staff would still be accountable to Council, and Council would be aware of staff decisions. An applicant or staff may refer an application for a staff approved planning permit to Council for their review.

Two types of approvals are identified in the By-law: provisional approvals and planning permits. Provisional approvals are approvals in principle, subject to receiving additional information. Conditions which may be imposed as part of a provisional approval are set out in this By-law. A planning permit could then be issued once a satisfactory study or plan is submitted.

The Community Planning Permit allows for the imposition of conditions that must be fulfilled prior to the issuance of a Planning Permit and conditions that must be fulfilled as part of a Planning Permit. In addition, agreements may be registered on title, such as agreements respecting conditions imposed, although these are not always necessary.

1.4 SHORELINE ACTIVITY AREAS

Due to the prominence of shorelines in the municipality and their importance to community character the Community Planning Permit provides for special provisions in this regard.

In accordance with Section 2.6.4.2 of the District of Muskoka Official Plan, in the Waterfront designation 75% of the linear shoreline frontage of a *lot* shall be maintained in a natural state to a depth of 15 metres from the shoreline for all land uses. The *Official Plan* allows for exceptions to this shoreline *buffer* requirement only in cases where redevelopment is proposed or where the *lot* is located within an Urban Centre or Community designation and the *buffer* is achieved to the extent feasible with a net improvement over the existing situation.

In order to maintain an appropriate balance between a natural shoreline and built form, the concept of *shoreline activity areas* has been developed. *Shoreline activity areas* are defined and focused areas of the shoreline within which *development* may occur. This concept is further illustrated in APPENDIX 2.

1.5 PRESERVATION OF VEGETATION

It is the intent of the *Township* to preserve *vegetation* along shorelines, for its ecological functions, its contribution to aesthetics and lake character and the reduction of the visual impact of *development* on the lakes. *Vegetation removal* within the *shoreline activity area* is permitted and would require the issuance of a Planning Permit. *Vegetation removal* within the remainder of the shoreline *buffer* while generally discouraged, is permitted in limited circumstances, such as for the purposes of a pervious *permeable pathway*. A Class 1 Planning Permit would be required in these instances.

It is also the intent of the *Township* to preserve *vegetation* along *roads*, for its contribution to ecological functions and visual character.

These provisions do not apply to the removal of dead or dying trees, including those trees which present a potential hazard to life or property.

Regulated *vegetation* includes healthy woody *vegetation* (trees and shrubs) measuring at least 1 metre in *height*. Smaller *vegetation*, including herbaceous *vegetation*, is not regulated due to anticipated difficulty in enforcement. However, this *vegetation* is essential in the protection of shoreline habitat and water quality, and in the reduction in shoreline erosion. The *Township* strongly encourages landowners to maintain as much *vegetation* as possible along shorelines.

1.6 COMMUNITY PLANNING PERMIT AREAS

Community Planning Permit Areas, referred to as Planning Permit Areas, are similar to zones in a Zoning By-law, although there are some key differences. In a Zoning By-law, there would be a schedule of zones (map), and for each zone, there would typically be a list of permitted *uses*, a table of *development* standards (e.g. *lot area*, *setbacks*, *height*, number of *parking spaces*, etc.), and additional provisions for permitted *development*. In a Community Planning Permit By-law, there would also be a schedule of Planning Permit Areas (map), although for each Planning Permit Area, there is a list of permitted *uses* as well as a list of discretionary *uses*, a table of *development* standards with applicable Staff and Council variations, and additional provisions for permitted or discretionary *development*. In essence, there is a greater level of flexibility for site planning and minor variances to be integrated into a Community Planning Permit than a Zoning By-law. For example, Staff or Council may vary a particular *development* standard or permit a discretionary *use* through a Class 1 or Class 2 Planning Permit without the need for an amendment to the By-law.

In the Township of Lake of Bays, Planning Permit Areas are identified in Schedule A to this By-law. The *Township's* Planning Permit Areas are generally organized into categories of: Waterfront, Rural, Community, Institutional, *Open Space*, and Environmental Protection

1.7 WATERFRONT PLANNING AREAS

The waterfront designation includes those lands beyond a community designation, which generally extend inland 150 metres from any lake greater than 8 hectares in area, or the Muskoka, Oxtongue, Big East, and Black Rivers. Specifically, this designation:

- a) includes land that physically or functionally relates to the waterfront, even though it may extend more than 150 metres from a waterbody; and
- b) includes all islands and land which form the bed of any lake or identified river; but
- c) may not include land that does not physically or functionally relate to the waterfront, even though it is located closer than 150 metres from a waterbody.

The waterfront designation identifies and describes the overall low-density shoreline community, which is composed of permanent and recreational-residential *dwelling*s, waterfront commercial and *open space* uses, and is related to the recreational, tourism, eco-tourism and aesthetic opportunities presented by a significant water resource. Waterfront areas are vital to the image, vision, and economic vitality of the *Township*. The ecological character, health and function of the waterfront are recognized as integral to a sustainable waterfront community.

The following principles will apply to growth and *development* within the waterfront designation:

- a) the waterfront area of the *Township* is an important economic and recreational resource which will be carefully managed to ensure orderly and sustainable *development* for the long-term;
- b) the integrity of the natural environment, landscape, shorelines, and water quality will be protected;
- c) cultural heritage, and *natural heritage features* and habitat will be conserved;
- d) the aesthetic qualities and scenic features of a waterfront area will be preserved;
- e) the character of the waterfront area will be maintained;
- f) the traditional mix of *uses* in the waterfront will continue;
- g) *development* on the land and at the shoreline will be compatible with *abutting uses* and the surrounding area;
- h) *development* will not have a *negative impact* on the municipal fiscal situation;
- i) individual private water and sewage services and access will be sustainable;
- j) the water resources of the *Township* will continue to be accessible to both private and public users;
- k) the ability to provide and deliver emergency services; and
- l) protection against natural hazards.

1.8 RURAL - PLANNING PERMIT AREA

The rural designation encompasses the hinterland beyond the boundaries of the community and waterfront designations, as well as land which is not subject to any other designation of this By-law.

The rural designation acts as a resource, recreational and low-density area for small-scale *development*. In addition, this area acts as a *conservation* area for expansive undeveloped areas and significant natural, environmentally sensitive and *wildlife habitat* areas.

Development in the rural designation, other than resource related industry, recreation or other *uses* which require a remote location, will be directed to areas where:

- a) rural *development* exists;
- b) public *road* access exists or can be expanded to accommodate the proposed *development* to the satisfaction of the authority having jurisdiction;
- c) public services such as police, fire, ambulance, and school busing are available;
- d) adequate private individual water and sewage services are feasible and where site conditions are suitable over the long run for such services; and
- e) land use conflicts with rural resource operations, rural businesses, or public facilities such as *waste management sites* or waste management systems, works yards or sewage lagoons will be prevented.

The following principles will apply where appropriate to growth and *development* within the rural designation:

- a) ensuring that *lots* are large enough for the land use;
- b) providing access from a municipally owned and year-round maintained *road* or a private condominium *road* that connects to a public *road* and constructed to provide appropriate access for emergency vehicles;
- c) conserving and/or restoring the natural landscape and water resources;
- d) promoting and facilitating energy conservation;
- e) buffering, screening, and utilizing other measures to address land use compatibility;
- f) ensuring sustainable and adequate water, sewage disposal, stormwater and *waste* management facilities and services;
- g) protecting against natural and human hazards and wildland fires;
- h) planning for barrier-free access; and
- i) building a healthy community.

1.9 SETTLEMENT - PLANNING PERMIT AREA

The Community designation in the *Official Plan* of the Township of Lake of Bays identifies settlement areas in the *Township*, which act as service centres for the community as well as surrounding waterfront and rural areas, or which have a special focus and character.

The Community designation applies to the following centres: Baysville, Dorset, Dwight, Hillside, Echo Valley. These areas are referred to as the Settlement- Planning Permit Areas in this By-law.

The following principles for growth and *development* will apply in a Community designation:

- a) the role, function and focus of each community including economic sustainability will be enhanced;
- b) individual community character, appearance and identity will be conserved and fostered;
- c) the integrity of the environment and natural landscape will be preserved;
- d) community facilities and services will provide a focus for each community;
- e) core areas will be enhanced and strengthened;
- f) water and sewage systems, *roads* and other infrastructure are designed to sustain *development*;
- g) public *open space*, walkways, trails, and access points are provided and will be enhanced, particularly along shorelines;
- h) community boundaries will remain well defined by discouraging fringe *development*;
- i) *development* will occur within the community, before the community boundaries are expanded;
- j) accessibility for persons with disabilities and older persons will continue to be improved;
- k) building a healthy community;
- l) encourage higher density cost-efficient *development*; and
- m) providing adequate housing.

2 ADMINISTRATION

2.1 TITLE AND SCOPE

- 2.1 This By-law shall be referred to as “The Township of Lake of Bays Community Planning Permit By-law” or “By-law No. 2021-111.”
- 2.2 The Community Planning Permit By-law applies to all land use designations within the *Township* as determined by the *Official Plan*. All lands within the *Township* are therefore within the Community Planning Permit Area.

2.2 INTERPRETATION

- 2.2.1 The provisions of this By-law are minimum requirements except where a maximum requirement is specifically identified.
- 2.2.2 For the purposes of this By-law, the word “used” shall also mean “designed to be used”, the word “occupied” shall also mean “designed to be occupied”.
- 2.2.3 In this By-law, words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular; and the words “used” and “occupied” shall, where the context indicates, be interpreted to mean “intended, arranged or designed to be used or occupied”; the word “shall” is mandatory and not directory.
- 2.2.4 The Community Planning Permit Areas boundaries are shown on the Schedules to this By-law which are attached to and form part of this By-law.

Unless the location of a boundary is specified by the dimensions on the map or interpretation is otherwise provided for herein, a boundary which lies within a *lot* shall be fixed by the scale of the map.

A boundary shown approximately at a *lot line* is deemed to be at the boundary of the *lot line*.

A boundary shown approximately at the centre line of a right-of-way, *street*, lane, other public thoroughfare, railway line, or transmission line, shall be deemed to follow the centre line of the right-of-way, *street*, lane, other public thoroughfare, railway line, or transmission line.

The corrections discussed above are considered to be matters of interpretation of the By-law with technical adjustments made being considered implementation of those interpretations. Such corrections are not amendments to this By-law.

- 2.2.5 For the purposes of interpretation, two *lots* in common ownership, bisected by a *road*, may be deemed as one *lot* for planning purposes. In such a situation, the two parcels shall be interpreted to be joined as one *lot* at the *lot lines* along the *road* of each parcel.
- 2.2.6 This By-law makes reference to the Township of Lake of Bays Official Plan and should be read and interpreted in conjunction with the *Official Plan*.

2.3 CONFORMITY AND COMPLIANCE WITH BY-LAW

- 2.3.1 No land, *building* or *structure* may be used, erected, or altered and no *vegetation* shall be removed except in accordance with the provisions of this By-law.
- 2.3.2 Where a *use*, *building* or *structure* has been authorized by a by-law passed, development permit issued or a minor variance granted after January 1, 2004, and despite any repeal of such by-law, the *use*, *building* or *structure* and all other specific requirements imposed by the by-law, development permit, or minor variance continue to be permitted and imposed by this By-law. Where there is a conflict between the provisions of this By-law and the specific provisions so passed or granted, the specific provisions passed or granted prevail.
- 2.3.3 All *buildings* or *structures* constructed prior to November 26, 1996 which do not meet all of the applicable standards of this By-law are deemed to be *non-complying*, and the provisions of Section 3.14 *Non-Complying Buildings and Structures* apply to them.
- 2.3.4 Notwithstanding anything in this By-law, no person shall reduce any *lot* in dimensions, either by conveyance or other alienation of title of any portion thereof, if the effect of such action is to cause the original, adjoining, remaining or new *building*, *structure*, *lot* or *use* of land to be in contravention of any provision of this By-law. However, no person shall be deemed to have contravened any provision of this By-law by reason of the fact that any part or parts of any *lot* has or have been conveyed to or acquired by any *Public Authority*.

2.4 PLANNING PERMIT REQUIREMENTS

- 2.4.1 Except as set forth in Section 2.14 (Planning Permit Exemptions), all *development* within the area identified on the schedules to which this By-law applies shall require a Planning Permit. For the purposes of this By-law, *development* means:

- (a) the construction, erection or placing of one or more *buildings* or *structures* on land, or over water
- (b) the making of an addition or alteration to a *building* or *structure* that has the effect of substantially increasing its size or usability,
- (c) the laying out and establishment of,
 - (i) a commercial *parking lot*,
 - (ii) sites for the location of three or more *mobile homes* as defined in subsection 46 (1) of the Act,
 - (iii) sites for the construction, erection, or location of three or more land lease community homes as defined in subsection 46 (1) of the Act, or
 - (iv) sites for the location of three or more trailers as defined in subsection 164 (4) of the Municipal Act, 2001,
- (d) *site alteration*, including but not limited to,
 - (i) alteration of the grade of land, and
 - (ii) placing or dumping *fill*,
 - (iii) blasting; or
 - (iv) the removal of *vegetation*.

2.5 PLANNING PERMIT AREAS

- 2.5.1 The entire Township of Lake of Bays is designated as a Community Planning Permit Area.
- 2.5.2 Community Planning Permit Areas in the *Township* are further classified in defined areas that are shown on the attached Schedule A to this By-law and that are specifically designated as one of the following:
 - 1. Waterfront Planning Permit Areas including: Waterfront Residential; Waterfront *Resort* Commercial; Waterfront *Resort* Commercial – Backlot; Waterfront *Resort* Commercial – *Open Space*; Waterfront Service Commercial; Waterfront Service Commercial – Backlot; Waterfront *Open Space*; and, Waterfront Environmental Protection.
 - 2. Rural Planning Permit Area including; Rural General; Rural Limited; Rural Residential; Rural Commercial; Rural Industrial; Extractive Industrial; and *Waste* Management Industrial.

3. Settlement Planning Permit Area including; Settlement Residential; Settlement Neighbourhood Residential; Settlement Multiple Residential; Settlement General Commercial; Settlement Core Commercial; Settlement Tourist Commercial; Settlement Limited Commercial; and, Settlement Industrial.
4. Institutional Planning Permit Area including: Institutional General; and, Institutional Limited
5. *Open Space* Planning Permit Area.
6. Environmental Protection Planning Permit Area.

2.6 PLANNING PERMIT CLASSES

- 2.6.1 Authority for issuance of Planning Permits is hereby delegated to *Township Staff* in the case of Class One – Staff Planning Permits.
- 2.6.2 This By-law establishes two classes of planning permit; Class One – Staff Planning Permits and Class Two – Council Planning Permits.
- 2.6.3 Class One – Staff Planning Permits and Staff Variations which may be required where the proposed *development* generally meets the requirements, standards, and provisions of the Planning Permit Area, but is not specifically exempt from requiring a Planning Permit, or which may be required where the proposed *development* generally meets the requirements, standards, and provisions of the Planning Permit Area but requires minor relief from one or more of those requirements in accordance with the criteria outlined in this By-law. There is no requirement for notice to be circulated or posted on the subject property. This is further set out in Section 2.8.
- 2.6.4 Class Two – Council Planning Permits and Council Variations, which may be required in certain circumstances where the proposed *development* generally meets the requirements, standards, and provisions of the Planning Permit Area, but is not specifically exempt from requiring a Planning Permit, or where the proposed *development* requires more substantial or complete relief from one or more requirements, standards, or provisions of the Planning Permit Area in accordance with the criteria outlined in this By-law. There is a requirement for notice to be circulated to neighbours within 120 metres of the subject property and for notice to be posted on the subject property. This is further set out in Section 2.8.

2.7 PROVISIONAL APPROVALS PRIOR TO ISSUANCE OF A PLANNING PERMIT

- 2.7.1 A provisional approval may be given prior to the issuance of a Planning Permit, subject to such conditions as are identified and stipulated in this By-law. Provisional approvals are valid for a period of two years.
- 2.7.2 Proposed amendments to a Provisional Approval of Planning Permit will be reviewed in accordance with the relevant sections of this By-law and the *Official Plan*.

2.8 ISSUANCE OF PROVISIONAL APPROVALS AND PLANNING PERMITS

- 2.8.1 Council hereby delegates to staff, the authority to issue provisional approvals and Planning Permits, in accordance with the following chart:

CLASS	TYPE OF DEVELOPMENT	RESPONSIBILITY FOR PROVISIONAL APPROVALS	NOTICE REQUIRED PRIOR TO PROVISIONAL APPROVAL	ISSUANCE OF PLANNING PERMIT
Exempt	No Planning Permit required	<i>Township Staff</i>	N/A	<i>Township Staff</i>
Class 1	<p>Planning Permit required where the proposal conforms to permitted <i>uses</i> and standards, but is not specifically exempt from the requirement to obtain a Planning Permit, as detailed in Section 2.14 (Planning Permit Exemptions)</p> <p>Planning Permit required where the proposed <i>use</i> is permitted, but which requires a Class One – Staff Variation to one or more standards</p> <p>Planning Permit required for a discretionary <i>use</i> in a Residential planning permit area</p> <p>Planning permit required to recognize, expand, or add to a legal <i>non-complying building or structure</i></p>	<i>Township Staff</i>	No notice required	<i>Township Staff</i>

	Extension of a provisional approval or extension of a Planning Permit Amendment to a provisional approval or an amendment to a Planning Permit			
Class 2	Planning Permit required where the proposed <i>use</i> is permitted, but which requires a Class Two - Council Variation to one or more standards Planning Permit required for a discretionary <i>use</i> in all Planning Permit Areas other than Residential Planning Permit required for a temporary <i>use</i>	Council	Notice to all property owners within 120 m	<i>Township Staff</i>

2.8.2 Should an application include the requirement for both *Township Staff* and Council approved Planning Permits, the entire application shall require a Council approved Planning Permit, except those seeking approval under Section 3.14 (Legal *Non-Complying Buildings and Structures*).

2.9 EXTENSIONS OF PLANNING PERMITS FOR ONE YEAR

2.9.2 An extension of approval of a Planning Permit may be given upon submission of formal request to the Director of Planning. The extension of approval shall be limited to a period of one (1) additional year from the date of lapsing of the original conditional approval.

2.9.3 Requests for extensions to meet any condition of a Planning Permit may be extended by *Township Staff*, in one (1) year intervals, up to a maximum of 3 requests, subject to this By-law and any provisions within, as amended from time to time.

2.10 CONDITIONS APPLYING TO PROVISIONAL APPROVALS AND PLANNING PERMITS

2.10.1 Conditions may be imposed and provisional approval may be granted prior to final approval.

2.10.2 Conditions of approval may:

- a) be imposed prior to the issuance of a Planning Permit as a requirement of a Provisional Approval;
- b) be required as a condition of approval of a Planning Permit; or,
- c) required in an agreement pursuant to approval of a Planning Permit and to be entered into between the applicant and the *Township* and/or *District of Muskoka*, as may be applicable, and registered on title.

2.10.3 If a Provisional Approval is granted with conditions, the applicant shall fulfill the conditions associated with the approval in advance of the issuance of the Planning Permit.

2.10.4 Where a Provisional Approval of a Planning Permit is given, the applicant has a maximum of two years from the date of the Provisional Approval within which to obtain the Planning Permit, failing which the Provisional Approval will lapse.

2.10.5 Any condition of a Planning Permit must be met within two (2) years from the date of issuance of the permit. For clarity, this also applies to the implementation of planting plans.

2.10.6 Requests for extensions to meet any condition of a Planning Permit may be extended by *Township Staff*, in one (1) year intervals, up to a maximum of 3 requests, subject to this By-law and any provisions within, as amended from time to time.

2.10.7 Following the clearance of all conditions and the issuance of a Planning Permit, the applicant may be eligible for a *building* permit.

2.11 CONDITIONS OF APPROVAL – ALL CLASSES OF PROVISIONAL AND PLANNING PERMITS

2.11.1 Where an impact assessment, site evaluation report, or technical report is required, it must be undertaken to the satisfaction of the *Township* and the recommendations of that report may be required to be implemented through a condition imposed prior to the issuance of a Planning Permit, as a condition of a Planning Permit, or in an agreement registered on title, and may include greater requirements than specified in other provisions of this By-law.

2.11.2 Conditions may include the following:

CONDITIONS
a) the proposed <i>development</i> shall be required to be undertaken in accordance with a planning permit, including plans and drawings, and provisions for the maintenance or restoration of shoreline <i>vegetation</i> ;
b) <i>road</i> widenings required to the extent established in the <i>Township</i> and Muskoka Official Plans;
c) in the case of commercial <i>development</i> , facilities may be required to provide access to and from the <i>lot</i> , such as access ramps, curbing, turning lanes and traffic direction signs;
d) lighting facilities in accordance with the Dark Skies By-law (2013-131), and designed to minimize the impacts on lake views, night skies and environmental features;
e) walls, fences, hedges, trees, shrubs or other ground cover or facilities for the landscaping of the lands or the protection of adjoining lands which include <i>green infrastructure</i> and pervious permeable surfaces;
d) in the case of commercial facilities, garbage storage facilities with appropriate screening;
e) easements in favour of the municipality for the construction, maintenance or improvement of <i>watercourses</i> , ditches, land drainage works and other public utilities;
f) facilities for the disposal of storm, surface, and wastewater from the land and from any <i>buildings</i> or <i>structures</i> thereon such as low impact <i>development</i> principles and <i>green infrastructure</i> ;
g) the dedication of parkland or the payment of cash-in-lieu, equal to 2% of the land for commercial <i>development</i> and 5% of the land for all other <i>development</i> ;
h) maintenance of any of the works described in subsections (a) to (g) above;
i) in the case of a <i>lot</i> where <i>development</i> constraints, as set forth in the <i>Official Plan</i> and further defined in this By-law, exist, a site evaluation;
j) in the case of <i>development</i> which is suspected to be within an area prone to flooding or erosion, a natural hazard engineering report or technical report to determine the compatibility of the proposed land use and to recommend mitigation measures; (1)
k) in the case of <i>development</i> within 400 metres of the design limit of a sewage lagoon facility, a technical report recommending mitigation measures; (1)
l) in the case of <i>development</i> within 300 metres of a licensed <i>pit</i> or 500 metres of a licensed <i>quarry</i> , an impact assessment to determine the compatibility of the proposed land use and to recommend mitigation measures; (1)

m) in the case of a <i>lot</i> which has suspected soil contamination constraints or hazardous sites, an environmental site assessment; (1)
n) a noise and/or vibration report where <i>development</i> is likely to have an impact on adjacent <i>uses</i> , or where a sensitive land use is proposed in the vicinity of a noise generator such as a railway, highway, commercial or industrial use; (1)
o) a natural heritage evaluation or environmental impact study where a <i>development</i> is located within 120 metres of a <i>natural heritage feature or area</i> or is located within 15 metres of the stable top of a <i>steep slope</i> or toe of a <i>steep slope</i> ; (1)
p) in the case of a <i>lot</i> containing or <i>abutting</i> Type 1 <i>Fish Habitat</i> or unknown <i>Fish Habitat</i> , a <i>Fish Habitat</i> Impact Assessment if <i>development</i> is proposed within the <i>shoreline yard</i> , or if a variation to the <i>shoreline yard</i> is requested; (1)
q) in the case where more than the required shoreline <i>buffer</i> is cleared, a report from an ecologist for reestablishment of a <i>buffer</i> and sign-off on required plantings;
r) in the case of <i>buildings</i> , <i>structures</i> or works extending beyond the normal or controlled high water mark or located at the shoreline, studies will be provided to demonstrate, and plans for construction will be designed in a manner which addresses the following matters: (1) <ul style="list-style-type: none"> i. navigation; ii. fish and <i>wildlife habitat</i>; iii. the natural flow of the water; iv. potential damage from water levels and ice heaving; v. natural landscape and terrain; vi. narrow water body constraints; vii. access from the land and water; and viii. privacy and views, as a result of projecting property lines onto the water.
s) in the case of a golf course, a hydrogeological assessment, a surface water impact assessment (1), a pesticide and chemical management plan and an operation and management plan;
t) a visual impact analysis; (1)
u) a lighting impact analysis; (1)
v) a land use compatibility analysis; (1)
w) a <i>site alteration</i> plan to demonstrate alteration or restoration of the grade of land and the placing or dumping of <i>fill</i> ;
x) a plan for the identification, protection, maintenance and enhancement of existing trees and other <i>vegetation</i> , including the restoration or replacement of <i>vegetation</i> where removed;
y) actions and recommendations as set out in any approved study submitted to support the application;

z) an agreement with the <i>Township</i> and / or any regulating bodies, to be registered on title, to confirm that <i>development</i> will proceed in accordance with the Planning Permit, including the provision of financial securities.
aa) SWM and construction mitigation plans where construction abuts Type 1 <i>Fish Habitat</i> ;
ab) A plan showing that residential <i>uses</i> shall be <i>setback</i> a minimum of 200 metres from a sanitary sewage disposal site;
ac) A plan showing that non-residential <i>uses</i> shall be <i>setback</i> a minimum of 150 metres from a sanitary sewage disposal site;
ad) A plan showing that all <i>uses</i> will be <i>setback</i> a minimum of 400 metres from a <i>waste</i> stabilization pond (i.e. sewage lagoon);
ae) A preliminary technical report or comprehensive technical report where new <i>development</i> is proposed within 500 metres (or within a distance or area as specified in consultation with the Ministry of Environment, <i>Conservation</i> , and Parks or <i>District of Muskoka</i>) of an operating or non-operating <i>waste management site</i> or waste management system;(1)
af) <i>Development</i> will not be permitted within 1000 metres of a municipal water supply intake or sanitary sewage outfall, unless the proponent provides a study containing sufficient data to demonstrate no <i>negative impacts</i> of any proposed <i>development</i> ;(1)
ag) The completion of a site screening questionnaire, and if required, a phase 1 and phase 2, site assessment, and a record of site condition where the phase 1 and phase 2 confirm the site does not meet the applicable standards contained in Ontario Regulation 153/04, as amended where there is a change of use to a more sensitive use or new lot creation: (1)
ah) in the case where action is recommended by a technical report, conditions which address the recommendations, including siting requirements that exceed minimum requirements, may be imposed.
ai) the payment of cash-in-lieu of parking, where an Agreement between the Township and the owner of a property has been entered into pursuant to Section 40 of the Planning Act, as amended;
aj) in the case of the required number of parking spaces for a commercial or institutional use being provided on a separate lot within 500 metres of the commercial or institutional use, an agreement, to be registered on title, between the owner of both lots and the Township.

(1) *recommendations of the report will be imposed prior to issuance of a planning permit*

2.12 VARIATIONS

2.12.1 Variations to the standards in this By-law may be permitted, where identified, and when requested by the applicant, provided that a Planning Permit is obtained, in accordance with the requirements of this By-law and the *Official Plan* and utilizing the following procedures:

a) Class One - Staff Variations require that, when staff are satisfied that the variation(s) requested do not conflict with the criteria for variations, as summarized in Section 2.13 (Criteria for Variations from Standards) of this Bylaw and further detailed in the *Official Plan*, a Planning Permit be issued subject to any other applicable provisions of this By-law.

b) Class Two - Council Variations may be granted from the stated standard and require that, when Council is satisfied that the variation(s) requested do not conflict with the

criteria for variations, as summarized in Section 2.13 (Criteria for Variations from Standards) of this By-law and further detailed in the *Official Plan*, a Planning Permit be issued subject to any other applicable provisions of this By-law.

c) Despite subsections (a) and (b) above, if in the opinion of the *Township*, the *Official Plan* and Community Planning Permit By-law criteria for Staff and Council Variations are not met, the application may be denied.

2.12.2 Variations are described as a percentage of permitted variation. The percentage referred to is the amount that the standard can be varied. For example, a 10% variation to a standard of 10m would allow a variation of 1m, and a 10% variation to a 20% *lot coverage* would allow an additional 2% for a total of 22% *lot coverage*.

2.13 CRITERIA FOR VARIATIONS FROM STANDARDS

2.13.1 Where a Planning Permit for any variation is required, in addition to the other requirements of this By-law, the following provisions will be addressed to the satisfaction of the *Township*, prior to the issuance of a Planning Permit:

- a) the natural waterfront and environment will prevail with built form blending into the landscape;
- b) natural shorelines will be retained or restored;
- c) disturbance on *lots* will be limited and minimized;
- d) *vegetation* will be substantially maintained on skylines, ridge lines or *adjacent* to the top of rock cliffs;
- e) native species will be used for *buffers* or where *vegetation* is being restored;
- f) rock faces, *steep slopes*, vistas, and panoramas will be preserved to the extent feasible;
- g) *building* envelopes and the associated activity area will be defined and the remainder of the property shall remain generally in its natural state; and,
- h) the built form, massing, density, *height*, and *setbacks* of the proposed *development* contribute to urban design which is compatible with the surrounding land *uses* and community or rural character.

2.13.2 In addition to the other requirements of this By-law, the following criteria shall be used in the evaluation of a request for a variation from a standard in this By-law:

- a) The proposal is appropriate for the lands;
- b) The proposal would not have any off-site impacts, or the proposal provides for buffering and other measures to mitigate adverse impacts;
- c) The proposal would maintain the general intent of this By-law;

d) The proposal would maintain the general intent of the *Official Plan*;

e) The proposal will not include *development* in areas of environmental hazards or constraints, such as flooding, *natural heritage features* or functions, erosion, or *steep* slopes unless the proposal is shown to mitigate the hazard and physical limitations.

2.13.3 All *development* proposals will be evaluated with respect to adverse impacts. The applicant will be required to demonstrate no adverse impact or provide for buffering and other measures to avoid or mitigate the adverse impact prior to the approval and issuance of any planning permit.

2.13.4 Variation for Reduced *Shoreline Yard Setback* for Septic Systems

For *development* utilizing septic systems on *existing lots*:

a) All *development* and *site alteration* located at a reduced *shoreline yard setback adjacent* to waterfront requires issuance of a conditional Planning Permit.

In addition to any other conditions which may apply, all applications for Planning Permits on waterbodies listed in Schedule E2 of the Muskoka District Official Plan shall be required to submit a Muskoka District Lake System Health Standard or Enhanced Protections Policy Compliance Analysis prior to the issuance of a Planning Permit as a requirement of a Provisional Approval.

b) site evaluation may be required to the satisfaction of the *Township* which confirms that suitable soils exist and the reduced *setback* will not result in *negative impacts* on water quality.

c) That a shoreline *buffer* of at least 15 metres in depth be maintained between the septic system and the lake.

2.13.5 Where a variation is required for any *development* and *site alteration* located as a reduced shoreline yard setback *adjacent* to waterfront the issuance of a conditional Planning Permit on a waterbody listed in Schedule E2 of the Muskoka District Official Plan in addition to any other conditions which may apply, such application shall require submission of a Muskoka District Lake System Health Standard or Enhanced Protections Policy Compliance Analysis prior to the issuance of a Planning Permit as a requirement of a Provisional Approval. Such an analysis shall also require that at a minimum it demonstrates that *building* and septic system envelopes, together with appropriate mitigation measures, including but not limited to, detailed construction mitigation plans, shoreline *setbacks* and *buffers* will protect water quality and how these requirements are to be implemented in the Planning Permit.

2.14 PLANNING PERMIT EXEMPTIONS

2.14.1 The following classes of *development* shall not require a Planning Permit:

a) any *development* that is a permitted *use* which fully complies with all of the relevant provisions of this By-law, in a Waterfront, Settlement, Rural, or Institutional Planning Permit Area, which:

- i) does not require a variance or conditions of approval;
- ii) is not in or *adjacent* to a *Natural Heritage Area* as shown on Schedule 'B';
- iii) is not within a *shoreline activity area* or *shoreline buffer*
- iv) is not within 30m of a *watercourse*;
- v) is not on or immediately *adjacent* to slopes in excess of 30%;
- vi) is not on or *adjacent* to Hazard Lands as defined or as shown on Schedule 'B' or otherwise identified at the time of permit application;
- vii) is not within a Heritage area as shown on Schedule C2 of the District of Muskoka OP;
- viii) is not island *development*; and
- ix) is not substantial development, including lot creation, development of a vacant lot and redevelopment of a lot with waterfront (including backlots) on a waterbody listed in Schedule E2 of the Muskoka District Official Plan.

b) *development* for which a site plan agreement has been entered into pursuant to the Township's former Site Plan Control By-law;

c) *site alteration* and *vegetation removal* provided that it is located outside of the areas identified as requiring a Planning Permit in Section 3.26 (*Vegetation Removal & Site Alteration*);

d) repairs and maintenance of any *existing buildings* or *structures* such as the replacement of windows, doors, stairs, and *decks*, that will not result in changes to any *floor area* or *gross floor area* of the *structure* and location;

e) placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007;

f) placement of fill in an amount of:

- i) less than 10 cubic metres on a lot in the Waterfront Planning permit Area or less than 0.4ha in size; or
- ii) less than 30 cubic metres on any other lot;

However, fill for an approved septic system and development approved through an issued building permit is also exempt;

g) an *agricultural use* in the Rural Planning Permit Area except where the property is *adjacent to a natural heritage feature*;

h) a *Forestry Operation* or *Conservation Use*; and

i) *site alteration* or *vegetation removal* within the Rural Planning Permit Area outside of required vegetated *buffer* along *roads*.

All other *development* and *site alteration* shall require a Planning Permit.

2.15 PLANNING PERMIT REVIEW PROCESS

2.15.1 Pre-Consultation

2.15.1.1 Applicants are encouraged to consult with *Township Staff* prior to submitting a Planning Permit Application. Pre-consultation will provide important information including the identification of required studies and/or reports in support of an application. Failure to consult with *Township Staff* prior to submitting an application may result in delays related to incomplete applications. The extent of issues to be addressed within individual technical reports, impact assessment, or site evaluation studies are established in the *Official Plan*.

2.15.1.2 A site visit may be required.

2.15.1.3 The pre-consultation process shall identify any study or report required as part of a complete application. The *Township* will provide written confirmation of the studies and/or reports necessary to ensure a complete application. Such studies and/or reports shall be prepared by professionals qualified in the specific discipline in question. The *Township* may establish individual requirements or terms of reference for technical reports. Studies may be required to be peer reviewed at the *owner's* expense. Applications for a Planning Permit or application for a scoped decision may be required to submit the one or more of the following studies or reports:

1. Archaeological Assessment;
2. Boat Impact Assessment;
3. Building Materials Samples;
4. Building Shadow Impact Assessment Study;
5. Capacity calculations for municipal water and sewage services, private hauled sewage, and *solid waste*;
6. Coloured Perspective Drawings;
7. Compliance with MNEP Guidelines D-1, D-6, and NPC-300;
8. Concept Plan;
9. Confirmation on sufficient public or private sewage system capacity and water system capacity;
10. Construction Mitigation Plan;
11. Construction Traffic Management Plan;
12. Cost Estimate for External Works;
13. Drainage and/or Stormwater Management Report;
14. Shoreline *Buffer* Restoration Plan;
15. Environmental Impact Assessment or Natural Heritage Evaluation for a *natural*

- heritage feature or area*;
16. Financial Impact Report;
 17. Fish Habitat Impact Assessment;
 18. Flood or Erosion Impact Report;
 19. Functional Servicing Report;
 20. Geotechnical Assessment;
 21. Heritage Impact Assessment Report;
 22. Hydrogeological and Terrain Analysis Assessment;
 23. Hydrogeological Study;
 24. Muskoka District Lake System Health Standard or Enhanced Protections Policy Compliance Analysis;
 25. Influence area study for *development* in proximity to a *waste* management facility or industrial *use*;
 26. Land use compatibility, noise, or vibration assessment;
 27. MDS I or II calculation;
 28. Agricultural impact assessment;
 29. Minimum separation distance calculation for an industrial *use* or a *waste* management facility;
 30. Species at Risk Assessment;
 31. Parking and Loading Study;
 32. Pavement Marking and Loading Study;
 33. Pesticide or Chemical Management Report;
 34. Water Quality Impact Assessments;
 35. Environmental Site Assessment and/or Record of Site Condition;
 36. Photographs of Existing Context;
 37. Planning Justification Report;
 38. Reference Plan;
 39. Servicing Options/Functional Servicing Report;
 40. Sight-Line Study;
 41. Site Evaluation;
 42. Source Water Protection Study;
 43. Transportation / Traffic Study;
 44. Urban Design Brief;
 45. Utilities Plan;
 46. *Vegetation* Inventory and /or Tree Preservation Plan; and,
 47. Wildland Fire Assessment.

2.15.1.4 The extent of issues to be addressed within individual technical reports, impact assessment, or site evaluation studies may include some or all of the following depending on the specific circumstances:

- a) site specific information, such as a description of the lands, location, slope and soil characteristics, *vegetation*, drainage, geology, erosion, and flooding characteristics;
- b) description of the regional context of the site, detailing surrounding land use characteristics and environment;

c) identification and analysis of *wetlands*, wildlife and *fish habitat*, other *natural heritage*

features and areas, and other environmentally sensitive areas or values which should be preserved;

d) detailed information, identification, and analysis of the features, functions, or values for which a *natural heritage area* has been identified;

e) identification of any natural or man-made development constraints or hazards to *development*;

f) identification of natural or cultural resources or scenic features which should be preserved;

g) the various aspects of the proposal should be identified such as:

- the scope of the proposal;
- whether and in what manner all components of the proposal can be situated on the site within the zoning or development permit requirement;
- potable water supply and suitability for *waste* disposal systems;
- provision of access;
- location of shoreline *structures* and activity areas on waterfront *lots*; and
- how sensitive the site is to an alternative structural arrangement;

h) a statement concerning the appropriateness of the site and the proposed *development*;

i) an explanation of how the identified features, functions and values of an area or site will be preserved and confirmation that the whole area or site will remain ecologically viable;

j) potential impacts of the proposed *development* should be identified and recommendations respecting if and how *development* can be appropriately accommodated;

k) where the *development* is appropriate, specific recommendations should be provided detailing how the *development* can be accommodated or mitigated in a reasonable and environmentally sound manner;

l) identification of any required or appropriate mitigation measures, which may be related to matters such as storm water management, site *development*, location of *buildings* and *structures*, or retention of *vegetation*; and

m) the report should include any other information, which may be necessary in order to evaluate a specific issue or potential impact and to make a proper decision respecting the *development* proposal.

2.15.2 Complete Application

- 2.15.2.1 Applications for a Planning Permit shall comply with the complete application submission requirements identified in Schedule 1 of Ontario Regulation 173/16. Where any required external approvals are required these approvals may be required to be provided to the *Township* for an Application to be deemed complete.

2.15.3 Application Submission and Review

- 2.15.3.1 The *Owner* shall submit an Application, associated drawings and studies as identified in the pre-consultation and in accordance with the requirements outlined in Schedule 1 to O. Reg. 173/16.
- 2.15.3.2 The Director of Planning or designate will evaluate each application and will issue a statement within 30 days after receipt by the Township that the submission meets all the requirements of a complete application, as outlined within the *Official Plan* of the *Township* of Lake of Bays. The applicant will receive formal correspondence from the Director of Planning or designate. The timelines for review will commence at that date.
- 2.15.3.3 The Application shall be circulated for comment to the relevant approval authorities as determined by the *Township*.
- 2.15.3.4 Upon receipt of a complete Application the *Township* shall make a decision on the Application.

