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COMMUNITY PLANNING PERMIT BY-LAW

TOWN OF HUNTSVILLE



SEPTEMBER 2021



PREPARED BY:
SGL PLANNING & DESIGN INC. &
DILLON CONSULTING



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1.0 Explanatory Notes and Context

1.1 Introduction

In 2007, revisions to the Ontario Planning Act provided a new development approval framework for municipalities known as the Community Planning Permit System. This tool allows municipalities to replace and combine three existing permitting systems: zoning, site plan, and minor variance approvals into a single application and approval process. The Community Planning Permit (CPP) By-Law clearly articulates and establishes development requirements, provisions and standards to be met before approval(s) can be issued.

1.2 Background

For the Town of Huntsville, the CPP By-law will replace the existing Zoning By-law and will enable the municipality to provide greater direction regarding aspects of development that are typically outside of zoning, such as site alteration, grading, tree removal, natural feature protection, and shoreline controls.

In 2019, the Town of Huntsville Official Plan was adopted and approved by the District Municipality of Muskoka. The Official Plan contains enabling policies for the creation of a Town-wide CPP By-law. The By-law will implement the policies of the Town's Official Plan and the Official Plan's vision:

"Huntsville is a vibrant, caring and welcoming community. We are stewards of our natural environment, arts, culture and heritage. We value a strong and resilient economy. Growth will continue and will be sustainable and balanced with the public interest and the impact to our quality of life."

In line with the Town's Official Plan, the goals of the CPP By-law include:

- Implement the vision, principles and policies of the Official Plan;
- Protect the Town's natural areas;
- Enhance connectivity to open space areas;
- Promote and enhance the Town's settlement areas for commerce, employment, and residential growth;
- Promote the tourism industry with an emphasis on active lifestyle tourism initiatives and development; and
- Protect rural lands for agricultural purposes, resource extraction and production.

The objectives of the CPP By-law include:

- Streamlining the development approvals process;
- Allowing for considerable flexibility in the application of development standards and land use permissions, providing more certainty to the public and stakeholder on the future of land;
- Establishing a comprehensive planning framework that facilitates and shapes appropriate, ecologically sound and safe development; and
- Regulating vegetation removal and site alteration as part of the development approval process to appropriately consider environmental protection and tree preservation where appropriate.

1.3 Overview of the Community Planning Permit System

In 2007, the Planning Act was updated to enable the implementation of a development approvals framework known as the Development Permit System (DPS), now referred to as the Community Planning Permit System (CPPS). The tool was first implemented through O.Reg. 608/06 to offer municipalities the option of regulating and managing development in a more streamlined, flexible manner. In 2017, the regulatory framework that provided for implementation of the DPS was modified and the tool was re-introduced under O.Reg. 173/16.

The CPPS is a land use planning tool, available to municipalities to use when planning for the future of their communities. The Planning Act permits municipalities to pass a CPP By-law in all or parts of their jurisdictions to administer development approvals to achieve the policies of their Official Plan. Depending on the development rules, standards and criteria set out in the CPP By-law, a Community Planning Permit may either be approved by Town Staff or Council. **Figure 1** below illustrates the differences between the traditional planning process and the CPP By-law process. **Table 1** below provides an overview of the CPP By-law.

Community Planning Permits are intended to:

- Ensure that buildings and structures are appropriately situated;
- Ensure compatible development;
- Ensure environmental conservation and promote the restoration of natural areas and associated buffers;
- Provide for functional and safe access to properties, buildings and structures;

- Control site grading and vegetation removal to ensure appropriate development; and
- Contribute to the creation of resilient communities.

This By-law establishes when a Community Planning Permit is required, and when development is exempt from obtaining a permit. If a permit is required, this By-law also implements 3 classes of permits, where approval may be delegated to staff or Council:

- a Class 1 application meets all development standards within this By-law;
- a Class 2 application involves minor variations to the standards of the By-law; and
- a Class 3 application involves major variations from the standards and provisions outlined in this By-law.

Depending on the complexity of an application, a Community Planning Permit may be approved outright or may be approved provisionally. If approved outright, a permit will be issued and development can proceed by way of building permit (if required). If approved provisionally, and the application is granted an approval in principle, Town staff or Council could specify conditions to be satisfied prior to final permit issuance. For example, this By-law includes conditions, such as the completion of studies, that may be imposed by Town staff or Council based on the complexity of an application.

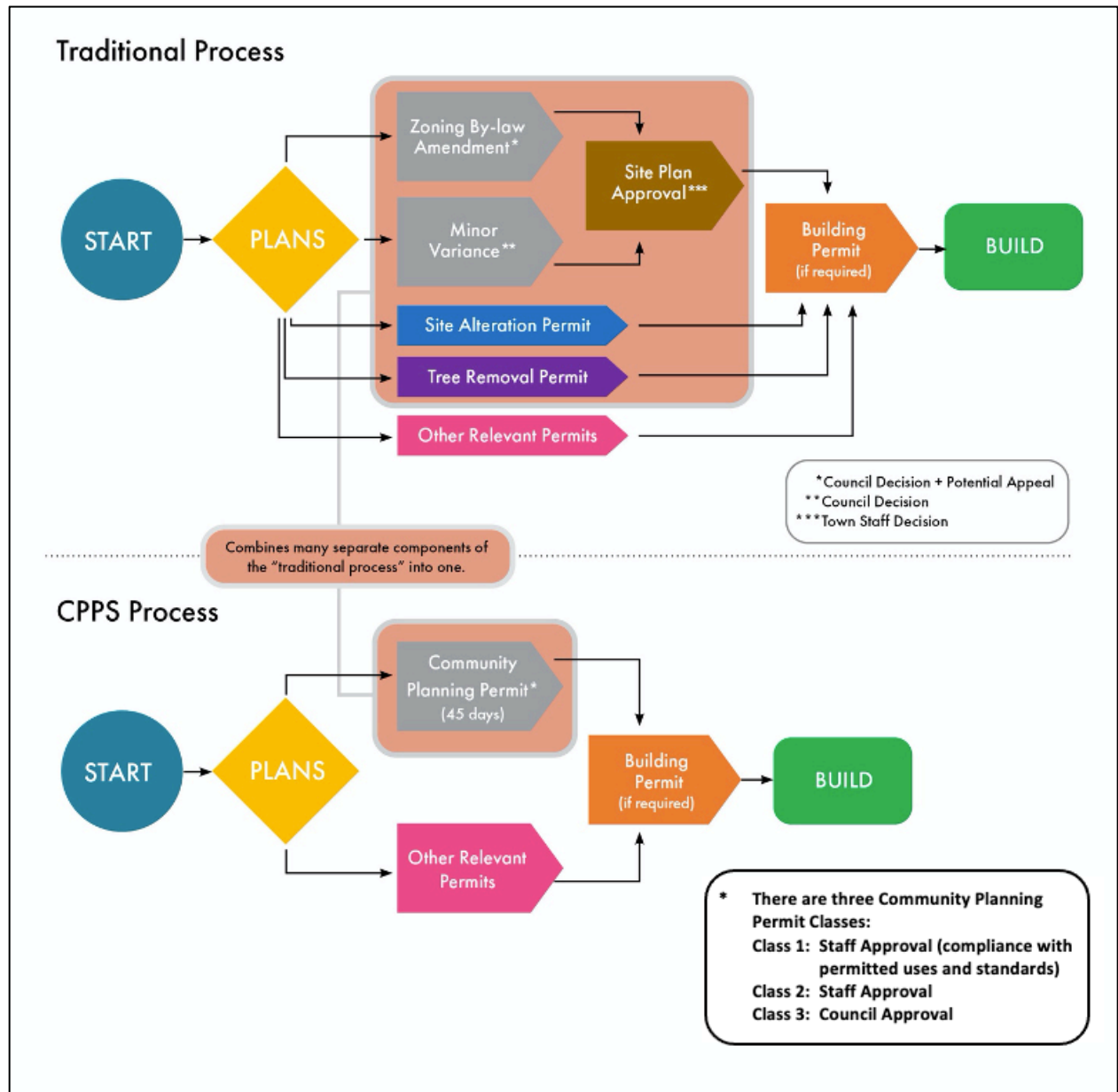
Figure 1: Difference between Traditional Planning Process and CPP By-law Process

Table 1: Overview of the CPP By-law

Land Use	Regulates the use of the land and establishes permitted uses and development standards on a site-by-site basis for the entire Town.
Permitted Uses and Variations	Establishes permitted uses, discretionary uses and variations that will be considered.
Approvals	CPP By-law includes 3 classes of approvals, Classes 1 and 2 are delegated to staff, and Class 3 is delegated to Council.
Urban Design	Ability to define Precinct areas and specific urban design requirements in the By-law itself to improve transparency and achievement of established objectives.
Development Approvals Process	Combines Minor Variances, Zoning Amendments and Site Plan Agreements into a single development application and can cover off the need for a site alternation permit and tree removal permit.
Public Consultation	Does not require mandatory public meetings as part of a development application under a CPP By-law.
Appeal Rights	Only the applicant has the right to appeal a decision on a CPP application to Ontario Lands Tribunal (OLT). The applicant can also appeal if no decision has been made within 45 days.
Approval Timeline	Approval timeline of 45 days

1.4 How to Read this By-law

This By-law should be read and interpreted in conjunction with the Town of Huntsville Official Plan. The By-law contains provisions that apply on a Town-wide basis to all or many properties, as well as provisions that apply only to properties within specific Precincts.

- Section 2 contains provisions related to the Administration of the By-law. Importantly, this Section provides important direction for the administration and implementation of the By-law, addressing regulations related to the various Community Planning Permit classes, the process for variations to regulations, and exemptions to Community Planning Permit applications, among other matters.
- Section 3 contains definitions for all defined terms in the By-law.
- Section 4 contains general provisions applicable to all Precincts within Huntsville, addressing matters such as setbacks from watercourses, regulations for specific uses

permitted within many Precincts, and regulations related to site alteration, among many other matters.

- Section 5 contains parking and loading requirements applying to all uses within all Precincts in Huntsville, such as minimum number of parking and loading spaces, as well as minimum dimensions of parking and loading spaces.
- Section 6 contains detailed provisions for each Precinct including primary and accessory use permissions, discretionary uses, and lot requirements.
- The Schedules forming part of this By-law indicate the Precincts within which each property in Huntsville is located.

Step 1: Readers of this By-law should first locate within which Precinct their property is located. To do this, readers should refer to Schedules A1-I7. Schedules A1-I7 may also identify that a property is subject to the Natural Constraints Overlay or Flood Zone Overlay.

Step 2: Following this, readers should refer to the relevant Precinct Provisions found in Section 6 of this By-law to understand the permitted uses within the Precinct, and all applicable regulations for the applicable Precinct. If a property is also located within the Natural Constraints Overlay or Flood Zone Overlay, the relevant regulations are also found in Section 6 of this By-law.

Step 3: Readers should then refer to Sections 3, 4 and 5 of this By-law to understand whether any general provisions, as well as parking and loading provisions apply, and refer to any applicable definitions of defined terms.

Step 4: If a variation or amendment to the By-law is required to implement a desired use of a property, readers should refer to Section 2 of the By-law for instructions on how this is accomplished.

2.0 Administration

2.1 Title and Scope

- 2.1.1 This By-law shall be referred to as “The Town of Huntsville Community Planning Permit By-law” or “By-law No. -XX” and applies to all lands identified on the Schedules attached to this By-law.

2.2 Interpretation and Applicability

- 2.2.1 Except as noted in Section 2.11 (Community Planning Permit Exemptions), all development within the area identified on the Schedules to which this By-law applies shall require a Community Planning Permit.
- 2.2.2 Community Planning Permit Precincts are identified on the Schedules of this By-law. Precincts are specified areas that apply to all lands within the Town of Huntsville to describe permitted and discretionary uses within the area to which they apply and describe the applicable developments standards. Boundaries shown on the Schedules are generally intended to follow lot lines, street centre lines and other similar elements and features. For ill-defined boundaries, such as those associated with natural features or natural hazards, the Director of Development Services shall be responsible for interpreting boundaries.
- 2.2.3 Where a situation arises where two or more provisions are equally applicable, all provisions must be complied with or, where it is not possible to comply with all the provisions applicable, the most restrictive provisions must be complied with.
- 2.2.4 Unless otherwise defined, the words and phrases used in this By-law have their normal and ordinary meaning.
- 2.2.5 Tables are part of the By-law and are used throughout to present regulations in a concise format.
- 2.2.6 For the purposes of this By-law,
- a) words used in the present include the future;
 - b) words in the singular number include the plural number and words in the plural include the singular number;
 - c) the word “shall” is mandatory; and

- d) the words “used” and “occupied” shall include the words “arranged” and “designed to be used or occupied” respectively.

2.2.7 All measurements in this By-law appear in metric.

2.2.8 This By-law should be read and interpreted in conjunction with the Town of Huntsville Official Plan.

2.2.9 For the purposes of this By-law, in accordance with Section 1 of Ontario Regulation 173/16, development means:

- a) the construction, erection or placing of one or more buildings or structures on land;
- 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
 - a commercial parking lot,
 - sites for the location of three or more mobile homes as defined in subsection 46 (1) of the Planning Act,
 - 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
 - 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,
 - alteration of the grade of land, and
 - placing or dumping fill;
- e) the removal of vegetation.

2.3 Conformity and Compliance

- 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** No building permit or occupancy permit shall be issued where the proposed building, structure or use would be in violation of any of the provisions of this By-law, and a Community Planning Permit has not been issued unless the proposed construction is exempt from the requirements of a Community Planning Permit, in accordance with Section 2.11 of this By-law.
- 2.3.3** Where a use, building or structure has been approved by a minor variance prior to the passing of this By-law, the use, building or structure and all other site specific requirements imposed by the minor variance continue to be permitted and imposed by this By-law for a period of 5 years. Where there is a conflict between the provisions of this By-law and the site-specific variances so passed or granted, the specific variances passed or granted shall prevail.
- 2.3.4** Any use established in violation of a predecessor of this By-law is deemed to have been established unlawfully.
- 2.3.5** No lot shall be changed in area or frontage by the conveyance of land so that:
- a) the lot coverage exceeds the maximum permitted by this By-law; and
 - b) the lot area and frontage of the lot from which the land is to be taken will be less than the minimum permitted and the minimum yard requirements are not less than the respective Precinct.
- 2.3.6** No person shall be deemed to have contravened any provision of this By-law if a lot addition is made to any existing lot of record, even if the addition is not sufficient to make the existing lot comply with the area, frontage or other requirements of this By-law.

2.4 Commencement of By-law

- 2.4.1** 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 the OLT or such later date as Tribunal may otherwise order.

2.5 Appeals to Former Zoning By-law

- 2.5.1 Where one or more appeals are filed under subsection 70.2 of the Planning Act, the affected portions of this By-law do not come into force until all such appeals have been withdrawn or finally disposed of, whereupon the By-law, except for those parts of it that are replaced by or at the direction of the OLT, is deemed to have come into force on the day that it was passed.

2.6 Repeal of Former By-Laws

- 2.6.1 On the day that this By-Law comes into force and effect, both the Town of Huntsville Comprehensive Zoning By-Law 2008-66P, as amended, and Site Plan Control By-law 2018-152, as amended, are hereby repealed.

2.7 Validity

- 2.7.1 Should any section or provision of this By-law for any reason be declared invalid by a court of competent jurisdiction, such declaration does not affect the validity of the By-law as a whole and all the remaining sections or provisions of this By-law remain in full force and effect until repealed.

2.8 Other Applicable Laws

- 2.8.1 This By-law shall not be effective to reduce, increase or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.
- 2.8.2 Nothing in this By-law shall relieve any person from the obligation to comply with the requirements of the Ontario Building Code Act, any other By-laws of the Town of Huntsville and the District of Muskoka, and provincial and federal legislation.

2.9 Community Planning Permit Precincts

- 2.9.1 The entire Town of Huntsville is designated as a Community Planning Permit Area, as identified on the Schedule AA attached to this By-law, which is comprised of the following Precincts:

Table 2: Community Planning Permit Area Precincts

Location in By-law	Precinct Name
Section X	Urban Residential Shoreline

Section X	Urban Residential Low
Section X	Urban Residential Medium
Section X	Community Residential
Section X	Waterfront Residential – 60 m
Section X	Waterfront Residential – 120 m
Section X	Waterfront Backlot
Section X	Waterfront Commercial
Section X	Regional Commercial
Section X	Central Business District
Section X	Urban Mixed Use
Section X	Community Mixed Use
Section X	Urban Business Employment
Section X	Community Business Employment
Section X	Institutional
Section X	Open Space
Section X	Rural Residential
Section X	Rural
Section X	Rural Extractive
Section X	Recreational Resort – Residential
Section X	Resort Commercial
Section X	Conservation (Overlay)
Section X	Flood Zone (Overlay)
Section X	Floodway Zone (Overlay)

Section X	Floodfringe Zone (Overlay)
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2.10 Community Planning Permit Classes

2.10.1 This By-law establishes three classes of Community Planning Permits. Approval of Community Planning Permit applications are subject to the following regulations for each Community Planning Permit Class:

Class 1 Community Planning Permit	<p>Description: Application meets all applicable development standards. No variations required.</p> <p>Approval: Community Planning Permit is approved by Staff.</p>
Class 2 Community Planning Permit	<p>Description: Application generally meets the requirements, standards, and provisions of this By-law, but requires minor relief from one or more applicable By-law requirements.</p> <p>Approval: Community Planning Permit is approved by Staff.</p>
Class 3 Community Planning Permit	<p>Description: Application requires more substantial or complete relief from one or more applicable By-law requirements.</p> <p>Approval: Community Planning Permit is approved by Council.</p>

2.10.2 For Class 2 Community Planning Permits, Staff may vary the standards, provisions and requirements of the Community Planning Permit By-law pursuant to the variation limits established in this By-law, and subject to the criteria set out in Section 2.16 and provided that the proposal conforms with the Official Plan of the Town of Huntsville and the Provincial Policy Statement and any other legislation as applicable.

- 2.10.3** For Class 3 Community Planning Permits, Council may vary the standards, provisions and requirements of the Community Planning Permit By-law up to 100% of the stated standards subject to the criteria set out in Section 2.16 and provided that the proposal conforms with the Official Plan of the Town of Huntsville and the Provincial Policy Statement 2020 and any other legislation as applicable.
- 2.10.4** Despite 2.10.1, if in the opinion of the Town, the Community Planning Permit By-law criteria for Staff and Council variations set out in Section 2.16 of this By-law are not met and the application is not in conformity with the Official Plan, the application may be denied.
- 2.10.5** A Class Two variation may be bumped up to a Class Three variation at the discretion of the Director of Development Services and/or Council.

2.11 Community Planning Permit Exemptions

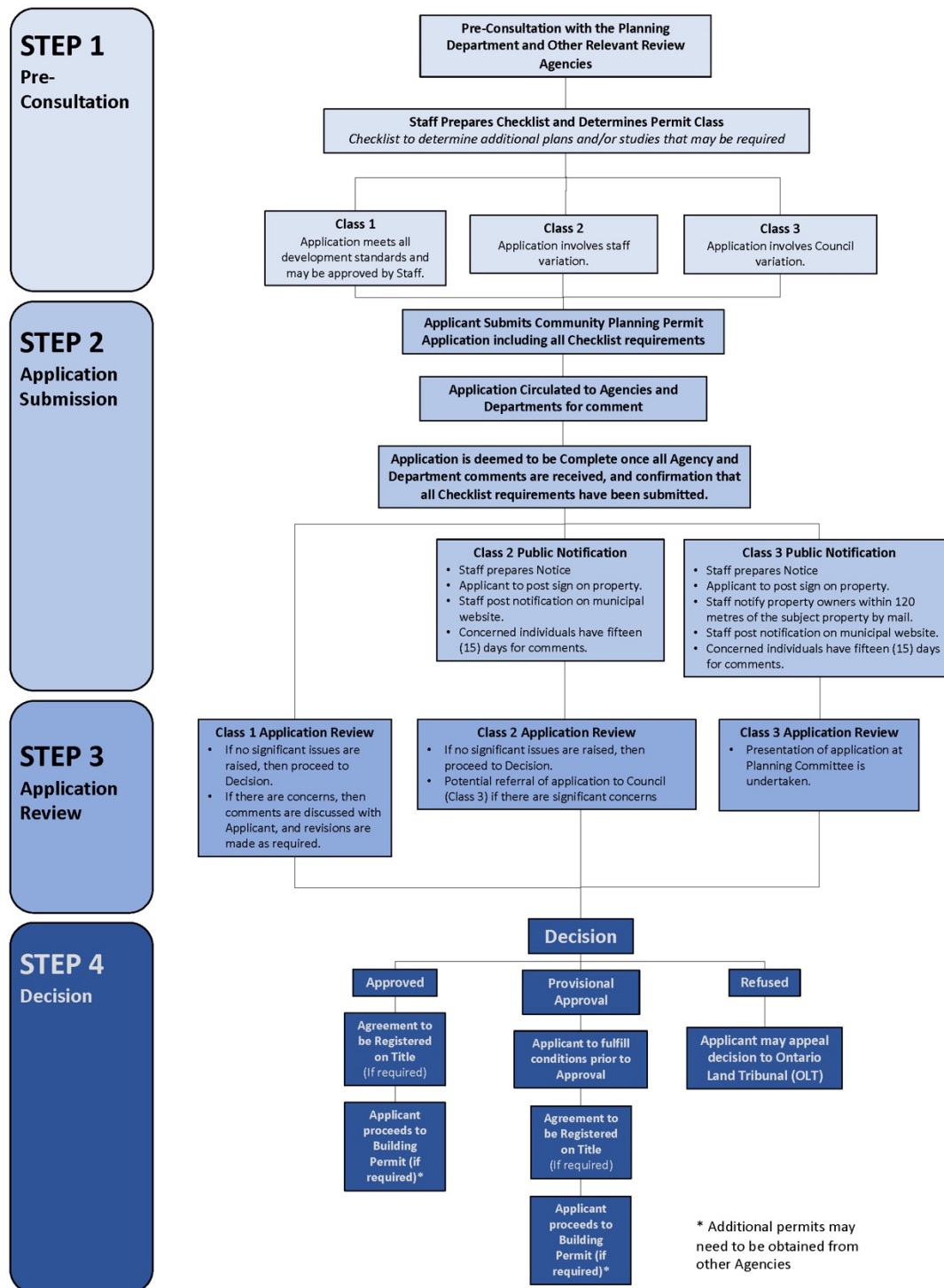
- 2.11.1** The following classes of development shall not require a Community Planning Permit:
- a) Development that has been constructed and for which a site plan agreement has been entered into pursuant to the Town's former Site Plan Control By-law 2018-152, as amended;
 - b) Interior renovations provided there is no change in use;
 - c) 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 the footprint of the structure; its location; or its gross floor area;
 - d) Repairs and replacement of existing buildings and foundations provided that the works do not involve the placement of fill, alteration of existing grades, or changes to the footprint or height of the structure;
 - 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 less than 7 cubic metres;
 - g) Site alteration or vegetation removal for an approved septic system;
 - h) Development approved through an issued building permit;
 - i) Site alteration or vegetation removal within the Rural Precinct outside of a natural heritage feature or area, vegetated buffers, linkage, or other natural heritage system components identified within this By-law and Official Plan or as determined through a Technical Study to the satisfaction of the Director of Development Services;

- j) Vegetation removal for personal use for heating and cooking purposes, for removal of dead trees that pose a hazard to health or safety, or for good forestry practices outside a 10-metre wide vegetative buffer or visual screening areas along roads in the Rural Precinct;
- k) Vegetation removal associated with forestry operations as permitted in accordance with this by-law;
- l) Seasonal water structures subject to the standards and provisions in Section 4.3;
- m) Agricultural uses and new agricultural buildings in the Rural Precinct, where minimum separation distance (MDS) is met in accordance with Provincial requirements;
- n) A new single detached dwelling or an addition to a single detached dwelling that meets all requirements of the By-law and is located outside the Waterfront Precincts; and
- o) Projects initiated by a public authority.