2.15.4 Referral to Council

- 2.15.4.1 The *Owner* or *Township Staff* may refer an Application to Council at any time prior to the decision of an Application.

2.15.5 Notice Provisions

- 2.15.5.1 If the standard for *development* falls under a Class 1 Planning Permit, no notice is required.
- 2.15.5.2 If the standard for *development* falls under a Class 2 Planning Permit, notice of the Application is given by first class mail to residents within a minimum of 60 metres and up to a maximum of 120 metres of the subject property and by the placement of a sign on the *street* frontages and lake side of the property, if applicable. Notice shall be provided by on-site signage and shall include an explanation of the application, a contact name and phone number to obtain additional information or to submit comments or concerns, and the deadline for the submission of comments. The notice will allow for a minimum of 15 days to provide for written submissions to the Director of Planning prior to the public meeting to which the application is assigned.

2.15.6 Decision

2.15.6.1 Upon review of a complete Application the *Township* may:

- a) approve the Application and issue a Planning Permit with no conditions;
- b) approve the Application subject to conditions being met before the issuance of a Planning Permit;
- c) approve the Application and issue a Planning Permit with conditions attached;
- d) approve the Application subject to conditions being met before the issuance of a Planning Permit and with conditions attached; or
- e) refuse the Application and no Planning Permit is issued.

2.15.7 Notice of Decision

2.15.7.1 Within 15 days after Council, or delegated staff, make a decision with respect to a Planning Permit, written notice of the decision, including reasons and any imposed conditions, shall be given to the applicant and to each person or public body that filed a written request to be informed of the decision with the clerk of the municipality.

2.15.7.2 Where a Planning Permit is not issued, a notice of refusal to issue a Planning Permit shall be given to the *Owner*. Notice shall be given in person, in which case it is deemed to be received on the date of personal delivery, or by prepaid ordinary mail, in which case it is deemed to be received five business days after the date of mailing. The *Township* shall issue a notice of decision to the *Owner* within 15 days of the date of decision.

2.15.8 Right to Appeal

2.15.8.1 The *Owner* can appeal in writing to the Local Planning Appeal Tribunal (LPAT) as set out in the Planning Act.

2.16 DISCRETIONARY USES AND CRITERIA FOR DISCRETIONARY USES

2.16.1 A discretionary *use*, as specifically identified in this By-law, may be permitted subject to applicable criteria as set out in this By-law.

2.16.2 In addition to the various discretionary *uses* set out in the applicable section of this By-law, a *Dwelling Unit* where located in proximity (i.e. within 500m) to an identified non-

operating or operating *Waste Management Site* is a Discretionary Use

2.16.3 Where a Planning Permit for any discretionary *use* is required, in addition to the other requirements of this By-law, the provisions of Section 2.13 (Criteria for Variations from Standards) and Section 2.10 (Conditions Applying to Provisional Approvals and Planning Permits and Section 2.11 (Conditions of Approval – All Classes of Provisional and Planning Permits) shall also apply.

2.16.4 Where a Planning Permit is required for a discretionary *use* the following criteria shall also apply:

2.16.4.1 *Detached Dwelling or Group Home as a Discretionary Use*

Where a Planning Permit is required for the discretionary *uses* of a *detached dwelling*, or a *group home*, a provisional approval shall require submission of a Muskoka District Lake System Health Standard or Enhanced Protections Policy Compliance Analysis for any lot adjacent to a lake listed in Schedule E2 of the Muskoka District Official Plan prior to the issuance of a Planning Permit. Such an analysis shall also require that at a minimum it demonstrates that *building* and septic system envelopes, together with appropriate mitigation measures, including but not limited to, detailed construction mitigation plans, shoreline *setbacks* and *buffers* will protect water quality and how these requirements are to be implemented in the Planning Permit.

2.16.4.2 *Sleeping Cabin (Bunkie) as a Discretionary Use*

Where a Planning Permit is required for the discretionary *uses* of a *Sleeping Cabin*, a site evaluation to determine if any sensitive features are present on the site and any other reports deemed necessary by the *Township* shall be provided.

2.16.4.3 *Accessory Golf Courses as a Discretionary Use*

In addition to other requirements of this By-law, the following reports shall be submitted to the satisfaction of the *Township* prior to the issuance of a Planning Permit:

- a) Hydrogeological report;
- b) Stormwater management report;
- c) Construction mitigation plan;
- d) Operation and management plan;
- e) Site evaluation if any sensitive features are present on the site; and
- f) Any other reports deemed necessary by the *Township*.

The site shall also have access from a year-round publicly maintained, public *road*.

2.16.4.4 *Accessory Driving Range as a Discretionary Use*

In addition to other requirements of this By-law, the following reports shall be submitted to the satisfaction of the *Township* prior to the issuance of a Planning Permit:

- a) The property has access onto a year-round publicly maintained, public *road*;

- b) Stormwater management report
- c) Construction mitigation plan;
- d) Site evaluation if any sensitive features are present on the site; and
- e) Any other reports deemed necessary by the *Township*.

2.16.4.5 *Accessory Stables as a Discretionary Use*

In addition to other requirements of this By-law prior to the issuance of a Planning Permit a report demonstrating compliance with Ministry of the Environment Minimum Separation Distance Formula must be provided

2.16.4.6 *Waterfront Resort Commercial Permitted Uses as a Discretionary Use*

For *uses* permitted in 'Waterfront Resort Commercial', only as part of an existing shoreline 'Waterfront Resort Commercial' operation the following matters shall be addressed to the satisfaction of the *Township* prior to the issuance of a Planning Permit:

- (a) a site evaluation demonstrating that there would be no *negative impacts* to the *natural heritage features* and functions of the area.
- (b) a hydrogeological report;
- (c) a stormwater management report;
- (d) a construction mitigation plan;
- (e) an operation and management plan; and
- (f) any other reports deemed necessary by the *Township*.

A new *resort development* can only be established in the Waterfront Planning Permit Area by amendment to the Area Municipal Official Plan.

2.16.4.7 *Dwelling Unit Where Located in Proximity to an Identified Non-operating or Operating Waste Management Site as a Discretionary Use*

In addition to other requirements of this By-law, the technical report shall address the following matters to the satisfaction of the *Township* prior to the issuance of a Planning Permit:

- a) evaluation of the presence and impact of any adverse effects or risk to health and safety;
- b) a hydrogeological assessment to evaluate groundwater where it will be a potable water source;
- c) assessment of appropriateness of the *development*; and
- d) identification of any remedial measures to mitigate any concerns.

Notwithstanding the above and any contrary provision of this by-law, no new *development* shall be permitted within 30 metres of a *waste management site*,

however *development* may be permitted within 20m as a discretionary *use* and by Council variation of the 30m prohibition where a technical report addresses the requirement of applicable MECP guidelines.

2.16.4.8 *Dock, Existing Golf Course, Existing Driving Range, Existing Private Park, Interpretive Centre, Miniature Golf Facility, Alpine Ski Facility, or Nordic Ski Facility as a Discretionary Use*

a) *Dock* – To protect *fish habitat*, a *dock* would need to be in accordance with federal and provincial requirements. A *dock* may require the submission of a fisheries assessment satisfactory to the *Township*, or a letter of approval from the Department of Fisheries and Oceans.

b) *All Uses* – Issuance of a Planning Permit shall be subject to a Fisheries Impact Assessment, Environmental Impact Statement, or other impact assessment, site evaluation, or technical report, to the satisfaction of the *Township*.

c) *Mini Golf Course* – In addition to other requirements of this By-law, the following matters shall be addressed to the satisfaction of the *Township* prior to the issuance of a Planning Permit:

- i) The site is suitable for the *use* proposed;
- ii) The property has access onto a year-round publicly maintained, public *road*;
- iii) Adequate potable water and sewage disposal can be provided;
- iv) Access routes are appropriate or can be upgraded to accommodate the additional traffic;
- v) The proposal will be compatible with surrounding properties; and
- vi) *Parking areas* will be buffered from roadways.

2.16.4.9 *Structures Intended to Facilitate Passive Recreational Uses Such as Boardwalks as a Discretionary Use*

Issuance of a Planning Permit shall be subject to a Fisheries Impact Assessment, Environmental Impact Statement, or other impact assessment, site evaluation, or technical report, to the satisfaction of the *Township*

2.17 CHANGE IN USE

2.17.1 No change in the *use* of any land, *building* or *structure* shall be permitted, unless such change in *use* complies with the permitted *uses*, general provisions, and planning permit area provisions within the planning permit area in which such land, *building* or *structure* is located.

2.17.2 In all planning permit areas, any *building* or *structure* which is moved from one location to another, whether within the planning permit area or from one planning permit area to

another, or from any location beyond the boundary of the *Township*, into any planning permit area, shall be considered as being a new *building* or *structure* and shall comply with the provisions of this By-law.

2.18 OBLIGATION

2.18.1 Nothing in this By-law shall relieve any obligation to comply with the requirements of the Ontario Building Code Act, any other By-laws of the Township of Lake of Bays and the *District of Muskoka*, and provincial and federal legislation.

2.19 SITE INSPECTION

2.19.1 Staff may, enter upon land related to a planning permit and/or planning application, for the purpose of determining whether there is compliance with this By-law and any such entry shall comply with the Planning Act and any other applicable legislation.

2.20 UNLAWFUL USES

2.20.1 Any *use* established in violation of any predecessor of this By-law is deemed to have been established unlawfully.

2.21 ENFORCEMENT AND PENALTIES

2.21.1 Any person who contravenes any provisions of this By-Law is guilty of an offence and upon conviction is liable to the penalties as provided for under the Planning Act or section 434.1 of the Municipal Act, 2001, S.O. 2001, c.25 as amended ("Municipal Act 2001"), administrative penalties

2.22 COMMENCEMENT OF BY-LAW AND TRANSITION

2.22.1 This By-Law shall come into force and effect in accordance with Section 9 of Ontario Regulation 173/16 as follows:

- a) the day after the last day for filing a notice of appeal, if there are no appeals; or,
- b) the day after the day on which all of the appeals are disposed of by LPAT, or such later date as LPAT may otherwise order.

- 2.22.2 Any site specific applications in process at the time of the passing of this By-law, and subsequently approved prior to the day that this By-law comes into force and effect shall prevail over the provisions of this By-law in the event of any conflict, and shall be incorporated into this By-law as a site specific amendment or a community planning permit.

2.23 REPEAL OF FORMER BY-LAWS

- 2.23.1 On the day that this By-Law comes into force and effect, Development Permit By-Law 2004-180 and Comprehensive Zoning By-Law 2004-181 of the Township of Lake of Bays are hereby repealed.
- 2.23.2 Where a use, building or structure has been authorized by a permit issued under By-law 04-180 or a by-law passed, or a minor variance granted, after January 1, 2004, and despite any repeal of such by-law, the use, building or structure and all other specific requirements, imposed by the permit, by-law or minor variance, continue to be permitted and imposed by this By-law. Where there is a conflict between the provisions of this By-law and the specific provisions of a by-law, permit, or minor variance so passed or granted, the specific provisions passed or granted shall prevail.
- 2.23.3 Pursuant to Section 36 of the Planning Act, and despite the repeal of any former by-laws, the conditions imposed by the Holding provision of former by-laws will continue to apply. Where there is a conflict between the provisions of this by-law and the specific provisions of any previous by-law imposing a Holding provision, those specific provisions shall prevail.
- 2.23.4 Notwithstanding anything to the contrary in this By-law, including Section 2.23.1, the lands described as Island A (Langmaid Island), Geographic Township of McLean, Now in the Township of Lake of Bays, District Municipality of Muskoka, shall continue to be governed by By-law 04-180, as amended by the decision of the Ontario Land Tribunal on OLT Files 22-002969/22-002970/22-002972/22-002974, save and except the following provisions:
- i. Maximum building height shall be governed by Section 4.2.1.4.j) of this By-law; and
 - ii. The definition of “height” shall be governed by the applicable definition in Section 5 of this By-law

2.24 OTHER APPLICABLE LAW

- 2.24.1 Nothing in this By-Law shall relieve any person from the obligation to comply with all other applicable law such as the Ontario Building Code Act, Public Lands Act, Ontario Water Resources Act, Endangered Species Act, and federal Fisheries Act.

2.25 AMENDMENTS TO PROVISIONAL APPROVALS OR PLANNING PERMITS

- 2.25.1 At the request of the *Owner*, and where considered appropriate by the *Township*, amendments to a provisional approval or to a Planning Permit may be made at any time, subject to this By-law and any provisions within.

2.26 AMENDMENTS TO THE BY-LAW

- 2.26.1 Where a proposal is beyond the permissible standards, including any stated variations thereto, and permitted and discretionary *uses*, an amendment to this By-law will be required. An amendment to this By-law can be initiated by the *Township* or by a private landowner. Any amendment to this By-law must be supported by a comprehensive planning rationale within the context of the planned vision for all of the lands within the area subject to the Bylaw and must provide details of public and community engagement to support the amendment.

2.27 AGREEMENTS

- 2.27.1 The *Owner* may be required to enter into a Planning Permit Agreement with the *Township*, to be registered against the lands affected, which shall include but not be limited to:
- a) The responsibility of each party to execute and complete all works envisioned in the Planning Permit Approval,
 - b) Detailed drawings and specifications of the work to be completed, including plans showing the physical relationship to the adjacent properties and public right-of-ways,
 - c) The timing of construction, including commencement and completion,
 - d) Any financial guarantees and /or fees required by the *Township* to ensure the completion of the works described in the Planning Permit.
- 2.27.2 Council delegates the authority to Staff to prepare, and to amend, any Planning permit Agreement required by the Planning Permit.

2.28 ITALICIZED TEXT

- 2.28.1 Terms for which definitions are provided are shown in *italicized* text for information purposes.

3 GENERAL PROVISIONS

- 3.0.1 The General Provisions section of this By-law provides the regulations which apply regardless of the standards provided in the designation (i.e. the Planning Permit Area classification) which applies to any particular *building*, *structure*, or *use*. Whereas the designation provides site specific controls which apply to such items as permitted *uses* and locational restrictions, general provisions provide regulations more general in nature, which apply to a variety of *uses* regardless of the designation.
- 3.0.2 No lands shall be used and no *buildings* or *structures* shall be erected, altered, enlarged, or used within any delineated area on the attached maps which form part of this Community Planning Permit By-Law, subject to conformity with the standards and provisions of this Community Planning Permit By-Law and subject to the provisions of Section 3.14 (*Non-complying Buildings & Structures*) and 3.15 (*Non-conforming Uses*).
- 3.0.3 Variations to any general provision within Section 3 of this By-law will be subject to a Class 2 (Council Variation) Planning Permit Application, unless otherwise specified.
- 3.0.4 General provisions shall not be varied for any use that is not permitted within the applicable Planning Permit Area.

3.1 ACCESS

- 3.1.1 Subject to the other provisions of this By-law, in Community and Rural areas, all new *development* will front upon and be accessible from a year-round maintained and publicly owned *road* which is in a condition appropriate for the *use* proposed and can accommodate the additional traffic.
- 3.1.2 Notwithstanding Section 3.1.1, minor residential infilling may be considered on an existing *private road* provided that:
 - a) it is determined to the satisfaction of the *Township* that the upgrading and *Township* assumption of the *private road* is not feasible or desirable;
 - b) the *development* would not significantly extend the *private road* and it is the last *development* feasible;
 - c) a legal right of way has been secured;
 - d) emergency service can be accommodated; and
 - e) any limits on municipal services are identified in a municipal agreement.
- 3.1.3 In Community Planning Areas, *private road* access may be permitted for internal access within a condominium.
- 3.1.4 In Rural Planning Areas, *private road* access may be permitted for forestry and aggregate extraction operations
- 3.1.5 In Waterfront Planning areas, *development* will have frontage on and access from a

year-round maintained, public *road*, wherever possible. *Development* of shoreline *lots* may be permitted with the following access:

- a) seasonally maintained, public *road*;
- b) a private condominium *road* that can safely accommodate emergency vehicles and it connects to a municipally owned and year-round maintained *road*;
- c) a *private road*, with a legal right of way; or
- d) water access, where:

road access is not available,

road access cannot be provided by way of an extension from an existing *road* in the vicinity

adequate private or *commercial docking* and parking facilities are provided through commercial *marinas*, private *individual access points* servicing a maximum of three properties, or *waterfront landings* servicing four or more properties, to the satisfaction of the *Township*,

in the case of a *resort commercial use*, the parcel on which such mainland facilities are located fronts on and is accessible from a year-round maintained, public *road*.

- 3.1.6 Mainland parking and docking facilities for water access properties including islands may be provided through commercial *marinas*, private *individual access points* serving a maximum of three residential properties, or *waterfront landings* serving a single commercial property or four or more residential properties.

3.2 ACCESSORY USES

3.2.1 Restricted Accessory Uses

- 3.2.1.1 *Accessory uses, buildings or structures*, shall not include the following except as is specifically permitted in this By-law:

a) any occupation for gain or profit conducted within or *accessory* to a *dwelling unit* or on such *lot* associated therewith; or

b) the *use of any accessory building or structure for human habitation*, other than *additional dwelling units* (ADUs), *garden suites*, and *sleeping cabins* (*bunkies*).

c) Sections 3.2.1.1 a) and 3.2.1.1 b) shall not be varied by way of a Community Planning Permit.

3.2.2 Additional Dwelling Units, Garden Suites, Sleeping Cabins, or Hunt Camps

3.2.2.1 Where specifically permitted by this By-law, only one (1) of the following *accessory uses* is permitted on a *lot*: an *Additional Dwelling Unit* (ADU), a *garden suite*, a *sleeping cabin* (*bunkie*), or a *hunt camp*.

3.2.3 Sequence of Development

3.2.3.1 Except as is specifically permitted in this By-law, no *accessory use*, *building* or *structure* shall be erected on any *lot* until the *principal use* has been established or the *principal building* or *structure* has been erected, with the exception of a *shed* that is not more than 15 square metres in *gross floor area*; a *dock* that is not more than 28 square metres in *building area*; and, *accessory* stairs and associated *landings* located within the required *shoreline yard setback*. This exception does not apply to any *lot* which cannot be developed in accordance with all relevant requirements and provisions of this by-law.

3.2.4 Requirements for Minimum Yard Setbacks

3.2.4.1 Except for permitted shoreline *structures* and as is otherwise specifically permitted in this By-law, a new *accessory building(s)* or *structure(s)* that is not part of a *principal building* or *structure* shall not be erected within any required minimum yard *setbacks*. For the purposes of this provision, *decks* and stairs that are within 1.5 metres of a *building* are considered part of the *building* and are not permitted to project within any required yard.

3.2.5 Short-term Rental

3.2.5.1 A *Short-term rental* may only be located within a *principal dwelling*. Where a short-term rental is permitted in a Community Planning Permit Area, the following provisions apply:

- a) It is required to be licensed by the Township.
- b) A maximum of one Short-Term Rental shall be permitted in one principal dwelling per lot.

3.2.5.1.2 In Community Planning Permit Areas that permit a *Short-term Rental* and a *sleeping cabin*, a *Short-term Rental* shall be permitted to extend into an existing *sleeping cabin* associated with a *Short-term rental* licence for the *principal dwelling*, provided:

- a) There is one *Short-term Rental* per lot; and,

- b) The septic system can accommodate daily flow for all buildings and/or structures.

3.2.6 Sleeping Cabins (Bunkies)

- 3.2.6.1 In all Planning Permit Areas where a sleeping cabin is a permitted use or a discretionary use, a sleeping cabin is not permitted in combination with an Additional Dwelling Unit or Hunt Camp unless otherwise explicitly permitted in this By-law.
- 3.2.6.2 The maximum gross floor area of a sleeping cabin shall not exceed 54 square metres. A *sleeping cabin* may be located over a garage, in accordance with the provisions of Section 3.2.7.1. Any variation from these provisions shall require a Class Two - Council Variation.
- 3.2.6.3 A *sleeping cabin* shall not be permitted above a *boathouse*.
- 3.2.6.4 A maximum of one *sleeping cabin* per *lot* shall be permitted, in accordance with Section 3.2.2.1.
- 3.2.6.5 Where an application is made to join two or more *sleeping cabins* or a *sleeping cabin* and a *dwelling*, or a combination thereof together, the result shall be considered as two or more *buildings* for the purpose of this By-law unless the new construction or constituent *buildings* being moved share at least one common interior wall with the *existing building*.

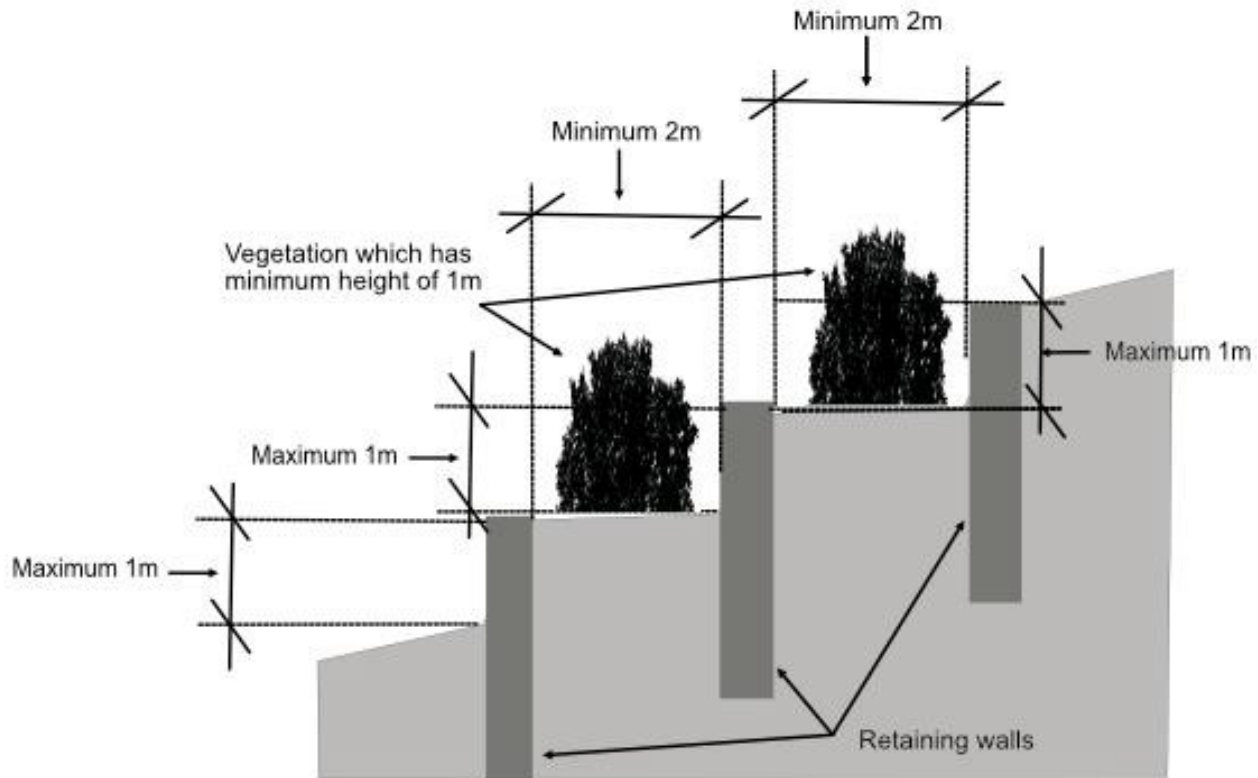
3.2.7 Staff Housing

- 3.2.7.1 Staff housing shall be permitted in all Commercial Planning Permit Areas provided the applicable development provisions and standards in this By-law are met.
- 3.2.7.2 Staff housing shall not be permitted to be used as a Short-term Rental..

3.2.8 Yards & Setbacks Exceptions

- 3.2.8.1 Despite the yard and *setback* provisions of this By-law to the contrary, awnings, clothes poles, flag poles, garden trellises, fences, signs that comply with a sign by-law or regulation of a *public authority*, or similar *structures* not exceeding 2.3 square metres in *footprint* are permitted within any yard *setback*.
- 3.2.8.2 Generators are not permitted within any required yard *setback*.
- 3.2.8.3 Despite the yard and *setback* provisions of this By-law to the contrary, *retaining walls* which are less than 1 metre in *height* are permitted within any yard *setback*, however within the required *shoreline yard setback retaining walls* must comply with the

maximum *Shoreline Activity Area (SAA) frontage* provisions of the applicable zone. For the purposes of this provision, multiple *retaining walls* a maximum of 1 metre in *height* *setback* from each other and placed in a stepped fashion, a minimum of 2 metres apart (measured from the rear of one wall to the front of the other as shown in illustration below), and include *vegetation* between the steps, that will grow to a minimum of 1 metre in *height*, will be considered to be one *retaining wall*, but will be permitted in any yard *setback* without a Staff Planning Permit. The erection of multiple *retaining walls* spaced less than 2 metres apart with the intent to create a *retaining wall* cascade exceeding 1 metre in *height* will be considered to be a singular *retaining wall*, and is not permitted as-of-right. Notwithstanding the above, a minimum *side yard setback* of 2 metres shall apply to all *retaining walls*, and 4.5 metres in any *shoreline yard setback* (in accordance with Section 3.23.2.2).



3.2.8.4 Despite the yard and *setback* provisions of this By-law to the contrary, an unenclosed fire escape, or a roof overhang may project into any yard *setback* a maximum distance of 1 metre, excluding any roof overhang on a flat-roofed *boathouse*.

3.2.8.5 Despite the yard and setback provisions of this By-law to the contrary, within a residential Planning Permit Area a detached, one storey garage or storage shed not exceeding 5.6 metres in height can be located a minimum of 2.5 metres from an interior side lot line.

3.2.9 Height Exceptions

3.2.9.1 The *height* provisions of this By-law shall not prevent the *use*, erection or alteration of the following *accessory buildings* or *structures* provided the *principal use* is permitted within the Planning Permit Area and complies with all other provisions of the Planning Permit Area:

- a) a belfry,
- b) a church spire,
- c) a clock tower,
- d) a flag pole,
- e) a non-commercial communication or radio or television antenna or tower,
- f) an ornamental roof *structure* that contains no *floor area* and is less than 2.3 sq. m. in area,
- g) a water tank,
- h) a windmill.

3.3 BED & BREAKFAST ESTABLISHMENTS

3.3.1 *Bed and Breakfast establishments*, where permitted, shall be located in a *detached dwelling unit*; be an *accessory use* to a detached residential *use*; and, are restricted to a maximum of three (3) guest rooms.

In addition to the zone provisions which apply, a Bed and Breakfast:

- a) Shall clearly be a secondary and incidental *use* of the *lot* and principal *dwelling*.
- b) Shall be conducted entirely within the *dwelling* except for an associated outdoor amenity area.
- c) Where located within a settlement planning area, the outdoor amenity area for guests shall be fully screened by a fence or landscaping screen so as to limit disturbance to neighbours.
- d) Where located within a settlement planning area, the *parking area* for guests shall be a stable surface which shall not be located any closer than 3 metres to a neighbouring property, and shall be screened from any adjacent residential *use* with a landscaping screen or fence.
- e) The *parking spaces* attributable to a guest *use* shall be designated for the exclusive *use* of the guests and shall be so signed.
- f) May include the serving of food to guests but shall not include in- room meal preparation areas for guests, and shall not include serving of meals, as a service, to any party other than the occupants of the guest rooms.

- g) Shall not be an exclusive *use* of a *dwelling*, and at least one bedroom shall remain available on a full-time basis for the residents of the *dwelling*.
 - h) Shall be conducted by at least one of the residents of the *dwelling unit*.
 - i) Shall be occupied by the *owner* or tenant at any times when guest rooms are available to or occupied by the traveling public.
 - j) Shall not *alter* the residential character of the *building* or neighbourhood as a consequence of alterations to the *building* associated with, or required for the *use*, noise, or the frequency of external contact.
 - k) Shall not involve the *outdoor storage* or *display*.
 - l) Signage for *Bed and Breakfast establishments* shall be in accordance with the dimensions stated in Section 3.9 (Home Based Business).
- 3.3.2 Any required parking and/or amenity areas required for the Bed and Breakfast operation shall be buffered from neighbouring residential *uses*.

3.4 CHILD CARE

- 3.4.1 *Home child care* is permitted in all designations where residential *uses* are permitted as a *principal use*. Such *home child care* establishments shall comply with the provisions of the Child Care & Early Years Act, 2014 and any updates thereto.

3.5 DWELLINGS

3.5.1 Dwelling Unit Size

- 3.5.1.1 The minimum *gross floor area* of any *dwelling* will be in accordance with the standards set out in the Ontario Building Code based on Division B.9.5.
- 3.5.1.2 Within the Waterfront Planning Permit areas, and on any lot in the Settlement Planning Permit Area that has waterfront, the maximum *gross floor area* of any *dwelling* will be 700 square metres. For the purposes of this provision the maximum *gross floor area* shall include only the *dwelling* and not an *attached* garage or any enclosed or unenclosed *deck attached* to the *dwelling*.
- 3.5.1.3 Despite any other provision in this By-law, the maximum width of a *dwelling* in the Waterfront Planning Permit Area and on any lot in the Settlement Planning Permit Area that has waterfront is limited to the lesser of 75% of the width of the property, measured from the applicable minimum *side yard setbacks*, or 50 metres width, whichever is the lesser, as measured parallel to the *front lot line* at a distance of the required minimum *front yard setback*, so as to ensure that *dwelling* façades do not

dominate the visual or built form of the property.

3.5.2 Maximum Number of Dwelling Units

3.5.2.1 Except as is specifically permitted in this By-law, no more than one *dwelling unit* is permitted on a *lot*.

3.6 EXISTING LOTS

- 3.6.1 Where an *existing lot*, that contains a *dwelling*, does not meet the minimum *lot area* or *frontage* requirements, construction of additions or *accessory structures* shall be permitted provided that the proposal complies with all other provisions of the By-law.
- 3.6.2 Where an *existing vacant lot* exists and does not meet the minimum *lot area* or *frontage* requirements for a new *lot*, the *lot* may be developed provided that there is a minimum of 1350 square metres of *lot area* and 30 metres of water or *lot frontage*, and provided that the proposal complies with all other provisions of the By-law.
- 3.6.3 Where there is an *existing vacant waterfront back lot* that does not meet the minimum *lot area* or *frontage* requirements, the *lot* may be developed by way of a Class 1 Staff Planning Permit provided that there is a minimum of 0.8 hectares of *lot area* and 60 metres of frontage on a year-round publicly maintained public *road*, and provided that the proposal complies with all other provisions of the By-law.
- 3.6.4 Where a land acquisition by any *public authority* results in a change to the configuration of a *lot* that conforms to the By-law (including land acquisition by a public authority by way of a condition of a planning application),, such that it does not comply with the applicable Planning Permit Area *lot area* and *frontage* provisions, such *lot* is deemed to be an *existing lot*, as defined herein.
- 3.6.5 Where additional land or frontage is added to an existing lot which complies with this By-law (such as through the closure of a shore road allowance or lot addition), the new lot configuration is deemed to comply with the By-law.

3.7 FLOOD PRONE LANDS

- 3.7.1 A Class 1 Planning Permit shall be required for any *development* within flood prone lands as well as for high points of land which must be accessed through flood prone lands.
- 3.7.2 *Site alteration*, such as filling, channelization or construction will not be permitted within areas prone to flooding unless it is demonstrated that there will be no significant negative off-site impacts on flood depths and velocities.
- 3.7.3 Not limiting the general applicability of Section 3.7.1, all lands located below the following elevations are specifically recognized as being located within flood prone

lands, and no new *habitable building* shall be located below the flood elevations referenced below, except for minor expansions (up to 25% of the *existing floor area*) to *existing* legal *non-conforming uses* and permitted marine related *structures* (such as *docks*, *boathouses* or pump houses, minor additions such as a *deck* or *uses* which by their nature must locate in a flood prone area including flood and/or erosion control works) :

- i) 317.18 metres GSC *adjacent* to Lake of Bays
- ii) 286.46 metres GSC *adjacent* to Peninsula Lake

3.7.4 Notwithstanding sections 3.7.1 and 3.7.3, where District approved two zoning mapping is in place, *development* and *site alteration* may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry.

3.7.5 Further to policy 3.7.4, *development* and *site alteration* may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *development* and *site alteration* is carried out in accordance with floodproofing standards, protection works standards, and access standards;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion, and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated;
- d) the site has safe access;
- e) *development* is situated outside the floodway;
- f) *development* is not an institutional *use*, an *essential emergency service* or a *use* associated with the disposal, manufacture, treatment, or storage of a hazardous substance; and
- g) no adverse environmental impacts will result.

3.7.6 For all *development* within the defined floodplain and associated *setback*, a natural hazard engineering report or technical report will be required which confirms that the *structure* is located outside any area affected by natural hazards.

3.7.7 In addition to the identification of flood prone lands as set out in Section 3.7.2 above, such lands may also be designated in the Schedules to this By-law by the demarcation - F following the zone category (e.g. Waterfront Residential – F identifies Waterfront Residential lands which are delineated as being Flood Prone lands and to which the requirements of Section 3.7 apply).

3.8 GROUP HOMES

- 3.8.1 *Group Homes* shall be permitted in a residential *dwelling* in all designations that allow residential *uses* provided the home is licensed or approved under a provincial statute, and is located on a year-round maintained public *road*.

3.9 HOME BASED BUSINESS

- 3.9.1 A home based-business may be permitted within any *existing* residential *use* or Residential Planning Permit Area, subject to the following provisions:
- a) the home based-business shall only be conducted within a *detached dwelling* or *accessory building*;
 - b) the home based-business shall clearly be secondary and *accessory* to the principal residential *use*;
 - c) the nature or scope of a home based-business shall not change the residential character of the *dwelling* or property, with the exception of a permitted sign;
 - d) the following *uses* shall not be permitted as a home based-business: Vehicle, boat, aircraft, or trailer repair or service; Medical or dental *office*; Private *hospital*; *Animal hospital*; *Kenel*; Nursing home; *Eating establishment*; Laundry; *Distillery*; *Brewery*; *Winery*; Any *use* with a retail activity, other than an *artisan's studio*, which involves the general public coming or going on a regular basis without preset appointment times. Direct sales conducted by telephone, internet, mail order or similar approach are permitted;
 - e) the home based-business shall be conducted by a person or persons residing in such *dwelling unit*;
 - f) the home based-business shall not emit noxious odours or interfere with television or radio reception in other adjacent *buildings*, or create or become a public nuisance, in particular with regard to traffic, parking, noise or emission of smoke, dust, gas, glare, fumes, light, vibration, radiation, debris, heat, humidity or refuse;
 - g) no more than 25% of the *gross floor area* of the *dwelling* shall be used for purposes related to the home based-business, except for home childcare, or a bed and breakfast or room or board establishment both of which shall be limited to 3 bedrooms;
 - h) in the case of a home based-business located in an *accessory structure*, such *structure* may be located within any yard in accordance with the required *setbacks* and shall not exceed a maximum *gross floor area* of 54 square metres; any change should require a Class 2 permit;
 - i) there shall be no external storage of goods or materials associated with the home based-business;
 - j) there shall be no visible display from outside of the premises, other than a sign not larger than 0.4 square metres and as further required by any applicable sign by-law or

other regulation;

k) parking for the *home-based business* shall be provided on the *lot*; and

l) a maximum of two *home-based businesses* are permitted where professional, knowledge-based, administrative, or high technology services are offered.

3.10 LANDS UNDERWATER

3.10.1 Unless indicated otherwise in this By-law, lands below water shall be deemed to be in the Waterfront *Open Space* Planning Permit Area and are not included in the calculation of *lot coverage*.

3.11 LIGHTING

3.11.1 The installation of outdoor lighting in the *Township* shall be in conformity with the requirements of the Township of Lake of Bays Dark Skies By-law and shall not cause light pollution.

3.11.2 To ensure responsible lighting, light pollution mitigation, and conservation of the dark sky environment, the *use* of sensitive outdoor illumination practices that do not interfere with the view of the night sky and do not spill into surrounding properties will be required for all land *uses*. Lighting shall not exceed a maximum *height* of 9 metres, and shall be directed downward.

3.12 MINIMUM DISTANCE SEPARATION

3.12.1 Notwithstanding any other yard or *setback* provisions of this By-Law to the contrary, no *use* shall be established and no *building* or *structure* shall be erected or altered unless it complies with the Minimum Distance Separation (MDS) Implementation Guidelines as set up by Ministry of Agricultural, Food and Rural Affairs, and as amended from time to time.

3.13 MULTIPLE PLANNING PERMIT AREAS ON A LOT

3.13.1 Where a *lot* is divided into more than one Planning Permit Area, each such part of the *lot* shall be developed in accordance with the provisions of this By-law of the applicable Planning Permit Area.

3.13.2 Notwithstanding Section 3.13.1, where permitted, a maximum of one *detached dwelling* or hunting camp is permitted on any *lot*, provided that all other applicable provisions of

the By-law are complied with.