2.12

Community Planning Permit Review Process

Figure 2: Community Planning Permit Review Process



2.12.1 Pre-Consultation

- 2.12.1.1** Prior to the submission of a Community Planning Permit Application, applicants are required to pre-consult with Town staff.
- 2.12.1.2** Failure to consult with Town Staff prior to submitting an application may result in delays and incomplete applications.
- 2.12.1.3** The extent of issues to be addressed within individual technical reports, impact assessment, or site evaluation studies are established in the Official Plan or in a terms of reference agreed to by the Town. Where a technical report is required, staff will identify the particular matters to be assessed at the time of the pre-consultation meeting.

2.12.2 Study Requirements

- 2.12.2.1** The following materials and technical reports may be required to be submitted at the time of application to the satisfaction of the Town:
- a) a planning rationale report which evaluates the proposal against the relevant goals, objectives, policies and general purpose and intent of the Town of Huntsville Official Plan, the District of Muskoka Official Plan and the Provincial Policy Statement;
 - b) a technical report;
 - c) an ecological site assessment;
 - d) a site assessment by a specialist in or within 1.5 km of areas mapped as Stratum 2 winter deer habitat;
 - e) a fish habitat assessment;
 - f) a wildland fire risk assessment;
 - g) a traffic impact study;
 - h) a shadow study;
 - i) a wind study;
 - j) a cultural heritage resource study;
 - k) an archaeological assessment;
 - l) a D4 (waste disposal) study;
 - m) a municipal water and wastewater servicing study;
 - n) a master drainage plan;

- o) a functional servicing study;
- p) a stormwater management study;
- q) a natural hazard study;
- r) a hydrology study;
- s) surface water quality analysis;
- t) a settlement capability study;
- u) an agricultural impact study including a Minimum Distance Separation (MDS) analysis;
- v) environmental site assessment and record of site condition as applicable;
- w) a noise and vibration study;
- x) a dust and/or odour study;
- y) a retail impact study;
- z) a geotechnical study including slope stability;
- aa) an urban design study;
- bb) an extractive industrial site development plan and rehabilitation plan;
- cc) a community facility analysis;
- dd) a community needs analysis;
- ee) a salt management plan;
- ff) an active transportation study;
- gg) a tree inventory and preservation plan including identification of trees on the site 5 years prior to the application;
- hh) a visual impact study;
- ii) a water conservation plan; and
a boating impact study.

2.12.4 Complete Application

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

2.12.5 Decision and Approval

- 2.12.5.1** Upon review of a complete Application the Town of Huntsville may:
- Approve the Application and issue a permit with no conditions;
 - Approve the Application subject to conditions being met before the issuance of a permit (i.e. a Provisional Approval);
 - Approve the Application and issue a permit with conditions attached;
 - Approve the Application subject to conditions being met before the issuance of a permit and with conditions attached; or
 - Refuse the Application and no permit is issued

2.12.6 Conditions

- 2.12.6.1** Where a Community Planning Permit is required in accordance with the provisions of this by-law, the Town of Huntsville may impose conditions and/or grant Provisional Approval prior to final approval. Conditions of Approval or Provisional Approval may include, but are not limited to, the following matters:
- a) the proposed development shall be required to be undertaken in accordance with a Community Planning Permit, including plans and drawings, and provisions for the maintenance or restoration of shoreline vegetation;
 - b) road widenings required to the extent established in the Town and Muskoka Official Plans;
 - c) in the case of commercial or industrial development, facilities may be required to provide access to and from the lot, such as access ramps, curbs, turning lanes and traffic direction signs;
 - d) lighting facilities in accordance with the Outdoor Lighting By-law (2011), 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 green infrastructure and pervious permeable surfaces;
- f) in the case of commercial or industrial facilities, garbage storage facilities with appropriate screening;
- g) easements in favour of the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works and other public utilities;
- h) facilities for the disposal of storm, surface and wastewater from the land and from any buildings or structures thereon such as low impact development principles and green infrastructure;
- i) the dedication of parkland or the payment of cash-in-lieu, equal to 2% of the land for commercial development and 5% of the land for all other development;
- j) maintenance of any of the works described in subsections (a) to (g) above;
- k) in the case of a lot where development constraints, as set forth in the Official Plan and further defined in this By-law, exist, a site evaluation;
- l) in the case of development 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;
- m) in the case of development within 400 metres of the design limit of a sewage lagoon facility, a technical report recommending mitigation measures;
- n) in the case of development within 300 metres of an active pit or 500 metres of an active quarry, an impact assessment to determine the compatibility of the proposed land use and to recommend mitigation measures;
- o) in the case of a lot which has suspected soil contamination constraints or hazardous sites, an environmental site assessment;
- p) a noise and/or vibration report where development is likely to have an impact on adjacent uses, or where a sensitive land use is proposed in the vicinity of a noise generator such as a railway, highway, commercial or industrial use;
- q) a technical report where a development:
 - i. is located within 120 metres of a provincially significant wetland, or within 30 metres of any other wetland,

- ii. proposes a reduced setback from that required in this By-law;
 - iii. is located within a deer wintering area, and
 - iv. is located within a natural heritage feature or area;
- r) in the case of a lot containing or abutting Type 1 Fish Habitat or unknown Fish Habitat, a Fish Habitat Impact Assessment if development is proposed within the shoreline yard, or if a variation to the shoreline yard is requested;
- s) where shoreline vegetation has been removed, a re-vegetation plan by a qualified professional for reestablishment of a buffer;
- t) in the case of buildings, structures 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:
 - i. navigation,
 - ii. fish and wildlife habitat,
 - 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;
- u) in the case of a golf course, a hydrogeological assessment, a surface water impact assessment, a pesticide and chemical management plan and an operation and management plan;
- v) a visual impact analysis;
- w) a lighting impact analysis;
- x) a land use compatibility analysis;
- y) a site alteration plan to demonstrate alteration or restoration of the grade of land and the placing or dumping of fill;
- z) a plan for the identification, protection, maintenance and enhancement of existing trees and other vegetation, including the restoration or replacement of vegetation where removed;

- aa) actions and recommendations as set out in any approved study submitted to support the application;
- bb) an agreement with the Town and / or any regulating bodies, to be registered on title, to confirm that development will proceed in accordance with the Community Planning Permit, including the provision of financial securities.
- cc) SWM and construction mitigation plans where construction abuts any watercourse;
- dd) a plan showing that residential uses shall be setback a minimum of 200 metres from a sanitary sewage disposal site;
- ee) a plan showing that non-residential uses shall be setback a minimum of 150 metres from a sanitary sewage disposal site;
- ff) a plan showing that all uses will be setback a minimum of 400 metres from a waste stabilization pond (i.e. sewage lagoon);
- gg) a preliminary technical report or comprehensive technical report where new development is proposed within 500 metres of an active or inactive waste disposal site or waste management system;
- hh) development 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 negative impacts of any proposed development;
- ii) a Record of Site Condition; and
- jj) 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.

2.12.7 Request for Review by Council

- 2.12.7.1** A Class 2 Development Permit may be referred to Council by the Director of Development Services or designate, or the applicant, where the Director or the applicant is of the opinion that the application would benefit from a Council review.

2.12.8 Notice of Decision

- 2.12.8.1** Within 20 days after Council, or delegated staff, make a decision with respect to a Community Planning Permit, written notice of the decision, including reasons and any imposed conditions, shall be given in accordance with Ontario Regulation 608/06.
- 2.12.8.2** Where a Community Planning Permit is not issued, a notice of refusal to issue a Community Planning Permit shall be given in accordance with Ontario Regulation 608/06.

2.12.10 Right to Appeal

- 2.12.10.1** The Owner can appeal in writing to the OLT as set out in the Planning Act.

2.13 Amendments to Provisional Approvals or Community Planning Permits

- 2.13.1** Proposed amendments to a Provincial Approval of a Community Planning Permit will be reviewed in accordance with the relevant sections of this By-law.

2.14 Provisional Approvals

- 2.14.1** Provisional approval is defined as approval in principle, subject to certain conditions of approval being met, within 1-year of provisional approval being granted.
- 2.14.2** A Community Planning Permit will be issued once all conditions of a Provisional Approval are met to the satisfaction of the Town of Huntsville.
- 2.14.3** Provision Approval may be granted at the discretion of staff or Council if they are satisfied that an application may proceed subject to the fulfillment of any condition that staff or Council deem appropriate.
- 2.14.4** Provisional Approval does not guarantee the ultimate issuance of a Community Planning Permit. If one or more conditions of Provisional Approval have not been cleared to the satisfaction of staff or Council, a Community Planning Permit shall not be issued.
- 2.14.5** An extension of a Provisional Approval of a Community Planning Permit may be given upon submission of formal request to the Director of Development Services. 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.
- 2.14.6** Requests for extensions to meet any condition of a Community Planning Permit may be extended by Town 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.

2.15 Issuance of Provisional Approvals and Community Planning Permits

- 2.15.1** Council hereby delegates to staff, the authority to issue Provisional Approvals and Community Planning Permits as set out in this By-law, in accordance with the following chart. Council can withdraw or amend this delegation at any time.

Table 3: Community Planning Permit and Public Notice Requirements

Class	Community Planning Permit Requirements	Approval Authority	Public Notice Requirements	Issuance of Provisional Approval or Community Planning Permit
Exempt	No Community Planning Permit required, as detailed in Section 2.11 (Community Planning Permit Exemptions).	Town Staff	None required	None Required
Class 1	Community Planning Permit required where the proposal conforms to permitted uses and standards, but is not specifically exempt from the requirement to obtain a Community Planning Permit, as detailed in Section 2.11 (Community Planning Permit Exemptions)	Town Staff	None required	Town Staff
	Community Planning Permit required for a change in grade, placing of fill, site alteration, or removal of vegetation			
	Community Planning Permit required for			

	permission for a home industry or bed and breakfast establishment			
	Extension of a provisional approval or extension of a Community Planning Permit.			
Class 2	Community Planning Permit required where the proposed use is permitted, but which requires a Class Two – Staff Variation to one or more standards.	Town Staff	<p>Notice shall also be provided by on-site signage and shall include an explanation of the application, contact name and phone number to obtain more information or to submit comments or concerns, and the deadline for the submission of comments.</p> <p>Staff to post notification on municipal website for public access. The notice will allow for a minimum of 14 days for the public to provide written submissions.</p>	Town Staff
	Community Planning Permit required where vegetation removal is proposed within a Waterfront Precinct, or on any property within 30 metres of the shoreline of lake, waterbody or watercourse.			

	Community Planning Permit required where variation to any General Provision within Section 4 of this By-law is proposed (unless otherwise specified).			
	Community Planning Permit required to recognize, expand, or add to a legal non-complying building or structure.			
	Amendment to a provisional approval or an amendment to a Community Planning Permit.			
Class 3	Community Planning Permit required where the proposed use is permitted, but which requires a Class Three - Council Variation to one or more standards	Council	Mail to residents within 120 metres of the subject property. Staff to post notification on municipal website for public access. Notice shall also be provided by on-site signage	Town Staff
	Community Planning Permit required for a temporary use.			

	Community Planning Permit required where the proposed use is not permitted.		and shall include an explanation of the application, contact name and phone number to obtain more information or to submit comments or concerns, and the deadline for the submission of comments. The notice will allow for a minimum of 20 days for the public to provide written submissions.	
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2.16 Criteria for Considering Variations

2.16.1 Where a Class Two or Three variation is required, in addition to the other requirements of this By-law, the following provisions will be addressed to the satisfaction of the Town, prior to issuance of a Community Planning Permit:

- a) the proposal is appropriate for the lands;
- b) the proposal takes into account the unique characteristics of the property;
- c) potential off-site impacts are identified and mitigated;
- d) the proposed development is compatible with the surrounding land uses and community, waterfront, or rural character;
- e) the proposal is consistent with any applicable urban design guidelines;
- f) the proposal conforms to the District and Town Official Plans; and
- g) the proposal is consistent with the Provincial Policy Statement.

2.16.2 In addition to the other requirements of this By-law, the policies of the Official Plan and the criteria established in this By-law shall be considered when evaluating a request for a variation from a standard in this By-law.

2.16.3 All development proposals will be evaluated with respect to adverse impacts. The applicant will be required to demonstrate that a development proposal creates no adverse impact, or

demonstrates measures to avoid or mitigate the adverse impact, prior to the approval and issuance of any Community Planning Permit.

2.16.4 Where a Class Three – Council Variation is required to create a lot on a lake of high sensitivity, a Phase 1 or 2 Water Quality Impact Assessment will be required. ***SUBJECT TO CHANGE BASED ON NEW DISTRICT OP POLICIES***

2.16.5 The Phase 1 assessment will determine if the required conditions exist on site so that development can occur in a manner that will ensure the protection of water quality and shall include analysis of the site and surrounding area, soil characteristics, and vegetation cover. Phase 1 must be completed to the satisfaction of the Town of Huntsville before proceeding to Phase 2. ***SUBJECT TO CHANGE BASED ON NEW DISTRICT OP POLICIES***

2.16.6 Phase 2 will, at a minimum, demonstrate 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 where these requirements are implemented in the Community Planning Permit. In addition, the use of a septic system with soils that have a demonstrated ability to effectively eliminate phosphorus will be required. ***SUBJECT TO CHANGE BASED ON NEW DISTRICT OP POLICIES***

2.17 Site Inspection

2.17.1 Town or District Staff may enter upon land for the purpose of determining whether there is compliance with this By-law. Any such entry shall comply with the Planning Act and any other applicable legislation.

2.18 Unlawful Uses

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

2.19 Penalties

2.19.1 Penalties for contravention of any provisions of this By-law are as provided in Section 67 of the Planning Act, RSO 1990, as amended.

2.20 Expropriation

- 2.20.1** For the purposes of determining compliance with the provisions of this By-law, where a part of a lot is expropriated or otherwise acquired by a public authority, the lot or the building or the use, as the case may be, will not be found to be in conflict with the provisions of this By-law by reason only of that expropriation or acquisition.

2.21 Amendments to By-law

- 2.21.1** 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 Town or by a private landowner. Any amendment to this By-law must be supported by a comprehensive planning rationale report that evaluates the application in the context of the goals, objectives and intent of this By-law and conformity with the Town of Huntsville Official Plan.

2.22 Agreements

- 2.22.1** Where a Community Planning Permit is required based on the standards and provisions outlined in this By-law, an agreement may be required, in order to address conditions of approval, including but not limited to:
- The responsibility of each party to execute and complete all works envisioned in the Community Planning Permit Approval,
 - 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,
 - The timing of construction, including commencement and completion,
 - Any financial guarantees and /or fees required by the Town to ensure the completion of the works described in the Community Planning Permit.

2.23 Pre-Existing Agreements

- 2.23.1** Pre-existing agreements (for example, Site Plan, Section 51(26) and Section 49 Agreements) continue to be valid and binding and may be amended under this By-law if subject to an Application.
- 2.23.2** Any pre-existing agreement that is amended after the date of passing of this By-law shall be considered valid and binding provided the works contemplated by the agreement commence on the property within 2 years of the amended agreement. Where the proposed works have

not commenced within 2 years of signing the amended agreement, the amended provisions may be considered null and void, at the discretion of the Town.

2.24 Agreements

- 2.24.1** Council delegates the authority to Staff to prepare, and to amend, any Community Planning Permit Agreement required by the Community Planning Permit By-law.

3.0 Definitions

ABATTOIR means a slaughter house designed for the purpose of killing animals, skinning, dressing and cutting up of carcass, wrapping for sale for human consumption with cooler and freezer storage and includes indoor confinement of animals while awaiting slaughter but shall not include any cooking or process related to processing plants such as smoking, curing or the manufacturing of meat by-products or any process related to rendering plants such as the manufacture of tallow, grease, glue, fertilizer or any other inedible product.

ACCESSORY BUILDING OR STRUCTURE means a detached or attached building or structure that is not used for human habitation (except for a private cabin), but the use of which is naturally and normally incidental to, subordinate to and exclusively devoted to a principal use of the building and is located on the same lot therewith.

ACCESS RAMP means an approach and/or entrance to a building providing access for persons with physical or sensory disabilities.

ACCESSORY USE means a use that is subordinate, incidental and exclusively devoted to the principal use and is located on the same lot.

ADULT ENTERTAINMENT PARLOUR shall mean any land, structure or premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

AERODROME means any area of land, water (including frozen surface thereof) or other supporting surface used, designed, prepared, equipped or set apart for use either in whole or in part for the arrival, departure, movement or servicing of aircraft and includes any buildings, installations and equipment situated there on or associated therewith. (Aeronautics Act)

ALTER means,

- a) with respect to a building or structure any alteration in a bearing wall, or partition column, beam, girder, or other supporting member of a building or structure, or any change in the area or cubic contents of a building or structure.
- b) with respect to a lot, to change frontage, depth, or area of the lot or to change frontage, depth, or area of any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a public highway or

laneway, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise.

AREAS OF NATURAL AND SCIENTIFIC INTEREST 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.

ARTISAN'S STUDIO means the use of land, buildings or structure 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.

ATTIC means the space between the roof and the ceiling of any storey below the roof or between a dwarf wall and a sloping roof.

BAR means a licensed drinking establishment, the principal business of which is to serve any sort of alcoholic beverage to the public for consumption on the premises.

BARN means a structure designed or utilized to accommodate livestock, feed and/or associated farm equipment but shall not include the storage or parking of any other motor vehicles.

BARRIER means anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, technological barrier, or a policy or a practice.

BASEMENT means that portion of a building which has less than 50% of its height, from floor to the underside of floor joists above, above the average finished grade level adjacent to the exterior walls of the building. For the purposes of this By-law, a "cellar" shall be considered to be a basement.

BED AND BREAKFAST ESTABLISHMENT means a detached dwelling which is owner occupied and in which not more than two bedrooms are used or maintained for the accommodation of the travelling or vacationing public, in which the owner supplies lodging with or without meals.

BOARDING HOUSE means a detached dwelling in which the owner or operator supplies lodging in at least 3, but not more than 10 bedrooms on at least a monthly basis 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 HOUSE means a detached accessory building used for the berthing, sheltering or storing of boats and related equipment, built, founded or anchored near or at the shoreline of a navigable waterway or on land, but does not include living quarters for human habitation.

BOAT PORT means a detached accessory building used for the berthing, sheltering or storing of boats and related equipment that is roofed, but not enclosed by more than one wall and is built, founded or anchored near or at the shoreline of a navigable waterway or on land.

BUFFER means an area of land located between natural heritage features and areas or watercourses and lands that are subject to development or site alteration that are intended to protect the features and their ecological functions by mitigating impacts of the proposed development or site alteration.

BUILDING means a structure occupying a ground floor area greater than 10 square metres consisting of any combination of walls, roof and floor or a structural system serving the function thereof, including all associated works, fixtures and service systems used for shelter, accommodation, or enclosure of persons, animals, goods or equipment.

BUILDING, ANGULAR PLANE means an imaginary flat surface projecting over a Lot, at an inclined angled measured up from the horizontal.

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.

CABIN, PRIVATE means a detached accessory building or structure, located on the same lot as the principal dwelling, for sleeping accommodation only or for the occasional accommodation of guests, from which there shall be no monetary gain and in which sanitary facilities may be provided, but shall not contain cooking facilities.

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 the use of land, buildings and structures for the purpose of cultivating, growing, processing, packaging, testing, destroying, sorting or shipping federally licensed cannabis. A Cannabis Production Facility consists of some or all of the following components: greenhouses, warehouses, laboratories, processing facilities, administrative offices, and shipping facilities, but does not include onsite retail sales of federally licensed marijuana. A Cannabis Production Facility is licensed or authorized by Health Canada and/or other government agency responsible for regulation of the proposed activities.

CARPORT means an attached or detached accessory building, at least fifty per cent (50%) of the area of the perimeter faces of which is open and unobstructed by any wall, door, post or pier, which is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy, and excludes any other open shelter and tent used for the purpose of a private garage.

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.

CENTRAL BUSINESS DISTRICT means that area as defined by the Town of Huntsville Official Plan.

COMMERCIAL RECREATIONAL ESTABLISHMENT means the use of a building, or part thereof, for the provision of athletic and amusement facilities involving the active participation of the user-public in a sports-related activity and includes without limiting the generality of the foregoing, such facilities as racquet courts, fitness clubs, billiard parlours, bowling alleys, golf courses, arenas, riding stables, or water sports, but shall not include a theme park.

CLUB, PRIVATE 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, and archery club, or any use otherwise defined in this By-law

COMMERCIAL ACCOMMODATION UNIT shall mean a rental unit within a tourist establishment to be rented out for the purposes of catering to the needs of the travelling public by furnishing sleeping accommodation with or without food. Such rental shall be in the form of normal daily rental, or interval ownership which shall include forms of rental such as time-sharing or Interval ownership and which shall have a turnover frequency exceeding 12 times per year.

CONCRETE OR ASPHALT PRODUCT MANUFACTURING means a building or part of building where concrete, asphalt, mortar, or plaster material are mixed or batched or are weighed and measured for mixing off site.

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 ESTABLISHMENT means the use of land, buildings or structures where mechanical, electrical, structure, plumbing or general contractors administer their businesses and store heavy equipment and/or building materials. A contractor's establishment does not include the wholesale or retail sale of building, construction, or home improvement goods, merchandise, equipment or supplies.

DAY NURSERY means the use of land or buildings which receives more than 5 children primarily for the purpose of providing temporary care, for a continuous period not exceeding 24 hours.

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 shoreline is considered a deck.

DEPARTMENT STORE means a store that sells general merchandise, apparel/accessories, household furnishings, drugs/cosmetics, durables and semi-durables, hardware, computers and office supplies, but does not include retail stores in which the sale of those items is clearly incidental or accessory to an otherwise permitted use. A department store does not include a DSTM retail store, a home and automotive supply store, an automotive and home centre, a service operation (such as eating/drinking, personal services, entertainment or other services), supermarkets and specialty food stores. A department store shall have a maximum gross leasable area of 11,613 sq. m.

DESIGNATED ACCESSIBLE PARKING means a parking space identified with appropriate signage and markings for the exclusive use of persons in possession of valid accessible parking permits.

DISTRICT ROAD means a public highway under the jurisdiction of the District Municipality of Muskoka.

DOCK means a structure built, founded or anchored near or at the shoreline extending over the water at which boats may be berthed or secured and which may provide a foundation for a boathouse.

DRY CLEANING ESTABLISHMENT means premises used only for the purpose of collection, distribution, and processing of articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing, cleaning, and spotting and stain removing, and for the pressing and/or repair of any such articles or goods.

DRYLAND BOATHOUSE means a boat storage and marine equipment building that does not project over the water. A dryland boathouse shall not be located closer to the shoreline than the principal building on the lot.

DSTM Retail Store (DSTM - Department Store Type Merchandise) includes retail stores, which sell items in the following categories: general merchandise, apparel/accessories, household furnishings, drugs/cosmetics, durables and semi-durables, hardware, computers and office supplies, but does not include retail stores in which the sale of those items is clearly incidental or accessory to an otherwise permitted use. A “DSTM retail store” does not include a department store, a home and automotive supply store, an automotive and home centre, a service operation (such as eating/drinking, personal services, entertainment or other services), supermarkets and specialty food stores.

DWELLING means a building designed or used for residential occupancy by one or more persons, containing one or more dwelling units as its principal use, but shall not include a commercial accommodation unit in a tourist establishment, mobile home with or without a foundation, boarding house, or institutions.

DWELLING, DUPLEX means a dwelling other than a semi-detached dwelling that is divided into two dwelling units each of which has independent entrances to the outside area adjacent to the dwelling unit.

DWELLING, MULTIPLE means a dwelling containing three or more dwelling units, including but not limited to apartments, back-to-back townhouses and stacked townhouses, but shall not include a townhouse dwelling.

DWELLING, SEMI-DETACHED means a dwelling that is divided vertically to provide two dwelling units separated by a common wall, both with frontage on a street.

DWELLING, SINGLE DETACHED means dwelling containing one dwelling unit.

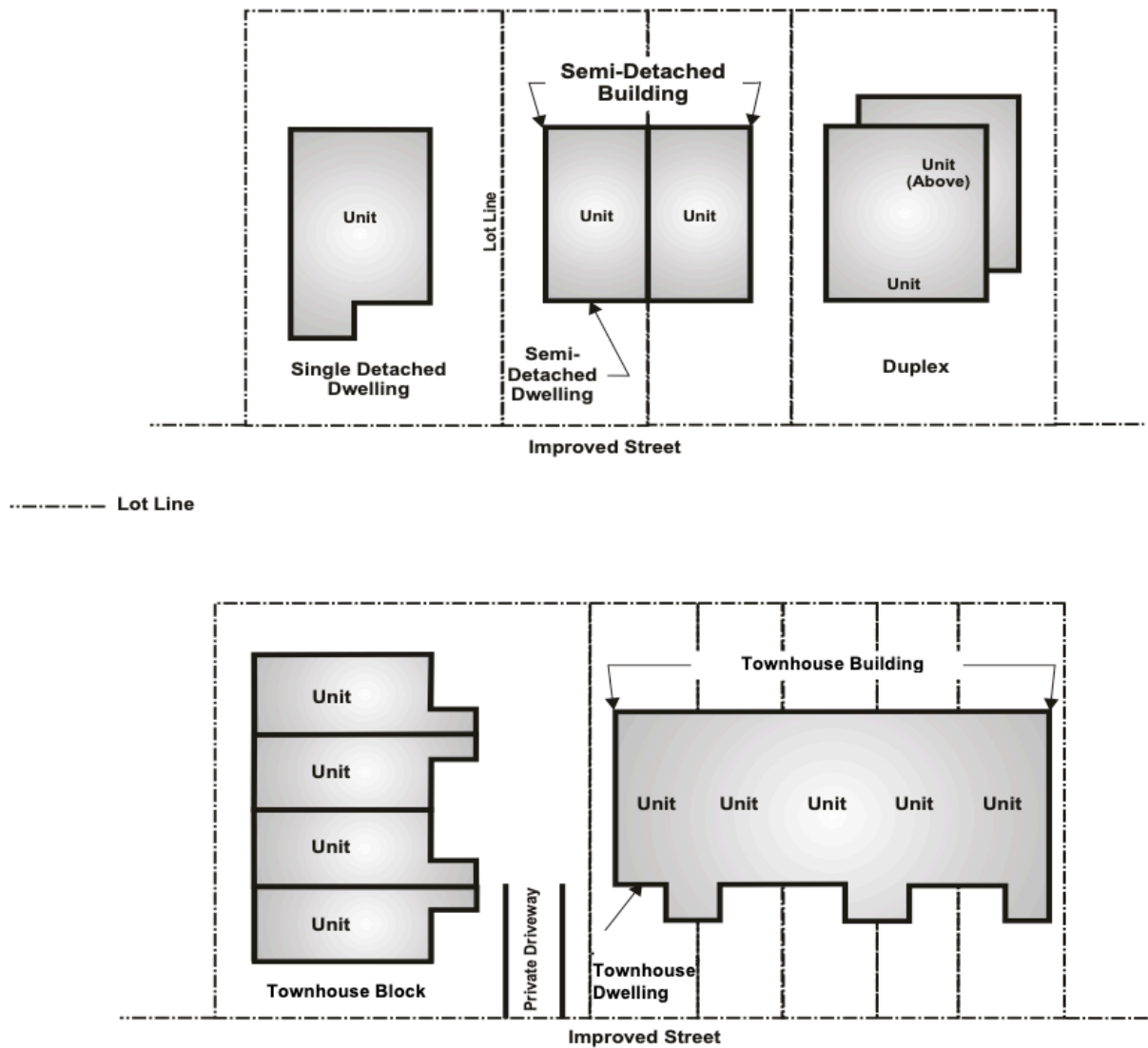
DWELLING, TOWNHOUSE means a building divided vertically into three (3) or more dwelling units with each unit designed to be located on a separate lot or POTL having frontage on a public or private street.

DWELLING, TOWNHOUSE BLOCK means a building divided vertically into three (3) or more dwelling units with each unit having frontage on a private street and located on one lot.

DWELLING UNIT means a suite of habitable rooms which:

- a) is located in a building
- b) is used or intended to be used in common by the occupants as a single, independent, and separate housekeeping establishment; and
- c) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof.
- d) For the purposes of this By-law, a dwelling unit does not include a tent, private cabin, trailer, mobile home, or a room or suite of rooms in a boarding house, tourist home, or tourist establishment unless otherwise specifically permitted.

Refer to illustration – Figure 3 below.

Figure 3: Illustration of Dwelling Unit Types

EDUCATIONAL INSTITUTION means the use of land, buildings or structures as a training centre or an elementary or secondary school, private school, university or community college authorized by the Province of Ontario.

ENDANGERED AND THREATENED SPECIES means a species that is listed or categorized as an "Endangered and Threatened Species" on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

ERECT means, with reference to a building or structure, to build, construct, reconstruct, or enlarge, and includes:

- a) any physical operation such as excavating, filling, grading, or draining preparatory of building, construction, and reconstruction;
- b) the moving of a building or structure from one location to another;
- c) any work for the doing of which a building permit is required under the Ontario Building Code;
- d) erect, erected and erection shall have a corresponding meaning.

ESTABLISHED BUILDING LINE means the average setback from the street line of existing buildings on one side of the street.

EQUESTRIAN ESTABLISHMENT means a commercial establishment where horses are housed or boarded and are available for riding, riding instruction, agility training or jumping.

FARM means land used for the tillage of soil and the growing of vegetables, fruits, grains and other crops and used for livestock raising, dairying, maple sugar harvesting bush or woodlots, and includes roadside facilities for the retail sale of produce grown/or raised on the farm.

FINANCIAL ESTABLISHMENT means a building which is used to provide for financial services in which money is deposited, kept, lent, or exchanged, including accessory clerical functions and shall include a bank, trust company, credit union or other similar banking service.

FISH HABITAT means areas where known fish habitat have been identified and shown on Schedules of the Official Plan or identified through a technical report.

FLOOD FRINGE for river, stream and small inland lake systems, means the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

FLOOD PLAIN for river stream, and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

FLOODPROOFING means a combination of building changes or adjustments incorporated into the basic design, construction, or alteration of individual buildings or properties subject to flooding so as to reduce or eliminate flood damages.

FLOODWAY for river, stream and small inland lake systems, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the floodway is the entire contiguous flood plain.

Where the *two zone concept* is applied, the *floodway* is the contiguous inner portion of the *flood plain*, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the *two zone concept* applies, the outer portion of the *flood plain* is called the *flood fringe*.

FLOOR AREA means with reference to a building, the total habitable floor area within a building which area is measured between the exterior faces of the exterior walls or from the centre line of a common or party wall, but excluding any private garage, breezeway, porch, verandah, balcony, sunroom, attic, cellar and any floor area with a ceiling height less than 2 metres. With reference to any other structure, means the total floor area of the structure measured from the exterior edges, walls or posts of that structure, and in the case of shoreline structures shall also include the area of any projections associated with the structure.

FLOOR AREA, GROSS means total floor area of all storeys exclusive of any part of the building or structure below finished grade which is used for heating equipment, the storage or parking or motor vehicles, breezeways, porches, verandahs, decks, locker storage and laundry facilities, and other accessory uses, and enclosed malls when used as a common area between stores.

GOOD FORESTRY PRACTICES means the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values including significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health and the aesthetics and recreational opportunities of the landscape.

GROSS LEASABLE FLOOR AREA means the aggregate of the horizontal areas of each floor measured between the exterior faces of the exterior walls or from the centre line of a common interior wall, but excluding:

- a) areas used for common facilities for heating, ventilating, air-conditioning or other mechanical purposes.
- b) public washrooms, checkrooms or storage lockers for the use of the public.
- c) maintenance, operation, common storage and garbage collection areas, when designated for the common or mutual operation of the shopping centre.
- d) enclosed mall areas, ramps, stairways, sitting areas or other facilities for the circulation and amenity of the public, and;

- e) mezzanine areas in conjunction with the Department store and food store but being non-selling areas

FLOOR AREA, GROUND means the floor area of the grade level storey of a building measured to the outside walls, excluding, in the case of a dwelling house, any private garage, carport, porch, verandah, sunroom (unless such sunroom is habitable at all seasons of the year).

FOOD MANUFACTURING means the preparation, manufacture and packaging of finished food products made from unprepared or previously prepared ingredients and foodstuffs, but excluding any outside manufacturing or processing operations, for wholesale and limited retail sales. Up to a maximum of ten per cent of Gross Floor Area may be used for retail sales of food products produced on site, but does not include a Restaurant or use otherwise defined in this By-law.

FOOD STORE means a store where primarily food, as well as other personal, convenience and household items and services, is provided for sale directly to the public and includes a supermarket, butcher shop, bakery shop, produce outlet, delicatessen or farmer's market.

FORESTRY OPERATION means land used for the development, management and cultivation of timber resources grown on-site and may include the establishment of an accessory portable sawmill.

FOUNDRY means an establishment in which metals are cast or an article is made by casting.

FUEL STORAGE TANK means a tank for the bulk storage of petroleum gasoline, fuel oil, gas or flammable liquid or fluid but does not include a container for flammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.

GARAGE, PRIVATE means an attached or detached accessory building which is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and excludes a carport or other open shelter and tent used for the purposes of a private garage.

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.

GAZEBO means a freestanding roofed accessory structure which is used for relaxation as opposed to storage or habitation, and which may include an unenclosed deck surround.

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, clubhouse and recreational facilities, but does not include a miniature golf course.

GRADE, FINISHED means the average elevation of the finished surface of ground where it meets the front wall of a building opposite the front lot line, except that localized depressions not exceeding 20% of the width of the building or structure or 3 metres whichever is the greater such as for vehicle or pedestrian entrances would not be considered in the determination of average levels of finished ground.

GROUP HOME, RESIDENTIAL means a detached dwelling used for the accommodation of 3 to a maximum of 10 residents, other than staff or the receiving family, who by reason of their emotional, mental, social or physical conditions, or legal status require a group living arrangement and responsible supervision for their well being, but does not include an institutional group home. A group home is licensed or funded under Federal or Provincial Statute.

GROUP HOME, INSTITUTIONAL means a detached dwelling for the accommodation of 3 to a maximum of 10 residents, other than staff or the receiving family, operated primarily for individuals who are ex-offenders, on probation, on parole, admitted for correctional purposes or recovering from substance abuse and require responsible supervision. An institutional group home is licensed or funded under federal or Provincial Statute.

HABITABLE means enclosed space that is improved or conditioned for human comfort, and includes areas designed for living, sleeping, eating or food preparation by humans.

HAZARDOUS MATERIALS 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 SERVICES means an establishment which provides health or medical services such as a chiropractor, optometrist, medical clinic, associations or organizations formed to provide medical or health services.

HEAVY EQUIPMENT RENTAL, SALES AND SERVICE means the use of land for either the direct distribution of motorized construction equipment (e.g. bulldozers, loaders, backhoes, forklifts, etc.) or including the contracting out of trucks or transports including the outside storage of this equipment.

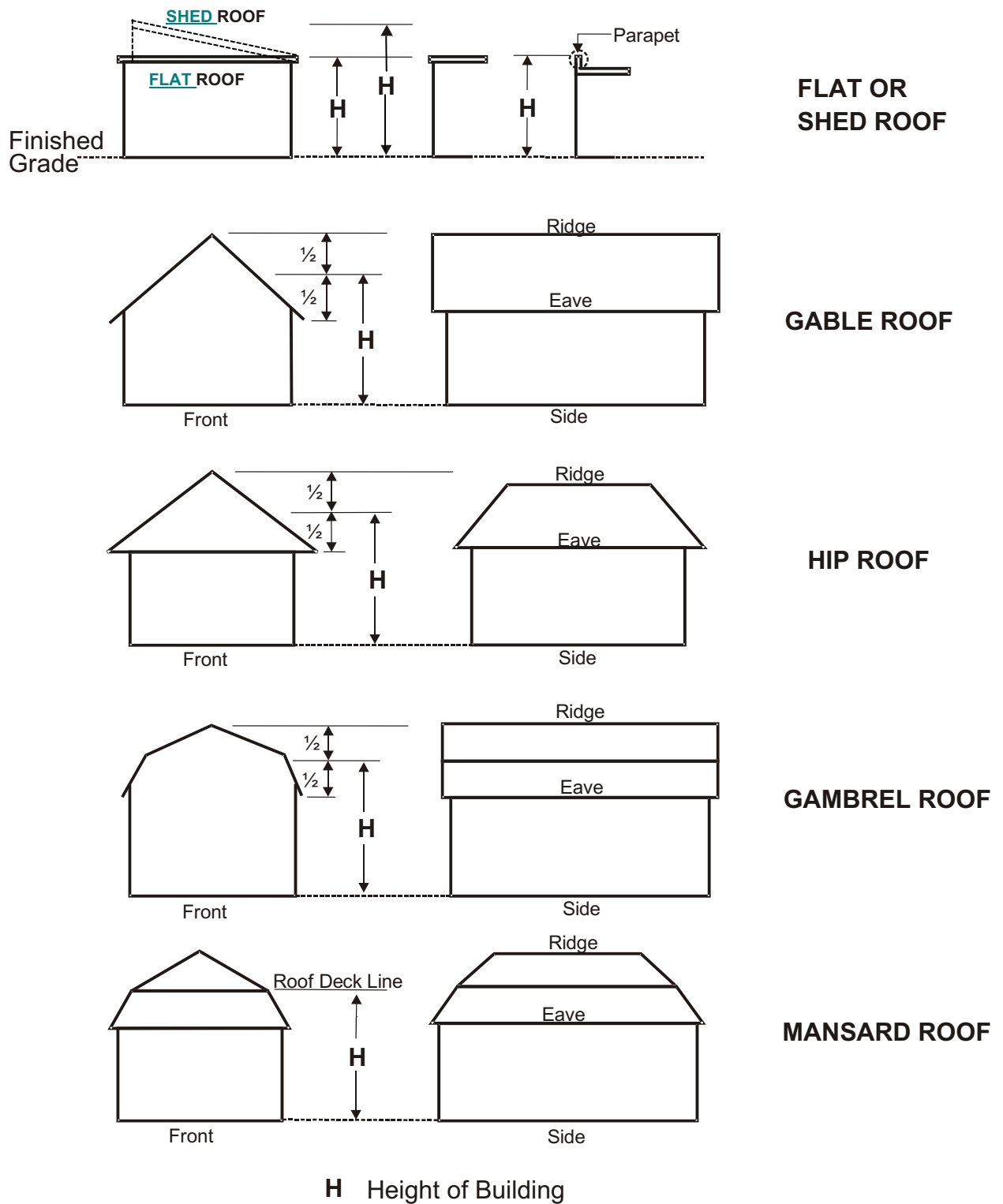
HEAVY INDUSTRIAL USE means:

- a) the manufacture or processing of products from raw materials;
- b) the production or use of flammable, explosive or other hazardous materials;
- c) the storage of these products and materials; and,
- d) Class 3 Industry as defined by Ministry of the Environment Guidelines.

HEIGHT means, with reference to a building, the vertical distance measured from the average finished grade on the side of the building facing the front lot line or exterior side lot line, whichever results in the greater height measurement of the building or from the side of the building facing the shoreline on a lot that abuts a watercourse to,

- a) in the case of a flat roof or shed-style roof, the highest point of the roof surface, or the parapet, but not including glass railings, whichever is the greater;
- b) in the case of the mansard roof, the roof deck line;
- c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridge, but in calculating the height of a building, any construction used as ornament or for the mechanical operation of the building such as a mechanical penthouse or a chimney, tower, cupola or steeple is not to be included;
- d) 75% of the height of the roof ridge of an A-framed structure. For the purposes of this By-law, A-frame refers to the roof extending from the peak to where it meets the ground (finished grade).
- e) With reference to a structure partially or entirely on or over the water, height shall be measured from the elevation of the high water mark.

Refer to illustration - Figure 4 below

Figure 4: Illustration of Building Height


Note: The above illustrations are for clarification and convenience only and do not form part of the By-Law.

HENS, BACKYARD Means the accessory use of land or a structure used to raise hens (excluding roosters), subject to the following:

- a) a maximum of five (5) hens are permitted on a lot equal to and less than 0.4 hectares (1 acre) in area
- b) a maximum of ten (10) hens are permitted on a lot greater than 0.4 hectares (1 acre) in area,
- c) Hens must be kept in the rear yard, in a screened, rodent and predator proofed enclosure located a minimum of 4.5m from a side or rear property line.
- d) The hens must be maintained in accordance with good animal husbandry practices as defined by the Ministry of Food and Agriculture.
- e) The hens and eggs shall be for domestic use only and may be sold in accordance with the Home Occupation provisions.

HIGH WATER MARK means the present normal or controlled, high water mark of a navigable waterway.

HOBBY FARM means a residential property that contains a single detached dwelling, with accessory farm structures that house not more than 5 animals, excluding domestic household pets and backyard hens.

HOME IMPROVEMENT CENTRE means an establishment which provides for the sale of building, construction and home improvement materials, hardware, garden equipment and material, paint, glass, curtains and draperies, floor coverings, furniture and household appliances.

HOME INDUSTRY means a small scale light industrial use, such as a carpentry shop, a metal working shop, a welding shop or an electrical shop that provides services or wares to the community and which is secondary and accessory to the use of a single detached dwelling as a private residence and shall require a Community Planning Permit. For the purposes of this By-law, the repairing of motor vehicles, mobile homes and trailers is not a home industry.

HOME OCCUPATION means a gainful occupation conducted in a detached dwelling or accessory building, which is secondary and accessory to the use of the dwelling as a private residence.

HOSPITAL means any institution, building, or other premises established for the treatment of persons afflicted with or suffering from illness, disease, or injury, or for the treatment of convalescent or chronically ill persons that is approved under the Public Hospitals Act as a public hospital.

INCLINATOR means an inclined passenger lift for homes built on sites with a steep access.

INSTITUTIONAL TOURIST ESTABLISHMENT means the use of land, buildings or structures for an establishment operated by a private organization that provides recreational, education, 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, or 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 in this By-law.

KENNEL means any building, structure, dog run or other facility or part thereof, where:

- a) dogs are kept for breeding or show purposes; or
- b) where domesticated animals are being boarded.

LANDSCAPED AREA means that part of a lot located outdoors that is available or used for the placement of any or a combination of the following elements:

- a) soft landscaping consisting of vegetation such as trees, shrubs, hedges, ornamental plantings, grass and ground cover;
- b) hard landscaping consisting of non-vegetative materials such as brick, pavers, rock, stone, concrete, tile and wood, excluding monolithic concrete and asphalt and any area used for parking, and including such features as a walkway, patio, deck or in-ground pool; and
- c) architectural elements consisting of decorative fencing, walls, sculptures, gazebos, trellises, planters, benches and other similar features.

LANDSCAPE STRIP means a portion of a lot where vegetation is substantially maintained or re-established in its natural state or vegetation is planted, or a fence or barrier is erected for the purpose of obscuring or screening buildings, structure, parking or activity on a lot.

LAUNDROMAT means premises where the service of coin-operated laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning.

LIGHT INDUSTRIAL USE includes:

- a) warehousing or distribution of finished parts or finished products;

- b) the manufacture from previously prepared materials of finished parts or finished products;
- c) the repair or servicing of such products;
- d) does not produce or use hazardous material; and
- e) Class 1 or Class 2 Industry as defined by Ministry of the Environment Guidelines
- f) but excludes any outside manufacturing or processing operations.

LINKAGE means an area identified in a Technical Report, such as an Environmental Impact Study, intended to provide connectivity supporting a range of community and ecosystem processes enabling plants and animals to move between natural heritage features and areas over multiple generations.

LOADING SPACE means an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which adequate area is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and is not upon or partly upon any street, lane or alley.

LOT means:

- a) a parcel of land, the whole of which can be legally conveyed without approval pursuant to the Planning Act, and which is not described in a registered condominium description; or
- b) two or more parcels of land which are deemed to be one lot by this By-law or pursuant to the Planning Act, or which are 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: a vacant land condominium, in which a unit is considered to be a lot; or in the case of a resort commercial establishment that includes associated accommodation units within one or more condominium description 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, but does not include any lands which have been filled or otherwise altered to artificially increase the area above the ordinary water's edge.

LOT CORNER means:

- a) a lot situated at the intersection of and abutting upon two or more streets where the angle of the intersection does not exceed 135 degrees; or
- b) a lot located on the curve of a street where the angle of intersection of the projection of the tangents of the street line does not exceed 135 degrees and for which the corner of the two lot lines shall be deemed to be the centre point of that part of the arc of the street line upon which the lot abuts.

LOT COVERAGE means the percentage of the lot area covered by the footprint of all buildings and/or structures, including cantilevered floor joists and decks, but excluding parking areas, driveways and walkways, fences, eaves, bay windows, outdoor pools and playground equipment, leaching beds and other ornamental or safety projections that do not increase the footprint at ground level (e.g. sill, cornice, fire escape that does not constitute a stairway, chimney protruding through an exterior wall then extending vertically, and other similar structures), and includes any structure that projects over or into the water.

LOT FRONTAGE, STREET means the straight line horizontal distance between the side lot lines, such distance being determined by a line equal to the minimum front yard as measured at the side lot lines.