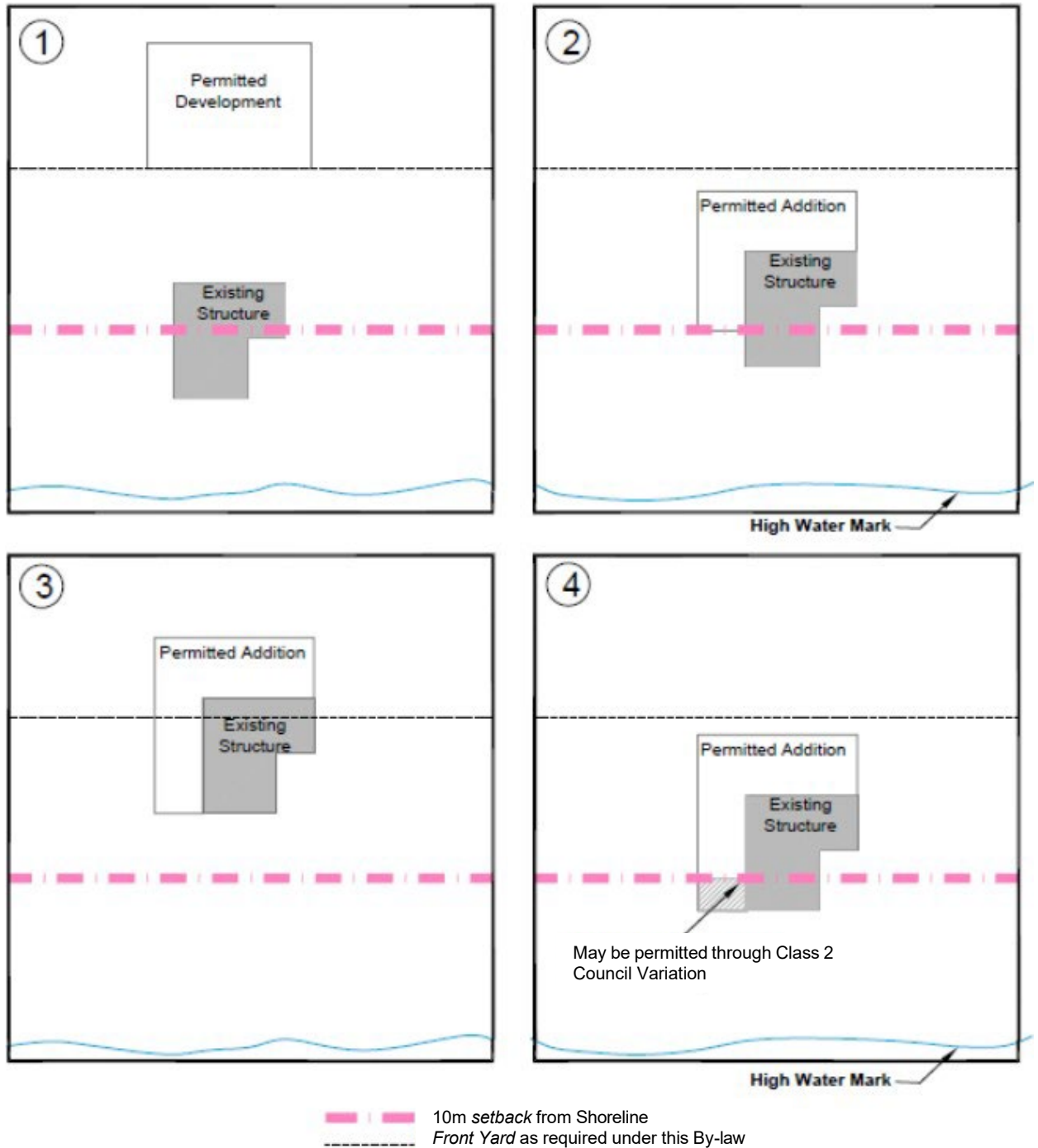
3.14 LEGAL NON-COMPLYING BUILDINGS AND STRUCTURES

- 3.14.1 Submission of an application for *building* permit relying on Sections 3.14 (*Non-Complying Buildings and Structures*) must occur within two years of the damage or destruction, otherwise these sections do not apply.
- 3.14.2 The variations to any of the applicable standards outlined in this By-law also apply to a legal *non-complying building or structure* provided that any enlargement or expansion complies with all other provisions of the By-law.
- 3.14.3 Despite any other provisions of this By-law, where a legal *non-complying building or structure* is damaged, destroyed, or demolished, the reconstruction of the *building* will be restricted to no more than its original *building* size and *height* and its original location, and a Planning Permit will not be required. Minor changes to the *footprint* are permitted as long as there is no increase in *floor area*.
- 3.14.4 Despite the above, any request to recognize, expand or add to a legal *non-complying building or structure* shall require a Class 1 Planning Permit, as a Class One - Staff Variation, and shall only be permitted provided it maintains the *existing setback* from the *shoreline yard* or 10 metres, whichever is greater and is no more than the *height* of the original *structure* and it complies with all other provisions of the By-law. An increase in *height* is permitted provided there is no increase in *gross floor area* and no increase in *storeys* and shall require a Class 1 Planning Permit as a Class One - Staff Variation. Any increase in *height* with an increase in *floor area* and/or *storeys* will require a Class 2 Planning Permit as a Class Two - Council Variation. Any expansion proposed within 10 metres of the shoreline will require a Class 2 Planning Permit as a Class Two – Council Variation.
- 3.14.5 Despite the above, an expansion of, or addition to a legal *non-complying dwelling, sleeping cabin, or shoreline structure* within the *shoreline activity area* shall require a Class One - Staff Variation and may only be permitted provided that it is no more than the *height* of the original *structure* and it complies with all other provisions of the By-law (see Illustration 1 below). An increase in *height* for a legal *non-complying dwelling* is permitted provided there is no increase in *gross floor area* and no increase in *storeys* and shall require a Class 1 Planning Permit as a Class One - Staff Variation. Any increase in *height* for a legal *non-complying sleeping cabin or shoreline structure* will require a Class 2 Planning Permit as a Class Two – Council Variation. Any increase in *height* for a legal *non-complying dwelling* with an increase in *floor area* and/or *storeys* will require a Class 2 Planning Permit as a Class Two - Council Variation.

The size of the addition will be restricted to the permitted SAA Frontage and a maximum of 50% of the total permitted *shoreline activity area coverage* in a Class One - Staff Variation, and this provision may only be applied for once following the passage of this

By-law. Any proposal which exceeds the permitted SAA Frontage or 50% of the permitted *shoreline activity area coverage* shall require the issuance of a Class Two - Council Variation.

Illustration #1 - Reconstruction of *Non-Complying Structures*



3.15 LEGAL NON-CONFORMING USES

- 3.15.1 Where a *building* or *lot* containing a legal *non-conforming use* is damaged, destroyed, or demolished, the reconstruction of the *building* will be restricted to no more than its original *footprint*, *building size*, *height* and location, and a Planning Permit shall not be required. Any expansions to a *building* containing a legal *non-conforming use* shall only proceed on the basis of a Class 2 Planning Permit where Council is satisfied that *development* will meet the intent of this By-law and the *Official Plan*.

3.16 OUTDOOR STORAGE

- 3.16.1. Where primary or *accessory outdoor storage* is permitted, the following provisions shall apply unless otherwise indicated in this By-law.

An area devoted to *outdoor storage* shall:

- a) Not be located closer to a front or exterior *side lot line* than the front or exterior side wall of a primary *building* on the *lot*.
- b) Meet all provisions of the pertinent zone, including *setbacks*, *height*, and *lot coverage*.
- c) Be permitted to a total *lot area* dedicated to *outdoor storage* as follows:
 - *Accessory outdoor storage* area(s) shall not be sized any greater than twenty percent (20%) of the total ground *floor area* of the primary *buildings* on the *lot*. An increase up to a maximum of fifty percent (50%) may be approved through a Class 2 Permit.
 - Primary *outdoor storage* area(s) shall be sized in accordance with the limitations imposed by the maximum *lot coverage* of the pertinent zone.
- d) Be located in area(s) dedicated to *outdoor storage*, and shall not encumber or encroach into any required *parking area*, required landscape *buffers* or screens, or any other required feature or area.
- e) Any part of any *lot* used for a permitted *outdoor storage* shall be fully screened from view, by either a fence or a vegetated *buffer* in accordance with the landscaping provisions of this By-law.

The provisions of this section do not apply to agricultural *outdoor storage* conducted in accordance with normal *farm* practices for a bone-fide *farm* operation.

In addition to the provisions of this section, where *outdoor storage* involves permitted moving containers, the containers shall not be stacked.

3.17 PARKING AND LOADING

3.17.1 Parking

3.17.1.1 In any Planning Permit Area, the following off-street *parking* and *loading space* requirements will be required for every *structure* hereafter erected or enlarged or changed in *use*, or any other change in *use* on a property.

3.17.1.2 Minimum *parking space* dimensions for standard *parking spaces* are 3 metres in width by 6 metres in length. Minimum *parking space* dimensions for barrier-free *parking spaces* are 4.5 metres in width that includes an adjacent 1.5 metre wide aisle that is hatch-marked on the *parking lot*, by 6 metres in length.

	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
MINIMUM STANDARD <i>PARKING SPACE</i> DIMENSIONS	3 metres in width, by 6 metres in length	N/A	N/A
MINIMUM BARRIER- FREE <i>PARKING</i> <i>SPACE</i> DIMENSIONS	4.5 metres in width that includes an adjacent 1.5 metre wide aisle that is hatch-marked on the <i>parking lot</i> , by 6 metres in length	N/A	N/A

3.17.1.3 All *parking areas* and spaces shall have access from unobstructed driveways or passageways a minimum *setback* of 2.5 metres from any *side lot line*, with a minimum width of 3 metres, and a maximum width of 9 metres. All such *parking areas* shall also have access to a *road* or *private road*, but shall not be located on any part of the *road* or *private road*. In the case of a *detached dwelling* or Additional Dwelling Unit (ADU), the required *parking spaces* may be obstructed and accommodated in a linear fashion in the garage or driveway ("tandem parking"). Variation to these requirements may occur in accordance with the following:

	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
MINIMUM <i>PARKING</i> <i>SPACE ACCESS</i> WIDTH	3 metres	Up to 20%	None

MAXIMUM <i>PARKING SPACE ACCESS WIDTH</i>	9 metres	Up to 20%	Up to 100%
MINIMUM <i>SETBACK FROM ANY SIDE LOT LINE</i>	2.5 metres	Up to 20%	Up to 50%

3.17.1.4 The minimum *parking space* requirements shall be the sum of the minimum requirements for each individual *use* on the property. If this number results in a decimal greater than one-half, then one additional space is required.

3.17.1.5 Where a *building* expansion or enlargement is proposed on a *lot* that has a deficiency in its parking requirements as of the passing of this By-law, additional parking for the expansion only is required to be provided in accordance with the provisions of this Bylaw. If the proposal includes a change in *use*, the parking requirement shall comply with the current parking provisions for that new *use*.

3.17.1.6 Non-residential *uses* shall maintain their respective off-street *parking areas* with a stable surface which will prevent the raising of dust or loose particles. Permeable and semi-permeable surfaces are permitted, which include porous paving, turf block, honeycomb block, cobblestone, and pavers, or similar.

3.17.1.7 In a Residential Planning Permit Area, parking shall be in accordance with the following:

- a) Not more than one vehicle per *dwelling unit* shall be a commercial *motor vehicle* as defined in the Highway Traffic Act;
- b) Commercial *motor vehicles* are not permitted to park in a *front yard* or a *shoreline yard*.
- c) Required *parking spaces* for residential *uses* are required to be provided on the same *lot* as the residential *use*.

Variation to these requirements may occur in accordance with the following:

	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
MAXIMUM NUMBER OF COMMERCIAL VEHICLES	1 per <i>dwelling unit</i>	Up to 1 additional vehicle	Up to 2 additional vehicles

3.17.1.8 Required *parking spaces* for commercial and institutional uses may be located on a separate *lot* provided the parking is located within 500 metres of the commercial or institutional *use*.

Where the required number of *parking spaces* for commercial or institutional uses are

provided on a separate *lot* within 500 metres of the commercial or institutional *use*, the owner of both lots shall enter into an agreement with the Township to be registered against the title of both the *lot* upon which parking is to be provided and the lot containing the *use* for which the parking is required. The agreement required by this Section shall guarantee that the land required for parking by this By-law shall continue to be so used only for such purposes until the owner provides alternative *parking spaces* in conformity with the regulations of this By-law.

Where the above is not permitted by the Township, the required *parking spaces* for all uses shall be provided on the same *lot* as the main use.

3.17.1.9 Where a commercial *use* abuts or is adjacent to a *navigable waterway*, one third of the required *parking spaces* may be in the form of boat slips maintained for the sole purpose of customer boat parking specifically for the commercial *use*. Each such boat slip shall be at least 6 metres in length and have a minimum width of 3 metres and must be located adjacent and devoted to the commercial *use* they are intended to serve.

Variation to these requirements may occur in accordance with the following:

	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
MAXIMUM NUMBER OF <i>PARKING SPACES</i> TO BE PROVIDED AS BOAT SLIPS	One third of the required <i>parking spaces</i>	Up to 20%	Up to 100% of required spaces
MINIMUM BOAT SLIP WIDTH	3 metres	Up to 20%	Up to 50%
MINIMUM BOAT SLIP LENGTH	6 metres	Up to 20%	Up to 50%

3.17.1.10 Unless otherwise specified in this By-law, uncovered *parking areas* may be permitted within any of the required yard *setbacks*, provided that where a non-residential *use* abuts a residential *lot*, there shall be a 4.5 metre landscaped *buffer strip* along the shared property line on the non-residential property.

Variation to these requirements may occur in accordance with the following:

	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
MINIMUM <i>BUFFER STRIP</i>	4.5 metres	Up to 20%	Up to 75%

3.17.1.11 *Parking areas* are permitted in any yard, except the *shoreline yard*, subject to other provisions of this By-law.

3.17.1.12 Multi-level parking *structures* are not permitted in any Planning Permit Area.

3.17.1.13 Parking shall be required as follows:

TYPE & NATURE OF USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
<i>Dwelling Unit</i> (on a lot with road access)	2 <i>parking spaces</i> per <i>dwelling unit</i> , plus 1 <i>parking space</i> for a <i>sleeping cabin</i> .
<i>Multiple Dwelling</i>	1.5 <i>parking spaces</i> per <i>dwelling unit</i> , plus 1 visitors <i>parking space</i> for every 2 <i>dwelling units</i> .
<i>Bed and Breakfast Establishment, Boarding House</i>	2 <i>parking spaces</i> for the main <i>dwelling unit</i> , plus 1 <i>parking space</i> for each bedroom or unit used for hire or gain.
Home Based Business	1 <i>parking space</i> for each employee not residing in the home of the Home Based Business as well as one visitor space in addition to any other parking requirements.
<i>Motel, Resort, Cottage Establishment, Tourist Establishment, Tourist Camping Establishment</i>	1 <i>parking space</i> for every accommodation unit, cottage, camp site, or <i>housekeeping unit</i> , plus 2 <i>parking spaces</i> for the owner's <i>dwelling unit</i> or caretaker's cabin.
Institutional Tourist Establishment	1 <i>parking space</i> for every 15.5 square metres of <i>gross floor area</i> , or 1 <i>parking space</i> for every 4 persons to be accommodated based on the total capacity of the Institutional Tourist Establishment, whichever is greater, plus 2 parking spaces for the owner's <i>dwelling unit</i> or caretaker's cabin.
<i>Marina</i>	1.5 <i>parking spaces</i> for every boat slip, plus 1 parking space for every 8.0 square metres of <i>gross floor area</i> devoted to sales or service
<i>Dwelling Licensed as a Short-term rental</i>	2 parking spaces per dwelling plus 1 parking space for a sleeping cabin associated with a dwelling licensed as a Short-term Rental, or 0.5 parking space for every guest room, whichever is greater.
<i>Waterfront landing</i>	3 <i>parking spaces</i> for each property served, plus 1 visitors <i>parking space</i> for every 3 properties served
Access Point	3 <i>parking spaces</i> for each property served
Golf Course, <i>Golf Driving Range, Mini Golf Course</i>	24 <i>parking spaces</i> for every nine holes of golf course, plus 1 <i>parking space</i> for every tee on a <i>driving range</i> or hole on a <i>mini golf course</i> .
<i>Commercial Park, Private Park, Public Park</i>	1 <i>parking space</i> for every 6 visitors based on the total capacity of the park.

<i>Religious Institution, Place of Assembly, Club, Market Place, Other Recreational Uses Not Listed</i>	1 <i>parking space</i> for every 18 square metres of <i>gross floor area</i> , or 1 <i>parking space</i> for every 5 persons to be accommodated based on the total capacity of the facility, whichever is greater.
<i>Restaurant, Tavern, Place of Entertainment</i>	1 <i>parking space</i> for every 14 square metres of <i>gross floor area</i> , or 1 <i>parking space</i> for every 4 persons to be accommodated based on the total capacity of the <i>building</i> , whichever is greater.
Curling Rink, Bowling Alley	4 <i>parking spaces</i> for every curling sheet or bowling lane, plus 1 <i>parking space</i> for every 4 persons to be accommodated based on the total capacity of the <i>building</i> .
<i>Health Care Clinic, Veterinary Clinic</i>	5 parking spaces for each practitioner's <i>office</i> .
<i>Hospital, Long Term Care Facility, Retirement Home</i>	1 <i>parking space</i> for every 2 beds or for every 40.0 square metres of <i>gross floor area</i> , whichever is greater, plus 1 additional <i>parking space</i> for every living area intended for a resident doctor or resident employee.
<i>Group Home; Fire, Ambulance or Police Station; Utility Company Office / Station</i>	1 <i>parking space</i> for every 27.5 square metres of <i>gross floor area</i> , with a minimum of two parking spaces.
<i>Public Administration Office</i>	1 <i>parking space</i> for every workstation or <i>office</i> , plus 1 visitor <i>parking space</i> for every 4 workstations or <i>offices</i> .
<i>Motor Vehicle Repair Establishment, Motor Vehicle Sales or Rental Establishment, Motor Vehicle Service Station, Motor Vehicle Washing Establishment</i>	1 <i>parking space</i> for every 28 square metres of <i>gross floor area</i> .
<i>Retail Store, Convenience Store, Bakery, Bakeshop, Service or Repair Establishment, Boat or Recreational Vehicle Establishment, Personal Service Establishment, Office, Printing Establishment, Child Care Establishment, Post Office, Funeral Home, Library, Museum, Art Gallery, Artisan's Studio, Custom Workshop, Dry Cleaning Establishment, Duplicating Establishment, Financial Establishment, Laundromat, Laundry or Dry Cleaning Outlet, Other Commercial Establishments Not Listed</i>	1 <i>parking space</i> for every 28 square metres of <i>gross floor area</i> , with a minimum of two <i>parking spaces</i> .
<i>Garden Centre, Nursery, Wildlife Centre, Building Supply Establishment, Storage Establishment, Contractor's Establishment</i>	1 <i>parking space</i> for every 100 square metres of <i>gross floor area</i> , with a minimum of two <i>parking spaces</i> .

<i>Manufacturing, Other Industrial Uses Not Listed</i>	1 <i>parking space</i> for every 40 square metres of <i>gross floor area</i> , or 1 <i>parking space</i> for every 2 employee workstations, whichever is greater.
<i>Educational Institution – Elementary, Secondary or Other</i>	1.5 <i>parking spaces</i> for every classroom, plus 3 bus spaces for every 8 classrooms, plus 1 <i>parking space</i> for every 2 secretarial or janitorial workstations. 4 <i>parking spaces</i> for every classroom, plus 3 bus spaces for every 8 classrooms, plus 1 <i>parking space</i> for every 2 secretarial or janitorial workstations.

3.17.1.13.1 Variations to the requirements in Section 3.17.1.13 may occur in accordance with the following:

	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
MINIMUM REQUIRED SPACES	As calculated in accordance with by-law	Up to 25% (a)	Greater than 25% (b)

(a) A Parking Justification Report may be required to the satisfaction of the Township.

(b) Provided a Parking Justification Report demonstrates to the satisfaction of the Township that there would be no negative impacts to the features or functions of the area.

3.17.1.13.2 Where a variation to the number of required *parking spaces* is being considered in the event that it is not possible or feasible to provide the parking spaces required by this By-law, cash-in-lieu of parking may be applied on lands located within the Settlement Planning Permit Areas.

Notwithstanding the provisions in Section 3.17.1.13 “Minimum Off-Street Parking Requirements”, where an Agreement between the Township and the owner of a property has been entered into pursuant to Section 40 of the Planning Act, as amended, exempting a property from parking through a payment of cash-in-lieu of parking, only the number of *parking spaces* as set out in the agreement are required to be provided. Such an Agreement shall supersede the requirements of this By-law.

3.17.2 Barrier-Free Parking

3.17.2.1 Barrier-free parking shall be provided in accordance with the provisions of the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) Integrated Accessibility Standards as follows:

NUMBER OF REQUIRED SPACES	MINIMUM NUMBER OF BARRIER FREE SPACES
1-12	1
13-100	4% of the total number of parking spaces provided
101-200	1 + 3% of the total number of parking spaces provided

3.17.2.2 Barrier free parking spaces shall be located as near as possible to the main entrance. Barrier free *parking spaces* will be indicated by erecting an accessible permit parking sign in accordance with regulations under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA), as amended.

3.17.3 Loading

3.17.3.1 Where a *loading space* is provided, off-street *loading spaces* shall be provided and may be varied, as follows:

	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
MINIMUM STANDARD <i>LOADING SPACE</i> DIMENSIONS	3 metres in width, by 10.5 metres in length	None	None
MINIMUM NUMBER OF <i>LOADING SPACES</i> IN A COMMERCIAL OR INDUSTRIAL PLANNING PERMIT AREA	One space per every 1500 square metres of the <i>Gross Floor Area</i> of a <i>use</i> in a Commercial Planning Permit Area or Industrial Planning Permit Area	Up to 20%	Up to 50%

3.18 PITS AND QUARRIES

3.18.1 The making, establishment or operation of *pits* or quarries is prohibited within the area covered by this By-law, except in the locations specifically permitted by this By-law, and in accordance with the provisions of this By-law. No person shall *use* land or *erect* any

building or *structure* for the purpose of processing, washing, screening, sorting, or crushing rock, sand, or gravel, except as expressly provided for in this By-law.

3.18.2 All legally *existing pits* and quarries are hereby recognized as they existed as of the date of the passing of this By-law. Any expansion to such *pits* and quarries shall require an amendment to this By-law.

3.18.3 Despite the provisions of any specific planning permit area, no new *dwelling* is permitted within 300 metres of the extraction limit of any licensed *pit* or *quarry*.

3.19 PROHIBITED USES

3.19.1 Any *use* which is not a permitted *use* in accordance with this By-law is a prohibited *use*. Unless specifically permitted in this By-law, the following *uses* are prohibited within the corporate limits of the Township:

a) Any *use* that is not specifically defined and listed in the permitted *uses* or permitted by the General Provisions of this By-law shall not be permitted.

b) *Hotels*, inns, *motels*, and *recreational vehicles* used as a permanent residence.

c) The *use* of any *recreational vehicle* for *human habitation*, except where such vehicle is located in a permitted camping establishment, trailer park, or *mobile home park* where habitation is temporary or seasonal in nature.

d) The *use* of any portable *structure*, vehicle, cargo container, *street*, or rail car for *human habitation*.

e) The *use* of any portable *structure*, vehicle, cargo container, or *street* or rail car for storage or sales.

f) The parking or storage of any portable *structure*, vehicle, shipping or moving container, or *street* or rail car on a *vacant lot*.

g) The parking or storage of derelict or unlicensed vehicles.

h) The *outdoor storage* of vehicles or parts of vehicles other than in a permitted wrecking or scrap yard.

i) The *manufacturing*, refining, rendering, bulk storage or distillation of fertilizers, oil, glue from organic sources, acids, ammonia, chlorine, coal, creosote, explosives, petroleum, tar, fireworks, ammunition, glue, petroleum, tar, or other hazardous materials unless specifically permitted as a *use* in this By-law or stored for sale in direct association with a permitted *use* on the property on which the permitted *use* occurs.

i) The bulk storage of industrial chemicals and the storage of radioactive, hazardous *waste*, hazardous biological *waste*, or liquid industrial *waste* unless specifically permitted by this By-law

k) The *manufacturing* or bulk storage of combustible, explosive, inflammable, or dangerous liquids, gases, or materials unless specifically permitted as a *use* in this By-law or stored for sale in direct association with a permitted *use* in the Zone and on the

property on which the permitted *use* occurs.

l) Rendering of fats or animal products, a tannery, or an abattoir unless specifically permitted.

m) The extraction of peat in all *wetlands*.

n) The parking or storage of trailers or commercial *motor vehicles* on a *lot* for the purposes of advertising.

o) Adult entertainment.

3.20 PUBLIC USE

3.20.1 A *public use* is permitted in any Planning Permit Area.

3.20.2 Every *public use* must comply with the provisions for the Planning Permit Area in which it is located. Notwithstanding this a Class 2 Planning Permit may be issued by Class Two - Council Variation to any applicable standard or provision.

3.20.3 Nothing in this By-law prevents the *use* of land for a *road* or *private road* or prevents the installation of a water main, sanitary sewer main, storm sewer main, gas main, pipeline, lighting fixture, or overhead or underground hydro or telecommunications lines or facilities.

3.21 PERMITTED ADDITIONAL DWELLING UNITS

3.21.1 Within the Settlement Residential, Settlement Neighbourhood Residential and Settlement Multiple Residential planning permit areas, where a lot is on full municipal servicing, two (2) Additional Dwelling Units (ADU) are permitted, one of which may be located in an ancillary structure, provided the applicable development provisions and standards in this By-law are met.

3.21.2 Within all other Settlement planning permit areas and Rural planning permit areas, a maximum of one (1) Additional Dwelling Unit (ADU) is permitted to be located inside the principal building in addition to the principal dwelling, and one (1) ADU is permitted inside an ancillary structure, provided the applicable development provisions and standards in this By-law are met. md inside an ancillary *structure*, whether the *lot* contains an *existing dwelling*, or is being developed with ADUs as part of new construction.

3.21.3 Where an *Additional Dwelling Unit (ADU)* is permitted, the following provisions apply:

- a) The appropriate authority has approved the sewage disposal system(s) to service the total sewage flow on the lot.
- b) A minimum of one (1) parking space shall be provided for each ADU.

3.21.4 An Additional Dwelling Unit shall not be permitted on a lot with water frontage.

3.22 SHIPPING CONTAINERS

- 3.22.1 A *shipping container* shall not be used for *human habitation*.
- 3.22.2 Despite the foregoing, and notwithstanding any provisions to the contrary, where a *shipping container* is converted from its original form and used as construction material for the *development* of a residential *dwelling unit*, *Additional Dwelling Unit* (ADU), or *garden suite* subject to the Ontario Building Code, it is a *building*. For clarity, the subject *dwelling units* would be permitted to be constructed using *shipping container* materials, but could not be permitted in an un-converted *shipping container* in its original form.
- 3.22.4 A *shipping container* which is not converted shall not be permitted on a *lot* in a Residential Planning Permit Area, except for the purposes of temporary construction storage provided that the *shipping container* is not located within or blocking access to a required *parking space* and the *shipping container* shall be removed within 30 days of occupancy being granted.
- 3.22.5 Notwithstanding any provision to the contrary, a maximum of two (2) *shipping containers* used for storage purposes are permitted in a Rural Planning Permit Area, an Institutional Planning Permit Area, or Industrial Planning Permit Area, and such *shipping containers* must be completely screened from view of adjacent properties or *roads* through the use of appropriate *buffers* and screening materials. A *setback* of double the required *setback* in the appropriate zone is required.

3.23 SHORELINE ACTIVITY AREAS

3.23.1 Accessory Buildings, Structures & Docks

- 3.23.1.1 The *shoreline activity area* shall be located outside the shoreline *buffer* area and so shall be limited to 25% of the linear shoreline frontage unless otherwise permitted by this By-law.
- 3.23.1.2 Where a *lot abuts* a *navigable waterway* the following *accessory structures* shall be permitted in a *shoreline activity area* or within the *shoreline yard setback* provided all provisions of this By-law are met:
- i) a *boathouse*;
 - ii) a *boatport*;
 - iii) a *dock*;
 - iv) pumphouse, *gazebo*, marine storage shed, change house or sauna
 - v) a free-standing *deck*;
 - vi) a hot tub with plumbing;

- vii) stairs, patios, and *landings*; and
- viii) an elevator or lift, or inclinator

3.23.1.3 Where a *lot* abuts a *navigable waterway*, the following specific provisions apply to *accessory buildings* or *structures*, in addition to all other provision of this By-law, within a *shoreline activity area*:

- a) a boathouse shall be limited to a maximum length of 15 metres extending out from the shoreline and shall not include openings exceeding 20% of all walls containing windows and doors, excluding doors for boatslips;
- b) a boatport shall be limited to a maximum length of 15 metres extending out from the shoreline;
- c) a dock shall be limited to a maximum length of 20 metres extending out from the shoreline;
- d) a pumphouse, gazebo, changehouse, or sauna shall not exceed 10 square metres of gross floor area;
- e) a storage shed shall not exceed 15 square metres of gross floor area;
- f) free-standing deck, shall not exceed 1.8 metres in height and 20 square metres in total floor area;
- g) patios shall not exceed 50% of the permitted shoreline activity area coverage;
- h) stairs and landings may be permitted, provided that the landings do not exceed the width of the stairs they serve and are not greater in width than 2.5 metres;
- i) Notwithstanding any provision to the contrary and any degree of variance permitted, in no instance shall any building, accessory building or structure, except a dock, boathouse or boatport extend out from the shoreline;
- j) No boathouse or boatport shall be used for the provision of sleeping quarters or include a kitchen or plumbing;
- k) The height of a boathouse or a boatport within a Waterfront Residential Planning Permit Area shall not exceed 4.5 metres to a flat roof or 5.6 metres to a pitched roof and shall not contain more than one storey;
- l) The maximum permitted gross floor area of a boathouse or a boatport is 75% of the permitted shoreline activity area coverage to a maximum of 138 square metres;
- m) A flat roofed boathouse or boatport or any part thereof shall require a minimum setback of twice that otherwise required."

3.23.2 Additional Provisions for Shoreline Activity Area

3.23.2.1 All new *development* within the *Shoreline Activity Area* shall require a Class 1 Planning Permit, unless otherwise specified herein. For clarity, this requirement shall not apply to repairs and maintenance of *existing structures*.

3.23.2.2 No part of a *Shoreline Activity Area* is permitted within 4.5 metres of the interior *side lot line*, exterior *side lot line*, or any straight-line projection thereof from the *ordinary water's edge*.

3.23.2.3 A maximum of two *shoreline activity areas* are permitted on a *lot*.

3.23.2.4 Unless otherwise specified herein, where a residential *lot* has more than one contiguous shoreline, no more than 25% of any one shoreline shall be used as *shoreline activity area* frontage and the total *shoreline activity area frontage* shall not exceed 23 metres.

Despite the above, where the lot frontage exceeds the required *water frontage* by at least twice the required *water frontage*, an additional *shoreline activity area* of 25% of each additional required frontage is permitted provided that:

- a) a Class 2 Council Planning Permit is obtained;
- b) no single *shoreline activity area frontage* shall exceed 23 metres in width and 20 metres in depth; and
- c) each such additional *shoreline activity area* shall be located on a portion of the *lot* which has the frontage and area of at least that required for a Waterfront Residential lot on the relevant category of lake.

3.23.2.5 For *lots* created after the date of passing of this By-law, where a non-complying *Shoreline Activity Area* exists, any further *development* on the *lot* shall require a Class 1 Staff Planning Permit, subject to the reestablishment of a shoreline *buffer* as required for that Planning Permit Area. The required *buffer* shall be a minimum of 15 metres in depth and shall comply with the provisions of Section 3.26 (*Vegetation Removal* and *Site Alteration*).

3.23.2.6 For *existing* lots which did not contain *existing dwellings* where a non-complying *shoreline activity area* exists, any further *development* within the *shoreline yard* or the construction of a new *dwelling* on the *lot* shall require a Class 1 Staff Planning Permit, and shall be subject to the reestablishment of a shoreline *buffer* as required for that Planning Permit Area. The required *buffer* shall be a minimum of 15 metres in depth and shall comply with the provisions of Section 3.26 (*Vegetation Removal* and *Site Alteration*).

3.23.3 Shoreline *Buffer*

- 3.23.3.1 A shoreline *buffer* consisting of 75% of the linear shoreline frontage of a *lot* shall be maintained in a natural state to a depth of 15 metres measured inland from the *ordinary water's edge*, unless otherwise in accordance with this By-law, for all land *uses*.
- 3.23.3.2 Within the shoreline *buffer*, only meandering natural pathways or access points constructed of permeable materials, selective pruning of trees for viewing purposes, or the removal of trees for safety reasons are permitted.
- 3.23.3.3 This By-law does not require restoration of existing shorelines unless *development* or *site alteration* requiring approval under this By-law is being proposed.

3.24 SIGHT TRIANGLES

- 3.24.1 Within any area identified as a *sight triangle*, the following *uses*, *site alterations*, *vegetation removal* and *structures* are prohibited:
- a) A *building*, *structure* or *use* which would obstruct the vision of drivers of motor vehicles using the adjacent *street*;
 - b) A fence, tree, hedge, bush, or other *vegetation*, exceeding 1 metre *height* above the elevation of the *street* line; and
 - c) A *finished grade* which exceeds the elevation of the *street* line by more than 0.6 metres.
- 3.24.2 A variation to the daylighting triangle provisions requires a Class 2 Permit and the extent of variance that may be permitted is 100%.
- 3.24.3 A *sight triangle* shall have dimensions along both *roads* of 15m where any local *road* meets a provincial or district *road* and 3m where two local *roads* meet.

3.25 TEMPORARY USES

3.25.1 Permit Requirements

- 3.25.1.1 A Planning Permit is required for any temporary *use(s)* listed in Section 3.25.

3.25.2 Garden Suites

3.25.2.1 A *garden suite* is only permitted in a Residential or Rural Planning Permit area, not within the Waterfront Designation.

3.25.2.2 Where a *garden suite* is specifically permitted as a discretionary *use*, such *use* shall be maintained in accordance with the following provisions:

a) The *garden suite* shall require a Class 1 Planning Permit as a temporary *use*, provided that:

- i) all requirements applicable within the planning permit area can be satisfied;
- ii) an adequate water supply and sewage disposal system is available to accommodate the unit;
- iii) the unit is compatible with the surrounding properties and *uses*; and
- iv) the unit is compatible in appearance with other *buildings* on the property.

b) The *gross floor area* of a *garden suite* shall not exceed the *gross floor area* of the principal *dwelling* to a maximum of 85 square metres.

c) Once a *garden suite* is discontinued, it shall be removed from the site or converted to a permitted residential *accessory use*.

d) A *garden suite* is not permitted for a period exceeding 20 years, except through extensions to a temporary *use* by-law in increments not exceeding 3 years.

e) An agreement with the *owner* will be executed under the provisions of the Municipal Act, and will:

- i) address the conditions under which the *garden suite* will be installed, maintained, and removed from the property;
- ii) identify the period of occupancy;
- iii) require that the *garden suite* not be used as a rental *dwelling unit* for profit or gain;
- iv) require that the *garden suite* meets all health, safety, servicing and *building* code standards;
- v) address the provision of securities to ensure that the conditions of the agreement will be satisfied;
- vi) acknowledge limitations to emergency and other services where such a unit is accessible only by water or a *private road*; and
- vii) include any other conditions that the *Township* deems necessary

3.25.3 Recreational Trailers

3.25.3.1 The parking and storage of *recreational trailers* shall be prohibited in all Planning Permit Areas except where a *dwelling* is in existence on the same *lot*, in which case one *recreational trailer* may be stored on the occupant's *lot*, but only in the rear or *interior side yard*, or in such Planning Permit Areas where such parking and storage is permitted by this By-law.

3.25.3.2 The use of *recreational trailers* is prohibited in all Planning Permit Areas except where specifically permitted.

3.25.4 Construction

3.25.4.1 A temporary *building, structure, shipping container*, or trailer incidental to the construction of a principal a *lot* shall be permitted in all Planning Permit Areas, but only for as long as it is necessary for the work in progress and until the work is completed or abandoned. In this case, 'abandoned' means the failure to proceed with the work within a 6-month time period.

3.26 VEGETATION REMOVAL AND SITE ALTERATION

3.26.1 Required Permits and Criteria for Vegetation Removal or Site Alteration

3.26.1.1 *Development*, including woody *vegetation removal* or *site alteration* requires a Class 1 Planning Permit, in accordance with the provisions in the following chart. Where *vegetation removal* or *site alteration* is proposed in an area not described in the following chart, a Planning Permit is not required. In addition to all applicable requirements of this By-law for the issuance of Planning Permits, the following chart also sets out additional specific criteria for, or clarifications regarding the need for, the Planning Permit

PLANNING PERMIT REQUIRED FOR VEGETATION REMOVAL OR SITE ALTERATION	SPECIFIC CRITERIA/CLARIFICATIONS
WITHIN THE <i>SHORELINE ACTIVITY AREA</i>	Required in order to confirm the location and extent of the shoreline activity area and maintenance of the shoreline <i>buffer</i>

WITHIN THE SHORELINE <i>BUFFER</i>	<i>Vegetation removal</i> which is required to be removed for the establishment of a <i>permeable pathway</i> of a width not exceeding 1 metre
ALONG A ROADSIDE <i>BUFFER</i> , AS REQUIRED IN RURAL GENERAL, RURAL LIMITED, RURAL RESIDENTIAL, RURAL COMMERCIAL, AND RURAL INDUSTRIAL PLANNING PERMIT AREAS	<i>Vegetation removal</i> which would not compromise the ecological or visual functions of the roadside <i>buffer</i> as supported by a municipally approved report other than where required to maintain a site line for an entrance
WITHIN 30 M OF ANY <i>WATERCOURSE</i>	<i>Watercourse</i> Assessment in accordance with Section 2.11 (Conditions) of this By-law
FOR THE PURPOSES OF A <i>GOLF COURSE</i>	Site Evaluation and other technical reports (hydrogeological assessment, <i>golf course</i> management plan, etc.) in accordance with Section 2.11 (Conditions) of this By-law
OVER AN AREA EXCEEDING 0.2 HA, OR 50% OF A <i>LOT</i> , WHICHEVER IS LESS, EXCEPT FOR <i>FORESTRY OPERATIONS</i>	Site Evaluation in accordance with Section 2.11 (Conditions) of this By-law
WITHIN 120 METRES OF A <i>PROVINCIAL</i> LY SIGNIFICANT <i>WETLAND</i>	Environmental Impact Study in accordance with Section 2.11 (Conditions) of this By-law
IN OR <i>ADJACENT</i> TO ANY <i>WETLAND</i>	Environmental Impact Study in accordance with Section 2.11 (Conditions) of this By-law
IN A <i>NATURAL HERITAGE AREA</i>	Environmental Impact Study in accordance with Section 2.11 (Conditions) of this By-law
ON A SLOPE > 30%	Site Evaluation in accordance with Section 2.11 (Conditions) of this By-law
ON A RIDGE LINE OR CLIFF	Site Evaluation in accordance with Section 2.11 (Conditions) of this By-law
IN A <i>DEER WINTERING AREA</i> WHERE <i>VEGETATION REMOVAL</i> IS PROPOSED OVER MORE THAN 0.2 HA	Deer Wintering Assessment in accordance with Section 2.11 (Conditions) of this By-law
IN AN AREA WITHIN OR <i>ADJACENT</i> TO <i>ARCHAEOLOGICAL RESOURCES</i>	Archaeological Assessment in accordance with Section 2.11 (Conditions) of this By-law
IN SIGNIFICANT <i>WILDLIFE HABITAT</i>	Environmental Impact Study in accordance with Section 2.11 (Conditions) of this By-law

3.26.2 Revegetation/Replanting

3.26.2.1 In a case where *vegetation removal* or *site alteration* has already occurred in the areas referenced in the chart above without a permit being issued for such removal, further *development* on the *lot* is only permitted provided that the areas are re-vegetated in accordance with the provisions of this By-law and is only permitted by a Class 1 permit provided that the areas are revegetated and replanted utilizing trees (of a minimum planting *height* of 1.9 metres) and shrubs (a minimum of 50% of which will reach a

height of 1.9 metres) at a density of one tree or shrub per 3 square metres more or less evenly along the *shoreline buffer* as site conditions permit. Trees shall comprise a minimum of 25% of the plant material. Additional *vegetation* and *site alteration* restoration measures shall be set out in a municipally accepted ecological report in accordance with Section 2.11 (Conditions) of this By-law.

- 3.26.2.2 If a proposal does not achieve the above requirements, due to unavoidable site constraints, an overall net gain of *shoreline vegetation* or roadside *vegetation* on the *lot* shall be required. Net gain shall be achieved through naturalization of additional areas or increased densities of planting.
- 3.26.2.3 Where the natural *shoreline* is determined to be other than forested, as in the case of a natural beach, a *shoreline buffer* that is reflective of the previous natural *shoreline* shall be required.