LOT FRONTAGE, WATERCOURSE means the straight line horizontal distance between the two most widely separated points on any one shoreline of a lot, except as follows:

- a) where there are no side lot lines (e.g. a peninsula) the greatest distance between any point on the front lot line and any point on the rear lot line.
- b) where there are no side lot lines and no rear lot lines, such as on an island, the greatest distance between any two points.

LOT INTERIOR means a lot other than a corner lot.

LOT LINE means any boundary of a lot.

LOT LINE, FRONT means the lot line that divides the lot from the public street or from the high water mark, except:

- a) in the case of a corner lot, the shorter public street line shall be deemed to be the front lot line and the longer public street line shall be deemed to be the exterior side lot line, but,
- b) in the case of a through lot abutting the public street, the lot line abutting the public street or public road which provides the principal means of access, but,

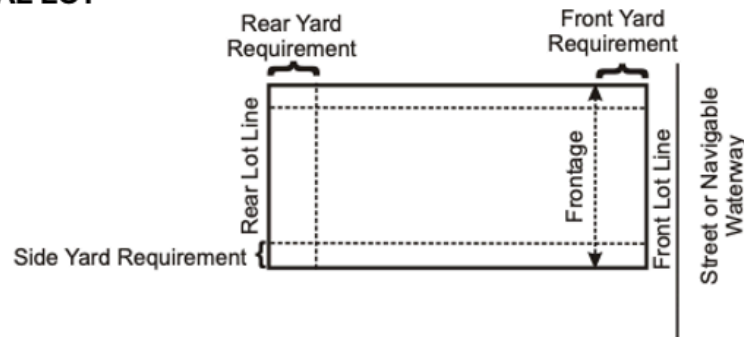
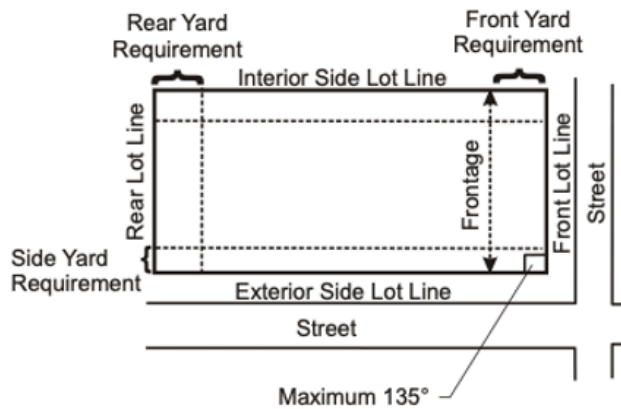
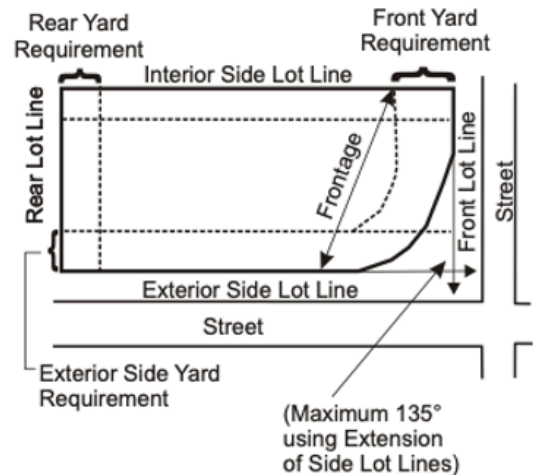
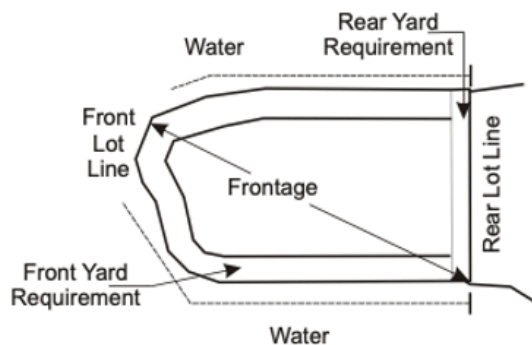
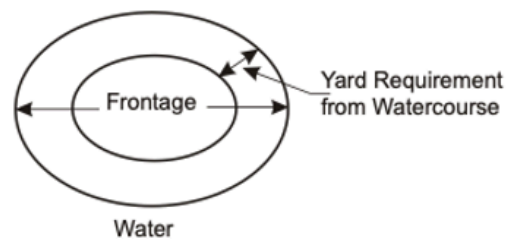
- c) in the case of a corner lot with two public street lines of equal length, the lot line that abuts the wider public street, shall be deemed to be the front lot line and in the case of both public street lines being the same width, the Town will designate either public street line as the front lot line, and
- d) in the case of a lot abutting a navigable waterway or the unopened original shore road allowance along the navigable waterway, the lot line directly adjacent or closest to the navigable waterway or unopened original shore road allowance shall be deemed to be the front lot line, or in the case of a lot with more than one lot line abutting a navigable waterway or the unopened original shore road allowance, the lot line that abuts the navigable waterway or the unopened original shore road allowance for the longest distance shall be deemed to be the front lot line.

LOT LINE, REAR means the lot line furthest from and opposite to the front lot line or in the case of a triangular lot, shall be that point formed by the intersection of the side lot lines.

LOT LINE, SIDE means a lot line other than a front or rear lot line.

LOT, THROUGH, means:

- a) a lot other than a corner lot, having separate frontages on two streets; or
- b) a lot other than a corner lot having separate frontages on a navigable waterway;
- c) a lot other than a corner lot having separate frontages on a street and a navigable waterway.

Figure 5: Illustration of Lot and Yard Requirements
**Figure 5(a)
TYPICAL LOT**

**Figure 5(b)
CORNER LOT (straight sides)**

**Figure 5(c)
CORNER LOT (curved sides)**

**Figure 5(d)
PENINSULA**

**Figure 5(e)
ISLAND**


Note: The above illustrations are for clarification and convenience only and do not form part of the By-Law.

MARINA means a building, structure or place, usually containing docking facilities where boats and boat accessories are stored, serviced, repaired or kept for sale and where facilities for the sale of marina fuels and lubricants may be provided and may include a convenience store or a building or structure for the sale of refreshments.

MARKET means an area of land consisting of buildings, stalls, or an open area used primarily for the display and retailing of, and without limiting the generality of the foregoing, farm produce, meat, poultry, foodstuffs, wares, or commodities.

MATERIAL RECOVERY FACILITY means the use of a building or part of a building primarily for the reprocessing of waste recyclable materials directly into usable products or into raw materials for further processing in an ongoing manufacturing or industrial operation. Such facility may also collect, sort and separate materials.

MOBILE HOME means any residential structure that is designed to be mobile and is constructed or manufactured to provide a permanent residence, but does not include a recreational trailer or modular home.

MOBILE HOME SITE means an area of land within a mobile home park used for the parking of one mobile home.

MOBILE HOME PARK means a parcel of land used for the parking or storage of mobile homes and includes all accessory buildings necessary to the operation of said park.

MOTOR VEHICLE BODY SHOP means a building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be towing service and motor vehicle rentals for customers while motor vehicle is under repairs, but shall not include any other establishment otherwise defined or classified in this By-law.

MOTOR VEHICLE DEALERSHIP means a building or structure where a dealer displays motor vehicles for sale or rent and in conjunction with which there may be a motor vehicle repair garage, or a motor vehicle body shop, service station, and washing establishment, but shall not include any other establishment otherwise defined or classified in this By-law.

MOTOR VEHICLE SERVICE STATION means a building, or a clearly defined space on a lot, where motor vehicle fuel is sold by retail, including a gas bar, and where motor vehicle accessories, parts, and/or repairs may be available for purchase.

MOTOR VEHICLE WASHING ESTABLISHMENT means an establishment for washing, cleaning and polishing motor vehicles by means of either production line cleaning methods and/or mechanical devices and includes a coin-operated self-service operation but does not include an automobile service station or gas bar, a public garage or a motor vehicle dealership where car washing operations are incidental to the principal activity of business.

NARROW WATERBODY means a navigable lake or watercourse 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 (330 feet);
- c) the mouth of an enclosed bay would be considered a narrow waterbody, and the majority of the bay is less than 300 metres (1,000 feet) from shore to shore; or
- d) A portion of a river where the general distance from shoreline to shoreline is less than 30 m.

NATURAL HERITAGE FEATURES AND AREAS means features and areas which are important for their environmental and social values as a legacy of the natural landscape of an area and, within Huntsville, include those features and areas considered significant at the Provincial, District, and local level including

- a) Provincially significant or other wetlands
- b) Fish habitat;
- c) Significant wildlife habitat;
- d) Areas of natural and scientific interest (ANSIs); and
- e) Muskoka Heritage Areas

NATURAL HERITAGE SYSTEM means a system made up of natural heritage features and areas, buffers, and linkages intended to provide connectivity and support natural process which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. Within Huntsville, the Natural Heritage System includes natural heritage features and areas identified on Schedule C of the Official Plan, unmapped natural features and areas, where applicable, as identified in the policies of the Official Plan or a Technical Report, and identified buffers and linkages, where applicable, as identified in the

policies of the Official Plan or a Technical Report.

NATURAL STATE means the area maintained in its natural pre-developed state. Where the natural state has been altered, the area may be planted with indigenous trees and shrubs. Where all or a portion of the natural state area is a natural beach or rock outcropping with little or no soil, such shall be deemed to comply.

NAVIGABLE WATERCOURSE 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.

NON-COMPLYING means land, buildings or structures that do not satisfy one or more standards of this By-law.

NON-CONFORMING means a USE that does not conform with the permitted uses of this By-law for the Precincts in which such a USE is located on the date the By-law was passed.

NOXIOUS means when used with reference to any use of land, building or structure, a use which, from its nature, or from the manner of carrying on same, creates or is liable to create, by reason of destructive gas or fumes, dust, objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, junk, waste, or other material, a condition which may become hazardous or injurious with regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of land, building or structure.

OFFICE means a building or part of a building in which one or more persons are employed in the management, direction or conducting of a business, or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment.

OPEN SPACE means lands that are generally open and free of buildings or structure, used for passive parkland or recreation, and may include recreational, educational or interpretive facilities or trails.

ORIGINAL SHORE ROAD ALLOWANCE means a road allowance reserved along the shore of a navigable waterway by the crown but not an allowance that has become a street.

OUTDOOR RECREATIONAL USE means a public or private area operated for the purpose of recreation such as playing golf, driving ranges, miniature golf courses, tennis courts, outdoor skating rinks, recreational trails, baseball, soccer, football, public park, ski-lifts and similar uses, together with necessary and accessory buildings and structures, but shall not include a theme park.

OUTDOOR STORAGE means accessory open air storage of goods, materials and equipment in a yard outside the principal or main building on a lot of a commercial or industrial establishment.

PARAPET means a protective wall along the edge of a structure, located on the roof of that structure.

PARK, PRIVATE means any open space or recreational area, other than a public park, owned and operated and maintained in whole or in part for profit by an organization for members only, and may include therein one or more swimming, wading, and boat facilities, picnic area, ski area, gardens or refreshment rooms and similar uses, but shall not include any building or structure greater than 60 square metres in total floor area.

PARK, PUBLIC means a public area devoted to recreational and open space uses and used for:

- a) passive forms of recreational uses which may include a picnic area, walking trail, swimming area, greenhouse, zoological gardens, botanical gardens, or like or similar uses; or
- b) active forms of recreational uses which may include a baseball diamond, soccer pitch, docks, tennis courts, outdoor ice rink, swimming pool, fair grounds, athletic fields, field houses, bleachers, bandstands, or other like or similar uses; or
- c) special events which may include, without limiting the generality of the foregoing, social or cultural events, and the temporary display of goods, wares, merchandise, substances, foodstuffs, commodities, or articles of similar kind and the temporary retail sale of goods, wares, merchandise, substances, foodstuffs, commodities or articles of a similar kind to the general public.

PARKING AREA means a grouping of parking spaces and driveway aisles providing access to the parking spaces.

PARKING SPACE means an area provided for the parking of motor vehicles and shall be exclusive of any access or driveway and any part of a public street. Parking Space may include a private garage

PARKING, TANDEM means parking spaces that are located one behind the other, without access from a separate driveway or aisle.

PERSONAL SERVICE ESTABLISHMENT means a building or part of a building, where services are provided and administered to individuals and their personal needs and where retail sale of goods accessory to the service provided is permitted and include, but is not limited to, hair care, aesthetics, health and beauty treatment, dressmaking, tailoring, shoe shining and repair, laundromat and laundry depot.

PIT means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed for commercial purposes by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit, and may include primary processing such as washing, screening or crushing, or storage of the material excavated. Blasting is not permitted.

PLACE OF ASSEMBLY means a place designed and used to accommodate gatherings of people such as clubs, reception halls, funeral homes, conference centres, legion halls, community halls and lodges, and for events such as trade shows, banquets, and political or other conventions, museum, library and place of worship.

PORCH means a roofed open approach to an entrance to a building projecting from the exterior wall of a building and having at least fifty percent of the total area of the vertical planes forming the perimeter unobstructed in any manner except by insect-screening from floor to ceiling.

PRIVACY FENCE means any barrier or structure constructed of wood, stone, metal, brick or other similar materials or combinations of such material, which is erected for the purpose of screening (e.g. lighting from vehicles, buildings and storage of materials), safeguarding, retaining or enclosing property or delineating property lines.

PROVINCIAL HIGHWAY means a street under the jurisdiction of the Ministry of Transportation of Ontario.

PUBLIC AUTHORITY means,

- a) the Corporation of the Town of Huntsville, the District Municipality of Muskoka, the Government of Ontario, the Government of Canada, or any school board, authority, or commission of any of them; or
- b) any utility company providing telephone, telegraph, electrical, or natural gas services; or
- c) any railway company authorized under the Railway Act of Canada; or

- d) any corporation providing services to the public, that has an operating budget entirely funded by one or more entities described in clause (a).

PUBLIC USE means the use of a lot, building or structure 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 by means of an open excavation to supply material for construction, industrial, manufacturing or other purposes, and may include blasting and primary processing such as washing, screening, crushing, or storage of the material excavated.

RECREATIONAL TRAIL means a use which provides access for snowmobiling, hiking, biking, walking, cross-country skiing and any other outdoor recreation that requires the use of trails, and may include a portage.

RECREATIONAL VEHICLE means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, truck trailers, pickup coaches, motorized campers, fifth wheel trailers motorized homes or other similar vehicles and shall not include a mobile home.

REFRESHMENT STAND means a free-standing accessory building or structure from which food stuffs and/or refreshments are sold or offered for sale for consumption by the public and which building or structure resides on a premise as not to be removed on a daily basis.

RESIDENTIAL CARE FACILITY means an establishment providing supervised or supportive in-house care for those who need assistance with daily living, that may also provide on-going medical or nursing care or counseling and social support services and which may include services such as medical, counseling, and personal services. This definition shall include a nursing home and/or senior citizens home.

RESTAURANT means the use of a building or structure 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, but does not include a refreshment stand, or any building or part thereof, where food or beverages requiring no further preparation before consumption, are offered for sale.

RESTAURANT, DRIVE-THROUGH means a restaurant that provides a drive-through function.

RETAIL STORE means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for sale or rental at retail, but does not include a use otherwise defined in this By-law.

ROAD OR STREET, PRIVATE means a path or way which affords vehicular access to more than one lot and is not owned by a public authority.

ROAD OR STREET, PUBLIC means an improved public highway for vehicular traffic, which is maintained by and under the jurisdiction of a public authority.

SALES AREA, GROSS means that part of a commercial establishment that is used to display items for sale or rent or is accessory to the sale or rental of any item, including washrooms, corridors and associated offices, but shall not include any area used exclusively for the storage of retail or maintenance items and that is not open to the public. In the case of a Shopping centre, gross sales areas shall not include any part of a corridor used exclusively for pedestrian access between stores.

SALVAGE YARD means an establishment where goods, wares, merchandise, articles or things are processed for further use and/or where such goods, wares, merchandise, articles or things are stored and/or sold and includes a junk yard, a scrap metal yard and a motor vehicle wrecking yard or premises. Such establishment shall include screening of such goods, wares, merchandise, articles or things from view, but shall not include a crusher or a shredder.

SATELLITE DISH means a structure used, or intended to be used, to receive broadcast signals from satellites, but shall not include those devices that are licensed by the Federal Government.

SEASONAL WATER STRUCTURE means any raft, floating play structure, or other similar structure that is not in place from December 1 to March 31; and shall exclude a dock.

SECONDARY RESIDENTIAL DWELLING UNIT means a self-contained dwelling unit within a dwelling or within a structure ancillary to a dwelling.

SELF-STORAGE FACILITY means a building or group of buildings used for the indoor storage of household goods, wares, substances, or articles but shall not include a cartage depot, transportation depot, or warehouse. A shipping container, truck body, bus coach, streetcar body, railway car, or other similar body or container, whether on wheels or not, shall not be used as part of a self-storage facility.

SERVICE ESTABLISHMENT means a building or part thereof used for the repair of household articles including radio, television and appliance repair and may include the sale of repaired articles. A service establishment does not include the manufacture of articles, goods or materials, or include a use otherwise defined by the By-law.

SERVICES, FULL means lots serviced with a municipal sanitary sewage system and a municipal water supply.

SERVICES, PARTIAL means lots serviced with either a municipal sanitary sewage or a municipal water supply.

SERVICES, PRIVATE means lots serviced with a private individual sanitary sewage facilities and domestic water supply.

SETBACK means the horizontal distance between a lot line, hazard area or feature and the closest part of a building or structure on a lot, whether above or below grade.

SHOPPING CENTRE means a retail commercial development under coordinated management, consisting of a fully-enclosed climate-controlled mall with an interior corridor and may also include a limited number of attached or unattached buildings which do not share a common corridor, and which may include a department store, a food store, and other retail and service commercial uses.

SHORELINE means the boundary between the water and the land, or any lot line or portion thereof which abuts a lake or river or an original shore road allowance abutting a navigable watercourse/waterway.

SHORELINE ACTIVITY AREA is that portion of lands within 15m of the controlled highwater mark where the shoreline buffer is not applicable, where accessory shoreline structures such as boathouses, docks or other accessory structures such as pump houses are located, and where there is access to the water for activities such as swimming or boat launching.

SHORELINE BUFFER means a natural area, adjacent to a shoreline, maintained or re-established in its natural predevelopment state or improved to an acceptable standard established in a development agreement for the purpose of protecting natural habitat and water quality and minimizing the visual impact of buildings and structures on a lot.

SHORELINE STRUCTURE means accessory building and structures that may erected at or near the shoreline in the required yard located between the shoreline and the dwelling subject to the provisions of this by-law. They include buildings and structures that are attached to the land that forms the bed of a navigable water and specifically include the following: boathouse, boat port, deck, dock, gazebo, pump house, outdoor sauna or hot tub, stairs and ramps.

SHORT TERM RENTAL ACCOMODATION means the use of a single-family dwelling that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period equal to or less than thirty (30) consecutive calendar days, throughout all or any part of the calendar year, unless otherwise prohibited by this by-law, or any other by-law of the Town of Huntsville. Short-term Rental Accommodation uses shall not include any other form of residential dwelling, a hotel, motel, motor hotel, nursing home, private or public hospital, a recreational vehicle park, a tent campground, or similar commercial or institutional use.

SIGN means a sign within the meaning of the Sign By-law of the District Municipality of Muskoka, Ministry of Transportation of Ontario and the Corporation of the Town of Huntsville.

SITE ALTERATION Means activities, such as grading, excavation and the placement of fill that results in a change to the landform or natural vegetative characteristics of a site by more than 0.3 metre (1 foot), and over an area exceeding 100 square feet, and includes excavation, blasting, filling and grading.

STEEP SLOPE means a slope of more than 30% with a vertical drop of 3m or more.

STOREY means the portion of a building, other than an attic or basement, included between any floor level and the floor, ceiling or roof next above it.

STREET LINE means the limit of the street or road allowance and is the dividing line between a lot and a street or road.

STRUCTURE means anything constructed or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground.

SUITE, GARDEN means a one-unit detached dwelling designed to be portable that is smaller than and ancillary to a principal detached dwelling and which is to be used on a temporary basis as an alternative living arrangement for individuals that require some support from the occupants of the principal dwelling.

SWIMMING POOL means a tank or body of water permanently located outdoors, contained by artificial means, which has a possible maximum depth greater than 0.6 metres and used and maintained for the purpose of swimming, wading, diving or bathing, but does not include an existing natural body of water.

THEME PARK means a private commercial development where there is a combination of more than two different types of recreational uses, including accessory buildings and structures, occurring on the property simultaneously (e.g. waterslides, together with batting cages and go-carts).

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 travelling public. A tourist camping establishment may include accessory buildings, structure 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 ESTABLISHMENT means the use of land, buildings or structures for the provision of commercial roofed accommodation where commercial accommodation units are offered for rent on a short term or transient basis to the public who is travelling, 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.

TOURIST HOME means a tourist establishment with between 3 and 10 accommodation units in a private dwelling that is owner occupied and operated and that is not part of or used in conjunction with any other tourist establishment and in which there are rooms for rent to the travelling or vacationing public, whether rented regularly, seasonally or occasionally and the rooms in which do not contain provisions for cooking.

TRAILER, SEMI means a trailer of at least 6 metres in length designed to be operated with the forward part of its body or chassis resting upon the body or chassis of a towing body.

TRANSFER STATION Means the use of land, buildings or structures owned by or operated for a public authority, 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 disposal site.

TRANSPORTATION DEPOT means a building, structure or place where trucks or transports are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers.

TRANSPORTATION SERVICES means the use of land, buildings or structures for the dispatching of motor vehicles.

TREE means a self-supporting, woody, perennial plant, including its root system, with a diameter greater than 20 centimetres where measured at breast height (a point of measurement 1.37 metres above the highest point on the tree where the ground meets the stump);

USE means the purpose for which any land, building or structure is arranged, designed or intended to be used, occupied or maintained.

USE, PRINCIPAL means the predominant purpose for which any land, building or structure, or part thereof is used, designed, arranged, occupied or maintained.

VARIETY AND CONVENIENCE STORE means a retail commercial establishment, which serves the daily needs of the residents of the surrounding area, and may include provisions for the sale of confectionary refreshments, snacks, or gasoline.

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 a building or part of a building used for the purpose of consultation, diagnosis and treatment of animals, birds and pets by a licensed veterinarian and may also include boarding of such animals, birds and pets.

WAREHOUSE means a building used for the storage of goods or materials and may include wholesale establishments.

WATERCOURSE means the natural channel for a perennial or intermittent body of water with well defined banks and a bed, but specifically excludes man-made drainage swales.

WATERFRONT LANDING means a mainland parking and docking facility for a commercial property or for four or more residential properties.

WAYSIDE PIT OR QUARRY means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

WETLANDS means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

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.

WIND TURBINE, SMALL: means a rotary engine that extracts energy from the wind to create electricity. A small wind turbine is defined as producing no more than 100 Kilowatts of electricity.

WOODLANDS means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands may be delineated according to the Forestry Act definition or the Province's Ecological Land Classification system definition for "forest."

WOODLAND RETREAT means a building used for recreational activities such as hunting, which provides seasonal or temporary accommodation in a remote location where municipal or community services are usually not available. A woodland retreat does not include a dwelling or a commercial use. This use is sometimes referred to as a hunt camp.

WOODLOT means harvesting or cultivating timber on site for personal use or in association with land subject to a forest management agreement.

YARD means that part of a lot, above or below grade, 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 yard extending from the front yard to the rear yard of a lot, between the side lot line immediately adjoining a public street or road and the nearest part of the principal building, structure or nearest open storage on a lot.

YARD, FRONT means a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of the building, structure or nearest open storage on the lot except where a lot abuts a watercourse, the front yard shall be measured from the high water mark, which may include all, or a portion of, an original unopened shore road allowance.

YARD, INTERIOR SIDE means a yard extending from the front yard to the rear yard of a lot, between a side lot line and the nearest part of the building, structure or nearest open storage on the lot.

YARD, REAR means a yard extending across the full width of a lot between the rear lot line and the nearest part of the building, structure or nearest open storage on the lot.

YARD, REQUIRED means the minimum horizontal distance required by this By-law from the lot line or shoreline to the nearest part of the building or structure on the lot.

4.0 General Provisions

4.1 Variations to General Provisions

- 4.1.1 Variations to any general provision within Section 4 of this By-law will be subject to a Class 2 Community Planning Permit Application, unless otherwise specified.

4.2 Discretionary Uses

- 4.2.1 A discretionary use, as identified in this By-law, may be permitted subject to applicable criteria as set out in this By-law.
- 4.2.2 Where a Planning Permit for any discretionary use is required, the provisions of Section 2.12.6 (Conditions), 2.14 (Provisional Approvals), 2.15 (Issuance of Provisional Approvals and Community Planning Permits), and 2.17 (Criteria for Considering Variations) shall be used to evaluate the discretionary use.

4.3 Accessory Uses, Buildings and Structures

- 4.3.1 **Uses Permitted in detached accessory buildings and structures:** No detached accessory building or structure shall be used for human habitation or an occupation for gain, except where specifically permitted elsewhere in this By-law.
- 4.3.2 **Location on Lot:** A detached accessory building or structure shall not be erected in any of the required yards unless specifically provided for elsewhere in this By-law.
- 4.3.3 **Principal Building to be Erected First:** No accessory building or structure shall be erected on any lot until the principal building has been erected, with the exception of:
- A dock
 - A boathouse, on water access lots only; or,
 - An approved sewage system.
- 4.3.4 **Building Height:** The height of any accessory building or structure shall not exceed 7 metres, except where specially required elsewhere in this By-law.
- 4.3.5 **Coverage:** The maximum lot coverage of all accessory buildings and structures (with the exception of a sewage system, patio and swimming pool) shall not exceed 5% of the total lot area, except for within the Huntsville Urban Settlement Area, where it shall not exceed 10%, unless specifically provided for elsewhere in this By-law. The lot coverage for accessory

buildings and structures is in addition to the maximum lot coverage for the principal uses listed within the Precincts of this by-law.

- 4.3.6 Original Shore Road Allowance:** No new detached building or structure shall be erected on an original shore road allowance owned by the Town or the Crown, with the exception of a means of pedestrian access, a deck, a dock, a boathouse or a pump house. Where a structure is erected on an original shore road allowance that is owned by the Town or the Crown, such structure shall be deemed to be an accessory use to the principal use located on the adjacent patented lot.
- 4.3.7 General:** Drop awnings, clothes poles, flag poles, garden trellises, retaining walls, fences, or signs which comply with the By-laws of the Town, are permitted in any required yard.
- 4.3.8 Electric Vehicle (EV) Charging Stations:** Electric Vehicle (EV) charging stations are permitted in association with all uses.
- 4.3.9 Fire Escapes:** Unenclosed fire escapes may project into any required yard a maximum distance of 1.2 metres, provided however, that such structures are no closer than 1 metre from the lot line.
- 4.3.10 Unenclosed Porches, Balconies or Steps:** Unenclosed porches, balconies, raised steps and ramps, covered or uncovered, may project into any required front or rear yard a maximum distance of 3.5 metres, provided such structure complies with the required side yard, and provided that in the case of porches or steps such uses are not more than 2 metres above finished grade, and that such structures are no closer than 2 metres to the lot line.
- 4.3.11 Utility Sheds:** A utility shed, not exceeding 20 square metres in ground floor area, may be erected and used in any required side or rear yard provided that it is not located closer than 2 metres to the rear lot line and no closer than 1.2m to an interior side lot line.
- 4.3.12 Gatehouse or Information Kiosk:** In a non-residential Precinct, a gatehouse or information kiosk may be located in any required front or side yard, provided such structure shall not be erected closer than 3 metres to the front or side lot line.
- 4.3.13 Garage or Carport:**
- 4.3.13.1** Notwithstanding Section 3.1.3, a detached garage or carport shall not be located closer to the front lot line than the principal dwelling on the lot, except within Rural Precincts.

- 4.3.13.2** A detached one storey garage or carport shall be located a minimum 3 metres from the rear lot line, except in a Waterfront Residential Precinct, where the minimum shall be 6 metres.
- 4.3.13.3** A detached two storey garage may be permitted within any Residential, Waterfront Residential or a Rural Precinct, provided that:
- a) The maximum height of the garage is 7 metres;
 - b) The garage is a minimum 6 metres from the side and rear lot lines;
 - c) In a Waterfront Residential Precinct only, the ground floor area of the garage does not exceed a maximum of 60 square metres.
- 4.3.14 Leaching Bed:** A leaching bed or other system of on-site sewage effluent disposal shall be located a minimum of 30 metres from the shoreline.
- 4.3.15 Private Cabin:** A private cabin may be erected in any Waterfront Residential or Rural Precinct, subject to the following provisions:
- a) such private cabin complies with the minimum yard requirements for the principal use on that Precinct;
 - b) a private cabin shall not be located on a lot less than 4,000 square metres (0.4 hectares) in area;
 - c) such private cabin shall not exceed 60 square metres in ground floor area of the structure;
 - d) a maximum of one private cabin is permitted on a lot;
 - e) a private cabin may be located in the second storey of a detached garage, as provided in Section 4.24; and
 - f) a private cabin shall not be located closer to the shoreline than the principal dwelling on the lot.

4.3.16 Shoreline Structures and Shoreline Buffers:

- 4.3.16.1 Shoreline Structures:** may be permitted within the yard requirement abutting a lake or river or an original shore road allowance abutting a navigable watercourse/waterway subject to the provisions in this section. Variations from these provisions may only be considered where site characteristics warrant and in accordance with the criteria for considering variations with respect to natural features and buffer protection and enhancement in section 2.15. A technical report must be submitted for any variation that outlines how natural features and buffers associated with the shoreline will be protected and enhanced.
- 4.3.16.2 Shoreline Buffer:** A shoreline buffer shall be maintained across a minimum of 75% of the waterfront frontage of a lot and shall maintain a minimum depth of 15 metres measured from the shoreline in all Precincts except in the Waterfront Commercial and Mixed Use Precincts. For lots fronting on Harp Lake or Peninsula Lake, the minimum shoreline buffer depth shall be 30 metres. The lands located within a shoreline buffer shall be maintained in a natural state except for the removal of dead and decaying vegetation and a 2 metre wide pedestrian pathway from the dwelling, building or structure, to the shoreline. Areas along the shoreline outside the minimum shoreline buffer that are not built on with structures will have soft landscaping. If a reduction in shoreline buffer is proposed that is less than 20% of the requirements noted above, a Class 2 Community Planning Permit will be required, and if the proposed reduction is greater than 20%, a Class 3 Community Planning Permit will be required.
- 4.3.16.3 Building Height:** The height of any shoreline structure shall not exceed 4 metres, unless specifically permitted elsewhere in this By-law. In the case of a boathouse or boat port, the finished grade is the normal or controlled high water mark. If an increase in height is proposed that is less than a 25% of the requirement noted above, a Class 2 Community Planning Permit will be required, and if it is greater than a 25% of the requirement noted above, a Class 3 Community Planning Permit will be required.
- 4.3.16.4 Maximum Width:** The maximum cumulative width of all shoreline structures and shoreline activity areas shall not exceed 25% of the lot frontage to a maximum of 15 metres. The width shall be measured from the exterior walls or posts of a shoreline structure, and from the outer edge of the deck or dock, and shall include any overhang associated with a covered shoreline structure. The maximum cumulative width of all shoreline structures and shoreline activity areas in the Waterfront Commercial and Mixed Use Precincts shall not exceed 33% of the lot frontage. The maximum cumulative width for a marina shall not exceed 50% of the lot frontage. If an increase in maximum width of shoreline structures and shoreline activity areas is proposed that is less than a 20% of the requirement noted above, a Class 2 Community Planning Permit will be required, and if it is greater than a 20% increase of the requirements noted above, a Class 3 Community Planning Permit will be required.
- 4.3.16.5 Docking Facilities:** A dock may be erected and used in the required yard of a lot abutting a shoreline provided it complies with the minimum required side yard of the Precinct and does

not cross a line drawn into the water perpendicular to the shoreline from the point where the required side lot line setback meets the shoreline, and has a maximum projection into the water of 15 metres from the high water mark, with the exception of:

- a) a lot fronting upon a narrow waterbody, where the maximum projection shall be 6 metres;
- b) a lot fronting upon the Muskoka River, where the maximum projection shall be 10 metres;
- c) where the 15 metre projection of a dock ends in a water depth of less than 0.75 metre from the normal or controlled high water mark, as determined on a survey prepared by an Ontario Land Surveyor, the dock may be extended until a water depth of 0.75 metre is achieved at the end of the dock, to a maximum projection of 30 metres.

If a dock is proposed to increase in length beyond the requirements noted above, a Class 3 Community Planning Permit will be required. For a Class 3 Permit, an evaluation will be required of the most appropriate location for a dock on the property with respect to minimizing vegetation loss and habitat impacts and avoiding a change to the grade of the lands to the greatest extent possible.

- 4.3.16.6 Boathouse / Boat port:** A boathouse or boat port may be erected and used in the required yard of a lot abutting a shoreline provided it:
- 4.3.16.7** does not exceed 100 square metres in floor area (measured from the exterior walls or posts of a boathouse or boat port), and shall also include the area of any porch or other projections over a dock;
 - 4.3.16.8** does not exceed 10 metres in width, measured from the exterior walls or posts, and from the outer edge of the deck or dock, and shall include any overhang associated with a boathouse / boat port;
 - 4.3.16.9** complies with the minimum side yard of the Precinct and does not cross a line drawn into the water perpendicular to the shoreline from the point where the required side lot line setback meets the shoreline, and
 - 4.3.16.10** has a maximum projection into the water of 15 metres from the high water mark, with the exception of:
 - a) a lot fronting upon a narrow watercourse, where the maximum projection shall be 6 metres;
 - b) a lot fronting upon the Muskoka River, where the maximum projection shall be 10 metres;

- c) a lot fronting upon the shoreline of those parts of the Muskoka River, in the area shown in the boathouse prohibited area on Schedule B-1 of the Official Plan, in which case a boathouse or boat port is prohibited.

Any extension beyond the floor area and yard provisions noted above will require a Class 2 Community Planning Permit, up to an increase or decrease of 20%. A Class 3 Community Planning Permit will be required for an increase or decrease beyond 20%.

- 4.3.16.11 Flat Roof Boathouse:** A boathouse or boat port may contain a flat roof used as a private open sitting area provided that it contains a safety railing or partial wall (not exceeding 1.5 metres in height), does not extend beyond the perimeter of the boathouse or boat port walls and the private sitting area does not contain any other walls or other structures, such as a gazebo. The minimum side yard requirement for a boathouse or boat port with a flat roof shall be twice the minimum side yard requirement in the Precinct in which it is located.
- 4.3.16.12 Inclinator:** an inclinator for personal use is permitted in the front yard, to a size to accommodate a maximum of two persons.
- 4.3.16.13 Pump House:** A pump house may be erected and used in the required yard of a lot abutting a shoreline provided it complies with the minimum required side yard. A free standing pump house shall not exceed a height of 2 metres or a ground floor area of 9 square metres, and shall be located in a manner that addresses the criteria for considering variations with respect to noise mitigation in section 2.16.
- 4.3.16.14 Unenclosed Deck:** An unenclosed deck may be permitted within the yard abutting a shoreline, provided that the structure:
 - a) does not exceed 30 square metres in floor area;
 - b) is located no closer than 5 metres from the shoreline except where such deck is attached to a dock; and
 - c) the deck floor is no more than 1 metre from the grade below it.
- 4.3.16.15 Gazebo:** One freestanding gazebo may be permitted within the required yard abutting a shoreline, provided that the structure does not exceed 15 square metres in floor area, measured from the exterior walls or posts of a gazebo, and shall also include the area of any overhang from the roof; a freestanding unenclosed gazebo may be located on a dock.
- 4.3.16.16 Outdoor Sauna and Hot Tub:** An outdoor sauna or hot tub may be erected and used in the front yard of a lot abutting a shoreline provided it is a minimum of 20 metres from the front lot line and does not have a total floor area greater than 9 square metres. The minimum side yard requirement shall be twice the minimum side yard requirement in the Precinct in which it is located.
- 4.3.16.17 Maximum Number of Shoreline Structures:** The maximum number of shoreline structures shall be limited to three in total, with a maximum of one boathouse / boat port permitted, and

a maximum of two docks. A shoreline structure may include more than one use in combination (e.g. a hot tub within a gazebo or a pump house within a boathouse). These requirements do not apply in any Waterfront Commercial Precinct or where a marina is permitted.

4.3.17 Swimming Pools:

- 4.3.17.1** Notwithstanding any other provisions of this By-law to the contrary, a swimming pool may be erected as an accessory structure to a principal use on the same lot and located in a rear yard, provided:
- a) it is located no closer than 2 metres to the rear lot line, plus an additional setback distance equal to the height of the swimming pool plus the height of any enclosure above grade at and attached to the pool.
 - b) no water circulating or treatment equipment, such as pumps or filters, shall be located closer than 3 metres to any interior side lot line or rear lot line;
 - c) the deck surround structure of an above ground swimming pool, whether or not attached to the principal building on the lot shall meet the yard requirements of the principal building or structure.
- 4.3.17.2** On a lot that abuts a lake or watercourse, a swimming pool may be erected in the front yard, provided it is a minimum of 30 metres from the front lot line and meets the requirements of Section 3.1.19.1 (b) and (c). Any equipment associated with a swimming pool shall be located in a manner that addresses the criteria for considering variations with respect to noise mitigation in section 2.16.

4.4 Encroachments

- 4.4.1** Every part of a required yard shall be unobstructed from its lower level upwards, except that:
- 4.4.1.1** The following obstructions may project not more than 1 metre into any required yard provided such obstruction is no closer than 1 metre to the lot line:
- a chimney
 - lintel
 - sill
 - ornamental projection
 - belt course
 - cornice
 - eave or gutter

- pilaster
- window canopy
- Solar panels

4.4.1.2 The following obstructions may project not more than 1 metre into a required side yard and not more than 1.5 metres into any other required yard, provided such obstruction is no closer than 1 metre to the lot line:.

- fire escape or open stairway
- deck
- bay window
- dormer
- vestibule

4.4.1.3 An entrance canopy attached to a building may project 3 metres into a front yard but no closer than 3 metres to a street line.

4.4.1.4 A loading dock, with or without a roof or canopy, may project 3 metres into a required yard except no closer than 7 metres of the boundary of a residential Precinct.

4.4.1.5 A canopy or roof may be erected over a pump island in an automobile service station, or may be extended from the main building to a pump island, but not closer than 3 metres to a street line.

4.4.1.6 An access ramp may be erected not closer than 1 metre to any lot line.

4.5 Existing Lots

4.5.1 Where a lot having lesser frontage or area than is required by this By-law, and is legally capable of being conveyed or held under separate ownership from abutting lots, or was legally created through an approval pursuant to the Planning Act; a Community Planning Permit may be issued to allow development provided:

- a) a Certificate of Approval for a septic system has been granted (where required) or the lot is approved for or is already connected to the respective public services;
- b) an entrance permit is approved by the applicable road authority having jurisdiction;
- c) the character of the lot is consistent with its surroundings in terms of shape of the lot and frontage on a street;

- d) any natural features and water quality constraints are addressed;
- e) lot coverage requirements and setbacks in this by-law are met;
- f) Development is sited on the lot such that existing mature vegetation is maintained or restored; and
- g) The minimum lot area for a lot on private services is 1,350 square metres and minimum lot frontage is 29 metres.

4.6 Vegetation Removal and Site Alteration

- 4.6.1** In accordance with Section 2.2.9 of this By-law, a Class 2 Community Planning Permit shall be required for vegetation removal and site alteration within 30 metres of the shoreline of a lake, waterbody or watercourse included in Urban Shoreline or Waterfront designations described in the Official Plan, within woodlands greater than 0.5 hectares in size, and within or adjacent to the Town's Natural Heritage System.
- 4.6.2** The provisions of this Section of the By-law shall not apply to Forestry Operations, aggregate operations undertaken in accordance with a Licenced operation, and public works in accordance with an approved Environmental Assessment or equivalent study.
- 4.6.3** A variation of any requirement of the By-law may be considered as a Class 2 Community Planning Permit application.
- 4.6.4** For the purposes of this By-law, removal of any vegetation not defined as a tree shall not require a Community Planning Permit, except where such vegetation is within the Natural Heritage System or the Natural Constraint Overlay.
- 4.6.5** No tree cutting shall be undertaken unless exempted under Section 2.11 or 4.6, or in accordance with a condition of an approved Community Planning Permit.
- 4.6.6** The Community Planning Permit may add conditions to minimize extent of site grading, restricting site alteration in areas of steep and rocky terrain, preserving natural features, using grass swales for stormwater management, directing runoff to soakaway pits or grassed areas, using stormwater retention ponds, minimizing extent of paved areas, using permeable surfaces and minimizing offset flow of contaminants

4.7 Fences

- 4.7.1** Landscaping and privacy fences as required by this By-law shall be provided, planted or located, and adequately maintained by the owner of the land on which the landscaping and privacy fences are located.

- 4.7.2** All fences shall be maintained in a good state of repair and in a safe condition
- 4.7.3** Residential Precincts: no person shall have, erect, construct, maintain or permit to be erected, constructed or maintained a fence on a lot used for residential purposes except in accordance with the following provisions:
- a) A fence erected within a rear or side yard shall not exceed a height of 2.13 metres;
 - b) A fence erected within a driveway visibility triangle shall not exceed a height of 1.0 metre;
 - c) A fence erected within a front yard shall not exceed a height of 1.0 metres;
 - d) A fence erected within an exterior side yard shall not exceed a height of 2.13 metres except for any portion of a fence located within any visibility triangle, where the height shall not exceed 1.0 metres; and
 - e) A fence erected along a front yard or exterior side yard adjacent to a street shall be set back from the lot line a minimum of 1.0 metres.
- 4.7.4** Non-residential Precincts: no person shall have, erect, construct, maintain or permit to be erected, constructed or maintained a fence on a lot used for non-residential purposes except in accordance with the following provisions:
- a) A fence erected within a rear or side yard shall not exceed a height of 3.0 metres and must be setback a minimum of 7.6 metres from the front lot line;
 - b) A fence erected within a front yard shall not exceed a height of 1.0 metres; and
 - c) A fence erected along a front yard or exterior side yard adjacent to a street shall be set back from the lot line a minimum of 1.0 metres.
- 4.7.5** No person shall have, erect, construct, maintain, or permit to be erected, constructed or maintained any fence comprised of sheet metal or corrugated metal or any material of a nature which could be injurious to the public in the construction or use of a fence
- 4.7.6** Large hedges or a line of trees acting as a barrier or fence within a side yard or rear yard that do not cause any visual obstruction to persons or vehicles while entering or exiting a driveway or travelling along a street, lane or sidewalk shall be exempt from the provisions of this By-law.

4.7.7 Acoustic and noise fencing, if required through a Community Planning Permit, is exempt from the provisions of this By-law, as long as the fence is not causing a visual obstruction to persons or vehicles while entering or exiting a driveway or travelling along a street, lane or sidewalk.

4.7.8 Any variation to the provisions of Section 4.7 shall require a Class 2 Community Planning Permit. In considering the application, the Town shall have regard for

- a) Whether there are any special circumstances or conditions applying to the property or building(s) on or surrounding the property;
- b) Whether such special circumstance or conditions are pre-existing; and
- c) Whether the fence that is subject of the Community Planning Permit application will cause any safety hazards due to the proposed location, or cause a visual obstruction to persons or vehicles while entering or exiting a driveway or traveling along a street, lane or sidewalk.

4.8 Height Exceptions

4.8.1 No height provisions contained in any Precinct shall apply to prevent the erection, alteration or use of the following accessory buildings or structures, provided the main use is a permitted use within the Precinct in which it is located:

- a) church spire;
- b) clock/bell tower
- c) windmill or wind turbine in a Rural Precinct;
- d) radio or television tower or antenna;
- e) air conditioner duct;
- f) barn or silo used for farm purposes;
- g) elevator penthouse or stair well; and
- h) flag poles.

4.8.2 Walkout Basements: A walkout from a basement shall be permitted below the finished grade, but shall be no wider than 20% of the building width or 4 metres, whichever is lesser.

4.9 Home Occupation

4.9.1 The following regulations apply to regulate a home occupation where such a use is permitted:

- a) The home occupation shall clearly be secondary to the main residential use of the property and shall not change the residential character of the dwelling;
- b) Such home occupation shall not be a nuisance, with regard to noise, odour, dust, vibration, etc., and not interfere with television or radio reception of others in neighbouring buildings or structures;
- c) Such home occupation shall not include a private hospital, a nursing home, a boarding house, an eating establishment or a veterinary clinic, but may include a business or professional office that complies with the provisions of this subsection;
- d) There shall be no display to indicate that any part of the property is being used for other than residential uses except for an unlit sign of not more than 0.5 square metres, except where a lot fronts on a District Road or Provincial Highway, in which case the requirements of the District or the Province shall be complied with;
- e) The home occupation use shall be conducted entirely within a detached dwelling or accessory building;
- f) In the case of a home occupation located in an accessory structure, such structure shall not be located within a yard abutting a shoreline, front yard or exterior side yard and shall not exceed a maximum floor area of 60 square metres;
- g) Not more than 25% of the gross floor area of the dwelling shall be used for the purposes of home occupation use;
- h) Such use is conducted by a person or persons residing in the dwelling and a maximum of one employee employed on site who does not live in the dwelling;
- i) There shall be no outside storage of equipment, goods or materials associated with the home occupation use; and
- j) The lot fronts on and has access from a municipally owned, year-round maintained road.