3.26.3 Fill Placement, Fill Excavation & Removal, & Lot Grading

- 3.26.3.1 Without first obtaining a Class 1 – (Staff Variation) Planning Permit, *fill* placement, *fill* excavation and removal and *lot* grading activities are not permitted within the required *shoreline yard setback*, *watercourse setback* or any other natural feature and shall not affect the control of flooding and erosion.
- 3.26.3.2 *Fill* placement in the amounts specified in Section 2.14.1e) and less than 250 cubic metres on a *lot* require a Class 1 permit. However, *fill* required for an approved septic system, issued building permit, maintenance or repair of an *existing* driveway, and any *fill* required for a works undertaken by a public agency are exempt.
- 3.26.3.3 *Fill* placement of 250 cubic metres or greater on a *lot* is prohibited unless supported by an Environmental Impact Study, with the exception of an approved septic system and issued building permits and any *fill* required for a works undertaken by a public agency are exempt.
- 3.26.3.5 Only clean *fill* may be placed in conformity with Provincial guidelines and regulations and a soils report may be required to confirm *fill* quality and import location.

3.27 WASTE TRANSFER SITES

- 3.27.1 *Development* is not permitted within 500 metres (or within a distance or area as specified in consultation with the Ministry of Environment, Conservation, and Parks or *District of Muskoka*) of a *waste* transfer site, unless a technical report completed by a qualified person is undertaken and demonstrates no *negative impact* to the *waste* transfer site *use* and shall address matters required in the applicable Provincial guidance document.

3.28 WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS

- 3.28.1 Despite any other provisions of this By-law, no *building* or *structure* which requires a water supply or sewage disposal system shall be erected, altered, or used on land which, by reason of its rocky, low lying, marshy or unstable characteristics, is unsuitable for the provision of the required water supply or sewage disposal system, as determined by the approval authority.
- 3.28.2 No land reserved for the *use* of a tile field or a sewage disposal system may be used for any other purpose.
- 3.28.3 Despite any *yard* or *setback* provisions of this By-law to the contrary, a sewage disposal *leaching bed* shall be permitted within any *yard* of this By-law, with the exception of the *shoreline yard*.
- 3.28.4 *Leaching beds* distribution pipe, excluding an approved Level 3 & 4 treatment unit as per the Ontario Building Code, shall be set back a minimum of 30 metres from the *ordinary water's edge*. Greater *setbacks* may be required to address terrain constraints, land prone to flooding or to preserve habitat or specific features.
- 3.28.5 Notwithstanding the above, on an *existing lot* where a *leaching bed* cannot be *setback* a minimum of 30 metres due to site constraints, a reduced *setback* may be permitted as a Class One - Staff Variation subject to the criteria set out in Section 2.13 (Criteria for Variations from Standards).

3.29 WATERCOURSE SETBACKS

- 3.29.1 *Development* will be set back from a coldwater stream or creek a minimum of 30 metres in the Waterfront and Rural designations and 20 metres in a Community designation and a *setback* of 15 metres from any warmwater stream is required, unless a Fish Habitat Impact Assessment recommends a greater *setback* or that a lesser *setback* would not have a *negative impact* on the habitat. A minimum 15 metre natural vegetative *buffer* located directly *adjacent* to the banks of the *watercourse* would be maintained within this *setback*.
- 3.29.2 *Section 3.29.1* does not apply to docks and boathouses over water.
- 3.29.3 The required setback from Waterfront Environmental Protection ("WEP") and "Environmental Protection" ("EP") designated areas is 30 metres. Unless otherwise permitted in this By-law, any variance to this setback shall require a Class 2 (Council Variation) Planning Permit along with the submission of an Environmental Impact Study.

3.30 YARDS AND SETBACKS

3.30.1 All *yards* and *setbacks* shall apply regardless of any overlap.

3.30.2 All *development* shall be set back the following minimum distances from a waste management facility:

Facility	Minimum <i>Setback</i>
Non-residential <i>uses</i> adjacent to municipal sewage treatment plant	150 m
Residential <i>use</i> adjacent to municipal sewage treatment plant	200 m
All <i>uses</i> from a <i>waste</i> stabilization pond	400 m
All <i>uses</i> from a hauled sewage lagoon	400 m

3.30.3 *Development* and *site alteration* shall be subject to a 1000m *setback* from a municipal water supply intake, well or municipal sanitary sewage outfall unless it is subject to a conditional provisional Planning Permit requiring confirmation from the *District of Muskoka* that such *development* or *site alteration* will not negatively impact the infrastructure.

4 COMMUNITY PLANNING PERMIT AREAS

4.1 DESIGNATION OF COMMUNITY PLANNING PERMIT AREAS

4.1.1 In the Township of Lake of Bays, Planning Permit Areas (the title of which may also be referred to as designations in this By-law) are identified in Schedule A to this By-law.

4.1.2 The *Township's* Planning Permit Areas are organized into the broad categories of: Waterfront, Rural, Community, Institutional, *Open Space*, and Environmental Protection

4.2 WATERFRONT - PLANNING PERMIT AREAS

All *development* and *site alteration* in Waterfront Planning Permit Areas on waterbodies listed in Schedule E2 of the Muskoka District Official Plan require issuance of a conditional Planning Permit unless it constitutes an activity exempted by sections 2.14.1. In addition to any other conditions which may apply, all such applications for Planning Permits shall be required to submit a Muskoka District Lake System Health Standard or Enhanced Protections Policy Compliance Analysis prior to the issuance of a Planning Permit as a requirement of a Provisional Approval.

Notwithstanding anything to the contrary in this By-law, new *resort development* in the Waterfront Planning Permit Area is prohibited and requires an amendment to this By-law.

4.2.1 WATERFRONT RESIDENTIAL

4.2.1.1 In a Waterfront Residential Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or *remove vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.2.1.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
Bed and breakfast <i>Conservation</i> <i>Dwelling licenced as a Short-term Rental</i> <i>Group Home (a)</i> Home based business One <i>detached dwelling (a)</i> One <i>sleeping cabin</i>

(a) A new *detached dwelling* on an *existing lot* on waterbodies listed in Schedule E2 of the Muskoka District Official Plan shall be required to submit a Muskoka District Lake System Health Standard or Enhanced Protections Policy Compliance Analysis prior to the issuance of a Planning Permit as a requirement of a Provisional Approval.

4.2.1.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, <i>BUILDINGS</i> , AND STRUCTURES (a)
<i>Group Home</i> <i>Individual Access Point</i> One <i>detached dwelling</i> (subject also to submission of a Muskoka District Lake System Health Standard or Enhanced Protections Policy Compliance Analysis prior to the issuance of a Planning Permit as a requirement of a Provisional Approval in the case of a lot on waterbodies listed in Schedule E2 of the Muskoka District Official Plan).

(a) Provided that the criteria established in Section 2.16 (Criteria for Discretionary Uses) for such *uses* have been satisfied.

Waterfront

4.2.1.4 Provisions applying to all waterfront lots are as listed in the following charts:

4.2.1.4.a) Minimum Lot Areas for New Lots - Waterfront

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
A NEW LOT ON AN ISLAND OF LESS THAN 4 HA (9.9 A) IN AREA	0.8 ha	None	Any Amount Over Permitted Staff Variation
AN INDIVIDUAL ACCESS POINT	700 sq. m.	Up to 5%	Any Amount Over Permitted Staff Variation
WITHIN A HERITAGE AREA WHERE A WATERFRONT ENVIRONMENTAL PROTECTION PLANNING PERMIT AREA EXISTS ALONG THE ENTIRE FRONTAGE OF THE LOT WHERE A RESIDENTIAL COMPOUND EXISTS	<i>Existing</i>	None	Any Amount Over Permitted Staff Variation
ALL OTHER SITUATIONS	0.4 ha	None	Any Amount Over Permitted Staff Variation

4.2.1.4.b) Minimum Water Frontage for New Lots - Waterfront

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
ON A WATERBODY SUBJECT TO THE	152 metres	Up to 5%	Any Amount Over Permitted Staff Variation

<p>POLICIES OF SECTION C2.6 OF THE DISTRICT OF MUSKOKA OFFICIAL PLAN, AS IDENTIFIED IN ON WATERBODIES LISTED IN SCHEDULE E2 OF THE MUSKOKA DISTRICT OFFICIAL PLAN</p> <p>ON A CATEGORY 3 LAKE, AS IDENTIFIED IN APPENDIX 4</p>			
<p>PENINSULA LAKE</p> <p>ON A <i>NARROW WATERBODY</i> WHICH MEASURES LESS THAN 90 METRES ACROSS</p> <p>WHERE SLOPES OF GREATER THAN 40% EXIST</p> <p>ON A CATEGORY 2 LAKE, AS IDENTIFIED IN APPENDIX 4</p>	122 metres	Up to 5%	Any Amount Over Permitted Staff Variation
<p>ON A <i>NARROW WATERBODY</i> WHICH MEASURES BETWEEN 90 AND 150 METRES ACROSS</p> <p>WHERE SLOPES OF 30% TO 40% EXIST</p> <p>WHERE A WATERFRONT ENVIRONMENTAL PROTECTION</p>	90 metres	Up to 5%	Any Amount Over Permitted Staff Variation

PLANNING PERMIT AREA EXISTS ALONG MORE THAN 50% OF THE LOT FRONTAGE			
<p>WITHIN A HERITAGE AREA</p> <p>WHERE A WATERFRONT ENVIRONMENTAL PROTECTION PLANNING PERMIT AREA EXISTS ALONG THE ENTIRE FRONTAGE OF THE LOT</p> <p>WHERE A RESIDENTIAL COMPOUND EXISTS</p>	<i>Existing</i>	None	Any Amount Over Permitted Staff Variation
<i>INDIVIDUAL ACCESS POINT</i>	15 m	None	Any Amount Over Permitted Staff Variation
ALL OTHER SITUATIONS	60 metres	Up to 5%	Any Amount Over Permitted Staff Variation

4.2.1.4.c) Minimum Road Frontage for New Lots - Waterfront

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT ON A PROVINCIAL HIGHWAY OR ON A DISTRICT CLASS A ROAD	150 metres	Up to 5%	Any Amount Over Permitted Staff Variation
LOT ON A DISTRICT CLASS B ROAD	135 metres	Up to 5%	Any Amount Over Permitted Staff Variation
SHORELINE LOT ON A TOWNSHIP ROAD	45 metres	Up to 5%	Any Amount Over Permitted Staff Variation

SHORELINE LOT ON A PRIVATE ROAD	N/A	N/A	N/A
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4.2.1.4.d) Minimum Shoreline Yard Setback - Waterfront

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
THE LOT ABUTS A WATERFRONT ENVIRONMENTAL PROTECTION PLANNING PERMIT AREA	30 metres	Up to 10% (a)	Any Amount Over Permitted Staff Variation
THE LOT IS LOCATED ON ONE OF THE FOLLOWING LAKES: DICKIE LAKE ECHO LAKE GRANDVIEW LAKE LAKE OF BAYS PAINT LAKE RIL LAKE	20 metres	Up to 10%	Any Amount Over Permitted Staff Variation
ALL OTHER SITUATIONS THE LOT CONTAINS AN EXISTING RESIDENTIAL COMPOUND.	30 metres	Up to 10%	Any Amount Over Permitted Staff Variation

(a) Upon submission of a Fish Habitat Impact Assessment in accordance with section 2.11

4.2.1.4.e) Minimum Front Yard Setback - Waterfront

SITUATION	STANDARD (a)	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
ADJACENT TO A PROVINCIAL HIGHWAY	19 metres	Up to 50%	Any Amount Over Permitted Staff Variation
ADJACENT TO A DISTRICT ROAD	14.5 metres	Up to 50%	Any Amount Over Permitted Staff Variation
ADJACENT TO A TOWNSHIP ROAD	10 metres	Up to 50%	Any Amount Over Permitted Staff Variation

(a) *Buffer* - A vegetated roadside *buffer* of at least 6 metres in depth shall be provided along 75% of the *front lot lines*

4.2.1.4.f) Minimum Interior Side Yard Setback - Waterfront

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
ALL	4.5 metres	Up to 20%	Any Amount Over Permitted Staff Variation

4.2.1.4.g) Minimum Exterior Side Yard Setback - Waterfront

SITUATION	STANDARD (a)	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
ALL	10 metres	Up to 50%	Any Amount Over Permitted Staff Variation
ADJACENT TO A PROVINCIAL HIGHWAY	19 metres	Up to 50%	Any Amount Over Permitted Staff Variation
ADJACENT TO A DISTRICT ROAD.	14.5 metres	Up to 50%	Any Amount Over Permitted Staff Variation
ADJACENT TO AN UNOPENED ROAD ALLOWANCE	4.5 metres	Up to 20%	Any Amount Over Permitted Staff Variation

(a) *Buffer* - A vegetated roadside *buffer* of at least 6 metres in depth shall be provided along 75% of the exterior *side lot lines*.

4.2.1.4.h) Minimum Rear Yard Setback - Waterfront

SITUATION	STANDARD (a)	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
ALL	10 metres	Up to 50%	Any Amount Over Permitted Staff Variation
ADJACENT TO A PROVINCIAL HIGHWAY	19 metres	Up to 50%	Any Amount Over Permitted Staff Variation
ADJACENT TO A DISTRICT ROAD.	14.5 metres	Up to 50%	Any Amount Over Permitted Staff Variation

(a) *Buffer* - A vegetated roadside *buffer* of at least 6 metres in depth shall be provided along 75% of the *rear lot line*.

4.2.1.4.i) Maximum Lot Coverage - Waterfront

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
AN <i>INDIVIDUAL ACCESS POINT</i> .	5% to a maximum of 93 square metres	None	Any Amount Over Permitted Staff Variation
ALL OTHER SITUATIONS	10% with a maximum of 510 sq. m. <i>footprint</i> constructed between 20 metres and 60 metres of the <i>shoreline</i>	Coverage – up to 25% of requirement No variance for the maximum <i>footprint</i>	Any Amount Over Permitted Staff Variation

See also APPENDIX 3 for clarifications regarding *lot coverage* interpretation.

4.2.1.4.j) Maximum *Building Height* - Waterfront

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
AN <i>ACCESSORY SHORELINE STRUCTURE</i>	5.6 metres	None	Any Amount Over Permitted Staff Variation
OTHER <i>ACCESSORY STRUCTURES</i>	5.6 metres	10%	Any Amount Over Permitted Staff Variation
A <i>DETACHED GARAGE</i>	8.8 metres	10%	Any Amount Over Permitted Staff Variation
A <i>DWELLING</i>	10.6 metres	10%	Any Amount Over Permitted Staff Variation

See also APPENDIX 3 for clarifications regarding the measurement of *building height* interpretation.

4.2.1.4.k) Maximum Shoreline Activity Area Frontage - Waterfront

SITUATION	STANDARD (a)	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
A <i>WATERFRONT RESIDENTIAL LOT</i>	25% to a maximum of 23 metres	Up to 5%	Any Amount Over Permitted Staff Variation
AN <i>INDIVIDUAL ACCESS POINT</i>	25%	None	Any Amount Over

			Permitted Staff Variation
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(a) That portion of *existing dwellings* and *sleeping cabins* which are located within the *shoreline yard* will be included in the calculation of *shoreline activity area frontage*.

4.2.1.4.I) Maximum Shoreline Activity Area Coverage - Waterfront

SITUATION	STANDARD (a)	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
ALL	40%	up to 25%	Any Amount Over Permitted Staff Variation

(a) That portion of *existing dwellings* and *sleeping cabins* which are located within the *shoreline activity area* as of November 26, 1996 will not be included in the calculation of *shoreline activity area coverage*.

Backlots

4.2.1.5 Provisions applying to all backlots are as listed in the following charts:

4.2.1.5.a) Minimum Lot Areas for New Lots - Backlots

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
A NEW BACKLOT WITH PUBLIC ROAD FRONTAGE	3 ha	None	None
WITHIN A HERITAGE AREA WHERE A RESIDENTIAL COMPOUND EXISTS	<i>Existing</i>	None	None

4.2.1.5.b) Minimum Road Frontage for New Lots - Backlots

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT ON A PROVINCIAL HIGHWAY OR ON A DISTRICT CLASS A ROAD	150 metres	Up to 5%	Any Amount Over Permitted Staff Variation

LOT ON ANY OTHER ROAD	134 metres (frontage required on a year-round maintained public road)	Up to 5%	Any Amount Over Permitted Staff Variation
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4.2.1.5.c) Minimum Front Yard Setback - Backlots

SITUATION	STANDARD (a)	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
ADJACENT TO A PROVINCIAL HIGHWAY	19 metres	Up to 50%	Any Amount Over Permitted Staff Variation
ADJACENT TO A DISTRICT ROAD	14.5 metres	Up to 50%	Any Amount Over Permitted Staff Variation
ALL OTHER SITUATIONS	10 metres	Up to 50%	Any Amount Over Permitted Staff Variation

(a) *Buffer* - A vegetated roadside *buffer* of at least 6 metres in depth shall be provided along 75% of the *front lot lines*.

4.2.1.5.d) Minimum Interior Side Yard Setback - Backlots

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
ALL	4.5 metres	Up to 20%	Any Amount Over Permitted Staff Variation

4.2.1.5.e) Minimum Exterior Side Yard Setback - Backlots

SITUATION	STANDARD (a)	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
ADJACENT TO A PROVINCIAL HIGHWAY	19 metres	Up to 50%	Any Amount Over Permitted Staff Variation
ADJACENT TO A DISTRICT ROAD.	14.5 metres	Up to 50%	Any Amount Over Permitted Staff Variation
ADJACENT TO AN UNOPENED ROAD ALLOWANCE	4.5 metres	Up to 20%	Any Amount Over Permitted Staff Variation
ALL OTHER SITUATIONS	10 metres	Up to 50%	Any Amount Over Permitted Staff Variation

(a) *Buffer* - A vegetated roadside *buffer* of at least 6 metres in depth shall be provided along 75% of the exterior *side lot lines*.

4.2.1.5.f) Minimum Rear Yard Setback - Backlots

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
ADJACENT TO A PROVINCIAL HIGHWAY	19 metres	Up to 50%	Any Amount Over Permitted Staff Variation
ADJACENT TO A DISTRICT ROAD.	14.5 metres	Up to 50%	Any Amount Over Permitted Staff Variation
ALL OTHER SITUATIONS	10 metres	Up to 50%	Any Amount Over Permitted Staff Variation

4.2.1.5.g) Maximum Lot Coverage – Backlots

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
A BACKLOT WITH PUBLIC ROAD FRONTAGE.	5%	Coverage – up to 25% of requirement No variance for the maximum <i>footprint</i>	Any Amount Over Permitted Staff Variation

See APPENDIX 3 for clarification regarding *lot coverage*.

4.2.1.5.h) Maximum *Building* Height - Backlots

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
ACCESSORY STRUCTURES	5.6 metres	10%	Any Amount Over Permitted Staff Variation
A DETACHED GARAGE	8.8 metres	10%	Any Amount Over Permitted Staff Variation
A DWELLING	10.6 metres	10%	Any Amount Over Permitted Staff Variation

See also APPENDIX 3 for clarifications regarding the measurement of *building height* interpretation.

4.2.2 WATERFRONT RESORT COMMERCIAL

4.2.2.1 In a Waterfront Resort Commercial Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.2.2.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, BUILDINGS, AND STRUCTURES (a)(b)(c)
<i>Accessory dwelling (a)</i> <i>Bed and Breakfast (a)</i> <i>Existing waterfront commercial uses</i> <i>Institutional tourist establishment (a)</i> <i>Motel (a)</i> <i>Resort (a)</i> <i>Tourist establishment (a)</i>

(a) The *use* indicated shall only be permitted where such *use* existed at the date of passage of this By-law.

(b) Permitted *uses* and *structures* include *accessory uses* and *structures*, unless specifically listed, but exclude shooting ranges, archery ranges or similar

(c) New waterfront commercial *uses* require an amendment to the *Official Plan*

4.2.2.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, BUILDINGS, AND STRUCTURES (a)
<i>Accessory driving range</i> <i>Accessory golf course</i>

(a) Provided that the criteria established in Section 2.16 (Criteria for Discretionary Uses) for such *uses* have been satisfied.

4.2.2.4 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	<i>Existing</i>	None	None
<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	<i>Existing</i>	None	None
<i>WATER FRONTAGE</i>	<i>Existing</i>	None	None
<i>SHORELINE YARD</i>	30 m	Up to 5%	Up to 10%
<i>FRONT YARD (a)</i>	10 m	Up to 10%	Up to 50%
<i>REAR YARD (a)</i>	10 m	Up to 10%	Up to 50%
<i>SIDE YARD</i>	10 m	Up to 10%	Up to 50%
<i>EXTERIOR SIDE YARD (a)</i>	10 m	Up to 10%	Up to 50%

MAXIMUM REQUIREMENTS			
HEIGHT (PRINCIPAL)	11 m	Up to 10%	Up to 20%
HEIGHT (SHORELINE ACCESSORY)	5.6 m	Up to 10%	Up to 20%
HEIGHT (OTHER ACCESSORY)	11 m	Up to 10%	Up to 20%
LOT COVERAGE	8%	Up to 10%	Up to 20%
SHORELINE ACTIVITY AREA FRONTAGE	33%	None	None
SHORELINE ACTIVITY AREA COVERAGE	50%	Up to 5%	Up to 10% (max 55%)
LOT COVERAGE (BETWEEN 20M – 120M)	30% of this area	Up to 5%	Up to 15% (max of 35% or 10 % of total <i>lot coverage</i> , whichever is less)
LOT COVERAGE (INCLUDING ALL LANDS >120M FROM SHORELINE)	10%	Up to 5%	Up to 25% (max of 12.5%)
GROSS FLOOR AREA where <i>water frontage</i> is less than 120 m	148.6 sq. m. per ha where <i>water frontage</i> is less than 120 m	Up to 200 sq. m. where <i>water frontage</i> is less than 120 m	Up to 425 sq. m. where <i>water frontage</i> is less than 120 m
GROSS FLOOR AREA where <i>water frontage</i> is at least 120 m	300 sq. m. per ha where <i>water frontage</i> is at least 120 m	Up to 400 sq. m. where <i>water frontage</i> is less than 120 m	Up to 825 sq. m. per ha where <i>water frontage</i> is at least 120 m
# DOCKING SPACES	14	Up to 20%	Up to 50% (subject to boat impact assessment)

(a) An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway

4.2.3 WATERFRONT RESORT COMMERCIAL BACKLOT

4.2.3.1 In a Waterfront Resort Commercial Backlot Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.2.3.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, BUILDINGS, AND STRUCTURES (a)(b)
<i>Existing uses</i> <i>Uses accessory to existing 'Waterfront Resort Commercial' uses</i>

(a) New waterfront commercial *uses* require an amendment to the *Official Plan*.

(b) Permitted *uses* include *accessory uses* and *structures*, unless specifically listed, but exclude shooting ranges, archery ranges or similar

4.2.3.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, BUILDINGS, AND STRUCTURES (a)(b)
<i>Accessory driving range</i> <i>Accessory golf course</i> <i>Accessory stables</i> <i>Uses permitted in 'Waterfront Resort Commercial', only as part of an existing shoreline 'Waterfront Resort Commercial' operation.</i>

(a) Provided that the criteria established in Section 2.16 (Criteria for Discretionary Uses) for such *uses* have been satisfied.

(b) Discretionary *uses* include *accessory uses* and *structures*, unless specifically listed, but exclude shooting ranges, archery ranges or similar

4.2.3.4 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	4 ha	Up to 5%	Up to 10%
<i>ROAD FRONTAGE (PUBLIC ROAD) (b)</i>	134 m	Up to 5%	Up to 10%
<i>FRONT YARD(a)</i>	10 m	Up to 20%	Up to 50%
<i>REAR YARD(a)</i>	10 m	Up to 20%	Up to 50%
<i>SIDE YARD</i>	10 m	Up to 20%	Up to 50%
<i>EXTERIOR SIDE YARD(a)</i>	10 m	Up to 20%	Up to 50%
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 5%	Up to 20%

<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 5%	Up to 20%
<i>LOT COVERAGE</i>	8%	Up to 5%	Up to 20% (max of 10%)
<i>GROSS FLOOR AREA</i>	300 sq. m. per ha	Up to 400 sq. m. per ha	Up to 825 sq. m. per ha

- (a) An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway
- (b) *Road Frontage* – Where *road frontage* abuts a Provincial Highway or Class A Muskoka Road, the minimum required frontage is 150 metres, or where *road frontage* abuts a Class B Muskoka Road, the minimum required *road frontage* is 135 metres.

4.2.4 WATERFRONT RESORT COMMERCIAL OPEN SPACE

4.2.4.1 In a Waterfront Resort Commercial *Open Space* Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.2.4.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES (a)
<i>Accessory open space uses</i>

(a) Permitted *uses* exclude shooting ranges and archery ranges

4.2.4.4 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	<i>Existing</i>	None	None
ROAD FRONTAGE (PUBLIC ROAD)	<i>Existing</i>	None	None
WATER FRONTAGE	<i>Existing</i>	None	None
SHORELINE YARD	20 m or 30 m where abuts a Waterfront Environmental Protection Planning Area	None	None
FRONT YARD (a)	10 m	Up to 20%	Up to 50%
REAR YARD (a)	10 m	Up to 20%	Up to 50%
SIDE YARD	10 m	Up to 20%	Up to 50%
EXTERIOR SIDE YARD (a)	10 m	Up to 20%	Up to 50%
MAXIMUM REQUIREMENTS			
HEIGHT (PRINCIPAL)	11 m	Up to 10%	Up to 20%
HEIGHT (SHORELINE ACCESSORY)	5.6 m	Up to 5%	Up to 20%
HEIGHT (OTHER ACCESSORY)	11 m	Up to 10%	Up to 20%
SHORELINE ACTIVITY AREA FRONTAGE	33%	None	None

(a) An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway

4.2.5 WATERFRONT SERVICE COMMERCIAL

4.2.5.1 In a Waterfront Service Commercial Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.2.5.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i>, AND STRUCTURES (a)(b)
<i>Existing Accessory dwelling</i> <i>Existing Boat storage</i> <i>Existing Contractor's Establishment</i> <i>Existing Marina</i> <i>Existing Outfitter</i> <i>Existing Boat or Recreational Vehicle Establishment</i>

4.2.5.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, <i>BUILDINGS</i>, AND STRUCTURES (a)(b)(c)
<i>Similar uses</i> <i>Waterfront landing</i>

(a) *Waterfront Landing* – In addition to other requirements of this By-law, the following matters shall be addressed to the satisfaction of the *Township* prior to the issuance of a Planning Permit:

- 1) Sufficient docking and parking facilities will be provided to serve the primary residential or *resort* commercial *use*;
- 2) The property, particularly the *shoreline*, is suitable for the *use*;
- 3) The property has access onto a year-round publicly maintained, public *road*;
- 4) Access to the facility by water is suitable;
- 5) The facility will not have a *negative impact* on environmentally sensitive areas, habitat, or heritage areas;
- 6) The facility is not located within an area affected by a development constraint;
- 7) The facility will be designed in a manner that is compatible with surrounding properties;
- 8) Parking facilities will be *setback* at least 20 metres (66 feet) from the *shoreline* and a *shoreline buffer* will be required to be maintained or restored outside the *shoreline activity area*;

9) Stormwater management and construction mitigation is addressed; and

10) *Waterfront landings* will be secured through ownership of a registered right of way.

(b) Provided that the criteria established in Section 2.16 (Criteria for Discretionary *Uses*) for such *uses* have been satisfied.

(c) Discretionary *uses* include *accessory uses* and *structures*, unless specifically listed, but exclude shooting ranges, archery ranges or similar

4.2.5.4 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	<i>Existing</i>	None	None
LOT AREA FOR WATERFRONT LANDING	1,400 sq. m	None	None
ROAD FRONTAGE (PUBLIC ROAD)	<i>Existing</i>	None	None
WATER FRONTAGE	<i>Existing</i>	None	None
WATER FRONTAGE FOR WATERFRONT LANDING	30 m	None	None
SHORELINE YARD	30 m	Up to 5%	Up to 10%
FRONT YARD(a)	N/A	None	None
REAR YARD(a)	10 m	Up to 20%	Up to 50%
SIDE YARD	10 m	Up to 20%	Up to 50%
EXTERIOR SIDE YARD(a)	10 m	Up to 20%	Up to 50%
MAXIMUM REQUIREMENTS			
HEIGHT (PRINCIPAL)	11 m	Up to 5%	Up to 20%
HEIGHT (SHORELINE ACCESSORY)	5.6 m	Up to 5%	Up to 20%
HEIGHT (OTHER ACCESSORY)	11 m	Up to 5%	Up to 20%
SHORELINE ACTIVITY AREA COVERAGE	50%	Up to 5%	Up to 10% (max 55%)
SAA FRONTAGE	50%	Up to 5%	Up to 20%
LOT COVERAGE (BETWEEN 20M – 120M)	30% of this area	Up to 5%	Up to 15% (max of 35% or 10% of total <i>lot coverage</i> , whichever is less)

LOT COVERAGE (INCLUDING ALL LANDS >120M) FROM SHORELINE)	10%	Up to 5%	Up to 25% (max of 12.5%)
# DOCKING SPACES	14	Less than 50%	50% or greater (subject to boat impact assessment)

(a) An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway

4.2.6 WATERFRONT SERVICE COMMERCIAL BACKLOT

4.2.6.1 In a Waterfront Service Commercial Backlot Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.2.6.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i>, AND STRUCTURES (a)
<i>Accessory dwelling (a)</i> <i>Boat storage (a)</i> <i>Contractor's yard (a)</i> <i>Existing waterfront commercial uses</i> <i>Outfitter (a)</i> <i>Boat or Recreational vehicle establishment (a)</i> <i>Uses accessory to existing "Service Commercial" permitted uses</i>

(a) The *use* indicated shall only be permitted where such *use* existed at the date of passage of this By-law.

DISCRETIONARY USES, <i>BUILDINGS</i>, AND STRUCTURES
Similar <i>uses</i>

4.2.6.3 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	4 ha	Up to 5%	Up to 10%
<i>ROAD FRONTAGE (PUBLIC ROAD) (b)</i>	134 m	Up to 5%	Up to 10%
<i>FRONT YARD(a)</i>	10 m	Up to 20%	Up to 50%
<i>REAR YARD(a)</i>	10 m	Up to 20%	Up to 50%
<i>SIDE YARD</i>	10 m	Up to 20%	Up to 50%
<i>EXTERIOR SIDE YARD(a)</i>	10 m	Up to 20%	Up to 50%
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 5%	Up to 20%
<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 5%	Up to 20%
<i>LOT COVERAGE</i>	8%	Up to 10%	Up to 25%

(a) An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

(b) *Road Frontage* – Where *road frontage* abuts a Provincial Highway or Class A Muskoka Road, the minimum required frontage is 150 metres, or where *road frontage* abuts a Class B Muskoka Road, the minimum required *road frontage* is 135 metres.

4.2.7 WATERFRONT OPEN SPACE

4.2.7.1 In a Waterfront *Open Space* Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.2.7.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
<i>Active Public and Private parks</i> <i>Dwelling that existed as of the day of passing of this By-law</i> Historic and cultural sites and features Recreational trails Recreational, educational, or interpretive facilities <i>Short-Term rental</i> (d) Water corridors or routes and portages

4.2.7.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, <i>BUILDINGS</i> , AND STRUCTURES (a)
<i>Individual Access Point</i> <i>Mini Golf Course</i> (c) <i>Waterfront landing</i> (b)

(a) Provided that the criteria established in Section 2.16 (Criteria for Discretionary Uses) for such *uses* have been satisfied.

(b) *Waterfront Landing* – In addition to other requirements of this By-law, the following matters shall be addressed to the satisfaction of the *Township* prior to the issuance of a Planning Permit:

- 1) Sufficient docking and parking facilities will be provided to serve the primary residential or *resort* commercial *use*;
- 2) The property, particularly the *shoreline*, is suitable for the *use*;
- 3) The property has access onto a year-round publicly maintained, public *road*;
- 4) Access to the facility by water is suitable;
- 5) The facility will not have a *negative impact* on environmentally sensitive areas, habitat, or heritage areas;
- 6) The facility is not located within an area affected by a development constraint;
- 7) The facility will be designed in a manner that is compatible with surrounding properties;
- 8) Parking facilities will be *setback* at least 20 metres from the *shoreline* and a *shoreline buffer* will be required to be maintained or restored outside the *shoreline activity area*;

9) Stormwater management and construction mitigation is addressed; and

10) *Waterfront landings* will be secured through ownership of a registered right of way.

(c) *Mini Golf Course* – In addition to other requirements of this By-law, the following matters shall be addressed to the satisfaction of the *Township* prior to the issuance of a Planning Permit:

1) The site is suitable for the *use* proposed;

2) The property has access onto a year-round publicly maintained, public *road*;

3) Adequate potable water and sewage disposal can be provided;

4) Access routes are appropriate or can be upgraded to accommodate the additional traffic;

5) The proposal will be compatible with surrounding properties; and

6) *Parking areas* will be buffered from roadways.

(d) A short-term rental shall only be permitted provided it is located in an existing *principal dwelling*.

4.2.7.4 Provisions applying to all *lots* are as listed in the following charts:

4.2.7.4 a) Minimum Lot Area

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
COMMERCIAL <i>OPEN SPACE</i>	0.4 ha	Up to 5%	Any Amount Over Permitted Staff Variation
<i>WATERFRONT LANDING FOR UP TO 14 WATERCRAFT</i>	1400 sq. m.	Up to 5%	Any Amount Over Permitted Staff Variation
<i>INDIVIDUAL ACCESS POINT</i>	700 sq. m.	Up to 5%	Any Amount Over Permitted Staff Variation
ALL OTHER SITUATIONS	<i>Existing</i>	Up to 5%	Any Amount Over Permitted Staff Variation

4.2.7.4 b) Minimum Water Frontage

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
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COMMERCIAL <i>OPEN SPACE</i>	60 metres	Up to 10%	Any Amount Over Permitted Staff Variation
<i>WATERFRONT LANDING FOR UP TO 14 WATERCRAFT</i>	30 metres	Up to 10%	Any Amount Over Permitted Staff Variation
<i>INDIVIDUAL ACCESS POINT</i>	15 metres	Up to 10%	Any Amount Over Permitted Staff Variation
ALL OTHER SITUATIONS	<i>Existing</i>	Up to 10%	Any Amount Over Permitted Staff Variation

4.2.7.4 c) Minimum Road Frontage

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOCATED ON A PROVINCIAL HIGHWAY OR DISTRICT CLASS A ROAD	150 metres	Up to 10%	Any Amount Over Permitted Staff Variation
LOCATED ON A DISTRICT CLASS B ROAD	135 metres	Up to 10%	Any Amount Over Permitted Staff Variation
COMMERCIAL <i>OPEN SPACE WATERFRONT LANDING FOR UP TO 14 WATERCRAFT</i>	30 metres	Up to 10%	Any Amount Over Permitted Staff Variation
<i>INDIVIDUAL ACCESS POINT</i>	15 metres	Up to 10%	Any Amount Over Permitted Staff Variation
ALL OTHER SITUATIONS	<i>Existing</i>	Up to 10%	Any Amount Over Permitted Staff Variation

4.2.7.4 d) Minimum Shoreline Yard

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>ABUTTING WEP PLANNING PERMIT AREA</i>	30 metres	Up to 10%(a)	Any Amount Over Permitted Staff Variation

<i>PARKING AREAS AND STRUCTURES, OTHER THAN SHORELINE STRUCTURES</i>	20 metres	Up to 10%	Any Amount Over Permitted Staff Variation
UNDERSIZED SHORELINE LOT USED IN CONJUNCTION WITH A LOT ON THE OPPOSITE SIDE OF A STREET AND ISLANDS UNDER 0.2 HA (0.5 A)	Subject to the provisions of the <i>abutting</i> Planning Permit Area	Up to 10%	Any Amount Over Permitted Staff Variation

(a) Upon submission of a Fish Habitat Impact Assessment in accordance with section 2.11

4.2.7.4 e) Minimum Side Yard Setback

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
OPEN SPACE CROWN LAND INDIVIDUAL ACCESS POINT WATERFRONT LANDING FOR UP TO 14 WATERCRAFT	10 m	Up to 25%	Any Amount Over Permitted Staff Variation
UNDERSIZED SHORELINE LOT USED IN CONJUNCTION WITH AN ADJACENT DEVELOPABLE LOT LANDS UNDER WATER	Subject to the provisions of the <i>abutting</i> Planning Permit area	Subject to the provisions of the <i>abutting</i> Planning Permit area	Any Amount Over Permitted Staff Variation

4.2.7.4 f) Minimum Front Yard, Rear Yard, and Exterior Side Yard Setback

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
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<p><i>OPEN SPACE</i></p> <p>CROWN LAND</p> <p><i>INDIVIDUAL ACCESS POINT</i></p> <p><i>WATERFRONT LANDING FOR UP TO 14 WATERCRAFT</i></p>	10 m	Up to 25%	Any Amount Over Permitted Staff Variation
ADJACENT TO A DISTRICT ROAD	14.5 metres	Up to 25%	Any Amount Over Permitted Staff Variation
ADJACENT TO A PROVINCIAL HIGHWAY	19 metres	Up to 25%	Any Amount Over Permitted Staff Variation
<p>UNDERSIZED <i>SHORELINE LOT</i> USED IN CONJUNCTION WITH AN ADJACENT DEVELOPABLE <i>LOT</i></p> <p>LANDS UNDER WATER</p>	Subject to the provisions of the <i>abutting</i> Planning Permit area	Subject to the provisions of the <i>abutting</i> Planning Permit area	Any Amount Over Permitted Staff Variation

4.2.7.4 g) Lot Coverage

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<p><i>INDIVIDUAL ACCESS POINT</i></p> <p><i>WATERFRONT LANDING</i></p>	The lesser of 5% or 93 sq. m.	Up to 25%	Any Amount Over Permitted Staff Variation
<p><i>OPEN SPACE</i></p> <p>CROWN LAND</p>	5%	Up to 25%	Any Amount Over Permitted Staff Variation

UNDERSIZED <i>SHORELINE LOT</i> USED IN CONJUNCTION WITH AN ADJACENT DEVELOPABLE <i>LOT</i> ISLANDS LESS THAN 0.2 HECTARE (0.5 A) LANDS UNDER WATER	Subject to the provisions of the <i>abutting</i> Planning Permit area	Subject to the provisions of the <i>abutting</i> Planning Permit area	Any Amount Over Permitted Staff Variation
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4.2.7.4 h) Maximum Building Height

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>SHORELINE STRUCTURES</i>	5.6 m	None	Any Amount Over Permitted Staff Variation
<i>OTHER STRUCTURES</i>	8.8 m	Up to 20%	Any Amount Over Permitted Staff Variation

4.2.7.4 i) Maximum Shoreline Activity Area Frontage

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>OPEN SPACE</i> <i>COMMERCIAL OPEN SPACE</i>	25% to a maximum of 23 metres	None	Any Amount Over Permitted Staff Variation
<i>WATERFRONT LANDINGS</i>	33%	None	Any Amount Over Permitted Staff Variation
<i>INDIVIDUAL ACCESS POINTS</i>	25%	None	Any Amount Over Permitted Staff Variation

4.2.7.4 j) Maximum Shoreline Activity Area Coverage

SITUATION	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
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UNDERSIZED <i>SHORELINE LOTS</i> USED IN CONJUNCTION WITH AN ADJACENT RESIDENTIAL <i>LOT</i>	Subject to the provisions of the <i>abutting</i> Planning Permit Area	None	Any Amount Over Permitted Staff Variation
ALL OTHER SITUATIONS	40%	None	Any Amount Over Permitted Staff Variation

4.2.8 WATERFRONT ENVIRONMENTAL PROTECTION

4.2.8.1 In a Waterfront Environmental Protection Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section.

4.2.8.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
An existing detached dwelling A Short-Term rental (a) An existing dock An expansion to an existing dock associated with an <i>abutting</i> Waterfront Residential Planning Permit Area provided it is not wider than the average width of the <i>existing structure</i> Conservation

(a) A short-term rental shall only be permitted provided it is located in an existing *principal dwelling*.