4.10 Home Industry

4.10.1 The following regulations apply to regulate a home industry where such a use is permitted:

- a) The home industry shall clearly be secondary to the main residential use of the property and shall not change the residential character of the dwelling;
- b) Such home industry shall not be a nuisance, with regard to noise, odour, dust, vibration, etc., and not interfere with television or radio reception of others in neighbouring buildings or structures;

- c) There shall be no display to indicate that any part of the property is being used for other than residential uses except for an unlit sign of not more than 0.5 square metres, except where a lot fronts on a District Road or Provincial Highway, in which case the requirements of the District or the Province shall be complied with;
- d) The home industry shall meet the same yard provisions as required for the principal residential use for the Precinct in which it is located, with the exception of the interior side yard, which shall be a minimum of 10 metres;
- e) The use shall not occupy more than 25% of the gross floor area of a dwelling, or where located in an accessory building, shall not occupy more than 90 square metres of gross floor area;
- f) A maximum of two (2) employees who do not live in the dwelling may be employed on site in the home industry and additional employees may be employed off-site;
- g) A landscaped buffer shall be provided on the lot in accordance with the provisions of this By-law;
- h) There shall be no goods, wares or merchandise offered for sale or rent from the dwelling or an accessory building which are not manufactured or processed on the lot; and,
- i) Unlike the home occupation, the home industry shall be subject to a Community Planning Permit and shall include a site plan to identify storage and accessory buildings; and,
- j) The lot fronts on and has access from a municipally owned, year-round maintained road.

4.11 Landscaping and Buffers

- 4.11.1** A minimum 3 metre buffer shall be provided along a side or rear lot line of a commercial use, mixed use or home industry; and a minimum 7.5m buffer in an Employment Precinct where it abuts a residential Precinct, except where the minimum yard is < 3 metres or less than 7.5 m in the case of an Employment Precinct, in which case the buffer shall be ½ the required yard, unless otherwise specified in this By-law.
- 4.11.2** Landscaping shall be provided, planted or located, and maintained in a healthy condition by the owner of the land on which the landscaping is located.
- 4.11.3** Where landscaping is required on a lot, such lot shall not be used for any purpose other than that which existed at the date of passing of this By-law, unless and until the required landscape strip/privacy fence is planted or located, unless as otherwise provided for in a Community Planning Permit.

4.11.4 In all Commercial, Mixed Use or Employment Precincts, Urban Medium and High Density Residential Precincts and Community Residential Precincts,

- a) With the exception of lands within the Central Business District Precinct, all portions of the front yard and the exterior side yard must be landscaped with soft landscaping, having a minimum width of 3 metres except where occupied by parking spaces, driveways and aisles or by a walkway with a maximum width of 1.8 metres or where the front and exterior side yards are covered by porches or vestibules, and
- b) all portions of any other yard not covered by buildings or by parking spaces, driveways or aisles shall be landscaped.
- c) A landscaped buffer shall be provided along the full outer perimeter of the parking lot in accordance with the following table. A driveway may cross the landscaped buffer.

Table 5: Minimum Required Width of a Landscaped Buffer in a Parking Lot			
Location of Landscaped Buffer	Minimum Required Width of Landscaped Buffer		
	For a parking lot containing 10 or less spaces	For a parking lot containing more than 10 but less than 100 spaces	For a parking lot containing 100 or more parking spaces
Abutting a street	3 metres	3 metres	3 metres
Not abutting a street	1 metre	1.5 metres	3 metres

- d) Interior landscaping within parking lots containing 50 or more parking spaces shall be provided in the form of landscaped islands, landscaped medians, pedestrian pathways or public plazas.
- e) A reduction in the number of parking spaces, to a maximum of 10%, may be permitted in exchange for an equivalent or greater area of interior landscaping within a parking lot.
- f) Electric Vehicle (EV) charging stations shall not be permitted within any minimum required landscape buffer.

4.12 Lighting

- 4.12.1** The use of sensitive lighting practices that do not interfere with the view of the night sky or spill into surrounding properties is required for all land uses. Lighting fixtures shall be directed downward (not exceed 2% above horizontal) and shall be installed in accordance with Town of Huntsville By-law 2016-3.

4.13 Minimum Separation Distances for Farms

- 4.13.1** Despite any yard provisions of this By-law to the contrary, no buildings or structures or lot adjustments or changes in use shall be approved, erected or expanded unless they comply with the Provincial Minimum Distance Separation I and II formulae, as written and in effect on the date of approval of this by-law.

4.14 Natural Constraints

- 4.14.1** The provisions of this Section of the By-law shall apply to:
- a) All lands within the Conservation Precinct;
 - b) All lands within the Natural Constraints Overlay; and
 - c) Other lands where natural constraints have been identified as part of the Natural Heritage System through a technical report.
 - d) Development shall not be permitted within Natural Heritage Features and Areas
- 4.14.2** Notwithstanding 4.16.2, any development proposed in, or within 30 metres of a natural constraint (or in the case of a Provincially Significant Wetland, Areas of Natural and Scientific Interest and Muskoka Heritage Areas, within 120 metres) shall be considered a Class 2 variation. In these cases, applicants shall be required to submit a technical report, to the satisfaction of the Town, demonstrating that the proposed development can be appropriately accommodated.
- 4.14.3** Development shall be setback a minimum of 15 metres from the top of a defined bank of a slope and 5 metres from the defined toe of slope. Any development within these limits shall be considered a Class 2 variation and shall be assessed in the context of Official Plan policies governing steep slopes, including an assessment of an appropriate setback to be confirmed through a technical report. No buildings or structures are permitted on a steep slope unless authorized through a Class 2 variation and supported by a satisfactory technical report.

- 4.14.4** Development, save and except for a dock, shall be setback a minimum of 30 metres from the limits of any Type 1 Fish Habitat within all Precincts except the Huntsville Urban Area, where a minimum setback of 20 metres shall apply. Variations from these provisions may only be considered where site characteristics warrant and in accordance with the criteria for considering variations to Type 1 Fish Habitat as outlined in the Official Plan. A technical report must be submitted for any variation to demonstrate how Fish Habitat may be protected from negative impacts despite a lessor setback.

4.15 Non-Complying Buildings and Structures

- 4.15.1** Where a legal non-complying building is damaged, destroyed, or demolished, the reconstruction of the building will be restricted to its original footprint, building size, height and location.
- 4.15.2** Submission of an application for a building permit to replace a legal structure, relying upon Sections 4.13.1, must occur within two years of the damage or destruction, otherwise these sections do not apply.
- 4.15.3** The expansion of or addition to a legal non-complying building is permitted provided it is not more than the height of the original structure and it complies with all other provisions of the By-law.

4.16 Non-Conforming Uses

- 4.16.1** Provided that there is no change in use, existing legal non-conforming uses and existing accessory uses thereto may continue. A legal non-conforming use shall be limited to the existing size of the facility (e.g. number of units, area, height).
- 4.16.2** Where a building 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.
- 4.16.3** Any expansions to a legal non-complying building shall require a Community Planning Permit to demonstrate that the development will meet the intent of this By-law and the Official Plan. In evaluating requests for expansions to a legal non-complying building, Staff and Council shall consider the proposal in the context of the criteria set out in Section 2.16 of this By-law addressing variations.

4.17 Outdoor Storage

4.17.1 Where outdoor storage is permitted, the area used for outdoor storage shall comply with the yard requirements for that Precinct, and shall be subject to the landscaping provisions of Section 4.11.

4.17.2 The following requirements apply to outside storage:

- a) In any Employment Precinct, there shall be no outside storage of material, equipment, finished or unfinished products, except in accordance with the following outside storage requirements: 15 metre setback from a Provincial highway and District road; 9 metres from other streets.
- b) Where an Employment Precinct abuts the boundary of a Residential Precinct, there shall be no outside storage unless screened from view from the abutting part of the residential Precinct.
- c) Where an Employment Precinct abuts a public street there shall be no outside storage unless screened from view from the abutting street or road.
- d) Outdoor storage is prohibited in front yards and between the building and the limits of a provincial highway.

4.18 Parcels of Tied Land (POTLs)

4.18.1 For parcels of tied lands in a common element condominium development, the lot requirements contained in this By-law shall be applied to each parcel of tied land.

4.19 Permitted Uses in all Precincts

4.19.1 The following uses are permitted in any Precinct, except for within identified natural constraints unless , where any of these uses would require a Class 2 Community Planning Permit Approval:

- a) a telephone booth or public transit shelter;
- b) a tool shed, scaffold or other such building or structure incidental to any construction, provided it is located on the premises where such work is under way, until such construction has been finished or discontinued for sixty (60) days;
- c) a temporary sales office in a plan of subdivision or condominium description incidental to construction and sale of lots, units or buildings in such development until

construction has been finished or discontinued for sixty (60) days, but no such sales offices shall be established within 30 metres of any occupied dwelling.

- d) a guardhouse or gatehouse located in any employment Precinct;
- e) a ticket office to serve a vehicle parking lot;
- f) a receiving/transmitting tower or any steel tower used for signalling purposes and associated buildings, provided the tower and buildings are located at a minimum distance of 150 metres from the boundary of a residential Precinct, and provided the minimum lot area is 2 hectares;
- g) decorative walls, fences, planting strips, walkways and other landscaping structures subject to the regulations contained herein;
- h) recreational trails and minor associated structures including outdoor sports courts/fields;
- i) the processing of firewood for private use;
- j) temporary special events licensed or approved by the Town of Huntsville;
- k) a wayside pit or quarry operated by or on behalf of a public authority;
- l) a conservation use;
- m) flood or erosion control facilities, including stormwater management facilities;
- n) a public park; and
- o) a public use.

4.20 Public Uses

4.20.1.1 Every public use shall comply with the provisions for the Precinct in which it is located.

4.20.1.2 With the exception of skating rinks, swimming pools, tennis courts or similar uses, any above ground non-residential public use which is located in a Residential Precinct must be enclosed in a building which is designed, located and maintained in general harmony with the permitted Residential buildings in such Precinct.

4.20.1.3 Nothing in this By-law prevents the use of land for a public road or private road or prevents the installation of a water main, sanitary sewer main, storm sewer main, gas main, pipeline, lighting fixture, transit shelter, or overhead or underground hydro or telephone lines.

4.21 Pits and Quarries

4.21.1 The making, establishment or operation of pits or quarries is prohibited, 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, blasting, washing, screening, sorting or crushing rock, sand or gravel, except as expressly provided for in this By-law.

4.22 Prohibited Uses/Activities

4.22.1 External Design – building material: the following building material shall not be used for the exterior vertical facing on any wall of a building or structure

- Building paper
- Asphalt roll type siding.

4.22.2 Health Hazards: notwithstanding anything contained in this By-law, no land or building in any Precinct shall be used for any purpose, which from its nature or from the material used, is declared to be a health hazard under the Health Protection and Promotion Act without the consent of the local medical officer of health as provided in that Act.

4.22.3 The following uses are prohibited in any Precinct:

- An abattoir;
- A track for the racing of motor vehicles, motorcycles, snowmobiles or other motorized vehicles;
- A foundry;

- Sewage Lagoon and waste disposal facilities except where otherwise specifically permitted in this By-law.

4.22.4 Truck, Bus and Coach Bodies: no truck, bus, railroad car, caboose, coach or street car body shall be used for human habitation, whether or not the same is mounted on wheels.

4.23 Public Street, Private Road, Navigable Waterway or Condominium Access

4.23.1 Frontage on a Public Street: Except as otherwise permitted in this by-law, no person shall erect any building or structure in any Precinct unless the lot upon which such building or structure is to be erected fronts upon and is directly accessible from a road maintained year round by a public authority. This provision does not apply for a woodland retreat.

4.23.2 Unassumed Road: The provisions of this By-law shall not apply to prevent the erection of a permitted building or structure on a lot in a Registered Plan of Subdivision where a properly executed subdivision agreement has been entered into with the Town where the street or streets will not be assumed by the Town until such time as specified in the agreement.

4.23.3 Seasonally Maintained Public or Private Road Access: Notwithstanding the provisions of Subsection 4.22.1, where a lot is in a Waterfront Residential Precinct and abutting or traversed by a seasonally maintained public or private road, a use, building or structure may be used on such lot in accordance with the provisions of the Precinct.

4.23.4 Access by a Navigable Waterway – Existing Lots: Notwithstanding the provisions of this Section to the contrary, within a Waterfront Residential Precinct where a lot is accessible by means of a navigable waterway only, the erection, alteration of or use of a building or structure for a use permitted in a Waterfront Residential Precinct, is permitted and the lot shall not be required to provide parking facilities. For the purposes of this By-law, where a lot fronts upon a shore road allowance, the lot shall be deemed to front upon and be accessible from a navigable waterway.

4.23.5 Access by a Navigable Waterway – New Lot Creation: Any lot creation after the passing of this By-law shall be required to have a minimum of 3 off-site parking spaces legally secured in perpetuity.

4.23.6 Condominium Access: Where property is developed by condominium description, lot frontage and access for the individual units within the condominium description may be considered to be on a private internal road, or where parcels of land are tied to a private road created as a

common element condominium, the lot frontage and access for the parcel of tied land (POTL) abutting the private road may be considered to be on said common element condominium.

4.24 Refuse Collection Areas

4.24.1 Centralized refuse collection areas located on an individual lot used for commercial, industrial or multiple residential purposes that is not located within a building must be:

- a) located a minimum of 9 metres from a lot line abutting a public street;
- b) located a minimum of 3 metres from any other lot line,
- c) located a minimum of 10 metres abutting a low density residential use, and
- d) totally enclosed by walls and a roof.

4.25 Secondary Residential Dwelling Units:

- a) Where a Secondary Residential Dwelling Unit is permitted, the following provisions apply:
 - i. A maximum of two Secondary Residential Dwelling Units are permitted per lot within any Residential or Mixed Use Precinct, and a maximum of one Secondary Residential Dwelling Unit is permitted per lot within the Rural Precincts,
 - ii. The lot on which the Secondary Residential Dwelling Unit is located meets the minimum lot area and minimum lot frontage requirements for the Precinct in which it is located;
 - iii. The building in which the Secondary Residential Dwelling Unit is located meets all Precinct standards;
 - iv. Parking is provided in accordance with the requirements of this By-law;
 - v. A building permit is required to be obtained from the Town for the Secondary Residential Dwelling Unit;
 - vi. The Secondary Residential Dwelling Unit may be located in either a dwelling or in a separate detached accessory building with or without other accessory uses;
- b) Where a Secondary Residential Dwelling Unit is located within a separate detached accessory building, the following provisions shall apply:

- i. The maximum gross floor area of a Secondary Residential Dwelling Unit within a detached accessory building shall be 75 square metres;
- ii. The maximum height of the accessory building shall be 8 metres in any Rural Precinct, and 6 metres for every other Precinct;
- iii. The accessory building shall be setback a minimum of 1.5 metres from any side lot line, and 5.0 metres from the rear lot line; and
- iv. There shall be a minimum separation distance of 5.5 metres between the accessory building and the main dwelling.

4.26 Special Watercourse Yard Requirements

4.26.1 On lands abutting a watercourse, the following special yard requirements apply:

4.26.1.1 Agricultural uses shall not be located within 30 metres of any watercourse or provincially significant wetland, and a physical barrier shall be provided to prevent livestock from accessing the watercourse.

4.26.1.2 Planting strips, walkways (including landings less than 10 square metres and stairs) and other landscaping structures may be constructed within the required front yard;

4.26.2 The setbacks noted above may include all or a portion of an original shore road allowance.

4.27 Special Yard requirements

4.27.1 Sewage Facilities: No development or other sensitive land use shall be permitted within:

- a) 200 metres of a Sewage Treatment Plant for residential uses; 150 metres for non-residential uses;
- b) 400 metres of a hauled sewage lagoon or waste stabilization pond.

4.27.2 Waste Disposal (landfill) site: No development will be permitted within 30 metres of an operating or identified non-operating waste disposal site. A Class 2 variation may be permitted to reduce this requirement to 20 meters where it has been demonstrated through an appropriate assessment/technical report that landfill-generated gasses are the only potential off-site impact to adjacent lands.

- 4.27.3 TransCanada Pipeline:** No building or structure shall be located within 7 metres of a TransCanada Pipeline right-of-way. A Class 2 variation may be permitted to reduce this standard if it has been demonstrated to the satisfaction of the pipeline corporation that a that such a reduction will not compromise the safety and integrity of the pipeline.
- 4.27.4 Extractive Industrial Uses:** No new dwelling shall be located closer than 100 metres of lands within the Rural – Extractive Precinct.
- 4.27.5 Railway Right-of-Way:** Where a building to be used for residential or institutional purposes is located on lands adjacent to a railway line, a minimum 30 metre yard requirement shall be provided from the boundary of the railway lands, except that expansion or redevelopment of an existing building shall be permitted at less than the 30 metre yard requirement, provided any expansion or redevelopment is setback from the boundary of the railway lands at a distance equal to the setback of the previously existing building, provided such building or structure satisfies applicable requirements for noise and vibration mitigation, and provided no additional dwelling units are added.

4.28 Storage and Parking of Trailers and Boats

- 4.28.1** The following regulations apply to the parking of trailers, recreational vehicles and boats in residential and Rural Precincts:
- 4.28.1.1** A trailer, recreational vehicle or boat must be stored to the rear of the minimum front yard requirement.
- 4.28.1.2** Notwithstanding 4.27.1.1, such parking or storage is not permitted in a sight triangle, at street intersections and railway intersections, as defined in Section 3.29 of this By-law.
- 4.28.1.3** Notwithstanding 4.27.1.1, a boat may be stored in the front yard of a Shoreline Residential Precinct, however, a trailer may not be stored in this location.
- 4.28.1.4** No semi-trailer may be stored in any Precinct except in an Employment Precinct where semi-trailer manufacture or repair is a primary use or where semi-trailer haulage or storage is the principal use.

4.29 Temporary Uses

- 4.29.1** A temporary building, structure or trailer incidental to the construction of a principal building on a lot is permitted in all Precincts, 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' shall mean the failure to proceed with the work within a one year time period.

4.29.2 A garden suite is only permitted as a temporary use through a Community Planning Permit and shall only be approved in accordance with the following provisions:

- a) the floor area of a garden suite shall not exceed the floor area of the principal dwelling and at a maximum is 85 square metres.
- b) once a garden suite is discontinued, it shall be removed from the site or converted to a permitted accessory use.

4.29.3 A trailer or a temporary construction camp incidental to construction and used temporarily for office or storage purposes, is permitted in all Precincts, provided that the trailer or camp is located on the same lot as the construction and in compliance with the yard requirements for the Precinct in which it is located and provided the trailer or camp shall not be located on the premises until a building permit for said construction has been issued and the trailer or camp shall be removed within 60 days of the completion or discontinuance of construction.

4.30 Tents, Trailers, Recreational Vehicles

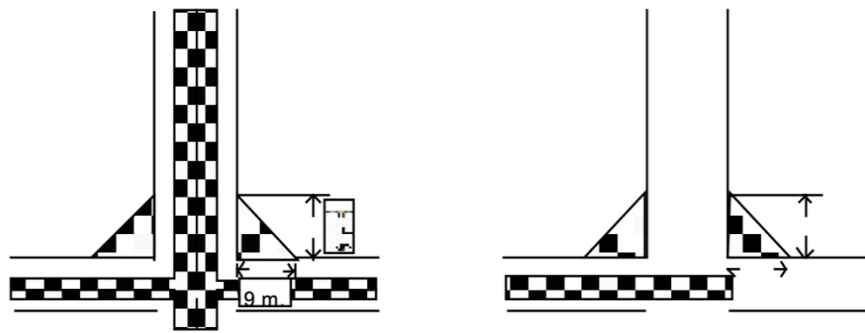
4.30.1 The use of tents, trailers and recreational vehicles for permanent or temporary human habitation shall be prohibited in all Precincts except;

- a) in a Rural or Waterfront Residential Precinct, a recreational vehicle equipped with toilet facilities and a Ministry of the Environment approved sewage holding tank may be used for temporary human habitation during the construction of a dwelling unit on a lot, provided that such structure is located on the same lot as the dwelling unit under construction and in compliance with the setback provisions for the Precinct in which it is located and provided that:
 - i. no such structure shall be located on the premises until a building permit for said construction has been issued and construction commenced;
 - ii. such structure shall cease to be used for human habitation upon completion of the dwelling unit;
 - iii. where not elsewhere permitted in this By-law, such structure shall be removed from the premises upon completion of the dwelling unit, or in all cases, within 60 days of the discontinuance of construction.
- b) for the occasional accommodation of guests in any Rural, Residential or Waterfront Residential Precinct provided that a detached dwelling exists on the property.
- c) the use of tents for children's play, picnics, weddings, family reunions, or other similar private functions.

4.31 Visibility Triangles

- 4.31.1** On a corner lot fronting on two roads, within the triangular space formed by the streetlines and a line drawn from a point on each streetline, each such point being 9 metres measured along the street line from the point of intersection of the street lines, no motor vehicle shall be parked, no building or structure which would obstruct the vision of drivers or motor vehicles shall be erected, and no land shall be used for the purposes of growing shrubs or trees in excess of 0.6 metres in height. Where the two street lines do not intersect at a point, the point of intersection of the two street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.
- 4.31.2** Where a railway line intersects with a street, within the triangular space formed by the street and railway line and a line drawn from a point on the street line to a point on the railway line, each such point being 9 metres measured along the abutting lot lines no motor vehicle shall be parked, no building or structure which would obstruct the vision of drivers or motor vehicles shall be erected, and no land shall be used for the purposes of growing shrubs or trees in excess of 0.6 metres in height.

Figure 6 - Illustration of Visibility Triangles



4.32 Water Supply and Sewage Disposal systems

- 4.32.1 Municipal Sewer and Water Services:** Within the Urban Service Areas as shown on Schedule B of the District of Muskoka Official Plan, no person shall use any land or erect or use any building or structure, or part thereof, on a lot, unless municipal water and sanitary sewer services are available to service such land, building or structure as the case may be.

4.32.2 Single Detached dwellings on existing lots not on full municipal services: Notwithstanding Section 4.31.1, where municipal sanitary sewer service is not available, one single detached dwelling may be erected on an existing lot provided:

- a) municipal water service is available to service such lands, or single detached dwellings; and
- b) a single detached dwelling is a permitted use within the applicable Precinct and all the other relevant requirements of the By-law are met.

4.32.3 Availability of Services: For the purposes of this Section, a service is not available unless the District of Muskoka confirms that the service is available to service the lot in question.

4.32.4 Notwithstanding 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 and/or sewage disposal system, as determined by the approval authority.

4.33 Woodland Retreat

4.33.1 The following Provisions apply to Woodland Retreats:

- a) The minimum lot area shall be 4 hectares;
- b) The minimum setback from a watercourse shall be 30 metres;
- c) The maximum floor area shall be 60 square metres; and
- d) The property shall not have frontage on a year round municipally maintained road.

4.34 Dredging and Filling

Dredging or filling that generates additional lot area or lot frontage shall not be recognized as creating additional development rights beyond the existing rights without receiving prior permission from the Ministry of Natural Resources or the Town.

5.0 Parking and Loading Requirements

5.1 General

5.1.1 The parking and loading requirements of this Section may be varied in accordance with Sections 2.10 and 2.16 of this By-law and the following:

- a) Any variations to the required number of parking and loading spaces shall be considered to be a Class 2 variation, except that any variation that is more than a 50% variation from the By-law requirement shall be considered to be a Class 3 variation.

Where a variation to the number of required parking spaces is being considered, cash-in-lieu of parking may be applied.

5.1.2 Parking and loading spaces and all driveways and aisles leading to those spaces shall be provided for each land use in accordance with the provisions of this Section and:

- a) must be set aside for and used exclusively for that purpose,
- b) must not be obstructed, and
- c) must be located on:
 - i. the same lot as the use or building for which they are provided; or
 - ii. located on a lot located within 150 metres of the site, provided the parking facilities are legally secured for that use, to the satisfaction of the Town.

5.1.3 Where parking is proposed off site and within 150 metres of the site, the following additional provisions apply:

- a) safe, direct pedestrian access is required between the parking area and the use;
- b) adequate loading and drop off facilities are provided on site.

5.1.4 The provisions of Section 5.1.2c)(ii) shall not apply in the Employment Precincts.

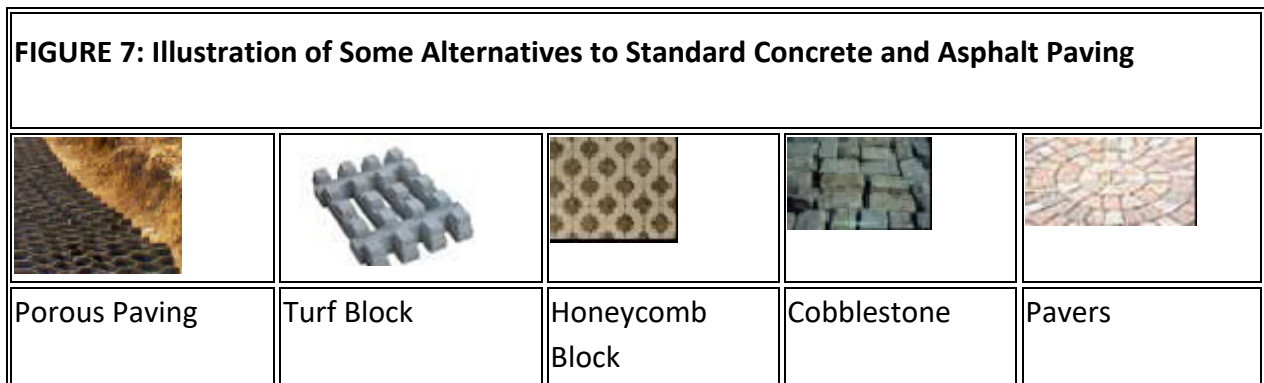
5.1.5 All motor vehicle parking spaces and queuing and loading spaces must have unobstructed access directly to a public street by:

- a) a driveway or private way
- b) an aisle leading to a driveway, or
- c) a public lane.

5.1.6 All motor vehicle parking spaces, queuing and loading spaces and aisles and driveways leading to those spaces must have a surface which is:

- a) hard, stable and dust preventative;
- b) usable in all seasons where the use is conducted in all seasons.

5.1.7 The surface of every parking or loading space or access aisles/driveways in Regional Commercial and Employment Precincts or the Mixed Use Precincts shall be graded and drained, and paved with asphalt or Portland cement concrete, so as to provide a permanent, durable and dustless surface. Permeable and semi-permeable surfaces are permitted, which include porous paving, turf block, honeycomb block, cobblestone and pavers (and as shown on the illustration in Figure 7).



5.1.8 Tandem parking is permitted for the required parking spaces for a single detached dwelling, duplex, semi-detached dwelling, secondary residential unit, and bed and breakfast establishment.

5.1.9 A drive-through aisle and queuing lane associated with a permitted use may be located in any side or rear yard, provided that a minimum 3-metre landscape buffer is provided adjacent to any property.

5.2 Parking Space Requirements

5.2.1 Off-street motor vehicle parking shall be provided based on the rate set out in Table 5 below.

5.2.2 For the purposes of this section, 0.5 metres of fixed bench seating is equivalent to one fixed seat.

Table 5 – Parking Requirement Table

Row	Land Use	Minimum number of parking spaces required
i	Dwelling unit (single detached, duplex, semi-detached, <u>street townhouses</u>)	2 parking spaces for each dwelling unit, one of which may be in an enclosed garage
ii	Dwelling unit (multiple dwelling, apartment)	1.5 parking spaces for each dwelling unit.
iii	Dwelling units in a commercial building; Secondary residential dwelling unit	1 parking space for each dwelling unit.
iv	Residential Care Facility, Hospital	0.5 parking space for each bed or rooming unit.
v	Institutional Uses, Places of assembly, Cinema/Theatre, health services	1 parking spaces for each 25 square metres of floor area (269 square feet) OR 1 parking space for each 4 seats in the facility, whichever is the greater.
vi	Bar	1 parking space for each 4 persons that can be accommodated on the premises at one time.
vii	Resort or other accommodation facility; bed and breakfast	1 parking space for each guest room in the facility PLUS 1 parking space per 100 sq. m (1076.4 sq. ft.) of gross floor area used for commercial purposes accessible by the public.
viii	Marina	1.5 spaces for each boat slip PLUS 1 space for each 25 square metres (269 square feet) of gross floor

Row	Land Use	Minimum number of parking spaces required
		area of commercial space (excluding storage area).
ix	Mobile Home Park	1 parking space within the Mobile Home site PLUS 1 parking space for every two sites located within the park.
x	Driving Range; mini golf	1 parking space for each hole or tee.
xi	Golf Course	3 parking spaces for each hole or tee (PLUS required parking for banquet facilities)
xii	Bowling Alley	4 parking spaces for each lane
xiii	Restaurant, banquet facilities	1 parking space for each 4 persons that can be accommodated on the premises at one time; except (a) in the Mixed Use Precincts, 1 parking space for each 5 persons that can be accommodated; and (b) where an accessory outdoor patio is developed within a restaurant, no additional parking spaces are required for the patio space.
xiv	Manufacturing or Processing building	1 space for each 37 square metres of gross floor area (398.2 sq. ft.)
xv	Warehousing or other industrial building, contractor's	1 space for each 100 square metres of gross floor area (1076.4

Row	Land Use	Minimum number of parking spaces required
	establishment	sq. ft.)
xvi	Retail store, home improvement centre, personal service shop, or furniture store, garden centre, adult entertainment parlour, motor vehicle dealership	1 space for each 25 square metres of gross floor area of commercial space (269 sq. ft.) PLUS 1 space for each 50 square metres (538 sq. ft.) of storage area
xvii	Freestanding Food Store, Convenience Store	1 parking space for each 15 square metres (161.5 sq. ft.) of gross floor area.
xviii	Shopping Centre	1 parking space for each 20 square metres (215.3 sq. ft.) of gross floor area.
xix	Camping Establishment	1 parking space for each tent or trailer site plus 1 visitor parking space for each 4 sites provided they are located within the establishment.
xx	Office, financial establishment	1 parking space for each 28 square metres (301.4 sq. ft.) of gross floor area.
xxi	Educational Institution: Elementary School	1.5 spaces for each teaching classroom plus 1 parking space for each 20 square metres (215.3 sq. ft.) of gymnasium or theatre space.
xxii	Educational Institution: Secondary School; College or University	4 parking spaces for each teaching classroom PLUS 1 parking space for each 20 square metres (215.3 sq. ft.) of gymnasium or theatre space.

Row	Land Use	Minimum number of parking spaces required
xxiii	Group Home; Boarding house	2 spaces, one of which is accessible, PLUS 1 space for every five residents
xxiv	Farm	2 spaces per farm
xxv	Amusement Centre, Park	4 spaces per alley, court, ice sheet, game table or other game surface plus 1 space for each 10 square metres (107.6 sq. ft.) of gross floor area used for dining and assembly.
xxvi	Motor vehicle sales and service	2 spaces for each service bay
xxvii	Motor vehicle service station	1 space for each pump island
xxviii	Self storage facility	1 space for each 100 square metres (1076.4 sq. ft.) that accommodates the use
xxix	Pit, Quarry	10 spaces, or 1 space for each 20 square metres (215.3 sq. ft.) of gross floor area, whichever is greater
xxx	Ski Hill	1 parking space for each 4 spaces of approved lift capacity or the requirement for places of assembly, which ever is greater.
xxxi	Veterinary clinic	1 space for each 25 square metres (269 sq. ft.) of gross floor area
xxxii	Waterfront Landing	3 spaces for each lot being serviced
xxxiii	Other uses not listed	1 space for each 25 square metres (269 sq. ft.) of gross floor area

5.2.3 A motor vehicle parking space shall have:

- a) a minimum width of 2.6 metres;
- b) a minimum length of 6 metres, except for parallel parking where a minimum length of 6.7 metres is required; and
- c) a minimum of 20% of required parking spaces shall have a minimum width of 3 metres.

5.2.4 Where parking facilities are illuminated by lighting fixtures or standards, they shall be arranged so that the light meets requirements of Outdoor Lighting by-law xxxxx.

5.2.5 Entrance and exit ramps to underground or raised parking areas shall be at least 7 metres from any street line which is not being used as access to the ramp.

5.2.6 The following regulations apply to parking lots and parking garages, whether a principal or accessory use:

- a) a driveway providing access to a parking lot or parking garage must have a minimum width of:
 - i. 3 metres for a single traffic lane, and
 - ii. 6.7 metres for a double traffic lane.
- b) Any parking lot containing more than 20 parking spaces requires a minimum entrance of 6.7 metres for a double traffic lane.
- c) all driveways and aisles providing access to or located within a parking lot or parking garage must have a minimum vertical clearance clear of obstructions such as signs and other structures of two metres for a parking lot, or as provided in the Ontario Building Code for parking garages.
- d) an aisle providing access to parking spaces in a parking lot shall comply with the minimum required width specified in the following Table 6:

Table 6: Minimum Required Parking Widths

Angle of Parking (degrees)	Minimum required aisle Width (in metres)
0-40	3.5 m (11.5 ft.)
41-55	4.3 (14 ft.)
56-70	6.5 (21.3 ft.)
71-90	6.7 (22 ft.)

- 5.2.7** No parking area shall be permitted within 3 metres of a street line in any Urban or Community Residential Precinct.
- 5.2.8** Any enclosed parking structure or building is subject to the various yard requirements for a principal building or structure of the particular Precinct.
- 5.2.9** No parking area or associated driveway of a non-residential use or multiple dwelling shall be located within 3 metres of any lot line abutting an Urban Residential – Shoreline, Urban Residential – Low or Community Residential Precinct. Driveways and parking areas may abut in the Urban Residential Medium, Mixed Use and Commercial Precincts.
- 5.2.10** A maximum of 50% of the area of a front or exterior side yard may be used for driveways.

5.3 Several Uses on One Lot

- 5.3.1** When a lot, building or structure accommodates more than one type of use, the parking space requirement for the whole building or site shall be the sum of the requirement for the separate parts of the building occupied by the separate types of use, except where specifically provided for elsewhere in this By-law.

5.4 Designated Accessible Parking

- 5.4.1** A designated accessible parking space for motor vehicles shall be a minimum of 4.5 metres wide that includes an adjacent 1.5 metre wide aisle that is hatch marked on the parking lot.
- 5.4.2** The minimum length of a designated accessible parking space for motor vehicles shall be 6 metres.

- 5.4.3** Two designated accessible parking spaces may share a single 1.5 metre wide hatched aisle.
- 5.4.4** Designated accessible parking spaces shall have a firm, level surface.
- 5.4.5** The minimum designated accessible parking spaces requirements for new development shall be as noted in the following Table 7:

Table 7: Accessible Parking Space Requirements Table	
Total number of Parking Spaces required	Minimum Accessible Spaces
1-25	1
26-50	2
51-75	3
76 - 100	4
101 and beyond:	5 spaces plus 1 additional space for each 50 spaces beyond 150 spaces

- 5.4.6** In case of personal service establishments, restaurants, health services, the minimum number of designated accessible parking spaces noted in Table 7 shall be increased by one.
- 5.4.7** If the required number of parking spaces is reduced to accommodate designated accessible parking, this does not create a non-compliance with respect to Table 7.
- 5.4.8** Designated accessible parking spaces shall be located as near as possible to the main entrance.

5.5 Additions to Buildings or Changes in Use of Buildings

- 5.5.1** The parking space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law, so long as the floor area, as it existed at such date, is not increased or so long as the Precinct of said building is not changed. If an addition is made to the building or structure which increases the floor area or the Precinct is changed, then parking spaces shall be provided for the proposed change, as required by the Parking Space Requirement Table. Notwithstanding the foregoing, where a site plan agreement is registered on title to the lands and has specific clauses regarding use and parking requirements and if the

use of the building is changed, then parking spaces shall be provided for the new use, as required in Tables 5 and 7.

5.6 Use of Parking Spaces and Areas

5.6.1 Parking spaces and areas required in accordance with this By-law, shall be used for the parking of operative, currently licensed vehicles only, and for vehicles used in operations incidental to the permitted uses in respect to which such parking spaces and areas are required or permitted.

5.6.2 However, no person shall use any parking area, in any residential Precinct, for the parking or storage of more than one of any commercial motor vehicle exceeding 2268 kilograms gross weight, except that one commercial motor vehicle, not exceeding 3538 kilograms gross vehicle weight, may be stored in a private garage.

5.7 Loading and Unloading

5.7.1 The owner of any building or structure used or erected for any purpose involving the receiving, shipping, loading or unloading of animals, goods, wares, merchandise or raw materials, other than a farm, shall provide and maintain on the same lot, facilities comprising one or more loading spaces in accordance with the following provisions:

- a) one space for a floor area between 300 square metres and 2,300 square metres;
- b) two spaces for a floor area of 2,300 square metres to 7,360 square metres;
- c) one additional space for each floor area increment of 9,200 square metres (or part thereof) over 7,360 square metres.

5.7.2 No loading or unloading may take place within 4 metres of the boundary of any residential Precinct.

5.7.3 A multiple dwelling containing 25 dwelling units or more shall provide at least 1 loading space.

5.7.4 Access to loading spaces shall be by means of a driveway at least 6 metres wide contained on the lot in which the spaces are located and leading to a public street.

5.7.5 The location of a loading space shall be in the side or rear yard of any lot and for any lot abutting any residential Precinct not closer than 4 metres to a lot line.

- 5.7.6** A loading space shall have a minimum width of 4 metres and a length of 15 metres.

6.0 Precinct and Overlay Provisions

6.1 General Provisions

6.1.1 Using the Tables

The following provisions apply to the use and interpretation of the Precinct provisions Tables in this Section.

6.1.2 General Prohibition

No person shall within any Precinct, use any land, or erect, alter, enlarge, use or maintain any building or structures for any use other than as permitted in the Permitted Uses Tables, in accordance with the standards contained in the Lot Requirements Tables, and with all other applicable provisions of this By-law.

6.1.3 Permitted Uses – Principal Uses

Uses permitted in a specific Precinct are noted by the symbol (•) in the column applicable to that Precinct and corresponding with the row for a specified permitted use in the Permitted Uses – Principal Uses Tables; a letter following the symbol (•), Precinct heading, or identified permitted use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire Precinct. Conditions are listed as notes below the Permitted Uses – Principal Uses Tables.

Where permitted uses are listed in a table, such uses may be permitted in combination, provided they comply with applicable Precinct requirements, and do not exceed the maximum number of dwelling units permitted on the lot.

6.1.4 Permitted Uses – Accessory Uses

Specific Accessory Uses permitted in a Precinct are noted by the symbol (•) in the column applicable to that precinct and corresponding with the row for a specified permitted accessory use in the Permitted Uses – Accessory Uses Tables. Accessory uses are only permitted in association with a Principal Permitted Use noted in the Permitted Uses – Principal Uses Tables. A letter following the symbol (•), Precinct heading, or identified permitted accessory use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire Precinct. Conditions are listed as notes below the Permitted Uses – Accessory Uses Tables.

6.1.5 Lot Requirements

No person shall, within any Precinct, use any lot or erect, alter or use any building or structure

except in accordance with the standards in the Lot Requirement Tables. A letter following the Lot Requirements, Precinct heading or description of the requirement, indicates an additional Precinct requirement. These additional Precinct requirements are listed as notes at the end of the Lot Requirements Tables.

6.1.6 Exceptions

Section 6 of this By-law provides special exceptions applicable to a specific property or properties. These special exceptions are identified by a number that follows the Precinct Identifier. With the exception of the specific provisions noted, all other provisions that apply to that Precinct continue to apply.

6.1.7 Minimum/Maximum

All Precinct requirements are minimum requirements, except where a maximum is specified.

6.1.8 Where reference is made in the tables to “as exists on the date of passing of this By-law”, it refers to the lot, buildings, structures and uses (as applicable) as they lawfully existed on the day this By-law was passed.

6.1.9 Where a lot is divided into more than one Precinct, each portion of the lot shall be used in accordance with the provisions of the applicable Precinct; however,

- a) the Precinct boundary is not to be treated as a lot line;
- b) lot area and coverage shall be calculated within the limits of the Precinct, unless otherwise specified; and
- c) only one detached dwelling shall be permitted per legally conveyable lot, where such dwelling is permitted in a residential Precinct.

6.1.10 Where a Precinct boundary is co-terminus with the joint boundary between the Town of Huntsville and an abutting municipality, such Precinct boundary shall not be used to calculate any required yards, setbacks, minimum lot areas, coverage and minimum lot frontages rather the boundaries of the lot which lies in both jurisdictions shall be used for such purposes. This provision shall not apply if the Precinct boundary at issue defines any C (Conservation) or EP (Environmental Protection) Precinct.

6.2 Residential Precincts

6.2.1 The Residential Precincts established by the By-law are as follows:

- Urban Residential – Shoreline
- Urban Residential – Low Density
- Urban Residential – Medium Density
- Urban Residential – High Density
- Community Residential

6.2.2 Permitted Uses – Principal Uses

PRECINCT	Urban Residential - Shoreline	Urban Residential - Low	Urban Residential - Medium	Urban Residential - High	Community Residential	Discretionary Use
Artisan's Studio	•	•	•		•	
Dwelling, Duplex	•	•	•			
Dwelling, Multiple				•		
Dwelling, Semi-Detached	•	•	•			
Dwelling, Single Detached	•	•	• (a)		•	
Dwelling, Townhouse Block			• (b)	• (b)		
Dwelling, Townhouse			• (b)	• (b)		
Financial Establishment		•	•	•	•	Discretionary Use
Food Store		• (c)	• (c)	• (c)	• (c)	Discretionary Use
Group Home (residential)	•	•	•	•	•	
Health Services		•	•	•	•	Discretionary Use
Market		•	•	•	•	Discretionary Use
Office		•	•	•	•	Discretionary Use
Personal Service Establishment		•	•	•	•	Discretionary Use
Residential Care Facility			•	•		
Retail Store		•	•	•	•	Discretionary Use
Service Establishment		•	•	•	•	Discretionary Use
Variety & Convenience Store		•	•	•	•	Discretionary Use
Veterinary Clinic		•	•	•	•	Discretionary Use
NOTES: (a) as existed on the date of passing of this by-law; (b) a maximum of eight (8) dwelling units may be attached to each other; (c) To a maximum of 200 square metres (2153 sq. ft.) per establishment						

6.2.3 Permitted Uses – Accessory Uses

PRECINCT	Urban Residential - Shoreline	Urban Residential - Low	Urban Residential - Medium	Urban Residential - High	Community Residential	Discretionary Use
Artisan's Studio	•	•	•	•	•	
Bed & Breakfast	•	•			•	
Boarding House			•	•		
Day Nursery (a)	•	•	•	•	•	Discretionary Use
Home Occupation (a)(b)	•	•	•	•	•	Discretionary Use
Private Park			•	•		Discretionary Use
Secondary Residential Dwelling Unit	•	•	•	•	•	
Short-term Rental Accommodation	•	•			•	
Hens, Backyard (c)	•	•			•	
NOTES: (a) Permitted in association with a single detached, semi-detached, townhouse or townhouse block dwelling (b) Provided no activity related to the Home Occupation occurs within 30 metres of a watercourse. (c) Backyard hens are only permitted on lots that are 0.4ha (1ac) or more in size. (d) A maximum of 3 dwelling units are permitted.						

6.2.4 Lot Requirements

PRECINCT	Urban Residential - Shoreline	Urban Residential - Low	Urban Residential - Medium	Urban Residential - High	Community Residential	Class 2 Variation Limit
Lot Frontage: full services - Single Detached and Duplex (minimum)	30 m	15 m	15 m	15 m	n/a	n/a
Lot Frontage: full services - Townhouse and Block Townhouse (minimum)			7.0 m (interior unit); 10.0 m (end unit - townhouse)	7.0 m (interior unit); 10.0 m (end unit - townhouse)	n/a	n/a
Lot Frontage: full services - Semi-Detached (minimum)	15m	11.0 m	11.0 m	11.0 m		n/a
Lot Frontage: partial services (minimum)	30m	30 m	(b)	(b)	30 m	n/a
Lot Frontage: private services (minimum)	30m	60 m; (d)	(b)	(b)	30m	n/a
Minimum Unit Width: Block Townhouse Dwelling			7.0 m per unit (interior unit); 8.5 m per unit (end unit)			
Lot Area: full services - Single Detached and Duplex (minimum)	650 m ²	465 m ²	465 m ²	465 m ²	n/a	Up to 20%
Lot Area: full services - Townhouse (minimum)			220 sq. m. (interior unit); 315 sq. m. (end unit - townhouse)	220 sq. m. (interior unit); 315 sq. m. (end unit - townhouse)		Up to 20%
Lot Area: full services - Block Townhouse (minimum)			N/A	N/A		
Lot Area: full services - Semi-Detached (minimum)	325 sq. m.	345 sq. m.	345 sq. m.	345 sq. m.		Up to 20%
Lot Area: partial services (minimum)	(b)	(b)			0.2 ha	Up to 20%
Lot Area: private services (minimum)	(b)	(b)	(b)	(b)	0.4 ha	Up to 20%
Lot Coverage (Maximum): full services	35%	35%	35%	40%	n/a	Up to 20%
Lot Coverage (Maximum): partial or private services		20%	20%	20%	20%	Up to 20%
Maximum Density		25 units per hectare	40 units per hectare	60 units per hectare		Up to 20%
Front Yard (minimum)	20 m	7 m to garage 4 m to dwelling 2 m to a porch	7 m to garage 4 m to dwelling 2 m to a porch	7 m to garage 4 m to dwelling 2 m to a porch	7 m to garage 4 m to dwelling 2 m to a porch	Up to 20%
Interior Side Yard (minimum)	1.5 m	1.5 m; (a)	1.5 m; (a)	1.5 m (a); except 6.0 m for multiple dwellings	1.5 m	Up to 20%
Exterior Side Yard (minimum)	3 m	3 m	3 m; except 1.5 m for block townhouse dwellings	3 m; except 9.0 m for multiple dwellings and 1.5 m for block townhouse dwellings	3 m	Up to 20%
Rear Yard (minimum)	10 m	7.5 m	7.5 m	7.5 m	10 m	Up to 20%
Building Height (maximum)	9 m	9 m	9 m, except 11 metres for multiple residential dwellings	9 m, except 11 metres for multiple dwellings	9 m	Up to 20%
Max. Number of Enclosed or roofed accessory buildings or structures on a lot	2	2	1	1	2	Up to 1 additional structure
NOTES: (a) for a semi detached, townhouse and block townhouse dwellings, where the units share a common wall, there shall be no required interior side yard on the side with a common wall. (b) as exists on the date of passing of this by-law. (d) On an arterial road, the minimum lot frontage shall be 150 m (492.1 ft.); on a collector road, the minimum lot frontage shall be 135 m (442.9 ft.).						