4.2.8.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, <i>BUILDINGS</i> , AND STRUCTURES (a)(b)
A new dock, a boathouse or a boatport associated with a new or <i>existing dwelling</i> in and/or <i>abutting</i> a Waterfront Residential Planning Permit area (c) Interpretive Centre

(a) Provided that the criteria established in Section 2.16 (Criteria for Discretionary Uses) for such *uses* have been satisfied.

(b) Provided that a site evaluation demonstrates to the satisfaction of the *Township* that there would be no *negative impacts* to the features and functions of the area.

(c) Provided that a Fish Habitat Impact Assessment demonstrates to the satisfaction of the *Township* that there would be no *negative impacts* to the features and functions of the area.

4.2.8.4 Provisions applying to all *lots* are as listed in the following charts:

a) Minimum Side Yard

STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
4.5 M FROM THE <i>SIDE LOT LINE</i>	Up to 50%	Any Amount Over Permitted Staff Variation

b) Maximum Shoreline Activity Area Frontage

STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
15% UP TO A MAXIMUM OF 15M	None	Any Amount Over Permitted Staff Variation

c) Maximum Shoreline Activity Area Coverage

STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
15%	None	Any Amount Over Permitted Staff Variation

4.3 RURAL - PLANNING PERMIT AREA

4.3.1 RURAL GENERAL

4.3.1.1 In a Rural General Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.3.1.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
<i>A detached residential dwelling</i> <i>An accessory sleeping cabin</i> <i>An Additional Dwelling Unit (ADU)</i> <i>Backyard Hens Cemetery</i> <i>Community Centre</i> <i>Conservation uses Day</i> <i>Nursery</i> <i>Dwelling licensed as a Short-term Rental</i> <i>Farm (b)</i> <i>Forestry</i> <i>Hobby Farm (a)</i> <i>Home based business</i> <i>Hunt and Fishing Camps</i> <i>Kennels (c)</i> <i>Library</i> <i>Management or use of resources</i> <i>Museum</i> <i>Nursery (a)</i> <i>On-farm diversified uses in association with a farm use (b)</i> <i>Open space uses including cemeteries</i> <i>Religious Institution</i> <i>Resource-based recreational use</i> <i>Riding or boarding stable</i> <i>Trails</i> <i>Veterinary Clinic</i> <i>Wayside Pit or Quarry</i>

(a) *Existing Lot* - The *use* indicated is only permitted on an *existing lot* provided that the *lot* is 2 hectares or greater in area, has 150 metres or more of year-round maintained public *road frontage* and meets all the *yard* or *setback* requirements of the By-law.

(b) *Farm* - A *farm* is only permitted on lots that satisfy the minimum *lot area* and *frontage* requirements of this Section

(c) *Kennel* - A *kennel* is only permitted on *lots* that satisfy the minimum *lot area* and *frontage* requirements of this Section.

4.3.1.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, <i>BUILDINGS</i>, AND STRUCTURES (a)
<i>Accessory Stables</i> <i>Agricultural warehousing and processing operations</i> <i>Commercial fish farm located only in a natural or man-made pond with an impact assessment</i> <i>Garden Suite</i> <i>Outdoor storage</i> <i>Small scale eco-tourism resort</i>

(a) Provided that the criteria established in Section 2.16 (Criteria for Discretionary Uses) for such *uses* have been satisfied.

4.3.1.4 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	10 ha	Up to 5%	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	152 m (a)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD (e)</i>	20 m (b)(c)(d)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD (e)</i>	20 m (b)(c)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	10 m (b)(c)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD (e)</i>	20 m (b)(c)(d)	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT RESIDENTIAL(PRINCIPAL)</i>	10.6 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT OTHER (PRINCIPAL) (c)</i>	11 m (c)	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (DETACHED GARAGE)</i>	8.8 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	8.8 m (c)	Up to 10%	Any Amount Over Permitted Staff Variation

LOT COVERAGE	2%	Up to 10%	Any Amount Over Permitted Staff Variation
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(a) *Hunt Camp* - *Road frontage* is not required for a *hunt camp*.

(b) *Kennel* - Any *building, structure*, animal run or pen associated with a *kennel* that is used to house animals, except for a *dwelling*, shall be set back from any *lot line* a minimum distance of 60 metres and a *buffer* of at least 6 metres in depth shall be provided along any *side lot line*.

(c) *Farm Buildings* - Refer to Section 3.12 (Minimum Separation Distances).

(d) *Buffer* - A vegetated roadside *buffer* of at least 6 metres in depth shall be provided along 75% of the front or exterior *side lot lines* in the Rural General planning permit areas unless the *use* of the *lot* is for a *farm, hobby farm, or a riding or boarding stable*.

(e) Provincial Highways and Muskoka Roads - An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

4.3.2 RURAL LIMITED

4.3.2.1 In a Rural Limited Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.3.2.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
<i>A Detached Dwelling</i> <i>An Additional Dwelling Unit (ADU)</i> <i>An accessory sleeping cabin</i> <i>Backyard Hens (b)</i> <i>Cemeteries</i> <i>Conservation</i> <i>Dwelling licensed as a Short-term Rental</i> <i>Hobby Farm (a)</i> <i>Home based business</i> <i>Management or use of resources</i> <i>Nursery (a)</i> <i>Resource-based recreational uses</i> <i>Riding or Boarding Stable (a)</i> <i>Veterinary Office</i> <i>Wayside Pit or Quarry</i>

(a) *Existing Lot* - The *use* indicated is only permitted on an *existing lot* provided that the *lot* is 2 hectares or greater in area, has 150 metres or more of year-round maintained public *road frontage* and meets all the yard or *setback* requirements of the By-law.

(b) A maximum of ten (10) hens is permitted on any *lot* within this Planning Permit Area.

4.3.2.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, <i>BUILDINGS</i> , AND STRUCTURES (a)
<i>Accessory Stables</i>

(a) Provided that the criteria established in Section 2.16 (Criteria for Discretionary Uses) for such *uses* have been satisfied.

4.3.2.4 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	4 ha	Up to 5%	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	152 m	Up to 10%	Any Amount Over Permitted Staff

			Variation
<i>FRONT YARD</i> (c)	15 m (a)(b)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD</i> (c)	15 m (a)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	6 m (a)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD</i> (c)	15 m (a)(b)	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT DWELLING</i> (PRINCIPAL)	10.6 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT OTHER</i> (PRINCIPAL)	11 m (a)	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT</i> (DETACHED GARAGE)	8.8 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT</i> (OTHER ACCESSORY)	8.8 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	5%	Up to 10%	Any Amount Over Permitted Staff Variation

(a) *Farm Buildings* - Refer to Section 3.12 (Minimum Separation Distances).

(b) *Buffer* - A roadside *buffer* of at least 6 metres in depth shall be provided along 75% of the front or exterior *side lot lines* in the Rural Limited planning permit area unless the *use* of the *lot* is for a *hobby farm*, or a *riding or boarding stable*.

(c) Provincial Highways and Muskoka Roads - An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metres *setback* is required from a provincial highway.

4.3.3 RURAL RESIDENTIAL

4.3.3.1 In a Rural Residential Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.3.3.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, BUILDINGS, AND STRUCTURES
<i>Additional Dwelling Unit (ADU) (a)</i> <i>Backyard Hens (b)</i> <i>Detached Dwelling</i> <i>Dwelling licensed as a Short-term Rental</i> <i>Group Home</i> <i>Home-Based Business</i> <i>Sleeping Cabin (a)</i>

(a) A *buffer* of at least 6 metres (19.7 feet) in depth shall be provided along 75% of the front and exterior *side yards* in the Rural Residential planning permit areas when erecting an *accessory structure* that is not part of a *principal building* on the *lot*. The *buffer* shall be located such that it will be between the *front lot line* and exterior *side lot line* and an *accessory structure*.

(b) A maximum of five (5) hens is permitted on a *lot* equal or less than 0.4 ha (1 acre) and ten (10) hens on a *lot* greater than 0.4 ha (1 acre).

4.3.3.3 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	2.0 ha	Up to 5%	Any Amount Over Permitted Staff Variation
ROAD FRONTAGE (YEAR-ROUND MAINTAINED ROAD)	152 m	Up to 10%	Any Amount Over Permitted Staff Variation
FRONT YARD (a)	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
REAR YARD (a)	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
SIDE YARD	4.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
EXTERIOR SIDE YARD (a)	10 m	Up to 20%	Any Amount Over Permitted Staff Variation

MAXIMUM REQUIREMENTS			
<i>HEIGHT</i> (PRINCIPAL)	10.6 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT</i> (DETACHED GARAGE)	8.8 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT</i> (OTHER ACCESSORY)	8.8 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	5%	Up to 10%	Any Amount Over Permitted Staff Variation

(a) Muskoka Roads and Provincial Highways - An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

4.3.4 RURAL COMMERCIAL

4.3.4.1 In a Rural Commercial Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.3.4.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
<i>Art Gallery</i> <i>Artisan's Studio</i> <i>Automobile Service Station</i> <i>Bakeshop</i> <i>Club (a)</i> <i>Commercial Bed and Breakfast Establishment</i> <i>Commercial Greenhouse or Nursery</i> <i>Convenience Store</i> <i>Custom Workshop</i> <i>Dwelling</i> <i>Short-term Rental (b)</i> <i>Farm Implement Sales Outlet</i> <i>Fishing or Hunting Supply Retail Store</i> <i>Garden Centre</i> <i>Hotel</i> <i>Kennel</i> <i>Marine Sales, Rental and Service Establishment</i> <i>Motel</i> <i>Recreational Vehicles Sale, Rental and Service Establishment</i> <i>Restaurant</i> <i>Tourist Commercial Retail</i> <i>Veterinary Clinic</i>

(a) *Existing Uses* - The *uses* indicated shall only be permitted where such *use* existed at the date of passage of this By-law.

(b) A short-term rental shall only be permitted provided it is located in an existing *principal dwelling*.

4.3.4.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, <i>BUILDINGS</i> , AND STRUCTURES (a)
<i>Boat or Recreational Vehicle Establishment</i>

(a) Provided that the criteria established in Section 2.16 (Criteria for Discretionary Uses) for such *uses* have been satisfied.

4.3.4.4 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	2 ha	Up to 5%	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE (YEAR-ROUND MAINTAINED ROAD)</i>	152 m (e)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD (a)</i>	10 m (d)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD (a)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	4.5 m (b)(c)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD (a)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	8.8 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	10%	Up to 10%	Any Amount Over Permitted Staff Variation

(a) Provincial Highways and Muskoka Roads - An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

(b) Increased *Side Yard* - Where a side *lot line abuts* any residential use, the minimum *side yard* requirement is 9 metres.

(c) *Buffers* - A minimum *buffer* of one-half of the required side or *rear yard setback* shall be provided along a side or rear *lot line* of a commercial planning permit area where it *abuts* a residential use.

(d) *Buffers* - A *buffer* of at least 6 metres in depth, along 75% of the *road frontage* is required.

(e) *Road Frontage* - Frontage on a year-round maintained public *road* is required.

4.3.5 RURAL INDUSTRIAL

4.3.5.1 In a Rural Industrial Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.3.5.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i>, AND STRUCTURES
<i>Accessory Maintenance Garage</i> <i>Accessory Office</i> <i>Batching Plant</i> <i>Contractor's Yard or Establishment</i> <i>Custom Workshop</i> <i>Dwelling</i> <i>Equipment Storage Building</i> <i>Landscaping Business</i> <i>Light Equipment Rental Establishment</i> <i>Light Equipment Repair Shop</i> <i>Marine Service Shop</i> <i>Motor Vehicle Repair Shop</i> <i>Outdoor Storage</i> <i>Sawmill</i> <i>Small-scale Manufacturing</i> <i>Storage Establishment</i> <i>Transport Depot</i>

4.3.5.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, <i>BUILDINGS</i>, AND STRUCTURES (a)
<i>Bulk Fuel Depot</i> <i>Warehousing</i>

(a) Provided that the criteria established in Section 2.16 (Criteria for Discretionary Uses) for such *uses* have been satisfied.

4.3.5.4 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	4 ha	Up to 5%	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE (YEAR-ROUND MAINTAINED ROAD)</i>	152 m (a)	Up to 10%	Any Amount Over Permitted Staff Variation

<i>FRONT YARD</i> (b)(d)	15 m (c)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD</i> (b)	15 m (c)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	10 m (c)(d)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD</i> (b)	15 m (d)	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT</i> (PRINCIPAL)	11 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>HEIGHT</i> (OTHER ACCESSORY)	11 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	10%	Up to 20%	Any Amount Over Permitted Staff Variation

(a) *Road Frontage* – Where *road frontage abuts* a Provincial Highway or Class A Muskoka Road, the minimum required frontage is 150 metres, or where *road frontage abuts* a Class B Muskoka Road, the minimum required *road frontage* is 135 metres.

(b) Provincial Highways and Muskoka Roads – An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

(c) *Side Yard* – Where a *side lot line abuts* any residential uses, the minimum *side yard* requirement is 30 metres.

(d) *Buffers* – A minimum *buffer* of one-half of the required front, side or *rear yard setback* shall be provided along a *front, side, or rear lot line* of an industrial planning permit area where it *abuts* a residential use or a road.

4.3.6 EXTRACTIVE INDUSTRIAL

4.3.6.1 In an Extractive Industrial Planning Permit Area, no person shall *use* any land or *erect, alter or use any building or structure, or alter existing grades or remove vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.3.6.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, BUILDINGS, AND STRUCTURES (a)
<i>Pit</i> <i>Quarry</i> <i>Wayside Pit or Quarry</i>

(a) Permitted in accordance with the requirements of a licence granted through the Aggregate Resources Act (ARA)

4.3.6.3 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	4 ha	Up to 5%	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	152 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD (a)</i>	30 m (b)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD (a)</i>	30 m (b)(c)(d)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	30 m (b)(c)(d)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD (a)</i>	30 m (b)	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	1%	Up to 200%	Any Amount Over

			Permitted Staff Variation
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(a) Provincial Highways and Muskoka Roads – An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

(b) *Buffers* – A *buffer* of 15 m is required adjacent to all *lot lines* except for a *lot line abutting* any industrial planning permit area.

(c) *Abutting* any Industrial Planning permit area – Where the *lot abuts* another industrial planning permit area, the minimum required *setback* is 15 m.

(d) *Abutting* Residential Planning permit area – Where the *lot abuts* a residential use, the minimum *setback* is 60 m.

4.3.7 WASTE MANAGEMENT INDUSTRIAL

4.3.7.1 In a *Waste* management Industrial Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.3.7.2 The establishment of a new private *waste* management system is prohibited and shall require an amendment to the Muskoka Official Plan.

4.3.7.3 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
<i>Recycling Depot</i> <i>Sewage Facility</i> <i>Waste management</i>

4.3.7.4 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	4 ha (b)	Up to 5%	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	152 m (b)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD (a)</i>	30 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD (a)</i>	30 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	30 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD (a)</i>	30 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 20%	Any Amount Over Permitted Staff Variation

LOT COVERAGE	1%	Up to 20%	Any Amount Over Permitted Staff Variation
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(a) Provincial Highways and Muskoka Roads – An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

(b) Enclosed *Transfer Station* – Where a *transfer station* is to be located within a *building*, the minimum *lot* size requirement is 0.8 ha and the minimum *lot* frontage requirement is 90 m.

4.4 SETTLEMENT - PLANNING PERMIT AREA

All *development* and *site alteration adjacent* to waterfront requires issuance of a conditional Planning Permit unless it constitutes a minor activity exempted by sections 2.14.1.

All development and site alteration in Settlement - Planning Permit Areas on waterbodies listed in Schedule E2 of the Muskoka District Official Plan require issuance of a conditional Planning Permit unless it constitutes an activity exempted by sections 2.14.1. In addition to any other conditions which may apply, all such applications for Planning Permits may be required to submit a Muskoka District Lake System Health Standard or Enhanced Protections Policy Compliance Analysis prior to the issuance of a Planning Permit as a requirement of a Provisional Approval

4.4.1 SETTLEMENT RESIDENTIAL

4.4.1.1 In a Settlement Residential Planning Permit Area, no person shall *use* any land or *erect*, *alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.4.1.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
<i>Additional Dwelling Unit (ADU) (b)</i> <i>Backyard Hens (a)</i> <i>Detached Dwelling</i> <i>Dwelling licensed as a Short-term Rental</i> <i>Group Home (b)</i> <i>Home-based Business</i>

(a) A maximum of five (5) hens is permitted on a *lot* equal or less than 0.4 ha and ten (10) hens on a *lot* greater than 0.4 ha. *Backyard hens* are not permitted on *lots* with *water frontage*.

(b) *Additional Dwelling Units* and *group homes* are not permitted on *lots* with *water frontage*.

4.4.1.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, <i>BUILDINGS</i> , AND STRUCTURES (a)
<i>Garden Suite (b)</i> <i>Sleeping Cabin (c)</i>

(a) Provided that the criteria established in Section 2.16 (Criteria for Discretionary Uses) for such *uses* have been satisfied.

(b) *Garden suites* are not permitted on *lots* with *water frontage*.

(c) *Sleeping cabins* are only permitted on *lots* with *water frontage*.

4.4.1.4 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	0.8 ha (a)	Up to 5%	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	60 m (a)(c)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	60 metres (a)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE YARD</i>	20 m (d)	Up to 5%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD(e)</i>	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD(e)</i>	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	2.5 m (a)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD(e)</i>	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	10.6 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (GARAGE)</i>	8.8 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (SHORELINE STRUCTURES)</i>	5.6 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	7 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	15% (b)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation

SHORELINE ACTIVITY AREA FRONTAGE	25%	Up to 5%	Any Amount Over Permitted Staff Variation
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(a) Municipal Water and Sewer Service - Where municipal water and sewer service is provided, the following minimum requirements apply:

Detached Dwellings

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	800 m ²	600 m ²	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE</i>	20 m	None	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	20 m	None	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	1.5 m	None	Any Amount Over Permitted Staff Variation

(b) Municipal Water and Sewer Service - Where municipal water and sewer service is provided the maximum coverage permitted is 25%.

(c) Frontage on Provincial or Muskoka Roads - Where *road frontage abuts* a Provincial Highway or Class A Muskoka Road, the minimum required *road frontage* is 150 metres, or where *road frontage abuts* a Class B Muskoka Road, the minimum required *road frontage* is 135 metres.

(d) *Buffer* - A *shoreline buffer* across 75% of the *shoreline* of the *lot* shall be required.

(e) Muskoka Roads and Provincial Highways - An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

4.4.2 SETTLEMENT NEIGHBOURHOOD RESIDENTIAL

4.4.2.1 In a Settlement Neighbourhood Residential Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.4.2.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
<i>Additional Dwelling Unit (ADU) (b)</i> <i>Backyard Hens (a)</i> <i>Detached Dwelling</i> <i>Dwelling licensed as a Short-Term Rental</i> <i>Group Home</i> <i>Home-based Business</i>

(a) A maximum of five (5) hens is permitted on a *lot* equal or less than 0.4 ha and ten (10) hens on a *lot* greater than 0.4 ha. *Backyard hens* are not permitted on *lots* with *water frontage*.

(b) *Additional Dwelling Units (ADUs)* are not permitted on *lots* with *water frontage*.

4.4.2.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, <i>BUILDINGS</i> , AND STRUCTURES (a)
<i>Garden Suite (b)</i> <i>Sleeping Cabin (c)</i>

(a) Provided that the criteria established in Section 2.16 (Criteria for Discretionary Uses) for such *uses* have been satisfied

(b) *Garden suites* are not permitted on *lot* with *water frontage*.

(c) *Sleeping cabins* are only permitted on *lots* with *water frontage*.

4.4.2.4 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	0.4 ha (a)	Up to 5%	Any Amount Over Permitted Staff Variation
ROAD FRONTAGE (PUBLIC ROAD)	45 m (a)(c)	Up to 10%	Any Amount Over Permitted Staff Variation
WATER FRONTAGE	60 metres (a)	Up to 10%	Any Amount Over Permitted Staff Variation
SHORELINE YARD	20 metres	Up to 10%	Any Amount Over Permitted Staff Variation

<i>FRONT YARD(d)</i>	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD(d)</i>	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	2.5 m (a)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD(d)</i>	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	10.6 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (GARAGE)</i>	8.8 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	7 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	15% (b)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA FRONTAGE</i>	25%	Up to 5%	Any Amount Over Permitted Staff Variation

(a) Municipal Water and Sewer Service - Where municipal water and sewer service is provided, the following minimum requirements apply:

Detached Dwellings

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	800 m ²	600 m ²	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE</i>	20 m	None	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	20 m	None	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	1.5 m	None	Any Amount Over Permitted Staff Variation

(b) Municipal Water and Sewer Service - Where municipal water and sewer service is provided the maximum coverage permitted is 25%.

(c) Frontage on Provincial or Muskoka Roads - Where *road frontage abuts* a Provincial Highway or Class A Muskoka Road, the minimum required *road frontage* is 150 metres, or where *road frontage abuts* a Class B Muskoka Road, the minimum required *road frontage* is 135 metres .

(d) Muskoka Roads and Provincial Highways - An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

4.4.3 SETTLEMENT MULTIPLE RESIDENTIAL

4.4.3.1 In a Settlement Multiple Residential Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.4.3.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
<i>Additional Dwelling Unit (ADU)</i> <i>Apartment (b)</i> <i>Backyard Hens (a)</i> <i>Boarding House (b)</i> <i>Converted Dwelling (b)</i> <i>Detached Dwelling</i> <i>Duplex Dwelling (b)</i> Dwelling licensed as a Short-term Rental <i>Fourplex Dwelling (b)</i> <i>Retirement Home (b)</i> Semi-Detached Dwelling (b) Townhouse (b) <i>Triplex Dwelling (b)</i>

(a) A maximum of five (5) hens is permitted on a *lot* equal or less than 0.4 ha and ten (10) hens on a *lot* greater than 0.4 ha.

(b) Multi-residential *development* on private services require a hydrogeological assessment to ensure appropriate *lot* size and *use*.

4.4.3.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, <i>BUILDINGS</i> , AND STRUCTURES (a)
<i>Garden Suite (b)</i> <i>Sleeping Cabin (c)</i>

(a) Provided that the criteria established in Section 2.16 (Criteria for Discretionary Uses) for such *uses* have been satisfied.

(b) *Garden suites* are not permitted on *lots* with *water frontage*.

(c) *Sleeping cabins* are only permitted on *lots* with *water frontage*.

4.4.3.4 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS(a)(h)	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	0.8 ha (b)	Up to 5%	Any Amount Over Permitted Staff Variation

<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	60 m (b)(d)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	30 m (b)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE YARD</i>	20 m (f)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD(g)</i>	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD(g)</i>	7.5 m (e)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	2.5 m (e)(b)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD(g)</i>	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	12.5 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (DETACHED GARAGE)</i>	8.8 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	5.6 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	30%	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation

(a) Municipal Water and Sewer Service - Municipal water and sewer service shall be required for any use in the Community Multiple Residential Planning Permit Area.

(b) Municipal Water and Sewer Service - Where municipal water and sewer service is provided, the following minimum requirements apply:

Detached Dwellings

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	800 m ²	600 m ²	Any Amount Over Permitted Staff Variation

<i>ROAD FRONTAGE</i>	20 m	None	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	20 m	None	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	1.5 m	None	Any Amount Over Permitted Staff Variation

Duplex, Converted Dwellings, *Boarding Houses*

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	800 m ²	600 m ²	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE</i>	20 m	None	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	20 m/unit	None	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	1.5 m	None	Any Amount Over Permitted Staff Variation

Semi-Detached

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	400 m ² / unit	Up to 25%	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE</i>	10 m / unit	None	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	10 m / unit	None	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	1.5 m	None	Any Amount Over Permitted Staff Variation

Triplex or Fourplex

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
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<i>LOT AREA</i>	300 m ² / unit	200 m ²	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE</i>	30 m	None	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	30 m / unit	None	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	2 m	None	Any Amount Over Permitted Staff Variation

Interior Townhouse

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	300 m ² / unit	200 m ²	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE</i>	7 m / unit	None	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	7 m / unit	None	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	0 m	None	Any Amount Over Permitted Staff Variation

Exterior Townhouse

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	375 m ² / unit	300 m ²	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE</i>	10 m / unit	None	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	10 m / unit	None	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	2 m	None	Any Amount Over Permitted Staff Variation

Apartment

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	280 m ² / unit	250 m ²	Any Amount Over Permitted Staff Variation
ROAD FRONTAGE	30 m	None	Any Amount Over Permitted Staff Variation
WATER FRONTAGE	30 m / unit	None	Any Amount Over Permitted Staff Variation
SIDE YARD	3 m	None	Any Amount Over Permitted Staff Variation

Retirement Residence

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	1400 m ²	1200 m ²	Any Amount Over Permitted Staff Variation
ROAD FRONTAGE	30 m	None	Any Amount Over Permitted Staff Variation
WATER FRONTAGE	30 m	None	Any Amount Over Permitted Staff Variation
SIDE YARD	3 m	None	Any Amount Over Permitted Staff Variation

(c) Municipal Water and Sewer Service - Where municipal water and sewer service is provided the maximum coverage permitted is 25%.

(d) Frontage on Provincial or Muskoka Roads - Where *road frontage abuts* a Provincial Highway or Class A Muskoka Road, the minimum required *road frontage* is 150 metres, or where *road frontage abuts* a Class B Muskoka Road, the minimum required *road frontage* is 135 metres.

(e) *Buffer* - A minimum *buffer* of at least one-half the required *side yard setback* shall be provided along a *side* or *rear lot line* of a Community Multiple Residential Planning Permit Area containing a *dwelling* with more than 3 units.

(f) *Buffer* - A *shoreline* buffer across 75% of the *shoreline* of the *lot* shall be required

(g) Muskoka Roads and Provincial Highways - An additional 4.5 metre *setback* is required from Community Planning Permit By-law 2021-111

a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

(h) Number of Units - The maximum number of units in any multiple residential *dwelling* is 15.

4.4.4 SETTLEMENT GENERAL COMMERCIAL

4.4.4.1 In a Settlement General Commercial Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.4.4.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
<p> <i>Art Gallery</i> <i>Artisan's Studio</i> <i>Bake Shop</i> <i>Bakery(a)</i> <i>Bed and Breakfast Establishment</i> <i>Boarding House</i> <i>Boat or Recreational Vehicle Establishment</i> <i>Brewery</i> <i>Building Supply Establishment</i> <i>Club</i> <i>Contractor's Establishment</i> <i>Convenience Store</i> <i>Craftsman Establishment</i> <i>Duplicating Establishment</i> <i>Dwelling</i> <i>Educational Institution</i> <i>Financial Establishment</i> <i>Funeral Home</i> <i>Garden Centre</i> <i>Health Care Clinic</i> <i>Institutional Tourist Establishment</i> <i>Laundry or Dry Cleaning Outlet</i> <i>Marina</i> <i>Market Place</i> <i>Motel</i> <i>Motor Vehicle Repair Establishment</i> <i>Motor Vehicle Sales or Rental Establishment</i> <i>Motor Vehicle Service Station</i> <i>Movable Food Outlet</i> <i>Office</i> <i>Parking Lot</i> <i>Personal Service Establishment</i> <i>Place of Assembly</i> <i>Place of Entertainment</i> <i>Resort</i> <i>Restaurant</i> <i>Retail Store</i> </p>

Service or Repair Establishment
Short-term Rental (b)
Storage Establishment
Tavern
Tourist Establishment
Veterinary Clinic

(a) The use indicated shall only be permitted where such use existed at the date of passage of this By-law.

(b) A short-term rental shall only be permitted provided it is located in an existing *principal dwelling*.

4.4.4.3 Discretionary uses are as listed in the following chart:

DISCRETIONARY USES, <i>BUILDINGS</i> , AND STRUCTURES
Similar Uses

4.4.4.4 Provisions applying to all *lots* are as listed in the following charts:

4.4.4.4.1 *Municipal Services*

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	1400 m ² (a)	Up to 5%	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	30 m (c)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	30 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE YARD</i>	20 m (i)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD (e)(d)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD (e)</i>	7.5 m (g)(j)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	3 m (f)(g)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD (e)</i>	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			

<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	35%	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE BETWEEN 20 M – 120 M</i>	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE (INCLUDING ALL LANDS > 120 M FROM SHORELINE)</i>	10%	Up to 5%	Any Amount Over Permitted Staff Variation

4.4.4.4.2 *Private Services*

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	0.8 ha (b)	Up to 5%	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	60 m (c)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	30 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE YARD</i>	20 m (i)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD(e)(d)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD(e)</i>	10 m (g)(j)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	4.5 m (f)(g)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD(e)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			

HEIGHT (PRINCIPAL)	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
HEIGHT (OTHER ACCESSORY)	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
LOT COVERAGE	15%	Up to 10%	Any Amount Over Permitted Staff Variation
SHORELINE ACTIVITY AREA COVERAGE	50%	Up to 5%	Any Amount Over Permitted Staff Variation
LOT COVERAGE BETWEEN 20 M – 120 M	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation
LOT COVERAGE (INCLUDING ALL LANDS > 120 M FROM SHORELINE)	10%	Up to 5%	Any Amount Over Permitted Staff Variation
# DOCKING SPACES	14	Less than 50%	Any Amount Over Permitted Staff Variation

(a) Housekeeping/Accommodation Units - A maximum of one accommodation or *housekeeping unit* may be permitted in a *tourist establishment* for every 250 square metres of *lot area*.

(b) Housekeeping/Accommodation Units - A maximum of one accommodation or *housekeeping unit* may be permitted in a *tourist establishment* for every 675 square metres of *lot area*.

(c) Frontage on Provincial or Muskoka Roads - Where *road frontage abuts* a Provincial Highway or Class A Muskoka Road, the minimum required *road frontage* is 150 metres, or where *road frontage abuts* a Class B Muskoka Road, the minimum required *road frontage* is 135 metres.

- (d) Established Building Line - A *building* or *structure* may be erected or altered to conform to a *setback* at the established building line.
- (e) Provincial Highways and Muskoka Roads - An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.
- (f) Increased *Side Yard* - Where a *side lot line* *abuts* any residential planning permit area, the minimum *side yard* requirement is 9 metres.
- (g) *Buffers* - A minimum *buffer* of one-half of the required side or *rear yard setback* shall be provided along a *side* or *rear lot line* of a commercial planning permit area where it *abuts* a residential planning permit area.
- (i) *Buffers* - A *Shoreline Buffer* of at least 15 metres in depth along 50% of the *shoreline* is required.
- (j) *Accessory Outdoor Storage* - *Accessory outdoor storage* is not permitted except in the *rear yard* where it is not located *adjacent* to the *shoreline yard*.

4.4.5 SETTLEMENT CORE COMMERCIAL

4.4.5.1 In a Settlement Core Commercial Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.4.5.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
<i>Art Gallery</i> <i>Artisan's Studio</i> <i>Bake Shop</i> <i>Brewery</i> <i>Club</i> <i>Convenience Store</i> <i>Duplicating Establishment</i> <i>Dwelling(a)</i> <i>Financial Establishment</i> <i>Health Care Clinic</i> <i>Laundry or Dry Cleaning Outlet</i> <i>Movable Food Outlet</i> <i>Office</i> <i>Parking Lot</i> <i>Personal Service Establishment</i> <i>Restaurant</i> <i>Retail Store</i> <i>Short-term Rental (b)</i> <i>Tavern</i>

(a) *Existing Uses* - The *use* indicated shall only be permitted where such *use* existed at the date of passage of this By-law.

(b) A short-term rental shall only be permitted provided it is located in an existing *principal dwelling*.

4.4.5.3 Provisions applying to all *lots* are as listed in the following charts:

4.4.5.3.1 *Municipal Services*

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	800 m ² (a)	Up to 5%	Any Amount Over Permitted Staff Variation
ROAD FRONTAGE (PUBLIC ROAD)	20 m (c)	Up to 10%	Any Amount Over Permitted Staff Variation
WATER FRONTAGE	20 m	Up to 10%	Any Amount Over Permitted Staff Variation

<i>SHORELINE YARD</i>	20 m (i)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD(e)(d)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD(e)</i>	7.5 m (g)(j)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	3 m (f)(g)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD(e)</i>	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	50%	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE BETWEEN 20 M – 120 M</i>	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE (INCLUDING ALL LANDS > 120 M FROM SHORELINE)</i>	10%	Up to 5%	Any Amount Over Permitted Staff Variation
<i># DOCKING SPACES</i>	14	Less than 50%	Any Amount Over Permitted Staff Variation

4.4.5.3.2 *Private Services*

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	0.4 ha (b)	Up to 5%	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	45 m (c)	Up to 10%	Any Amount Over Permitted Staff

			Variation
<i>WATER FRONTAGE</i>	45 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE YARD</i>	20 m (i)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD(e)(d)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD(e)</i>	10 m (g)(j)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	4.5 m (f)(g)(k)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD(e)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	20%	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE BETWEEN 20 M – 120 M</i>	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE (INCLUDING ALL LANDS > 120 M FROM SHORELINE)</i>	10%	Up to 5%	Any Amount Over Permitted Staff Variation
<i># DOCKING SPACES</i>	14	Less than 50%	Any Amount Over Permitted Staff Variation

(a) Housekeeping/Accommodation Units - A maximum of one accommodation or *housekeeping unit* may be permitted in a *tourist establishment* for every 250 square metres of *lot area*.

(b) Housekeeping/Accommodation Units - A maximum of one accommodation or *housekeeping unit* may be permitted in a *tourist establishment* for every 675 square metres of *lot area*.

- (c) Frontage on Provincial or Muskoka Roads - Where *road frontage abuts* a Provincial Highway or Class A Muskoka Road, the minimum required *road frontage* is 150 metres, or where *road frontage abuts* a Class B Muskoka Road, the minimum required *road frontage* is 135 metres.
- (d) Established Building Line - A *building* or *structure* may be erected or altered to conform to a *setback* at the established building line.
- (e) Provincial Highways and Muskoka Roads - An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.
- (f) Increased *Side Yard* - Where a *side lot line abuts* any residential planning permit area, the minimum *side yard* requirement is 9 metres.
- (g) *Buffers* - A minimum *buffer* of one-half of the required side or *rear yard setback* shall be provided along a *side* or *rear lot line* of a commercial planning permit area where it *abuts* a residential *use*.
- (h) *Buffers* - A *buffer* of at least 6 metres in depth, along 75% of the *road frontage* is required.
- (i) *Buffers* - A *Shoreline Buffer* of at least 15 metres in depth along 50% of the *shoreline* is required.
- (j) *Accessory Outdoor Storage* - *Accessory outdoor storage* is not permitted except in the *rear yard* where it is not located *adjacent* to the *shoreline yard*.
- (k) *Abutting Commercial Uses* - Where two commercial *uses abut* each other, the minimum *side yard* is "0".
- (l) *Road Frontage* - Frontage on a year-round maintained public *road* is required.

4.4.6 SETTLEMENT TOURIST COMMERCIAL

4.4.6.1 In a Settlement Tourist Commercial Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.4.6.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
<i>Art Gallery</i> <i>Artisan's Studio</i> <i>Bed & Breakfast Establishment</i> <i>Institutional Tourist Establishment</i> <i>Marina</i> <i>Hotel or Motel</i> <i>Resort</i> <i>Tourist Camping Establishment (a)</i> <i>Tourist Establishment</i>

(a) *Existing Uses* - The *use* indicated shall only be permitted where such *use* existed at the date of passage of this By-law.

4.4.6.3 Provisions applying to all *lots* are as listed in the following charts:

4.4.6.3.1 *Municipal Services*

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	2000 m ² (a)	Up to 5%	Any Amount Over Permitted Staff Variation
ROAD FRONTAGE (PUBLIC ROAD)	30 m (c)	Up to 10%	Any Amount Over Permitted Staff Variation
WATER FRONTAGE	30 m	Up to 10%	Any Amount Over Permitted Staff Variation
SHORELINE YARD	20 m (i)	Up to 10%	Any Amount Over Permitted Staff Variation
FRONT YARD(e)	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
REAR YARD(e)	7.5 m (g)(j)	Up to 20%	Any Amount Over Permitted Staff Variation
SIDE YARD	3 m (f)(g)(k)	Up to 20%	Any Amount Over Permitted Staff Variation

			Variation
<i>EXTERIOR SIDE YARD(e)</i>	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	35%	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE BETWEEN 20 M – 120 M</i>	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE (INCLUDING ALL LANDS > 120 M FROM SHORELINE)</i>	10%	Up to 5%	Any Amount Over Permitted Staff Variation
<i># DOCKING SPACES</i>	14	Less than 50%	Any Amount Over Permitted Staff Variation

4.4.6.3.2 Private Services

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	0.8 ha (b)	Up to 5%	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	60 m (c)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	30 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE YARD</i>	20 m (i)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD(e)(d)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD(e)</i>	10 m (g)(j)	Up to 20%	Any Amount Over

			Permitted Staff Variation
<i>SIDE YARD</i>	4.5 m (f)(g)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD(e)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	15%	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE BETWEEN 20 M – 120 M</i>	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE (INCLUDING ALL LANDS > 120 M FROM SHORELINE)</i>	10%	Up to 5%	Any Amount Over Permitted Staff Variation
<i># DOCKING SPACES</i>	14	Less than 50%	Any Amount Over Permitted Staff Variation

(a) Housekeeping/Accommodation Units - A maximum of one accommodation or *housekeeping unit* may be permitted in a *tourist establishment* for every 250 square metres of *lot area*.

(b) Housekeeping/Accommodation Units - A maximum of one accommodation or *housekeeping unit* may be permitted in a *tourist establishment* for every 675 square metres of *lot area*.

(c) Frontage on Provincial or Muskoka Roads - Where *road frontage abuts* a Provincial Highway or Class A Muskoka Road, the minimum required road frontage is 150 metres, or where *road frontage abuts* a Class B Muskoka Road, the minimum required *road frontage* is 135 metres.

(d) Established Building Line - A *building* or *structure* may be erected or altered to conform to a *setback* at the established building line.

(e) Provincial Highways and Muskoka Roads - An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

(f) Increased *Side Yard* - Where a *side lot line abuts* any residential planning permit area, the minimum *side yard* requirement is 9 metres.

- (g) *Buffers* - A minimum *buffer* of one-half of the required side or *rear yard setback* shall be provided along a *side* or *rear lot line* of a commercial planning permit area where it *abuts* a residential planning permit area.
- (h) *Buffers* - A buffer of at least 6 metres in depth, along 75% of the *road frontage* is required.
- (i) *Buffers* - A *Shoreline Buffer* of at least 15 metres in depth along 50% of the *shoreline* is required.
- (j) *Accessory Outdoor Storage* - *Accessory outdoor storage* is not permitted except in the *rear yard* where it is not located *adjacent* to the *shoreline yard*.
- (k) *Abutting Commercial Uses* - Where two commercial *uses abut* each other, the minimum *side yard* is "0".
- (l) *Road Frontage* - Frontage on a year-round maintained public *road* is required.

4.4.7 SETTLEMENT LIMITED COMMERCIAL

4.4.7.1 In a Settlement Limited Commercial Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.4.7.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND <i>STRUCTURES</i>
<i>Artisan's Studio</i> <i>Convenience Store</i> <i>Craftsman Establishment</i> <i>Duplicating Establishment</i> <i>Dwelling(a)</i> <i>Personal Service Establishment</i> <i>Short-term Rental (b)</i>

(a) *Existing Uses* - The *use* indicated shall only be permitted where such *use* existed at the date of passage of this By-law.

(b) A short-term rental shall only be permitted provided it is located in an existing *principal dwelling*.

4.4.7.2.1 *Municipal Services*

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	800 m ²	Up to 5%	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	20 m (c)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	20 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE YARD</i>	20 m (i)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD(e)(d)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD(e)</i>	7.5 m(g)(j)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	3 m (f)(g)	Up to 20%	Any Amount Over Permitted Staff Variation

EXTERIOR SIDE YARD(e)	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
HEIGHT (PRINCIPAL)	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
HEIGHT (OTHER ACCESSORY)	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
LOT COVERAGE	35%	Up to 10%	Any Amount Over Permitted Staff Variation
SHORELINE ACTIVITY AREA COVERAGE	50%	Up to 5%	Any Amount Over Permitted Staff Variation
LOT COVERAGE BETWEEN 20 M – 120 M	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation
LOT COVERAGE (INCLUDING ALL LANDS > 120 M FROM SHORELINE)	10%	Up to 5%	Any Amount Over Permitted Staff Variation
# DOCKING SPACES	14	Less than 50%	Any Amount Over Permitted Staff Variation

4.4.7.2.2 Private Services

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	0.8 ha	Up to 5%	Any Amount Over Permitted Staff Variation
ROAD FRONTAGE (PUBLIC ROAD)	60 m (c)	Up to 10%	Any Amount Over Permitted Staff Variation
WATER FRONTAGE	60m	Up to 10%	Any Amount Over Permitted Staff Variation
SHORELINE YARD	20 m (i)	Up to 10%	Any Amount Over Permitted Staff Variation
FRONT YARD(e)	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
REAR YARD(e)	10 m (g)(j)	Up to 20%	Any Amount Over Permitted Staff Variation

<i>SIDE YARD</i>	4.5 m (f)(g)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD(e)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	15%	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE BETWEEN 20 M – 120 M</i>	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE (INCLUDING ALL LANDS > 120 M FROM SHORELINE)</i>	10%	Up to 5%	Any Amount Over Permitted Staff Variation
<i># DOCKING SPACES</i>	14	Less than 50%	Any Amount Over Permitted Staff Variation

(a) Housekeeping/Accommodation Units - A maximum of one accommodation or *housekeeping unit* may be permitted in a *tourist establishment* for every 250 square metres of *lot area*.

- (b) Housekeeping/Accommodation Units - A maximum of one accommodation or *housekeeping unit* may be permitted in a *tourist establishment* for every 675 square metres of *lot area*.
- (c) Frontage on Provincial or Muskoka Roads - Where *road frontage abuts* a Provincial Highway or Class A Muskoka Road, the minimum required *road frontage* is 150 metres, or where *road frontage abuts* a Class B Muskoka Road, the minimum required *road frontage* is 135 metres.
- (d) Established Building Line - A *building* or *structure* may be erected or altered to conform to a *setback* at the established building line.
- (e) Provincial Highways and Muskoka Roads - An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.
- (f) Increased *Side Yard* - Where a *side lot line abuts* any residential planning permit area, the minimum *side yard* requirement is 9 metres.
- (g) *Buffers* - A minimum *buffer* of one-half of the required side or *rear yard setback* shall be provided along a *side* or *rear lot line* of a commercial planning permit area where it *abuts* a residential planning permit area.
- (h) *Buffers* - A *buffer* of at least 6 metres in depth, along 75% of the *road frontage* is required.
- (i) *Buffers* - A *Shoreline Buffer* of at least 15 metres in depth along 50% of the *shoreline* is required.
- (j) *Accessory Outdoor Storage* - *Accessory outdoor storage* is not permitted except in the *rear yard* where it is not located *adjacent* to the *shoreline yard*.
- (k) *Abutting Commercial Uses* - Where two commercial *uses abut* each other, the minimum *side yard* is "0".
- (l) *Road Frontage* - Frontage on a year-round maintained public *road* is required.

4.4.8 SETTLEMENT INDUSTRIAL

4.4.8.1 In a Settlement Industrial Planning Permit Area, no person shall *use* any land or *erect*, *alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.4.8.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, BUILDINGS, AND STRUCTURES
<i>Cannabis Production Facility</i> <i>Contractor's Establishment</i> <i>Custom Workshop</i> <i>Dwelling</i> <i>Small Scale Manufacturing</i> <i>Movable Food Outlet</i> <i>Outdoor storage accessory</i> to permitted <i>use</i> , only in rear of <i>building</i> and buffered from view <i>Parking Lot</i> <i>Sawmill (a)</i> <i>Service and Repair</i> <i>Storage Establishment</i> <i>Transfer Station</i> <i>Transportation Terminal</i> <i>Utilities</i> <i>Warehouse</i> <i>Wholesaling</i>

(a) *Existing Uses* - The *use* indicated shall only be permitted where such *use* existed at the date of passage of this By-law.

4.4.8.2.1 Municipal Services

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	2000 m ²	Up to 5%	Any Amount Over Permitted Staff Variation
ROAD FRONTAGE (PUBLIC ROAD)	30 m (a)	Up to 10%	Any Amount Over Permitted Staff Variation
WATER FRONTAGE	30 m	Up to 10%	Any Amount Over Permitted Staff Variation
SHORELINE YARD	20 m (e)	Up to 10%	Any Amount Over Permitted Staff Variation
FRONT YARD(b)	10 m (g)	Up to 20%	Any Amount Over

			Permitted Staff Variation
REAR YARD(b)	10 m (d)(f)(g)	Up to 20%	Any Amount Over Permitted Staff Variation
SIDE YARD	4.5 m (c)(d)(g)	Up to 20%	Any Amount Over Permitted Staff Variation
EXTERIOR SIDE YARD(b)	10 m (g)	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
HEIGHT (PRINCIPAL)	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
HEIGHT (OTHER ACCESSORY)	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
LOT COVERAGE	35%	Up to 10%	Any Amount Over Permitted Staff Variation
SHORELINE ACTIVITY AREA COVERAGE	50%	Up to 5%	Any Amount Over Permitted Staff Variation
LOT COVERAGE BETWEEN 20 M – 120 M	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation
LOT COVERAGE (INCLUDING ALL LANDS > 120 M FROM SHORELINE)	10%	Up to 5%	Any Amount Over Permitted Staff Variation
# DOCKING SPACES	14	Less than 50%	Any Amount Over Permitted Staff Variation

4.4.8.2.2 Private Services

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	0.8 ha	Up to 5%	Any Amount Over Permitted Staff Variation
ROAD FRONTAGE (PUBLIC ROAD)	60 m (a)	Up to 10%	Any Amount Over Permitted Staff Variation
WATER FRONTAGE	30 m	Up to 10%	Any Amount Over Permitted Staff Variation

			Variation
<i>SHORELINE YARD</i>	20 m (e)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD(b)</i>	10 m (g)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD(b)</i>	10 m (d)(f)(g)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	4.5 m (c)(d)(g)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD(b)</i>	10 m (g)	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	15%	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE BETWEEN 20 m – 120 m</i>	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE (INCLUDING ALL LANDS > 120 M FROM SHORELINE)</i>	10%	Up to 5%	Any Amount Over Permitted Staff Variation
<i># DOCKING SPACES</i>	14	Less than 50%	Any Amount Over Permitted Staff Variation (subject to boat impact assessment)

(a) *Road Frontage* – Where *road frontage abuts* a Provincial Highway or Class A Muskoka Road, the minimum required frontage is 150 metres, or where *road frontage abuts* a Class B Muskoka Road, the minimum required *road frontage* is 135 metres.

(b) Provincial Highways and Muskoka Roads – An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

(c) *Side Yard* – Where a *side lot line abuts* any residential planning permit area, the minimum

side yard requirement is 15 metres.

(d) *Buffers* – A minimum *buffer* of one-half of the required side or *rear yard setback* shall be provided along a *side* or *rear lot line* of an industrial planning permit area where it *abuts* a residential planning permit area or a road.

(e) *Shoreline Buffer* – A *Shoreline Buffer* is required along 75% of the *shoreline* of the *lot*.

(f) *Outdoor Storage* – *Outdoor storage* is not permitted except in the *rear yard*, where it is not located *adjacent* to a *shoreline yard*.

(g) *Parking Lots* – The minimum *setback* requirements apply to *parking lots*.

4.5 INSTITUTIONAL COMMUNITY PLANNING PERMIT AREA

4.5.1 INSTITUTIONAL GENERAL

4.5.1.1 In an Institutional General Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.5.1.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
Arena Cemetery Club Community Centre Educational Institution Hospital Library Long Term Care Facility Museum Place of Assembly Public Administration Office Retirement Home

4.5.1.3 Provisions applying to all *lots* are as listed in the following charts:

4.5.1.3.1 *Municipal Services*

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	0.4 ha	Up to 5%	Any Amount Over Permitted Staff Variation
ROAD FRONTAGE (PUBLIC ROAD)	30 m	Up to 10%	Any Amount Over Permitted Staff Variation
WATER FRONTAGE	30 m	Up to 10%	Any Amount Over Permitted Staff Variation
SHORELINE YARD	20 m	Up to 10%	Any Amount Over Permitted Staff

			Variation
<i>FRONT YARD(c)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD(c)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	4.5 m (b)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD(c)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	30%	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE BETWEEN 20 M – 120 M</i>	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE (INCLUDING ALL LANDS > 120 M FROM SHORELINE)</i>	10%	Up to 5%	Any Amount Over Permitted Staff Variation
<i># DOCKING SPACES</i>	14	Less than 50%	Any Amount Over Permitted Staff Variation (subject to boat impact assessment)

4.5.1.3.2 Private Services

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	0.8 ha	Up to 5%	Any Amount Over Permitted Staff Variation

<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	60 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	60m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE YARD</i>	20 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD(c)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD(c)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	4.5 m (b)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD(c)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	30 %	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE BETWEEN 20 M – 120 M</i>	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE (INCLUDING ALL LANDS > 120 M FROM SHORELINE)</i>	10%	Up to 5%	Any Amount Over Permitted Staff Variation
<i># DOCKING SPACES</i>	14	Less than 50%	Any Amount Over Permitted Staff Variation (subject to boat impact assessment)

(a) *Buffers* – 4.5 m with a 2.5 m *buffer* where the institutional planning permit area *abuts* a residential planning permit area.

(b) *Buffers* – 6 metres with a 2.5 metre *buffer* where the institutional planning permit area *abuts* a residential planning permit area

(c) Provincial Highways and Muskoka Roads – An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

4.5.2 INSTITUTIONAL LIMITED

4.5.2.1 In an Institutional Limited Planning Permit Area, no person shall *use* any land or *erect*, *alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.5.2.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND <i>STRUCTURES</i>
<i>Day Nursery</i> <i>Group Home</i> <i>Health Care Clinic</i> <i>Post Office</i> <i>Religious Institution</i>

4.5.2.3 Provisions applying to all *lots* are as listed in the following charts:

4.5.2.3.1 *Municipal Services*

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	1600 m ²	Up to 5%	Any Amount Over Permitted Staff Variation
ROAD FRONTAGE (PUBLIC ROAD)	30 m	Up to 10%	Any Amount Over Permitted Staff Variation
WATER FRONTAGE	30 m	Up to 10%	Any Amount Over Permitted Staff Variation
SHORELINE YARD	20 m	Up to 10%	Any Amount Over Permitted Staff Variation
FRONT YARD(c)	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
REAR YARD(c)	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
SIDE YARD	2.5 m (a)	Up to 20%	Any Amount Over Permitted Staff Variation
EXTERIOR SIDE YARD(c)	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation

MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	30%	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE BETWEEN 20 M – 120 M</i>	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE (INCLUDING ALL LANDS > 120 M FROM SHORELINE)</i>	10%	Up to 5%	Any Amount Over Permitted Staff Variation
<i># DOCKING SPACES</i>	14	Less than 50%	Any Amount Over Permitted Staff Variation (subject to boat impact assessment)

4.5.2.3.2 *Private Services*

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
<i>LOT AREA</i>	0.4 ha	Up to 5%	Any Amount Over Permitted Staff Variation
<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	60 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	60 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE YARD</i>	20 m	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD(c)</i>	7.5 m	Up to 20%	Any Amount Over Permitted Staff

			Variation
<i>REAR YARD(c)</i>	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	2.5 m (a)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD(c)</i>	7.5 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	11 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	30%	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE BETWEEN 20 M – 120 M</i>	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE (INCLUDING ALL LANDS > 120 M FROM SHORELINE)</i>	10%	Up to 5%	Any Amount Over Permitted Staff Variation
<i># DOCKING SPACES</i>	14	Less than 50%	Any Amount Over Permitted Staff Variation (subject to boat impact assessment)

(a) *Buffers* – 4.5 m with a 2.5 m *buffer* where the institutional planning permit area *abuts* a residential planning permit area.

(b) *Buffers* – 6 metres with a 2.5 metre *buffer* where the institutional planning permit area *abuts* a residential planning permit area

(c) Provincial Highways and Muskoka Roads – An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

4.6 OPEN SPACE COMMUNITY PLANNING PERMIT AREA

All *development* and *site alteration* in Waterfront Planning Permit Areas on waterbodies listed in Schedule E2 of the Muskoka District Official Plan require issuance of a conditional Planning Permit unless it constitutes an activity exempted by sections 2.14.1. In addition to any other conditions which may apply, all such applications for Planning Permits shall be required to submit a Muskoka District Lake System Health Standard or Enhanced Protections Policy Compliance Analysis prior to the issuance of a Planning Permit as a requirement of a Provisional Approval.

4.6.1 OPEN SPACE

4.6.1.1 In an *Open Space* Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.6.1.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
<i>Cemetery</i> <i>Community Gardens</i> <i>Conservation</i> <i>Public Access Point</i> <i>Public Park</i>

4.6.1.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, <i>BUILDINGS</i> , AND STRUCTURES (a)
<i>Dock</i> <i>Interpretive Centre</i> <i>Nordic Ski Facility</i>

(a) Provided that the criteria established in Section 2.16 (Criteria for Discretionary Uses) for such *uses* have been satisfied.

4.6.1.4 Provisions applying to all *lots* are as listed in the following charts:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	0.4 ha for Commercial <i>Open Space</i>	Up to 5%	Any Amount Over Permitted Staff Variation

	N/A for Public <i>Open Space</i>		
<i>ROAD FRONTAGE (PUBLIC ROAD)</i>	30 m (a) for Commercial <i>Open Space</i> N/A for Public <i>Open Space</i>	Up to 10%	Any Amount Over Permitted Staff Variation
<i>WATER FRONTAGE</i>	60 m for Commercial <i>Open Space</i> N/A for Public <i>Open Space</i>	Up to 5%	Any Amount Over Permitted Staff Variation
<i>SHORELINE YARD</i>	20 m (b)	Up to 10%	Any Amount Over Permitted Staff Variation
<i>FRONT YARD(f)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>REAR YARD(f)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>SIDE YARD</i>	10 m (c)	Up to 20%	Any Amount Over Permitted Staff Variation
<i>EXTERIOR SIDE YARD(f)</i>	10 m	Up to 20%	Any Amount Over Permitted Staff Variation
MAXIMUM REQUIREMENTS			
<i>HEIGHT (PRINCIPAL)</i>	11 m (d)	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (SHORELINE ACCESSORY)</i>	5.6 m	Up to 5%	Any Amount Over Permitted Staff Variation
<i>HEIGHT (OTHER ACCESSORY)</i>	8.8 m	Up to 20%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE</i>	5%	Up to 10%	Any Amount Over Permitted Staff Variation
<i>SHORELINE ACTIVITY AREA COVERAGE</i>	50%	Up to 5%	Any Amount Over Permitted Staff Variation
<i>LOT COVERAGE (BETWEEN 20M – 120M)</i>	30% of this area	Up to 5%	Any Amount Over Permitted Staff Variation

LOT COVERAGE (INCLUDING ALL LANDS >120M) FROM SHORELINE)	10%	Up to 5%	Any Amount Over Permitted Staff Variation
# DOCKING SPACES	14	Less than 50%	Any Amount Over Permitted Staff Variation (subject to boat impact assessment)

(a) *Road Frontage* – Where *road frontage abuts* a Provincial Highway or Class A Muskoka Road, the minimum required frontage is 150 metres, or where *road frontage abuts* a Class B Muskoka Road, the minimum required *road frontage* is 135 metres.

- (b) *Shoreline Yard* – 30 metres where *abutting fish habitat* or an Environmental Protection planning permit area
- (c) *Side Yard Buffer* – A *buffer* of 4.5 m in depth is required along the *side lot line* of the *lot*.
- (d) *Accessory Structure Height* – The maximum *height* for *shoreline structures* is 4.2 metres
- (e) *Shoreline Buffer* – A *Shoreline Buffer* of at least 15 metres in depth is required along 75% of the *shoreline* of the *lot*.
- (f) Provincial Highways and Muskoka Roads – An additional 4.5 metre *setback* is required from a Muskoka Road and an additional 9 metre *setback* is required from a provincial highway.

4.7 ENVIRONMENTAL PROTECTION PLANNING PERMIT AREA

All *development* and *site alteration* in Waterfront Planning Permit Areas on waterbodies listed in Schedule E2 of the Muskoka District Official Plan require issuance of a conditional Planning Permit unless it constitutes an activity exempted by sections 2.14.1. In addition to any other conditions which may apply, all such applications for Planning Permits shall be required to submit a Muskoka District Lake System Health Standard or Enhanced Protections Policy Compliance Analysis prior to the issuance of a Planning Permit as a requirement of a Provisional Approval.

4.7.1 ENVIRONMENTAL PROTECTION

4.7.1 In an Environmental Protection Planning Permit Area, no person shall *use* any land or *erect, alter* or *use* any *building* or *structure*, or *alter existing* grades or remove *vegetation* except in accordance with the provisions of this section and any other applicable provisions of this By-law.

4.7.1.2 Permitted *uses* are as listed in the following chart:

PERMITTED USES, <i>BUILDINGS</i> , AND STRUCTURES
<i>Conservation</i> <i>Existing Dock (a)</i> <i>Forestry Operation</i> <i>Short-term Rental (b)</i>

- (a) The *use* indicated shall only be permitted where such *use* existed at the date of passage of this By-law.
- (b) A short-term rental shall only be permitted provided it is located in an existing *principal dwelling*.

4.7.1.3 Discretionary *uses* are as listed in the following chart:

DISCRETIONARY USES, <i>BUILDINGS</i> , AND STRUCTURES (a)
<i>New Dock (b)</i> <i>Structures</i> intended to facilitate passive recreational <i>uses</i> such as boardwalks

- (a) Provided that the criteria established in Section 2.16 (Criteria for Discretionary Uses) for such *uses* have been satisfied.
- (b) Provided that a Fish Habitat Impact Assessment demonstrates to the satisfaction of the Township that there would be no *negative impacts* to the features and functions of the area

4.7.1.4 Provisions applying to all *lots* are outlined in the following chart:

MINIMUM REQUIREMENTS	STANDARD	CLASS ONE - STAFF VARIATION	CLASS TWO - COUNCIL VARIATION
LOT AREA	None	None	None
ROAD FRONTAGE (PUBLIC ROAD)	None	None	None
WATER FRONTAGE	None	None	None
SHORELINE YARD	None	None	None
FRONT YARD(f)	None	None	None
REAR YARD(f)	None	None	None
SIDE YARD	None	None	None
EXTERIOR SIDE YARD(f)	None	None	None
MAXIMUM REQUIREMENTS			
HEIGHT (PRINCIPAL)	None	None	None
HEIGHT (SHORELINE ACCESSORY)	None	None	None
HEIGHT (OTHER ACCESSORY)	None	None	None
LOT COVERAGE	None	None	None
SHORELINE ACTIVITY AREA COVERAGE	None	None	None
LOT COVERAGE (BETWEEN 20M – 120M)	None	None	None
LOT COVERAGE (INCLUDING ALL LANDS >120M FROM SHORELINE)	None	None	None
# DOCKING SPACES	None	None	None

5 DEFINITIONS

ABUTTING and ABUTS Means two or more parcels of land sharing a common boundary of at least one point.

ACCESSORY Means a *use* of land, *building* or *structure* that is subordinate, incidental, and exclusively devoted to the *principal use, building* or *structure* and is usually located on the same *lot*.

ACCOMMODATION UNIT Means a room or a suite of rooms within a *tourist establishment, institutional tourist establishment* or a *Bed and Breakfast Establishment* designed to provide accommodation, which does not include a *kitchen*. An accommodation unit is not a *dwelling unit*.

ADJACENT Means for the purposes of lands adjacent to a *natural heritage feature or area* those lands contiguous to a specific *natural heritage feature or area* where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the adjacent lands may be recommended by the Province.

ADULT ENTERTAINMENT PARLOUR Means any premise or part thereof in which is provided, in pursuance of a trade, calling, business, or occupation, services designed to appeal to the erotic or sexual appetites or inclinations; of which a principal feature or characteristic is the nudity or partial nudity of any person, or in respect of the word “nude”, “naked,” “topless,” “bottomless,” “sexy,” or any other word or picture, symbol or representation having the meaning implication is used in any advertisement.

AGRICULTURAL USES Means the growing of crops, including *nursery*, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated *on-farm buildings* and *structures*, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time *farm* labour when the size and nature of the operation requires additional employment. (PPS, 2020)

AGRICULTURE-RELATED USES Means *farm*-related commercial and farm-related industrial *uses* that are directly related to *farm* operations in the area, support agriculture, benefit from being in close proximity to *farm* operations, and provide direct products and/or services to *farm* operations as a primary activity. (PPS, 2020)

ALTER Means: a) in the case of a *lot*, a change in *use*, whether such alteration is made by transfer of any portion of the *lot*, or otherwise, or a decrease or increase in the dimensions or area of any required yard, *setback, buffer* or *parking area*; or b) in the case of a *building, structure* or part thereof, a change in the external dimensions, or a change from one type of *use* to another, or a change in location; or c) in the case of a *lot*, changes to *existing* grades by more than 0.3 metre (1 foot) and over an area exceeding 10 sq. m. (108) square feet.

ANIMAL HOSPITAL Means a premises where animals are given medical or surgical treatment, within which there may be shelter facilities provided for overnight or long-term medical treatment and may include *accessory* boarding facilities, but does not include a boarding *kenel*.

AREAS OF NATURAL AND SCIENTIFIC INTEREST (ANSI) Means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study, or education. (PPS, 2020)

ART GALLERY Means the *use* of land, *buildings* or *structures* for the commercial exhibition or retail sale of paintings, sculptures or other works of art or hand-made crafts.

ARTISAN'S STUDIO Means the *use* of land, *buildings*, or *structures* for the creation, finishing, refinishing or similar production of paintings, sculptures or other works of arts or hand-made crafts by the proprietor, together with the sale of such commodities, but does not include any *use* otherwise defined in this By-law.

ATTACHED Means joined, fastened or connected to an adjacent *structure*, *building* or land.

AUTOMOBILE SERVICE STATION Means lands, *buildings*, and premises where gasoline, oil, grease, and automobile accessories may be supplied and dispensed at retail and where the sales of drinks, packaged foods, and similar convenience goods for customers, as *accessory* and incidental to the principle operation, may occur.

BACK LOT Means a *lot* that is physically separated from the *shoreline* by a legally conveyable parcel of patented land that has *development* potential. Back lots are usually located in a linear fashion along a *road* which is generally parallel to the *shoreline*, but back lots may also be located on a *road* which runs perpendicular to the shore.

BAKERY Means the *use* of a *building* or part of a *building* for the preparation of baked goods, in which flour or meal is the principal ingredient, including breads, cakes, buns or donuts. A *bakery* may include a bakeshop or *restaurant*.

BAKESHOP Means a *retail store* where the products of a *bakery* are offered for sale, and shall include only incidental baking of products for sale on the premises. A bakeshop does not include any *use* otherwise defined in this By-law.

BED AND BREAKFAST ESTABLISHMENT Means the *use* of a *detached dwelling* used as a primary residence or *accessory sleeping cabin* for short-term or transient accommodation of the traveling or vacationing public in which a maximum of 3 bedrooms are used for this purpose. A *Bed and Breakfast Establishment* may include the provision of meals and *use* of common areas to those persons residing temporarily therein, but does not include a *group home*, *boarding house*, *restaurant*, *tavern*, or *tourist establishment*.

BED AND BREAKFAST ESTABLISHMENT, COMMERCIAL Means a *tourist establishment* designed for the traveling or vacationing public by furnishing short-term or transient accommodation in a *detached dwelling* used as a primary residence, or *accessory sleeping cabin*, which has a minimum of 4 and a maximum of 10 bedrooms for this purpose. A commercial *bed and breakfast establishment* may provide meals and *use* of common areas to those persons residing temporarily at the establishment, but does not include a *restaurant* or *tavern*.

BOARDING HOUSE Means a *dwelling* in which the *owner* or *operator* supplies lodging in at least 4, but not more than 10 bedrooms for hire or gain, and which may include the provision of

meals or the *use* of common areas, but does not include any entity otherwise defined in this By-law.

BOAT OR RECREATIONAL VEHICLE ESTABLISHMENT Means the *use* of land, *buildings* or *structures* for the display, sale, repair, storage or hire of boats, recreational vehicles, snowmobiles, or off-road vehicles, and may include the sale of fuel or goods related to the running of such boats or vehicles.

BOATHOUSE Means an *accessory building*, which contains a *boatslip*, used for the purpose of berthing or sheltering and storing boats and related equipment (but is prohibited from being used for *human habitation*, containing plumbing, plumbing fixtures, fridge, stove, or other cooking preparation) that is enclosed by more than one wall and is built, founded, or anchored near or at the *ordinary water's edge* of a *navigable waterway* either over water or on the land. A *boathouse* does not include a marine storage *building*.

BOATPORT Means an *accessory structure*, which contains a *boatslip*, used for the purpose of berthing or sheltering and storing boats and related equipment, but is prohibited from being used for *human habitation*, containing plumbing, plumbing fixtures, fridge, stove, or other cooking preparation that is roofed, but not enclosed by more than one wall and is built, founded, or anchored near or at the *ordinary water's edge* of a *navigable waterway*. A *boatport* does not include a marine storage *building*.

BOATSLIP Means an area of water between piers or wharves.

BREEZEWAY Means an architectural feature, similar to a hallway, that allows the passage of a breeze between *structures* and can be a simple roof connecting two *structures* or more substantial. It may refer to a hallway between two wings of a larger *structure*, such as between a house and a garage, that lacks heating and cooling but allows sheltered passage.

BREWERY Means a *building* used primarily for the *manufacturing*, processing and distribution of beer or cider.

BUFFER Means a portion of a *lot* where *vegetation* is maintained in its natural state or *vegetation* is planted, for the purpose of obscuring or screening *buildings*, *structures*, parking, or activity on a *lot*.

BUFFER, SHORELINE Means a natural area, *adjacent* to a *shoreline*, maintained in its natural state for the purpose of protecting natural habitat and minimizing the visual impact of *buildings* and *structures* on a *lot*. Within this *buffer* only meandering natural pathways or access points to the *shoreline* that are constructed of permeable material, selective pruning of trees for viewing purposes or the removal of trees for safety reasons may be permitted.

BUILDING Means any enclosed *structure* used or intended to be used for shelter or the occupation of persons, animals, chattels, goods, materials, or equipment, other than a fence or wall.

BUILDING, PRINCIPAL Means a *building* in which the *principal use* is conducted. Any *structure*, such as a *deck* or garage *attached* to the principal building, is considered part of such building and is subject to the regulations applicable to the principal building.

BUILDING SUPPLY ESTABLISHMENT Means the *use* of land, *buildings* or *structures* for the display, storage and sale of *building*, construction or home improvement goods, merchandise, equipment, and supplies.

BULK FUEL DEPOT Means the *use* of lands, *buildings*, or *structures* for the purpose of the storage and distribution of fuels and oils, but does not include retail sales or key lock operations.

CAMPSITE Means an area of land within a *tourist camping establishment* or an *institutional tourist establishment* that is designed to accommodate the short-term placement of tents or a *recreational vehicle*. A *campsite* does not mean an area of land used to accommodate a *park model trailer*, a *mobile home*, or *structures* such as porches, *decks*, or *sheds*, but may include a tent platform.

CANNABIS PRODUCTION FACILITY Means a *lot*, *building* or *structure* used for cultivation, producing, processing, testing, destroying, packaging, and shipping of cannabis authorized by a license issued by the Federal Minister of Health, pursuant to the Cannabis Act (S.C. 2018, c. 16), under the Controlled Drugs and Substances Act.

CANNABIS PRODUCTION FACILITY, MEDICAL Means a *lot*, *building* or *structure* used for cultivation, processing, testing, destroying, packaging, and shipping of Medical Cannabis authorized by a license issued by the Federal Minister of Health, pursuant to the, Access to Cannabis for Medical Purposes Regulations (ACMPR) under the Controlled Drugs and Substances Act.

CEMETERY Means land, *buildings* or *structures* used or intended to be used for interring the dead or placing or burying the remains or ashes of human bodies. A *cemetery* does not mean a *funeral home*.

CHILD CARE CENTRE Means an establishment operated by a person that is licensed in accordance with the Child Care and Early Years Act.

CLUB Means the *use* of land, *buildings*, or *structures* by a non-profit, non-commercial organization, which carries on social, cultural, athletic, or recreational activities, but does not include a gun *club*, an archery *club*, or any *use* otherwise defined in this By-law.

CLUSTER DEVELOPMENT Means a group of *detached dwellings*, each located on an individual *lot* or unit, which are set back from the *shoreline*, with the *shoreline* frontage being maintained as communal *open space*.

COMMERCIAL DOCK Means a *dock* used or rented for commercial purposes only.

COMMERCIAL GREENHOUSE OR NURSERY Means a *building*, lands or *structure* used for the growing of flowers, fruits, vegetables, plants, shrubs, trees and/or similar *vegetation* which is sold directly from the premises at retail.

COMMUNITY CENTRE means a multi-purpose facility operated by or on behalf of the municipality that provides facilities for a variety of indoor recreational, cultural, or community service activities for *use* by the general public.

CONSERVATION Means the *use* of land for the protection of the natural environment through maintenance or comprehensive management for individual or *public use* or benefit.

CONTRACTOR'S YARD OR ESTABLISHMENT Means the *use* of land, *buildings*, or *structures* where mechanical, electrical, structural, plumbing, or general contractors administer their businesses and may include *office* space and *outdoor storage* of heavy equipment and *building* materials. A *contractor's establishment* does not include the wholesale or retail sale of *building*, construction or home improvement goods, merchandise, equipment, and supplies.

CONVENIENCE STORE Means a *retail store* that serves the day-to-day, immediate shopping needs of a consumer.

CUSTOM WORKSHOP Means the *use* of a *building* or part of a *building* for the production or finishing of custom or hand-made commodities in small quantities. Without limiting the generality of the foregoing, a *custom workshop* includes upholstering, or refinishing of antiques or furniture, but does not include any *use* otherwise defined in this By-law.

DAY NURSERY Means a premises where more than 5 children are provided with temporary care and/or guidance for a continuous period not exceeding 24 hours and are licensed in accordance with the Day Nurseries Act.

DECK Means a *structure* with no roof or walls, except for railings, which is constructed on piers, a foundation or cantilevered above grade for *use* as an outdoor living space. Any portion of a *dock structure* that extends onto the land above the *ordinary water's edge* is a *deck*.

DEER WINTERING AREA Means a *deer wintering area* as shown on Schedule C1 of the *Official Plan*.

DEVELOPMENT Means:

- a) the construction, erection or placing of one or more *buildings* or *structures* on land or on water;
- b) the making of an addition or alteration to a *building* or *structure* that has the effect of increasing its size or usability;
- c) the laying out and establishment of:
 - i. a commercial *parking lot*
 - ii. sites for the location of three or more *mobile homes* as defined in subsection 46 (1) of the Planning Act
 - iii. sites for the construction, erection, or location of three or more land lease community homes as defined in subsection 46 (1) of the Planning Act; or

iv. sites for the location of three or more trailers as defined in subsection 164 (4) of the Municipal Act, 2001;

d) *site alteration*, including but not limited to,

i. alteration of the grade of land, and

ii. placing or dumping *fill*; or

e) the removal of *vegetation*.

DISTILLERY Means an establishment licensed by the Province of Ontario used primarily for the *manufacturing*, processing, and distribution of alcoholic spirits as a beverage and may include a tasting room.

DISTRICT OF MUSKOKA Means the Corporation of the District Municipality of Muskoka.

DOCK Means a *structure* built, founded, or anchored near or at the *ordinary water's edge* extending over the water at which boats may be berthed or secured.

DUPLICATING ESTABLISHMENT Means a *retail store* that provides duplicating services using photocopying, blueprint, and offset printing equipment, including collating of booklets and reports.

DWELLING Means a residential *building* designed for occupancy by one or more persons, containing one *kitchen* and no more than one *dwelling unit* as its *principal use*, and does not include a *tourist establishment*, a *mobile home* with or without a foundation, *sleeping cabin*, motor home, vehicle, or a trailer.

DWELLING, CONVERTED Means a building designed and built as a detached dwelling that is converted in order to contain a maximum of 3 dwelling units.

DWELLING, DETACHED Means a separate residential *building* containing only one *dwelling unit*.

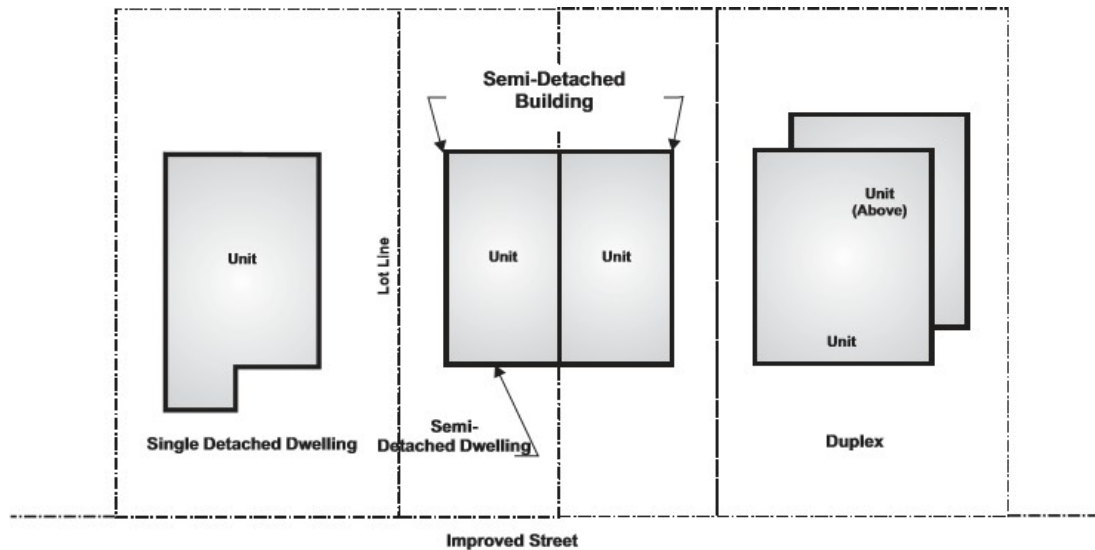
DWELLING, DUPLEX Means a *dwelling* divided horizontally into 2 *dwelling units*.

DWELLING, MULTIPLE Means a *dwelling* containing 3 or more *dwelling units*, but shall not include a *rowhouse dwelling*.

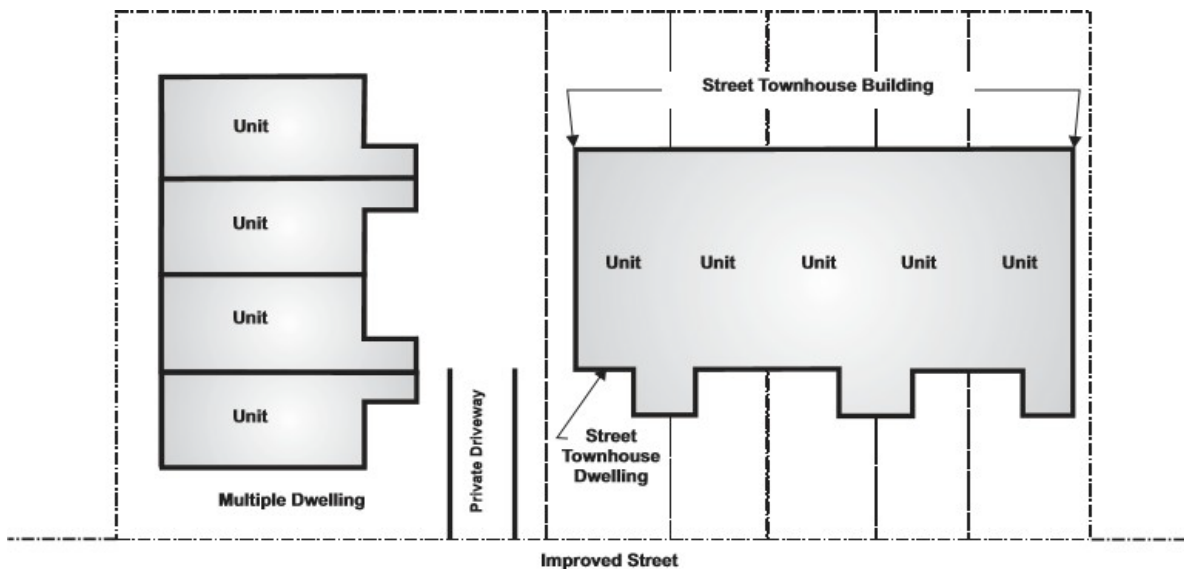
DWELLING, ROWHOUSE Means a *dwelling* divided vertically into at least 3, but not more than 8 *dwelling units* each separated by a common wall. An exterior rowhouse unit has only one common wall dividing it from another *dwelling unit*.

DWELLING, SEMI-DETACHED Means a *dwelling* divided vertically to provide 2 *dwelling units* separated by a common wall.

DWELLING, TRI-PLEX Means a *dwelling* divided horizontally into 3 *dwelling units*.



----- Lot Line



DWELLING UNIT Means a suite of *habitable* rooms located within a *building* and operated as a household unit, used, or intended to be used exclusively as a domicile by one or more persons that contains cooking, one *kitchen*, dining, living, sleeping and sanitary facilities exclusively for the use of the occupants. A *dwelling unit* is not an accommodation unit or a *housekeeping unit*.

DWELLING UNIT, ADDITIONAL Means a separate year-round, self-contained unit in a *detached dwelling*, *semi-detached dwelling*, *row house dwelling* and/or within appropriate *accessory structures* that add to the supply of housing and affordable housing for the community. *Additional Dwelling Units* (ADUs) are self-contained units that contain bathroom and

kitchen facilities, and which are subsidiary to a principal *dwelling unit*. It may be located in the same *building* as its principal dwelling and/or within a *building* or *structure* accessory to the *dwelling unit*.

EATING ESTABLISHMENT Means premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service.

EDUCATIONAL INSTITUTION Means the *use* of land, *buildings* or *structures* as a training centre or a public school, separate school, secondary school, private school, university, or community college authorized by the Province of Ontario.

EQUIPMENT STORAGE BUILDING Means a *building* used for the purpose of equipment storage and is exclusive of *outdoor storage* on the same *lot*.

ERECT Means to build, construct, reconstruct, or relocate and without limiting the generality of the foregoing, also includes: a) any preliminary physical operation, such as any excavating, filling, or draining; b) altering any *existing building* or *structure* by an addition, enlargement, extension, or other structural change; or c) any work that requires a *building* permit under The Ontario Building Code.

ESSENTIAL EMERGENCY SERVICE Means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

EXISTING Means legally existing, being a reality or an actuality as of November 26, 1996.

EXISTING LOT Means a *lot* that existed as of the date of the passing of this By-law.

FARM Means the *use* of land for the growing of crops, including *nursery* and horticultural crops, berry crops, maple syrup production; the raising of animals, poultry, bees; the selling of such produce on the premises and *buildings* incidental to the operation such as a barn or silo and a *detached dwelling*, but does not include an abattoir. A *farm* does not include a *specialized farm* or *intensive farm* or *kennel*.

FARM, HOBBY Means a *farm* operated primarily for the benefit of the occupants or for recreational purposes and shall be limited to the keeping of not more than 5 animals excluding household pets. A *hobby farm* does not mean a *specialized* or *intensive farm* or *kennel*.

FARM IMPLEMENT SALES OUTLET Means the *use* of land, *buildings* or *structures* for the sale, storage or repair of equipment and machinery directly associated with the operation of a *farm*.

FARM, INTENSIVE Means the *use* of land, *buildings*, or *structures* for the practice of intensive horticulture or confinement rearing of livestock, poultry or fur bearing animals and includes: a) the housing of livestock and associated manure facilities for more than 75 *livestock units* or 0.5 *livestock units* per 0.4 tillable hectares; b) the growing of mushrooms, or similar produce that may produce a negative environmental effect; or c) a feedlot.

FARM, SPECIALIZED Means the *use* of land for the production of specialty crops or farming of a specialized nature such as aquaculture, raising of game or exotic birds, raising of fur bearing animals, game *farms*, raising of exotic species; and *buildings* incidental to the operation such as a barn, silo, or a *detached dwelling*, but does not include an abattoir. A *specialized farm* does not include an *intensive farm* or *kennel*.

FILL Means the placement of sand, gravel, earth, or other materials of any composition whatsoever on lands, or in water or *wetlands*, for the purpose of altering the grade of lands, to raise the elevation of land above surface waters, constructing wharves, stabilizing the *shoreline*, riveting, or constructing works, *building* beaches, or constructing foundations for *boathouses* or other *structures*.

FINANCIAL ESTABLISHMENT Means the *use* of a *building* or part of a *building* for the provision of financial services, where money is deposited, kept, lent, or exchanged. A financial institution includes a bank, trust company, credit union, finance and loan company, investment and security company, mortgage company, or other similar service.

FISH HABITAT Means, as defined in the Fisheries Act, spawning grounds and any other areas, including *nursery*, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

FISHING OR HUNTING SUPPLY RETAIL STORE Means a retail premises catering solely to the supply of hunting and fishing related merchandise and the incidental and *accessory* service and repair of hunting and fishing goods.

FLOOD-PROOFING STANDARD Means the combination of measures incorporated into the basic design and/or construction of *buildings*, *structures*, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the *shorelines* of the Great Lakes - St. Lawrence River System and large inland lakes, and flooding hazards along river, stream, and small inland lake systems.

FLOOR AREA Means the total habitable *floor area* of a single *storey* contained within the interior faces of the exterior walls of a *building*, including the space occupied by interior walls and partitions, including covered *decks*, but not including exits, vertical service spaces and their enclosing assemblies, and uncovered *decks*. For uncovered *decks*, *floor area* shall mean to the total horizontal surface area of the *deck*.

FLOOR AREA, GROSS Means the sum total of all habitable *floor areas* on a *lot*.

FOOTPRINT Means the *floor area* of a *building* or *structure*, measured at grade on a horizontal plane, to the outside edge of walls, or posts in the case of an unenclosed *structure*, and includes the furthest extent of a *deck* or a *dock*.

FORESTRY OPERATION Means the growing and harvesting of wood for profit or gain, which without limiting the generality of the foregoing, includes fuel wood, pulp wood, lumber, Christmas trees and other forest products, but does not include secondary processing or *manufacturing* of such products.

FRONTAGE, ROAD Means the horizontal straight-line distance determined as follows: a) where a *lot abuts* a *road*, the distance between the *side lot lines* measured along a line that is parallel to the *road* at a distance equal to the minimum *front yard setback*; or b) in the case of a *back lot* where a *lot abuts* a *road* or *roads* in more than one location the distance measured along the *front lot line* where it *abuts* the *road*, or c) in the case of a *shoreline* lot where a *lot abuts* a *road* or *roads* in more than one location, the distance measured along the *rear lot line* where it *abuts* the *road*; d) where there are no *side lot lines*, such as in the case of a peninsula, the greatest distance between any point on the *front lot line* and any point on the *rear lot line*.

FRONTAGE, WATER Means the horizontal straight-line distance determined as follows: a) where the *lot abuts* a *shoreline* or a closed *shore road allowance*, is the *shoreline* or is within a *navigable waterway*, the distance measured along the shortest line joining the point where one *side lot line* or a projection thereof intersects the *shoreline* and the opposite *side lot line* or a projection thereof; or b) where the *lot abuts* a *shore road allowance* that has not been closed, is the distance along the shortest line joining the points where the *side lot lines* intersect the inner limit of the *shore road allowance*; or c) where there are *no side lot lines*, such as in the case of a peninsula, the greatest distance between any point on the *shoreline*, or in the case where the *shore road allowance* has not been closed, the inner limit of the *shore road allowance* and any point on the *rear lot line*, or d) where there are no *side* or *rear lot lines*, such as in the case of an island, the greatest horizontal straight-line distance measured between any two points on the *shoreline*, or in the case where the *shore road allowance* has not been closed, the inner limit of the *shore road allowance*.

FUNERAL HOME Means the *use* of a *building* for the provision of human funeral services and related supplies, and includes facilities for the preparation of the dead human body for interment or cremation, rooms for the assembly of attendees of funerals, a business *office*, and an *accessory dwelling unit*, but may not include a *cemetery*.

GARDEN CENTRE Means the *use* of land, *buildings*, or *structures* for the growing, display and retail sale of trees, shrubs, and plants. A *garden centre* may include the display and sale of landscaping, lawn, and garden equipment, furnishings, and supplies.

GARDEN SUITE Means individual, temporary and self-contained residential units that are *accessory* to a primary residential *dwelling*, located within a separate *building* and designed to be portable. *Garden suites* offer an alternative, non-profit, living arrangement designed to meet the housing needs of elderly parents, handicapped family members or other individuals who may require some support from the occupants of the primary *dwelling*.

GAZEBO Means an *accessory* freestanding roofed *structure* with open or screened walls enclosing a single area used for the purpose of relaxation.

GOLF COURSE Means a public or private area operated for the purpose of playing golf and, without limiting the generality of the foregoing, may include a par 3 *golf course*, *driving range*, and *accessory* clubhouse and *recreational facilities*, but does not include a *miniature golf course*.

GOLF DRIVING RANGE Means an open-air recreation facility where golf is practiced from individual tees and which may include *accessory structures* for the management and operation of the range, and a *miniature golf course*, but not a golf course.

GRADE, FINISHED Means the average elevation of the finished ground level adjoining the lowest wall of a *building*. Localized depressions not exceeding 3 metres in length along the exterior wall of a *building* need not be considered in the determination of average levels of finished.

GRADE, ORIGINAL Means the lowest of the average levels of original grade, as existed as of March 16, 2010, adjoining each exterior wall of a *building*. Localized depressions not exceeding 3 metres in length along the exterior wall of a *building* need not be considered in the determination of average levels of finished.

GREEN INFRASTRUCTURE Means natural and humanmade elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as *natural heritage features* and systems, parklands, stormwater management systems, *street trees*, urban forests, natural channels, permeable surfaces, and green roofs. (PPS, 2020)

GROUND WATER FEATURE Means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

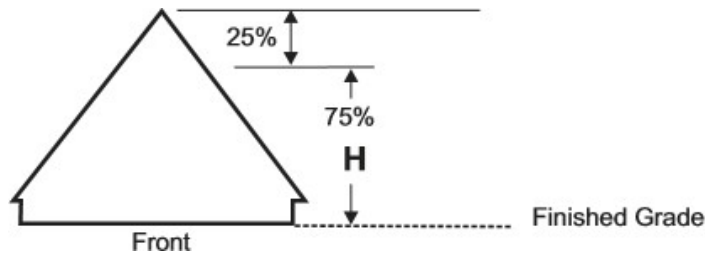
GROUP HOME Means a premises used to provide supervised living accommodation, licensed, or funded under Province of Ontario or Government of Canada legislation, for three to six persons, exclusive of staff, living together in a single *housekeeping unit* because they require a group living arrangement.

HABITABLE Means designed for living, sleeping, eating or food preparation by humans.

HAZARDOUS SUBSTANCES Means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety, and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive, or pathological.

HEALTH CARE CLINIC Means the *use* of a *building* for human health care, such as medical, dental, therapeutic, chiropractic or similar consultation, diagnosis, and treatment by one or more practitioners and which may include ancillary uses such as administration *offices*, laboratories, or dispensaries. A clinic does not include accommodation for in-patient care or facilities for major surgical practice.

HEIGHT Means the vertical distance between the lowest *finished grade* or *original grade*, whichever grade is lower, or the *ordinary water level*, at the exterior of the *building* to the highest point of a flat roof, excluding guides, or the highest roof line or ridge on a pitched roof. In the case of an A-framed *structure*, the *building* height is 75% of the height of the ridge.



A-FRAME

HENS, BACKYARD Means the *accessory use* of land or a *structure* used to raise hens (excluding roosters) located within the *rear yard* in a screened and rodent/predator proof enclosure that is no closer than 4.5 metres from any *side lot line* and outside of the permitted minimum *rear yard setback*. The hens must be maintained in accordance with good animal husbandry practices as defined by the Ministry of Food, Agriculture, and Rural Affairs and the Canadian Food Inspection Agency. The hens and eggs shall be for domestic *use* only and may be sold in accordance with Home Based Business provisions.

HOME-BASED BUSINESS Means any occupation or business that is carried on as a *use accessory* to the residential *use* of a *dwelling unit* and is conducted in accordance with the provisions of this By-law.

HOME CHILD CARE Means “home child care” as defined and regulated by the Child Care and Early Years Act, as amended, or replaced and which is not a *child care centre*.

HOSPITAL Means an institution, *building* or other premises established for the treatment of persons afflicted with or suffering from disease, sickness, or injury, or for the treatment of convalescent or chronically ill persons and that is licensed or regulated under Provincial Statute.

HOTEL means a facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as *restaurants*, meeting rooms and *recreational facilities* but not including *motels*, tourist cabins, or tourist or trailer camps.

HOUSEKEEPING UNIT Means a room or a suite of rooms within a *tourist establishment* that is designed to provide accommodation and is equipped with a *kitchen*. A housekeeping unit is not a *dwelling unit*.

HUMAN HABITATION Means *use* of a *building* or *structure* for living, sleeping, eating or for food preparation purposes.

HUNT CAMP Means a base camp used for temporary or seasonal sleeping accommodations for recreational activities such as hunting, in a remote location where municipal or community services are usually not available. A hunt camp does not include a permanent or seasonal *dwelling unit*, an *Additional Dwelling Unit*, or a commercial *use*.

INDIVIDUAL ACCESS POINT Means the *use* of land as a docking and parking facility, which serves as a mainland access point for 3 or fewer residential properties that are only accessible by water and is secured through ownership or a registered right of way.

INSTITUTIONAL TOURIST ESTABLISHMENT Means the *use* of land, *buildings* or *structures* for an establishment operated by a private organization that provides recreational, educational, health, or spiritual programs; sleeping accommodation on a temporary and reserved basis, and centralized facilities associated with such accommodation or programs, or for the provision of administration or dining. An institutional tourist establishment may include *accessory buildings, structures*, or facilities incidental to the *principal use*, such as common washrooms, *recreational facilities*, a *convenience store*. An institutional tourist establishment does not include a *dwelling unit* other than an *accessory dwelling* for the *owner* or *operator* or staff quarters, and does not include a *use* otherwise defined by this By-law.

INSTITUTIONAL USE For the purposes of policy 3.1.7, means land *uses* where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

INTERPRETIVE CENTRE Means the *use* of land for the *conservation* and study of the natural environment, and may include a limited number of *accessory buildings* and *structures*.

KENNEL Means an establishment for the raising, keeping, boarding, breeding, and care of more than four (4) and less than twenty one (21) domestic pets housed in a *building, structure*, or pen outside of a *dwelling*, but does not include the keeping of animals in a veterinary establishment for the purpose of observation or recovery necessary to veterinary treatment. Kennels do not include facilities for the raising, keeping, boarding, breeding, and care of puppies up to 3 months old.

KITCHEN Means a *building*, area, room, or part of a room that is used for the storage, preparation or cooking of food or is intended for the installation of cooking equipment or appliances, including a stove and sink.

LANDING Means an area at the top of a flight of stairs or between flights of stairs, which does not exceed the width of the associated stairs or a maximum width of 2.5 m, whichever is less.

LANDSCAPED OPEN SPACE Means an open, unobstructed space on a *lot*, located at grade which is dedicated to the growth and maintenance of trees, shrubs, grass, flowers, decorative paving, and other landscape features and may include patios and walkways, but does not include any driveway, ramp, at grade recreational *uses*, boat ramp or *parking area*, whether surfaced or not, or any *open space* beneath a *building* or *structure*. A walkway shall not be used as a driveway or *parking area*. Landscaped *open space* includes mulched areas, flagstone patios, and does not contribute to *shoreline activity area coverage*.

LAUNDROMAT Means the *use* of a *building* or part of a *building* where the public may, for a fee, clean or dry articles or goods or fabric, using machines.

LAUNDRY Means the *use* of a *building* or part of a *building*, for the commercial cleaning and drying of articles, goods, or fabric.

LEACHING BED Means a leaching bed as defined in the Ontario Building Code, as amended.

LIBRARY Means a *building* containing printed, electronic, and pictorial material for *public use* for the purposes of study, reference, or recreation.

LIGHT EQUIPMENT RENTAL ESTABLISHMENT Means a premises in which light machinery, equipment and tools are offered or kept for rent, lease or hire under agreement for compensation.

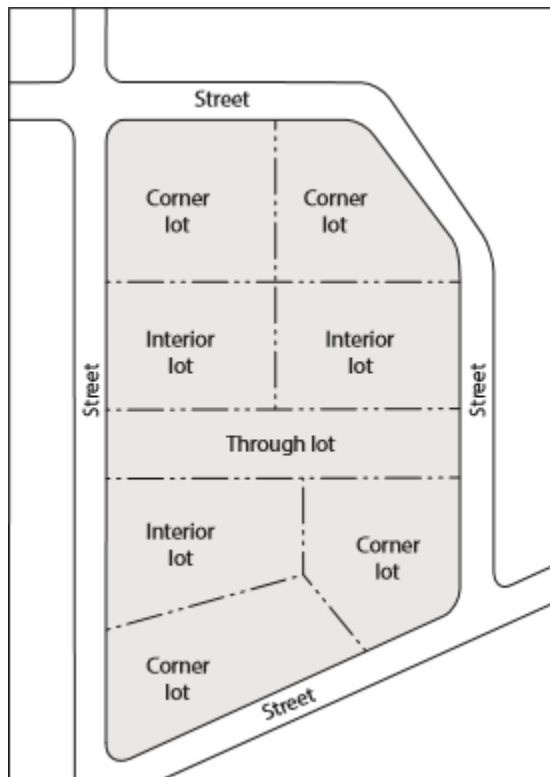
LIGHT EQUIPMENT REPAIR SHOP Means a premises in which light machinery, equipment and tools are repaired under agreement for compensation.

LIVESTOCK UNIT Means the equivalent values for various types of animals and poultry based upon manure production and production cycles, as set out in the Provincial *Minimum Distance Separation Formulae*.

LOADING SPACE Means a space or bay located on a *lot* which is used, or intended to be used, for the temporary parking of a commercial *motor vehicle* while loading or unloading merchandise or materials, used in connection with the *principal use* of the *lot* and which has an unobstructed access to a *road*.

LONG TERM CARE FACILITY Means an institution, *building* or premises, other than a *hospital*, in which accommodation, meals, nursing, and medical or similar care and treatment is provided on a long term basis and the operation of which is licensed or regulated under Provincial Statute.

LOT Means : a) a parcel of land: i) the whole of which can be legally conveyed without approval pursuant to the Planning Act; and ii) no part of which can be transferred without such an approval; and iii) which is not described in a registered condominium description; or b) two or more parcels of land which are: i) deemed to be one lot by this By-law; or ii) required to be transferred together by an agreement made pursuant to the Planning Act; or c) a parcel of land described as a whole registered description by the Condominium Act, except for: i) a vacant land condominium, in which a unit is considered to be a lot, or iii) in the case of a *resort* commercial establishment that includes associated accommodation units within one or more condominium descriptions that share central management and *resort* amenities on one contiguous area of land, the entire land area of the *resort* commercial establishment is deemed to be one lot for the purpose of this By-law.



LOT AREA Means the total horizontal area within the *lot lines* of a *lot* located above the *ordinary water's edge*.

LOT COVERAGE Means the *footprint* of all *buildings* and *structures*, including those *buildings* or *structures* appertaining to the *lot* or extending out into the water or adjacent lands divided by the *lot area* of the *lot*, measured as a percentage. Lot coverage excludes canopies, *retaining walls*, fences, septic systems, and overhanging eaves. Lot coverage is measured on a horizontal plane to the outside edge of walls, the posts of an unenclosed *structure*, or the furthest extent of a *deck*.

LOT LINE Means any boundary of a *lot* or vertical projection thereof.

LOT LINE, FRONT Means in the case of a *lot* that does not *abut* a *shoreline*: a) *abuts* only one *road*, the lot line that *abuts* the *road*; b) *abuts* two *roads*, or parts of the same *road*, the longer of the lot lines *abutting* the *roads* or the lot line *abutting* the *road* from which access is primarily gained; c) is bounded on two opposite sides by *roads*, the lot line *abutting* the *road* from which access is primarily gained;

LOT LINE, REAR Means the farthest lot line opposite to the *front lot line* or the *shoreline*, or in the case of a triangular lot, is that point formed by the intersection of the *side lot lines*. Where a *principal use* exists on a *shoreline* lot that does not front on a public *road*, the lot line *abutting* a *private road* shall be deemed to be the rear lot line.

LOT LINE, SIDE Means a *lot line* other than a *front lot line*, a *shoreline*, the inner limit of a *shore road allowance* that has not been closed, or a *rear lot line*.

MAINTENANCE GARAGE, ACCESSORY Means a premises where vehicles owned or leased by the occupant of the same premises are repaired or maintained, and is an *accessory use* to the main *use* on the property.

MANUFACTURING Means the *use* of land, *buildings*, or *structures* for the purpose of manufacturing, assembling, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale, any goods, substance, article, or thing.

MANUFACTURING, SMALL-SCALE Means a *manufacturing use* which is wholly enclosed within a *building* except for parking and loading facilities, and *accessory outdoor storage*, and which in its operation does not ordinarily result in the emission from the *building* of odours, fumes, noise, cinder, vibration, heat, glare, or electrical interference and generally occupy small parcels of land not serviced by municipal water or sewers.

MARINA Means the *use* of land, *buildings* or *structures* located on or *abutting* a *navigable waterway* for the docking and servicing of vessels, where vessels and other *recreational vehicles* are stored, repaired, or kept for sale or hire and may include the sale of fuel and goods related to the running of vessels, or a *convenience store*.

MARINE SALES, RENTAL AND SERVICE ESTABLISHMENT Means a premises where boats, marine watercraft and boat accessories are stored, serviced, repaired, or kept for sale or rental.

MARINE SERVICE SHOP Means a premises where boats, marine watercraft and boat accessories serviced or repaired.

MARKET PLACE Means the *use* of land, *buildings*, or *structures* where individual vendors operate from stalls, booths, or other defined areas to display and offer produce or wares for sale.

MINIATURE (or MINI) GOLF COURSE Means the *use* of land for the purpose of simulating the game of golf on a small scale for profit or gain, and may include *accessory buildings* or *structures*, but does not include a golf course or a *driving range*.

MINIMUM DISTANCE SEPARATION FORMULAE Means formulae and guidelines developed by the Province, as amended from time to time, to separate *uses* so as to reduce incompatibility concerns about odour from livestock facilities. (PPS, 2020)

MOBILE HOME Means any residential *structure* that is designed to be mobile and is constructed or manufactured in accordance with the Ontario Building Code as amended, to provide a permanent residence, but does not include a *recreational trailer*.

MOTEL Means a *tourist establishment* with accommodation units that have independent entrances from the outside. A *motel* may include central facilities such as an *office*, a *restaurant*, or *recreational facilities*, but does not include a *use* otherwise defined by this By-law.

MOTOR VEHICLE Means any vehicle propelled or driven by anything other than muscular power and without limiting the generality of the foregoing includes an automobile, truck, motorcycle, or *recreational vehicle* such as a snowmobile or all-terrain vehicle, but does not include railway cars or other motor vehicles that run on rails.

MOTOR VEHICLE REPAIR SHOP OR ESTABLISHMENT Means the *use* of land, *buildings* or *structures* for the commercial servicing or repair of *motor vehicles* and may include body repair, repainting, tire repair and installation, installation of exhaust or electrical systems, rust-proofing or similar uses. A towing service or *motor vehicle* service station may be permitted in conjunction with a *motor vehicle* repair establishment.

MOTOR VEHICLE SALES OR RENTAL ESTABLISHMENT Means the *use* of land, *buildings* or *structures* for the commercial display and sale, rental or leasing of *motor vehicles* and may include the repair or servicing of *motor vehicles* or the sale of automotive accessories and related product. A *motor vehicle* sales establishment does not include any *use* otherwise defined in this By-law.

MOTOR VEHICLE SERVICE STATION Means the *use* of *buildings* or *structures* for the sale of fuel and goods, or parts or service related to the running operation of *motor vehicles* and may include a *convenience store* or the selling of refreshments to the travelling public. A *motor vehicle* service station does not include any *use* otherwise defined in this By-law.

MOTOR VEHICLE WASHING ESTABLISHMENT Means the *use* of land, *buildings* or *structures* for the washing and cleaning of *motor vehicles* and may include a mechanical or coin-operated washing establishment. A *motor vehicle* washing establishment does not include any *use* otherwise defined in this By-law.

MOVABLE FOOD OUTLET Means a trailer, vehicle, cart, tent or other mobile or temporary shelter from which food is prepared and offered for sale for consumption outside. A movable food outlet may only be permitted in accordance with the *Township's* licensing by-law.

NARROW WATERBODY Means a *navigable waterway* where: a) the distance from shore to shore is 150 metres (500 feet) or less; b) in the case of a bay, the length of the bay will also be greater than 100 metres; c) the mouth of an enclosed bay where the majority of the bay is less than 300 metres (1000 feet) from shore to shore. The Big East, Muskoka and Oxtongue Rivers are also considered to be narrow waterbodies.

NATURAL HERITAGE FEATURE AND AREAS Means features and areas, including *wetlands*, *watercourse*, *fish habitat*, significant woodlands and significant valleylands, habitat of endangered species and threatened species, significant *wildlife habitat*, and significant *areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area. These may, but are not necessarily, identified on Schedule B attached hereto and Schedule C1 of the *Official Plan*.

NAVIGABLE WATERWAY Means any body of water that is capable of affording reasonable passage of watercraft of any description for the purpose of transportation, recreation or commerce and includes any river, stream or lake considered navigable by law.

NEGATIVE IMPACT Means: a) regarding individual on-site water services and partial services, degradation to the quality and quantity of water, sensitive *surface water features* and sensitive *ground water features*, and their related hydrologic functions, due to single, multiple, or successive *development*. Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards; b) regarding water, degradation to the quality and quantity of water, sensitive *surface water features* and sensitive *ground water features*, and their related hydrologic functions, due to single, multiple or successive *development* or *site alteration* activities; c) regarding *fish habitat*, any permanent alteration to, or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; d) regarding other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive *development* or *site alteration* activities; e) regarding impacts to adjoining properties, outcomes of *development* which cause non-construction-related nuisance such as dust, noise, odour; or deleterious visual impacts.

NON-COMPLYING Means land, *buildings* or *structures* that do not satisfy one or more standards of this By-law.

NON-CONFORMING Means *use* of land, *buildings* or *structures* that are not permitted by this By-law.

NURSERY Means the *use* of land, *buildings*, or *structures* for the growing of plants, shrubs, trees, or similar *vegetation* and may include the selling of such *vegetation* on the premises.

OFFICE Means the *use* of a *building* or part of a *building* for the practice of a profession or carrying on of business. An office may include clerical, administrative, consulting, advisory, or training services, but does not include a *health care clinic* or any *use* otherwise defined in this By-law.

OFFICE, ACCESSORY Means a *use* of a *building* or part of a *building* for the practice of a profession or carrying on of a business which is subordinate, incidental, and exclusively devoted to the *principal use, building* or *structure* and is located on the same *lot*.

OFFICE, PUBLIC ADMINISTRATION Means the *use* of a *building* for the business and administration of a *public authority*.

OFFICIAL PLAN Means the Township of Lake of Bays Official Plan.

ON-FARM DIVERSIFIED USES Means *uses* that are secondary to the principal *agricultural use* of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, agri-tourism *uses*, and *uses* that produce value-added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as *on-farm diversified uses*. (PPS, 2020)

OPEN SPACE Means lands that are generally open and free of *buildings* or *structures*, used for passive parkland or recreation, and may include recreational, educational, or interpretive facilities or trails.

OPERATOR Means the person or organization, in occupation or having charge, management or control of a land *use*, premises, facility or occupation.

ORDINARY WATER LEVEL Means: a) where water levels are not managed by an MNRF control *structure*, the ordinary interface between land and water identified by a mark made by the action of water under natural conditions on the shore or bank of a water way, which action has been so common and usual that it has created a difference between the character of the *vegetation* or soil on one side of the mark and the character of the *vegetation* and soil on the other side of the mark, or; b) where water levels are managed by an MNRF control *structure*, the location at which the horizontal plane of the regulated summer water level intersects with the land. For the purposes of this By-law, the elevation of the regulated summer water level (GSC) is: i) Lake of Bays – 315.22 metres ii) Camp Lake – 412.60 metres iii) Peninsula Lake – 283.77 metres iv) Tasso Lake – 399.40 metres

OUTDOOR DISPLAY OR SALES AREA Means the *use* of a defined area of land outside a *building* or *structure* for the display or sale of goods, wares, merchandise, substances, or articles used in conjunction with the business located within the *building* or *structure*.

OUTDOOR STORAGE Means an area of land used in conjunction with a business located within a *building* or *structure* on the same *lot*, for the storage of goods, equipment, and raw or processed materials.

OUTFITTER Means a business dedicated to the provision of supplies and equipment to facilitate outdoor adventure and recreation.

OWNER Means the person or organization who owns the land in or on which a land *use* is located and who may be responsible for the establishment or operation of that land *use*.

PARK Means the *use* of land primarily for *open space*, and which may include passive or active recreation, and is generally characterized by its natural, historic, landscape or recreational features or activities, but excludes a *mobile home* park or a trailer park, or any other *use* otherwise defined in this By-law.

PARK, COMMERCIAL Means a *park* that is operated for commercial gain, other than a public *park*.

PARK, PRIVATE Means a *park* that is not owned by a *public authority*.

PARK, PUBLIC Means a *park* that is owned or controlled by a *public authority*.

PARK MODEL TRAILER Means a type of *recreational vehicle* that is built on a single chassis mounted on wheels designed to facilitate occasional relocation, but which is not intended to be towed on a regular basis, and is so designated in the Ontario Building Code.

PARKING AREA Means the *use* of an area of land, *building* or *structure* for the parking of *motor vehicles* associated with a *principal* use on the same *lot*. A parking area may include related aisles, parking spaces, and ingress and egress lanes, but does not include any part of a *road*.

PARKING LOT Means any parking area that is not *accessory* to a *principal* use on the same or an associated *lot*.

PARKING SPACE Means a portion of a *parking area* used for the purpose of parking one *motor vehicle*, exclusive of any aisles, ingress and egress lanes, or pedestrian walkways. A parking space may be unenclosed, or it may be enclosed in a *principal building* or an *accessory building*.

PATIO means a surfaced open space of land at grade, which is used as an outdoor living or amenity area.

PERMEABLE PATHWAY Means a pathway constructed using a *pervious surface* material that is capable of the infiltration of water.

PERSONAL SERVICE ESTABLISHMENT Means the *use* of a *building*, or part of a *building*, for a service that administers to the individual and personal needs of patrons such as beauty or grooming.

PERVIOUS SURFACE Means an uncovered area of land that is permeable and permits the infiltration of water. For the purposes of this definition and without limiting the generality of the foregoing, a pervious surface includes trees or shrubs, but does not include asphalt, concrete, stone, interlocking brick or any other impermeable surface. A pervious surface excludes anything that would be impervious to water infiltration, including but not limited to a rooftop, sidewalk, paved roadway, flagstone path or patio, asphalt or concrete driveway or *parking area*.

PIT Means a place where unconsolidated gravel, stone, sand, earth, peat, clay, *fill*, mineral or other material is being or has been removed or is zoned to be removed by means of an open excavation to supply material for construction, industrial, *manufacturing*, or other purposes, and may include primary processing such as washing, screening, or crushing, or storage of the material excavated.

PLACE OF ASSEMBLY Means the *use* of land, *buildings*, or *structures* for meetings for civic, theatrical, musical, educational, political, or social purposes, and includes without limiting the generality of the foregoing an auditorium, *community centre*, banquet hall, concert hall or similar uses.

PLACE OF ENTERTAINMENT Means the *use* of *buildings* or *structures* to provide entertainment for gain or profit such as a motion picture theatre, billiard or pool establishment, bowling alley, dance hall, fitness centre, arcade, or similar activity for the enjoyment of the general public.

PRINCIPAL BUILDING See “BUILDING, PRINCIPAL”.

PRINCIPAL USE See “USE, PRINCIPAL”.

PRINTING ESTABLISHMENT Means the *use* of a *building*, or part of a *building*, for the production of printed goods for commercial purposes, or operations that print and or publish goods. Without limiting the generality of the foregoing, a printing establishment may include blueprinting, engraving, stereotyping, electro-typing, typesetting and a duplicating

establishment.

PROVINCIALY SIGNIFICANT WETLAND Means *wetlands* that have been identified by the Province as provincially significant, as shown on Schedule C1 of the *Official Plan*.

PUBLIC AUTHORITY Means: a) the *Township*, District Municipality of Muskoka, Government of Ontario, Government of Canada, or any board, authority, or commission of them; b) any entity providing police, ambulance or fire service on behalf of the authorities listed in clause a); c) any utility company providing telephone, electrical or natural gas services; d) any railway company authorized under the Railway Act of Canada; or e) any corporation providing services to the public that has an operating budget entirely funded by one or more entities listed in clause a).

PUBLIC USE Means the *use* of a *lot*, *building*, *structure*, or facility by a *public authority*, for the purpose of providing its services to the public, or carrying out its public mandate.

QUARRY Means a place where consolidated rock has been or is being removed or is zoned to be removed by means of an open excavation to supply material for construction, industrial, *manufacturing*, or other purposes, and may include primary processing such as washing, screening, crushing, or storage of the material excavated.

RECREATIONAL FACILITIES Means the *use* of land, *buildings*, *structures* for passive or active recreation in conjunction with a *principal use* and without limiting the generality of the foregoing includes an ice rink, a curling rink, a swimming pool, a playground, or a racquet court.

RECREATIONAL TRAILER Means a *structure* designed to provide temporary living accommodation for travel, vacation, or recreational *use* and to be driven, towed, or transported and without limiting the generality of the foregoing includes folding camping trailers, travel trailers and motorhomes.

RECREATIONAL VEHICLE Means a *motor vehicle* used generally for recreation purposes such as a snowmobile, or off-road vehicle, but does not include an automobile, truck, motorcycle, trailer, or other vehicles otherwise defined in this By-law.

RECYCLING DEPOT Means the *use* of land, *buildings*, or *structures* where recyclable materials are stored or processed for further *use* or transportation to another site.

RELIGIOUS INSTITUTION Means a *building*, *structure* or facility used by any religious organization for public worship or other ecclesiastical functions and may include *accessory* facilities located on site such as a rectory or manse, hall, *parking area* or daycare facility. A religious institution does not include a *building* used solely as an *office* for administrative matters or business.

RESORT Means a *tourist establishment* that provide accommodation throughout all or part of the year and that has facilities for serving meals and furnishes equipment, supplies, or services to persons in connection with angling, hunting, camping or other recreational purposes operated under one management and which may provide facilities such as an *office*, *restaurant*, *tavern*, *place of assembly* or entertainment, *convenience store*, *docks*, *boatports*, *boathouses*, or *recreational facilities*.

RESTAURANT Means the *use* of a *building* or *structure* or part of a *building* for the preparation and sale of food and beverages for immediate consumption within or outside of the *building* or *structure* and may include ancillary home delivery, catering or take out services.

RETAIL STORE Means the *use* of a *building* for the retail sale or rental of goods, wares, merchandise, substances, or articles. A retail store does not include a *use* otherwise defined by this By-law.

RETAINING WALL Means a single vertical (straight or at an angle to the horizontal) constructed wall of any material used for supporting soil laterally at *steep slopes* or as a landscape feature.

RETIREMENT HOME Means a *building* in which long term accommodation is provided primarily for retired persons where each *dwelling unit*, living area or private bedroom has a separate bathroom and entrance from a common hall or walkway, but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms, and medical care facilities may also be provided.

REVEGETATION Means the planting or planting and regeneration of native *vegetation* in order to restore a *shoreline buffer* or a *roadside buffer*.

RIDING OR BOARDING STABLE Means the *use* of land, *buildings*, or *structures* for the raising, lodging or care of horses and may include an educational centre for the training or handling of horses.

ROAD Means an improved public highway for vehicular traffic, which is maintained by and under the jurisdiction of a *public authority*.

ROAD, SEASONAL Means a *road* that is maintained seasonally.

ROAD, YEAR-ROUND Means a *road* that is maintained year-round.

ROAD, PRIVATE Means a path or way, which affords vehicular access to more than one *lot* and is not owned by a *public authority*.

ROAD ALLOWANCE Means a public highway, the surface of which is not improved for *use* by vehicular traffic and is not maintained by a *public authority*.

SAWMILL Means the *use* of land, *buildings*, or *structures* where timber is cut, sawed, planed, or processed and may include land used for open storage of raw or finished lumber or other associated wood products.

SERVICE OR REPAIR ESTABLISHMENT Means the *use* of a *building* for the servicing or repairing of articles, goods, or materials, and include sales *accessory* to the *principal use*. A service or repair shop does not include the manufacture of articles, goods or materials or include a *use* otherwise defined by this bylaw.

SETBACK Means the least horizontal distance measured from a *lot line* or *shoreline* to the nearest point of the outside edge of walls or posts of a *building* or *structure*, including any *attached* or directly adjacent *deck*, or the nearest open storage on the *lot*.

SEWAGE Means “sewage” as per Building Code, as amended.

SEWAGE FACILITY Means *use of land, buildings or structures* owned by or operated for a *public authority* for the storage, treatment, and disposal of sewage, and includes a sewage treatment plants, sanitary sewage disposal sites, *waste* stabilization ponds, and sewage lagoons.

SHED Means a detached *accessory building* used solely for storage.

SHIPPING CONTAINER Means a freight container commonly or specifically designed for transportation and storage of freight goods and materials for the purposes of moving goods and materials. A shipping container shall include, but not be limited to, cargo containers, truck trailers, and any prefabricated portable metal storage unit.

SHORE ROAD ALLOWANCE Means a 20 metre wide allowance originally reserved by the Crown along the shore of a *navigable waterway*, but does not include an allowance that has become a *road* or has been closed and conveyed.

SHORELINE Means the *ordinary water’s edge*.

SHORELINE ACTIVITY AREA Means the area located on both sides of the *ordinary water’s edge* of a *navigable waterway* where *accessory shoreline structures* and human activity, including access to the water, may be located. The shoreline activity area is comprised of either one or two generally square or rectangular areas where the total cumulative frontage does not exceed the length of the permitted shoreline activity area frontage. The side lines are parallel lines extending on land to 20 metres with these lines being projected for a maximum straight line distance of 20 metres over the water. Where the *lot* does not extend on land to 20 metres, the depth of the *lot* shall be the maximum projection on land.

SHORELINE ACTIVITY AREA COVERAGE Means the *footprint* of all *buildings or structures*, excluding the following: stairs, landings, legal *non-complying dwellings* and *sleeping cabins*; located within the shoreline activity area, expressed as a percentage of an area determined by multiplying the maximum shoreline activity area frontage permitted by the By-law by 20 m. Where the *lot* does not extend on land to 20 metres the depth of the *lot* shall be used in the calculation of shoreline activity area coverage by multiplying the maximum shoreline activity area frontage by the depth of the *lot* (not to exceed 20m). The product of such calculation is expressed in square metres. Shoreline activity area coverage is measured on a horizontal plane to the outside edge of walls, the posts of an unenclosed *structure*, or the furthest extent of a *deck* or *dock*.

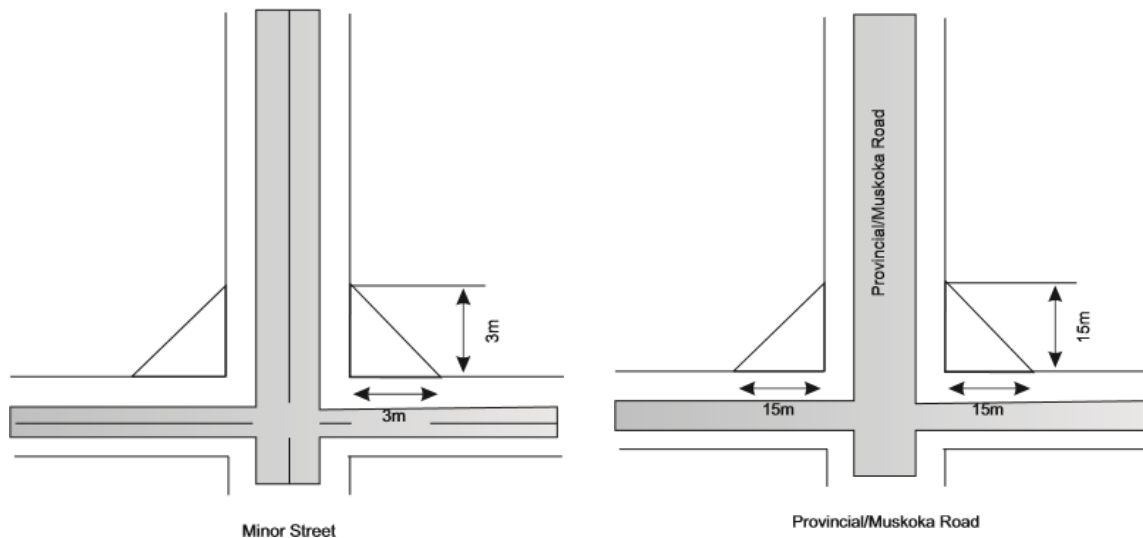
SHORELINE ACTIVITY AREA FRONTAGE Means the length of shoreline of a *lot* that may be used for a shoreline activity area or areas. The shoreline activity area frontage is expressed as a percentage of the *water frontage* or a stated maximum length, and is measured as the cumulative length of a series of straight lines, each of which is a minimum of 4.5 metres in length, approximating the *ordinary water’s edge*.

SHORT-TERM RENTAL Means a *principal dwelling* or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease,

licence, rental agreement or similar arrangement for thirty (30) consecutive calendar days or less with no on-site management throughout all or part of the year. Short-term rental uses shall not mean or include a bed and breakfast establishment, institutional tourist establishment, tourist establishment, tourist camping establishment, motel, resort, or similar commercial or institutional use.

Short-term Rentals shall not be permitted to operate in a dwelling unit, secondary dwelling unit, garden suite, secondary suite, accommodation unit, housekeeping unit, apartment, secondary apartment, multiple dwelling, rowhouse dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling or boarding house.

SIGHT TRIANGLE Means any triangular space formed by the adjacent *street* lines of a *lot* and a line drawn from a point in one *street* line to a point in the other *street* line, each such point being the required *setback* from the point of intersection of the *street* lines, is considered a sight triangle. Should the two *street* lines not intersect at a point, the point of intersection is deemed to be the projection of the *street* and lines or the intersection of the tangents to the *street* lines.



SITE ALTERATION Means a change to the existing topography by more than 0.3 metre (1 foot), and over an area exceeding 100 square feet, and includes excavation, blasting, filling, and grading.

SLEEPING CABIN (BUNKIE) Means an *accessory* residential *building* not *attached* to a principal *dwelling* for the accommodation of persons, which contains a washroom but does not contain a *kitchen*.

SOLID WASTE Means ashes, garbage, refuse, domestic *waste*, industrial *waste*, or municipal refuse, divertible materials, recycling materials and such other *wastes* as are regulated under Provincial Statute, but not including sewage.

STAFF HOUSING Means a building or portion of a building that shall be used to provide accommodations for individuals employed on the property.

STEEP SLOPE Means a slope of more than 30%.

STORAGE ESTABLISHMENT Means the *use* of land, *buildings*, or *structures* for the primary purpose of storing of chattels such as boats or heavy equipment. A storage establishment may include *accessory structures* for the management and operation of the establishment, but does not include the overnight accommodation of humans or any *use* otherwise defined in this By-law.

STOREY Means the portion of a *building* over 1.2 metres in *height* measured between any floor level and the closer of the first ceiling or roof above it.

STRAIGHT LINE PROJECTION Means the straight-line extension or projection of a *lot line*.

STREET Means *road*.

STRUCTURE Means anything constructed or erected, the *use* of which requires location on or in the ground or over water.

SURFACE WATER FEATURE Means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, *wetlands*, and associated riparian lands that can be defined by their soil moisture, soil type, *vegetation*, or topographic characteristics.

TAVERN Means the *use* of a *building* or part of a *building* for the sale and serving of alcoholic beverage and may include entertainment or the serving of food.

TOURIST CAMPING ESTABLISHMENT Means the *use* of land, *buildings*, or *structures* for commercial camping on a short-term basis where *campsites* are rented to and used by the traveling public. A tourist camping establishment may include *accessory buildings*, *structures*, or facilities incidental to the *principal* use, such as common washrooms, *recreational facilities*, a *convenience store*, or an *accessory dwelling unit* for the *owner* or *operator*. A tourist camping establishment does not include the *use* of a *campsite* as a *dwelling*, off season storage of tents or *recreational vehicles* on *campsites*, or a *use* otherwise defined by this By-law.

TOURIST COMMERCIAL RETAIL Means the *use* of a *building* for the retail sale or rental of goods, wares, merchandise, substances, or articles catering primarily to the public who is traveling or vacationing and engaged in leisure or recreation.

TOURIST ESTABLISHMENT Means the *use* of land, *buildings*, or *structures* for the provision of commercial roofed accommodation where accommodation units or *housekeeping units* are offered for rent on a short term or transient basis to the public who is traveling, vacationing, engaged in leisure or recreation, or participating in conventions or meetings. A tourist establishment may include *accessory uses*, services, equipment, or facilities, including a *restaurant*, normally incidental to such accommodation. A tourist establishment does not include a *dwelling unit* except for a *dwelling unit* for the *owner* or *operator*, or staff quarters that are *accessory* to the *principal use*.

TOWNSHIP Means the Corporation of the Township of Lake of Bays.

TOWNSHIP STAFF Means staff of the *Township* authorized or delegated by Council to administer this By-law.

TRANSFER STATION Means the *use* of land, *buildings*, or *structures* for the temporary storage of *solid waste* including recyclable materials and the transferring of such *waste* from one vehicle

to another for transportation to a *waste* management site.

TRANSPORTATION TERMINAL Means the *use* of land, *buildings*, or *structures* for the purpose of storing, servicing, repairing, or loading trucks, transport trailers and/or buses, but does not include a *motor vehicle* service station or a *motor vehicle* sales or rental establishment.

USE Means: a) the purpose for which land, *buildings* or *structures* may be arranged, designed, designated, intended, maintained, or occupied; and b) the occupation, business, activity, or operation carried on, or intended to be carried on the land or in a *building* or *structure* for which it is arranged, designed, designated, intended, maintained, or occupied.

USE, PRINCIPAL Means the predominant purpose for which any land, *building* or *structure*, or part thereof is used, designed, arranged, occupied, or maintained.

VACANT LOT Means a *lot* where no *structures* or *buildings* have been lawfully erected.

VEGETATION Means healthy, woody vegetation, which measures at least 1 m in *height*.

VEGETATION REMOVAL Means the removal of healthy, woody *vegetation* of at least 1 m in *height*, but does not include trimming, pruning and removal of such woody *vegetation* if it presents a hazard to life or property.

VETERINARY CLINIC Means the *use* of *buildings* for the provision of services by a veterinary surgeon for the consultation, diagnosis, or treatment of animals and may include ancillary provision of pharmacies, dispensaries, or supplies, or boarding of animals.

WAREHOUSE Means a *building* or *structure* used for the purpose of the bulk storage of goods, merchandise or materials and includes wholesale establishments.

WASTE means ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse, and such other materials as are designated in the regulations of the Environmental Protection Act.

WASTE MANAGEMENT SITE means a site and facilities to accommodate *solid waste* from one or more municipality and includes one or more of the following activities or uses:

- (a) landfilling activities;
- (b) non-landfilling activities;
- (c) a *Fill Area* and the *Buffer Area* of a property which has been or is suspected to have been used for landfilling;
- (d) any land upon, into or through which, or *building* or *structure* in which, *waste* is deposited, disposed of, handled, stored, transferred, treated, or processed; and
- (e) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment, or processing referred to in clauses (a) to (d).

WATERCOURSE Means the natural channel for a perennial or intermittent body of water, including a river or stream, with well-defined banks and a bed. For greater clarity, watercourses include cold water streams, cool water streams, warm water streams.

WATERFRONT LANDING Means the *use* of land as a docking and parking facility, which serves as a mainland access point for a commercial property or 4 or more residential properties that are only accessible by water, but which does not include vessel or vehicle sales or rental or service, or the sale of fuel.

WAYSIDE PIT OR QUARRY Means a temporary *pit* or *quarry* opened and used by a *public authority* solely for the purpose of a particular *road* project or contract of *road* construction.

WETLAND Means land that is seasonally or permanently covered by shallow water, as well as land where the water table is close to or at the surface, and where the presence of abundant water has caused the formation of hydric soils and favours the dominance of either hydrophytic plants or water tolerant plants. Wetlands include swamps, marshes, bogs, and fens, and are generally identified on Schedule C1 of the *Official Plan*, or by site inspection. The wetlands that have already been identified are generally included in the “Waterfront Environmental Protection (WEP)” Planning Permit Area on Schedule “A” to this By-law.

WILDLIFE CENTRE Means the *use* of land, *buildings*, or *structures* for the keeping, raising, or providing care of or the alleviation of disease or injury to wild animals for the purpose of public education, *conservation* or recreation and may include facilities for the visiting public and for administration.

WILDLIFE HABITAT Means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter, and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species. (PPS, 2020)

WINERY Means a *building* used primarily for the *manufacturing*, processing, and distribution of wine.

YARD Means that part of a *lot* which is open, uncovered, and unoccupied between a lot line or the shoreline and a *building* or *structure*, other than *accessory buildings*, *structures* or *uses* which are specifically permitted by this By-law within a yard.

YARD, EXTERIOR SIDE Means a *side yard* immediately adjoining a *road* or *road allowance*.

YARD, FRONT Means, in the case of a *lot* which does not *abut* a shoreline, a yard extending across the full width of the *lot* situated between the *front lot line* and a line parallel thereto and passing through the nearest point of the outside edge of a *principal building* or *structure*, including any *attached* or directly adjacent *deck*, or the nearest *outdoor storage* on the *lot*.

YARD, INTERIOR SIDE Means a *side yard* other than an *exterior side yard*.

YARD, REAR Means a yard extending across the full width of the *lot* situated between the *rear lot line* and a line parallel thereto and passing through the nearest point of the outside edge of a *building* or *structure*, including any *attached* or directly adjacent *deck*, or the nearest open storage on the *lot*.

YARD, SHORELINE Means a yard extending across the full width of the *lot* situated between

the shoreline and a line parallel thereto and passing through the nearest point of the outside edge of walls or posts of a *building* or *structure*, including any *attached* or directly adjacent *deck*, or the nearest open storage on the *lot*.

YARD, SIDE Means a yard extending the full depth of the *lot* situated between the *side lot line* and a line parallel thereto and passing through the nearest point of a *building* or *structure*, including any *attached* or directly adjacent *deck*, or the nearest open storage on the *lot*.

6 SCHEDULES

SCHEDULE A – COMMUNITY PLANNING PERMIT AREAS

SCHEDULE B – NATURAL HERITAGE & HAZARDS

SCHEDULE C – INFORMATION TO BE PROVIDED IN AN APPLICATION

O.REG. 173/16 SCHEDULE 1

1. The name, address, telephone number and, if applicable, the e-mail address of the *owner* of the subject land, and of the agent if the applicant is an authorized agent.
2. The current designation of the subject land in the applicable *official plan* and the land *uses* that the designation authorizes.
3. Whether a variation is requested within the provisions set out in the Community Planning Permit By-law.
4. Whether the proposed *use* is,
 - (a) a permitted *use*; or
 - (b) a *use* that may be permitted subject to criteria as set out in the Community Planning Permit By-law.
5. If the answer to section 3 of this Schedule or clause 4 (b) of this Schedule is yes, a statement regarding how the applicable criteria have been addressed.
6. A description of the subject land, including such information as the municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and *street* names and numbers.
7. The frontage, depth, and area of the subject land, in metric units.
8. Whether access to the subject land is,
 - (a) by a provincial highway, a municipal *road* that is maintained all year or seasonally, another public *road* or a right of way; or
 - (b) by water.
9. If access to the subject land is by water only, the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public *road*.
10. The *existing uses* of the subject land.
11. Whether there are any *buildings* or *structures* on the subject land.
12. If the answer to section 11 of this Schedule is yes, the following information for each *building* or *structure*:
 1. The type of *building* or *structure*.

2. In metric units, the *setback* from the *front lot line*, *rear lot line* and *side lot lines*, the *height* of the *building* or *structure* and its dimensions as well as *floor areas* and *gross floor area*.

13. The proposed *uses* of the subject land.

14. Whether any *buildings* or *structures* are proposed to be built on the subject land.

15. If the answer to section 14 of this Schedule is yes, the following information for each proposed *building* or *structure*:

1. The type of *building* or *structure*.

2. In metric units, the *setback* from the *front lot line*, *rear lot line* and *side lot lines*, the *height* of the *building* or *structure* and its dimensions or *floor area* as well as *floor areas* and *gross floor area*.

16. Whether the proposed *building* or *structure* is within an area described in the *official plan* and Community Planning Permit By-law as an area within which plans and drawings under subsection 41 (4) or (5) of the Act or subsection 114 (5) or (9) of the City of Toronto Act, 2006 may be required.

17. One or both of the following, as required by the Community Planning Permit By-law:

1. Plans that show the location of all *buildings* and *structures* to be erected, the location of all facilities and works to be provided in conjunction with the *buildings* and *structures*, and the location of all facilities and works required under clause 41 (7) (a) of the Act or clause 114 (11) (a) of the City of Toronto Act, 2006, including facilities designed to have regard for accessibility for persons with disabilities.

2. Drawings that show plan, elevation, and cross-section views for each *building* to be erected and are sufficient to display,

i. the massing and conceptual design of the proposed *building*,

ii. the relationship of the proposed *building* to adjacent *buildings*, *streets*, and exterior areas to which members of the public have access,

iii. the provision of interior walkways, stairs, elevators, and escalators to which members of the public have access from *streets*, *open spaces*, and interior walkways in adjacent *buildings*,

iv. matters relating to exterior design, including without limitation the character, scale, appearance and design features of the proposed *building*, and its sustainable design, but only to the extent that it is a matter of exterior design, if the *Official Plan* contains provisions relating to such matters,

v. the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground

cover, permeable paving materials, street furniture, curb ramps, *waste* and recycling containers and bicycle parking facilities, and

vi. facilities designed to have regard for accessibility for persons with disabilities.

18. If known,

(a) the date the subject land was acquired by the current *owner*;

(b) the date any *existing buildings* or *structures* on the subject land were constructed; and

(c) the length of time that the *existing uses* of the subject land have continued.

19. Whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or other means.

20. Whether sewage disposal is provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.

21. Whether storm drainage is provided by sewers, ditches, swales, or other means.

22. If known,

(a) whether the subject land has ever been the subject of an application under the Act for approval of a plan of subdivision or a consent;

(b) if the answer to clause (a) is yes, the file number and status of the application;

(c) whether the subject land has ever been the subject of an application under section 34, 41 or 45 of the Act; and

(d) if the answer to clause (c) is yes, the file number and status of the application.

23. A sketch showing, in metric units,

(a) the boundaries and dimensions of the subject land;

(b) the location, size and type of all *existing* and proposed *buildings* and *structures* on the subject land, indicating their distance from the *front yard lot line*, rear yard *lot line* and *side yard lot lines*;

(c) the approximate location of all natural and artificial features (for example, *buildings*, railways, *roads*, *watercourses*, drainage ditches, banks of rivers or streams, *wetlands*, wooded areas, wells, and septic tanks) that,

(i) are located on the subject land and on land that is adjacent to it, and

(ii) in the applicant's opinion, may affect the application;

(d) the current *uses* of land that is adjacent to the subject land;

(e) the location, width, and name of any *roads* within or *abutting* the subject land, indicating whether it is an unopened *road allowance*, a public travelled *road*, a *private road*, or a right of way;

(f) if access to the subject land is by water only, the location of the parking and docking facilities to be used; and

(g) the location and nature of any easement or restrictive covenant affecting the subject land.

24. An affidavit or sworn declaration by the applicant that the information required under this Schedule and provided by the applicant is accurate.

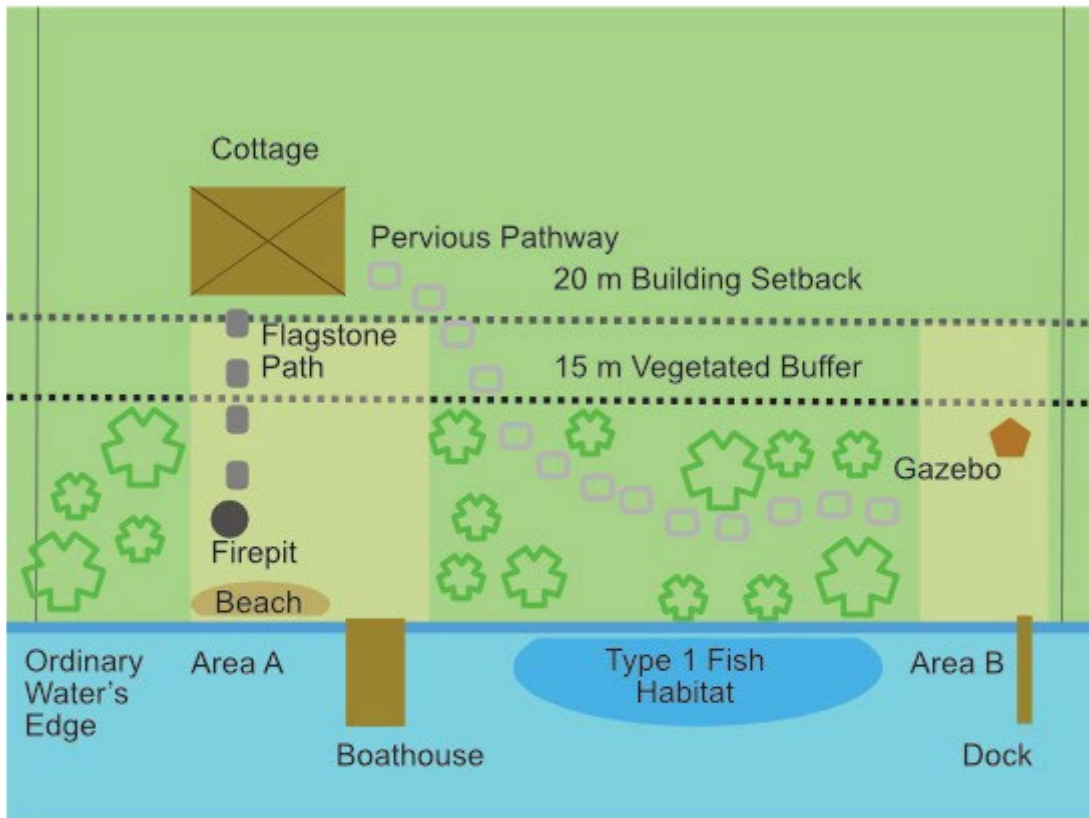
APPENDIX 1 – PERMITTED COVERAGE IN SHORELINE ACTIVITY AREA (SAA)

Available SAA			
m	m - 25% Frontage	sq. m	sq. m - 40% of available SAA
30.5	7.6	152.4	60.9
33.5	8.4	167.6	67.0
36.6	9.1	182.8	73.1
39.6	9.9	198.0	79.2
42.7	10.7	213.3	85.3
45.8	11.4	228.5	91.4
48.8	12.2	243.8	97.5
51.8	13	259.0	103.6
54.9	13.7	274.2	109.7
57.9	14.5	289.5	115.8
61	15.2	304.7	121.9
64	16.0	320.0	128.0
67.1	16.8	335.2	134.1
70.1	17.5	350.4	140.2
73.2	18.3	365.7	146.3
76.2	19.0	380.9	152.4
79.2	19.8	396.1	158.5
82.3	20.6	411.4	164.5
85.3	21.3	426.6	170.6
88.4	22.1	441.8	176.7
91.4	22.9	457.1	182.8
92.7	23.2	463.2	185.3

APPENDIX 2 – SHORELINE ACTIVITY AREAS

2-1 Shoreline Activity Area

Shoreline Activity Area

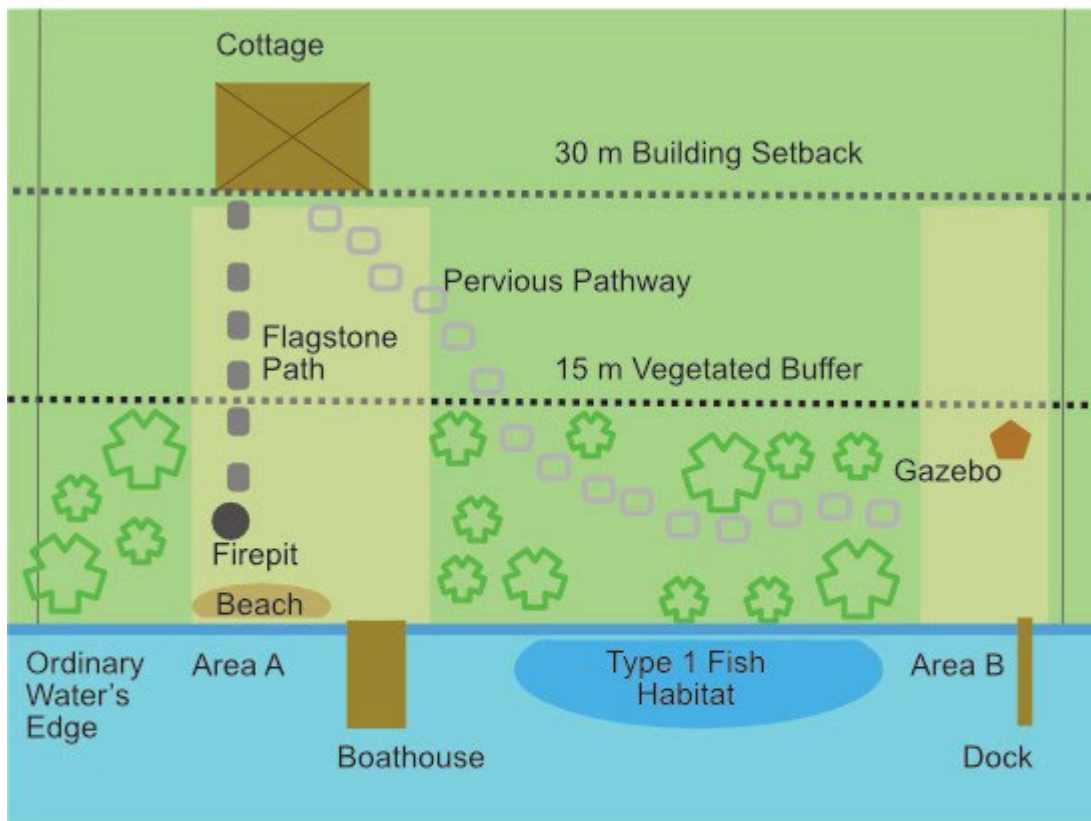


Notes:

- SAA = Area A + Area B = <25% & <23 m of shoreline
- SAA bounded by parallel lines from water's edge to required setback from water's edge
- Maximum 2 SAAs per lot

2-2 Shoreline Activity Area – Abutting Type 1 Fish Habitat, Category 3 Lakes & Sensitive Lake Trout Lakes

Shoreline Activity Area
Abutting Type 1 Fish Habitat, Category 3
Lakes & Sensitive Lake Trout Lakes

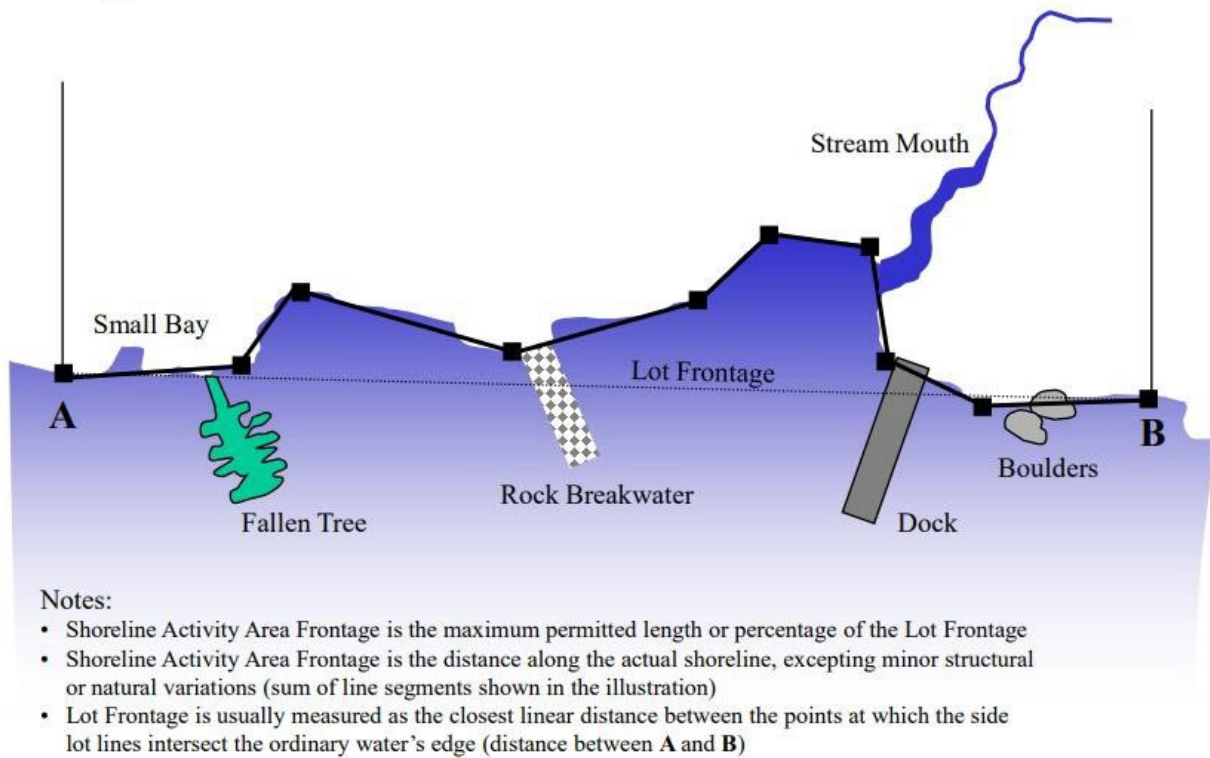


Notes:

- SAA = Area A + Area B = <25% & <23 m of shoreline
- SAA bounded by parallel lines from water's edge to required setback from water's edge
- Maximum 2 SAAs per lot

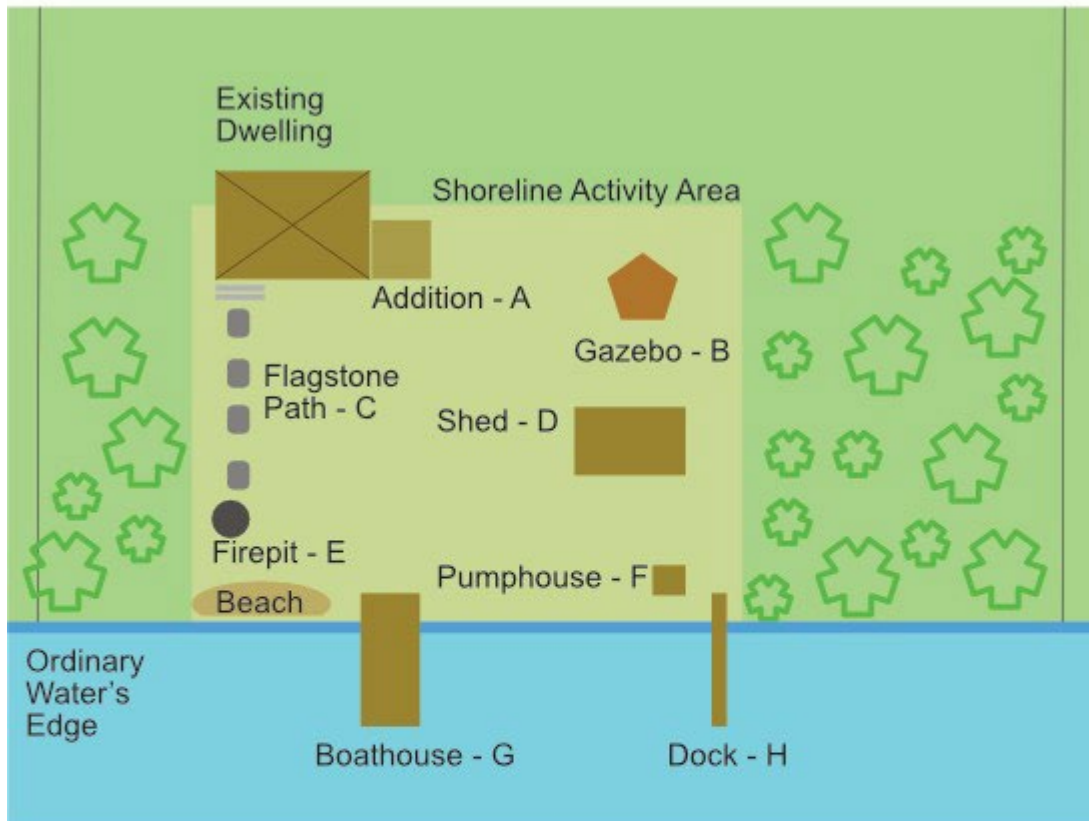
2-3 Shoreline Activity Area – Frontage

Shoreline Activity Area Frontage



2-4 Shoreline Activity Area – Coverage

Shoreline Activity Area Coverage



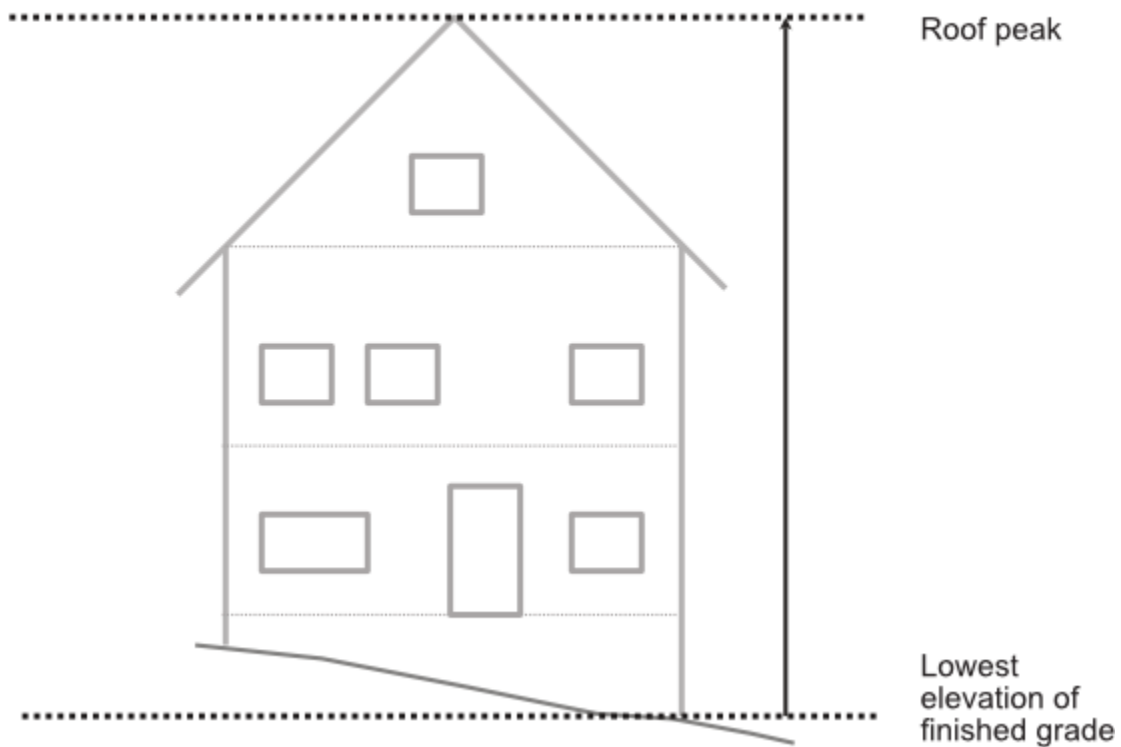
Notes:

- SAA coverage shall not exceed 40%
- Coverage = area of (A+B+C+D+E+F+G+H) / SAA frontage x 20
- SAA coverage to exclude legal non-complying dwellings, sleeping cabins, stairs and landings
- Additions to non-complying dwellings shall be less than half of the SAA coverage (>20%)

APPENDIX 3 – RESIDENTIAL PROVISIONS

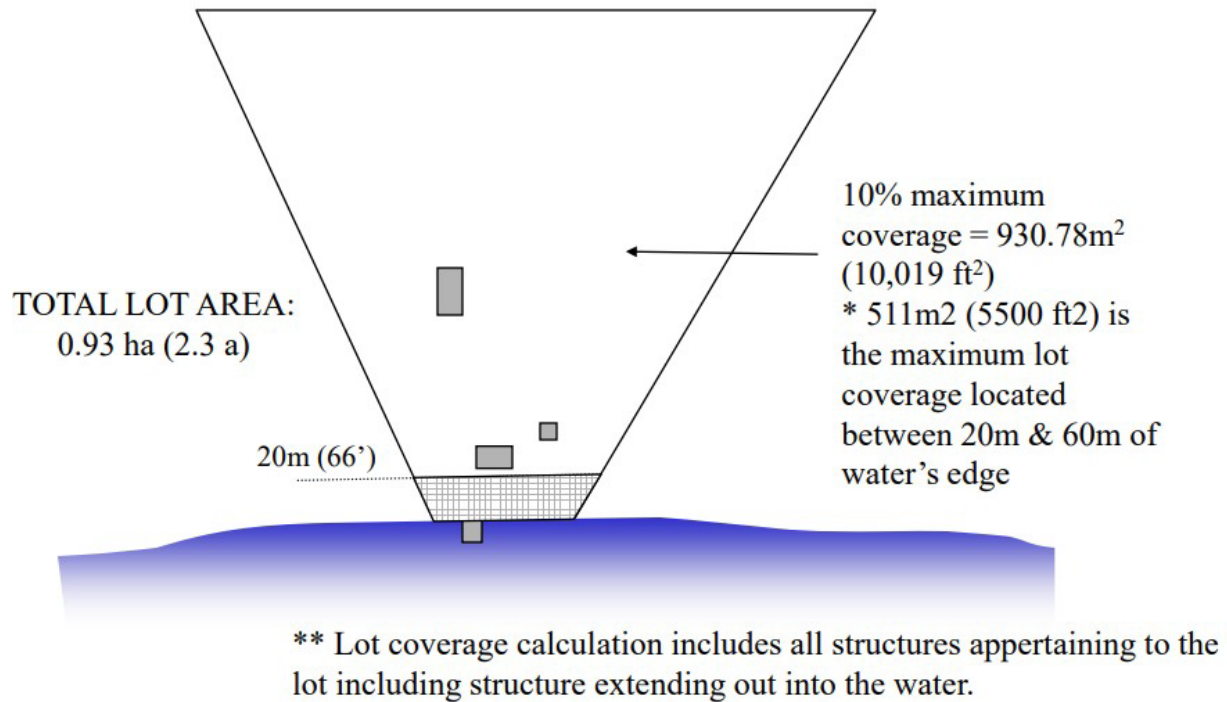
3-1 *Maximum Height*

Maximum Permitted Height



3-206 Lot

Lot Coverage



3-207 Lot

Lot Coverage

<u>Lot Area</u>	<u>10% Lot Coverage</u>
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.2 ha (0.5 a)	200 m ² (2,152 ft ²)
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.4 ha (1 a)	404.68 m ² (4,356 ft ²)
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.8 ha (2 a)	809.37m ² (8,712 ft ²)
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2 ha (5 a)	2,023 m ² (21,780 ft ²)
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4 ha (10 a)	4,046 m ² (43,560 ft ²)
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511 m² (5,500 ft²) max.
lot coverage to be located
between 60m & 20m
of the water's edge

Note: lot coverage is calculated for the entire lot area and includes all structures appertaining to the lot, including those structures extending out into the water.

APPENDIX 4 – LAKE CATEGORIES

The following lakes have been grouped into the following size categories for the purposes of this By-law. Locations should be confirmed by consulting Schedule C3 of the Official Plan.

CATEGORY 1 LAKES

Lake of Bays
Peninsula Lake

CATEGORY 2 LAKES

Bella Lake
Camp Lake
Dickie Lake
Dotty Lake
Echo Lake
Foote Lake
Grandview Lake
Greenish Lake
Menominee Lake
Oxbow Lake
Paint or St. Mary's Lake
Rebecca Lake
Ril Lake
Solitaire Lake
Tasso Lake
Walker Lake

CATEGORY 3 LAKES

Allen Lake
Angel Lake
Axle Lake
Benson Lake
Big Hoover Lake
Big Stephen Lake
Black Lake
Black Lake
Blue Chalk Lake
Boundary Lake
Brooks Lake
Buck Lake
Burns Lake
Carcass Lake
Chub/Trout Lake
Circular Lake

Cooper Lake
Cotter Lake
Crotch Lake
Dan Lake
Erin Lake
Ermine Lake
Fifteen Mile Lake
Fitzell Lake
Flossie Lake
Fowler Lake
Goodman Lake
Gosling Lake
Greenish Lake
Grindstone Lake
Grouse Lake
Hardup Lake
Heck Lake
Heeney Lake
Helve Lake
Horse Lake
Insula Lake
Jackson's Lake
Jerry Lake
Jill Lake
Lassetter Lake
Lee Lake
Little Clear / Seventeen Mile Lake
Little Hoover Lake
Little Margaret Lake
Little Pell Lake
Longline Lake
Loon Lake
Lower Raft Lake
Lower Schufelt Lake
Mansell Lake
Margaret Lake
Martin Lake
McEwan Lake
McReynold Lake
Mink Lake
Moot Lake
Mug Lake
Nelson Lake
North Dotty Lake

Pairo Lake
Peeler Lake
Pell Lake
Pretzel Lake
Red Chalk Lake
Rookery Lake
Sage Lake
Sand Lake
Lower Schufelt Lake
Seventeen Mile Lake
Seventeen Mile Lake
Shapter Lake
Shoe Lake
South Nelson Lake
South Tasso Lake
Spaniel Lake
Steeple Lake
Surprise Lake
Tackaberry Lake
Three Island Lake
Toad Lake
Tom Lake
Tooke Lake
Unnamed Lakes exceeding 8 ha (20 acres) in area – See Schedule C3 of Official Plan
Upper Raft Lake
Upper Twin Lake
Verner Lake
Wilson Lake
Wolfkin Lake
Woodbine Lake

100 LAKES TO EXPLORE