6.3 Waterfront Precincts

6.3.1 The Waterfront Precincts established by the By-law are as follows:

- Waterfront Residential – 60m
- Waterfront Residential – 120m
- Waterfront Backlot
- Waterfront Commercial

6.3.2 Permitted Uses – Principal Uses

PRECINCT	Waterfront Residential - 60 m	Waterfront Residential - 120 m	Waterfront Backlot	Waterfront Commercial	Discretionary Use
Artisan's Studio				•	
Bar				•	
Contractor's Establishment				•	
Dwelling, Single Detached	•	•	•		
Educational Institution				•	Discretionary Use
Group Home (residential)				•	
Institutional Tourist Establishment				•	
Marina				•	
Market				•	
Outdoor Recreational Use				•	
Personal Service Establishment				•	Discretionary Use
Private Park				•	
Restaurant				•	
Tourist Camping Establishment				•	Discretionary Use
Tourist Establishment				•	Discretionary Use
Tourist Home				•	
Variety & Convenience Store				•	Discretionary Use

6.3.3 Permitted Uses – Accessory Uses

PRECINCT	Waterfront Residential - 60 m	Waterfront Residential - 120 m	Waterfront Backlot	Waterfront Commercial	Discretionary Use
Artisan's Studio	•	•	•		
Bed & Breakfast Establishment (a)	•	•	•		
Day Nursery				•	
Dwelling Unit (d)				•	Discretionary Use
Home Occupation (a)(b)(c)	•	•	•	•	
Outdoor Storage				•	Discretionary Use
Place of Assembly				•	
Private Park				•	
Restaurant				•	
Retail Store				•	
Short-Term Rental Accommodation	•	•	•		
Staff Quarters				•	
Variety or Convenience Store				•	
NOTES: (a) On a lot having a minimum lot area of 1 hectare (2.5 ac.); (b) Provided no activity related to the home occupation occurs within 30 metres (98.4 ft.) of a watercourse; (c) Accessory to a permitted single detached dwelling only; (d) only one dwelling unit is permitted where full municipal water and sewer services are not available, otherwise a maximum of 3 dwelling units are permitted.					

6.3.4 Lot Requirements

PRECINCT	Waterfront Residential - 60 m	Waterfront Residential - 120 m	Waterfront Backlot	Waterfront Commercial	Class 2 Variation Limit
Lot Frontage (Minimum) (e)(f)	60 m	120 m	134 m	60 m	n/a
Lot Area	As Existing	1 ha	4 ha.	0.4 ha	n/a
Lot coverage (Maximum)	5% (a)	5% (a)	10% (a)	30% (b)	Up to 100%
Front Yard (Minimum)	20 m; (c)(d)	20 m; (c)(d)	15 m (d)	20 m	Up to 20%
Front Yard for a Restaurant (Minimum)				5 m	n/a
Interior Side Yard	6 m	6 m	6 m	7 m	Up to 20%
Interior Side Yard (abutting a residential zone)				12 m	Up to 20%
Exterior Side Yard	7 m	7 m	7 m	15 m	Up to 20%
Rear Yard	10 m	10 m	10 m	7 m	Up to 20%
Rear Yard (abutting a residential zone)				12 m	Up to 20%
Setback from the shoreline - tile fields				30 m	n/a
Building Height (maximum)	9 m	9 m	11 m	11 m	Up to 20%
Min. Landscaped Area				20%	Up to 20%
Max. Number of Enclosed or roofed accessory buildings or structures on a lot	3	3	3	3	n/a
Maximum Size of a Retail, Variety or Convenience Store				200 sq. m.	Up to 20%
NOTES: (a) max. lot coverage is calculated on the area of the lot within 90 metres of a front lot line. (b) maximum lot coverage for waterfront commercial - full services is 40%. (c) Additional provisions may apply for lots fronting on a watercourse. (d) Where a lot does not front on a navigable waterway, the front lot line shall be determined to be abutting the road and the front yard setback shall be 12m. (e) A minimum lot frontage of 90m shall be required for lots on narrow waterbodies where the distance of the narrow waterbody from shore to shore is greater than 90m. A minimum lot frontage of 120m shall be required for lots on narrow waterbodies where the distance of the narrow waterbody from shore to shore is less than 90m. (f) A minimum lot frontage of 90m shall be required for lots within Deer Wintering Areas, as identified on Schedule C of the Town's Official Plan. A minimum lot frontage of 120m shall be required for lots within Deer Wintering Areas on any narrow waterbody.					

6.4 Regional Commercial Precinct

6.4.1 Permitted Uses – Principal Uses

PRECINCT	Regional Commercial
Bar	• (a)
Cinema or Movie Theatre	•
DSTM Retail Store	•
Educational Institution	•
Financial Establishment	•
Food Store	•
Garden Centre	•
Health Services	•
Home Improvement Centre	•
Laundromat/ Dry Cleaners	•
Market	•
Motor Vehicle Dealership	•
Motor Vehicle Service Station	•
Office	• (a)
Outdoor Recreational Use	•
Personal Service Establishment	•
Place of Assembly	•
Recreational Establishment	•
Restaurant	•
Retail Store	•
Service Establishment	•
Shopping Centre	•
Tourist Establishment	•
Tourist Home	•
Transportation Services	•
Variety & Convenience Store	•
Veterinary Clinic	•
NOTES:	
(a) Only permitted as an accessory use to an otherwise permitted use.	

6.4.2 Lot Requirements

PRECINCT	Regional Commercial	Class 2 Variation Limit
Lot Frontage (Minimum)	30 m	n/a
Lot coverage (Maximum)	40%	up to 20%
Front Yard (Minimum)	3 m	n/a
Any Yard Abutting Highway 60 and Highway 11 (minimum)	14 m	n/a
Any Yard Abutting a Residential Zone (minimum)	15 m	n/a
All Other Yards (minimum)	3 m	n/a
Building Height (maximum)	11 m	up to 20%
Minimum Landscaped Area	10%	up to 20%
Maximum Gross Leasable Floor Area of a Shopping Centre	28,335 sq. m. (a)	n/a
Maximum Combined Gross Leasable Floor Area of all buildings outside of the enclosed portion of a Shopping Centre	5,202 sq. m.	n/a
Total Maximum Gross Leasable Floor Area	24,154 sq. m.	n/a
Maximum Gross Leasable Floor Area for a Department Store	11,613 sq. m.	n/a
Maximum Gross Leasable Floor Area for a Supermarket	8,557 m2, of which the "ground leasable floor area" shall be not more than 7,488 m2. Any "gross leasable floor area" located above the ground floor shall not exceed 1,069 m2 and shall not contain any retail uses. The "gross floor area" above the ground floor shall not be considered part of the maximum "gross leasable floor area"	n/a
Minimum Gross Leasable Floor Area for a Department Store and Supermarket	4,645 sq. m.	n/a
Minimum Gross Leasable Floor Area of a Food Store	2,300 sq. m.	up to 5%
Maximum Gross Leasable Floor Area of a Food Store	4,200 sq. m.	up to 5%
Minimum Gross Leasable Floor Area of a DSTM Retail Store	464.5 sq. m. (b)	n/a
Maximum Combined Gross Leasable Floor Area of all DSTM Retail Stores	3,275 sq. m.	n/a
NOTES: (a) Within the Shopping Centre, the maximum gross leasable floor area for purposes other than a Department Store and a Food Store shall not exceed 16,500 sq. m. (b) There shall be no more than 5 DSTM Retail Stores outside of the enclosed portion of a Shopping Centre		

6.5 Mixed Use Precincts

6.5.1 The Mixed-Use Precincts established by the By-law are as follows:

- Central Business District
- Urban Mixed Use
- Community Mixed Use

6.5.2 Permitted Uses – Principal Uses

PRECINCT	Central Business District	Urban Mixed Use	Community Mixed Use	Discretionary Use
Adult Entertainment Establishment	•			
Artisan's Studio	•		•	
Bar	•		•	
Cinema or Movie Theatre	•			
DSTM Retail Store	•			
Dwelling, Duplex		•	•	Discretionary Use
Dwelling, Multiple	•	•		
Dwelling, Semi-Detached		•	•	Discretionary Use
Dwelling, Single Detached		•	•	Discretionary Use
Dwelling, Townhouse		• (a)		Discretionary Use
Dwelling, Townhouse Block		• (a)		Discretionary Use
Educational Institution	•		•	
Financial Establishment	•		•	
Food Store	•		•	
Garden Centre	•		•	Discretionary Use
Group Home (Residential)	•	•	•	
Health Services	•	•	•	
Home Improvement Centre	•			Discretionary Use
Laundromat/ Dry Cleaners	•			
Market	•		•	
Marina	•	•		Discretionary Use
Motor Vehicle Service Station	•			Discretionary Use
Office	•	•	•	
Outdoor Recreational Use	•		•	
Personal Service Establishment	•	•	•	
Place of Assembly	•		•	
Restaurant	•	•	•	
Retail Store	•	•	•	
Residential Care Facility	•	•	•	
Service Establishment	•	•	•	
Tourist Establishment	•	•	•	
Tourist Home	•	•	•	
Transportation Services	•			
Variety & Convenience Store	•	•	•	
Veterinary Clinic	•		•	Discretionary Use
NOTES: (a) Minimum of three (3) to a maximum of eight (8) dwellings may be attached to each other.				

6.5.3 Permitted Uses – Accessory Uses

PRECINCT	Central Business District	Urban Mixed Use	Community Mixed Use		Discretionary Use
Bed & Breakfast		•	•		
Boarding House		•			
Day Nursery		•	•		
Dwelling Unit (a)	• (b)	• (b)	•		
Home Occupation		•	•		Discretionary Use
Secondary Residential Dwelling Unit (a)		•	• (c)		
Short-Term Rental Accommodation	•	•	•		
NOTES: (a) except over a Motor Vehicle Service Station, where no accessory dwelling unit is permitted. (b) Dwelling units are permitted only on the second or above floors on all lands that abut: King William St, Main st between Lorne-Chaffey. (c) only one dwelling unit is permitted where full municipal water and sewer services are not available					

6.5.5 Lot Requirements

PRECINCT	Central Business District	Urban Mixed Use	Community Mixed Use	Class 2 Variation Limit
Lot Frontage (Minimum)	7 m	15 m	30m	n/a
Lot Frontage for a Dwelling, Townhouse (Minimum)		7 m interior unit 10 m end unit		
Lot Frontage for a Dwelling, Townhouse Block (Minimum)		7 m interior unit 8.5 m end unit		
Lot Frontage Abutting a Watercourse (Minimum)	30 m	30 m		n/a
Lot Area (Minimum)	230 m ²	465 m ²	0.4 ha	up to 20%
Lot coverage (Maximum)	80%;	35%	20%	up to 20%
Front Yard (Minimum)	6 m; (e)	7 m; (e)	15 m	up to 20%
Front Yard abutting a watercourse (Minimum)		20 m		up to 20%
Interior Side Yard (Minimum)	1.5 m; (c)	3 m; (a)(b)	5 m	up to 20%
Interior Side Yard abutting a residential zone (Minimum)	6 m	6 m	12 m	up to 20%
Exterior Side Yard (Minimum)	1.5 m; (c)	3 m	5 m	up to 20%
Rear Yard (Minimum)	7 m; (d)	7.5 m	7 m	up to 20%
Rear Yard abutting a residential zone (Minimum)	10 m		15 m	up to 20%
Building Height (maximum)	11 m	11 m	11 m	up to 20%
Building Height (minimum)	8 m; (f)			up to 20%
Minimum Landscaped Area	5%		20%	up to 20%
Maximum Density - Multiple	60 units per hectare	60 units per hectare		n/a
Max. Number of Accessory Buildings or Structures on a Lot		1	1	up to 1 additional structure
NOTES: (a) For a semi detached, townhouse or block townhouse dwellings, where the units share a common wall, there shall be no required interior side yard on the side with a common wall. (b) for a block townhouse dwelling, the minimum interior side yard of end units shall be 1.5m (c) All Side Yards: for lots fronting on Main and King William Streets from Highway No. 60 to Lorne Street - none required. (d) Rear Yard: for lots fronting Main and King William Streets, from Highway No. 60 to Lorne Street – none required (e) Front yard: for lots fronting on Main and King William Streets, from Highway No. 60 to Lorne Street - none required. (f) For buildings fronting on Main and King William Streets, between Lorne Street and the Muskoka River				

6.6 Employment Precincts

6.6.1 The Employment Precincts established by the By-law are as follows:

- Urban Business Employment
- Community Business Employment
- Heavy Employment

6.6.2 Permitted Uses – Principal Uses

PRECINCT	Urban Business Employment	Community Business Employment	Heavy Employment
Adult Entertainment Establishment	•		
Concrete or Asphalt Product Mfr			•
Contractor's Establishment	•	•	
Educational Institution	•		
Fuel Storage Facilities			•
Garden Centre	•	•	
Health Services	•		
Heavy Equip Sales & Services	•	•	
Heavy Industrial Use			•
Home Improvement Centre	•		
Kennel	•	•	
Laundromat/ Dry Cleaners	•	•	
Light Industrial Use	•	•	
Material Recovery Facility		•	•
Motor Vehicle Body Shop	•	•	
Motor Vehicle Dealership	•		
Motor Vehicle Service Station	•	•	
Motor Vehicle Washing Establishment	•		
Office	•		
Place of Assembly	•	•	
Restaurant	•	•	
Salvage Yard			•
Self Storage Facility	•	•	
Service Establishment	•	•	
Special Trade Contractors	•	•	
Transportation Depot	•	•	
Veterinary Clinic	•	•	
Warehouse	•	•	

6.6.3 Permitted Uses – Accessory Uses

PRECINCT	Urban Business Employment	Community Business Employment	Heavy Employment
Dwelling Unit	• (b)(c)	• (b)(c)	
Retail	• (a)		
Outdoor Storage	•	•	•
Office		•	•
NOTES: (a) To a maximum 200 square metres (2,153 sq.ft). (b) One accessory dwelling unit is permitted on the 2nd floor of a building. (c) No accessory dwelling is permitted on a lot used for motor vehicle body shop, or motor vehicle service station.			

6.6.4 Lot Requirements

PRECINCT	Urban Business Employment	Community Business Employment	Heavy Employment	Class 2 Variation Limit
Lot Frontage (Minimum)				
Full Services	20 m	n/a	45 m	n/a
Private Services	40 m	60 m	60 m	n/a
Lot Area (Minimum)				
Full Services	0.2 ha.	n/a	0.4 ha	up to 20%
Private Services	0.4 ha.	2.0 ha	2.0 ha	up to 20%
Lot coverage (Maximum)	50%	30%	30%	up to 20%
Front Yard (Minimum)	6 m	15 m	15 m	up to 20%
Interior Side Yard (Minimum)	5 m	7.5 m	7.5 m	up to 20%
Interior Side Yard abutting a residential zone (Minimum)	15 m	15 m	30 m	up to 20%
Exterior Side Yard (Minimum)	6 m	15 m	7.5 m	up to 20%
Rear Yard (Minimum)	6 m	7.5 m	7.5 m	up to 20%
Rear Yard abutting a residential zone (Minimum)	15 m	15 m	30 m	up to 20%
Minimum Landscape Buffer for front yard or any yard abutting a Residential Precinct	3 m	3 m	10 m	
Building Height (maximum)	11 m	11 m	11 m	up to 20%
Other Provisions	(a)	(a)(b)(c)		n/a
NOTES: (a) Accessory display and sales area must be within the same building as the use to which it is accessory and shall not exceed 25% of the gross leasable area (b) Uses shall be limited to low water using and low effluent producing uses. Such uses are characterized as uses that: i) use a water supply or sewage disposal not greater than domestic requirements; ii) do not use water for processing; iii) do not create discharge which would be a hazard to ground or surface water, or negatively affect the operation of the sewage disposal system. (c) Uses not on full services shall be limited to low water using and low effluent producing uses. Such uses are characterized as uses that: i) use a water supply or sewage disposal not greater than domestic requirements; ii) do not use water for processing; iii) do not create discharge which would be a hazard to ground or surface water, or negatively affect the operation of the sewage disposal system.				

6.7 Open Space Precincts

6.7.1 The Open Space Precincts established by the By-law are as follows:

- Institutional
- Open Space

6.7.2 Permitted Uses – Principal Uses

PRECINCT	Institutional	Open Space
Arena or Curling Club	•	•
Cemetery		•
Club, Private		•
Educational Institution	•	
Golf Course		•
Group Home (Institutional)	•	
Group Home (Residential)	•	
Health Services	•	
Outdoor Recreational Use		•
Park, Private		•
Park, Public		•
Place of Assembly	•	
Residential Care Facility	•	

6.7.3 Permitted Uses – Accessory Uses

PRECINCT	Institutional	Open Space
Day Nursery	•	
Dwelling Unit	•	

6.7.4 Lot Requirements

PRECINCT	Institutional	Open Space	Class 2 Variation Limit (IN Zone)
Lot Frontage (Minimum)			
Full services	20 m;	n/a, except 20m for golf courses	n/a
Private services	120 m; (b)		
Lot Area (Minimum)			
full services	465 m ² ;	465 m ² , except 30 ha for golf courses	up to 20%
private services	1 ha;	465 m ² , except 30 ha for golf courses	up to 20%
Lot Coverage (Maximum): full services	45%	n/a, except 5% for golf courses	up to 20%
Lot Coverage (Maximum): partial or private services	20%	n/a, except 5% for golf courses	up to 20%
Front Yard (Minimum)	7 m	15 m, except 30 m for golf courses	up to 20%
Front Yard abutting a watercourse (Minimum)	20 m	15 m, except 30 m for golf courses	up to 20%
Interior Side Yard (Minimum)	3 m; (a)	15 m, except 20 m for golf courses	up to 20%
Interior Side Yard abutting a residential zone (Minimum)	15 m	15 m, except 20 m for golf courses	up to 20%
Exterior Side Yard (Minimum)	7 m; (a)	15 m, except 20 m for golf courses	up to 20%
Rear Yard (Minimum)	7 m; (a)	15 m, except 20 m for golf courses	up to 20%
Minimum Landscape Buffer for any Yard abutting a Residential Precinct	3 m		
Building Height (Maximum) of principal building	11 m	11 m	up to 20%
Max. Number of enclosed or roofed accessory buildings or structures on a lot			
NOTES: (a) 15 m for hospitals, schools, residential care facility or places of assembly from any lot line (b) On an arterial road, the minimum lot frontage shall be 150 m; on a collector road, the minimum lot frontage shall be 134 m .			

6.8 Rural Precincts

6.8.1 The Rural Precincts established by the By-law are as follows:

- Rural
- Rural Residential
- Rural – Extractive

6.8.2 Permitted Uses – Principal Uses

PRECINCT	Rural	Rural Residential	Rural - Extractive
Cemetery	•		
Concrete or Asphalt Product Mfr			•
Dwelling, Single Detached	•	•	
Equestrian Establishment	•		
Rural Industrial Use	•(a)		
Farm	•		
Forestry Operation	•		
Group Home (residential)	•	•	
Kennel	•		
Park, Private	•		
Pit			•
Quarry			•
Veterinary Clinic	•		
Woodland Retreat	•		
NOTES: (a) Existing on the day this by-law was passed			

6.8.3 Permitted Uses – Accessory Uses

PRECINCT	Rural	Rural Residential	Rural - Extractive
Artisan's Studio	•	•	
Bed & Breakfast	• (a)	• (a)	
Boarding House	• (a)		
Day Nursery	• (a)	• (a)	
Hobby Farm	• (d)	• (d)	
Home Industry	•	•	
Home Occupation	•	•	
Outdoor Storage			• (b)
Office			•
Secondary Residential Dwelling Units	•	•	
Short-term Rental Accommodation	•	•	
Tourist Home	• (c)	• (c)	
Hens, Backyard	• (e)	• (e)	
NOTES: (a) in a single detached dwelling only (b) Open storage is permitted subject to it being screened from view. (c) a tourist home is only permitted on a lot with a minimum lot area of 2 hectares and a minimum lot frontage of 90 metres. (d) a hobby farm is only permitted on a lot with a minimum lot area of 1 hectare and a minimum lot frontage of 60 metres. (e) Backyard hens are only permitted on lots that are 0.4ha or more in size.			

6.8.4

Lot Requirements

PRECINCT	Rural	Rural Residential	Rural - Extractive	Class 2 Variation Limit
Lot Frontage: private services (minimum)	134 m; (c)	134 m; (c)	90m	n/a
Lot Area (minimum)	4 ha	1 ha	4ha	n/a
Lot Coverage (% Maximum): partial or private services (maximum)	10%	10%		up to 20%
Front Yard (minimum)	12 m	12 m	(d)	up to 20%
Front Yard abutting a watercourse (minimum)	20 m	20 m		up to 20%
Interior Side Yard (minimum)	7m	5 m	(d)	up to 20%
Interior Side Yard abutting a residential zone (minimum)	15m		(d)	up to 20%
Exterior Side Yard (minimum)	10 m; (b)	10 m; (b)	(d)	up to 20%
Rear Yard (minimum)	10 m	10 m	(d)	up to 20%
Rear Yard abutting a residential zone (minimum)	15m		(d)	up to 20%
Building Height (Maximum) of principal building	11 m	9 m	11 m	up to 20%
Max. Number of enclosed or roofed accessory buildings or structures on a lot	n/a	3	n/a	n/a
Other Provisions	(a)		(d)	n/a
NOTES: (a) Where the lot abuts Type 1 Fish Habitat, the minimum yard setback shall be 30m. (b) maximum garage projection into the front yard or the exterior side yard beyond the front face of the dwelling: <ul style="list-style-type: none"> • from the front wall of building where there is a front porch - 1.0 metres; (c) On an arterial road, the minimum lot frontage shall be 150 m (d) No building, structure, or outside storage of materials, equipment, finished or unfinished products, or parking or stage of trucks or cranes or any other mechanical equipment is permitted: <ul style="list-style-type: none"> i) Within 60 m of a public street or road; ii) Within 30 m of a zone boundary. 				

6.9 Hidden Valley

6.9.1 The Hidden Valley Precinct established by the By-law are as follows:

- Recreational Resort Residential
- Recreational Resort Commercial

6.9.2 Permitted Uses – Principal Uses

PRECINCT	Recreational Resort Residential	Recreational Resort Commercial	Discretionary Use
Artisan's Studio		•	Discretionary Use
Dwelling, Duplex	•		
Dwelling, Semi-Detached	•		
Dwelling, Single Detached	•		
Group Home (residential)	•		
Dwelling, Multiple	•	• (a)	
Dwelling, Townhouse	•	• (a)	
Dwelling, Townhouse Block	•	• (a)	
Institutional Tourist Establishment		•	
Marina		•	
Market		•	
Outdoor Recreational Use		•	
Personal Service Establishment		•	
Private Park		•	
Restaurant		•	
Tourist Camping Establishment		•	
Tourist Establishment		•	
Tourist Home		•	
Variety & Convenience Store		•	
NOTES: (a) No more than 50% of the units within the Deerhurst Village, West Riverfront, Pavillion and Lakeside areas shall be residential units			

6.9.3

Permitted Uses – Accessory Uses

PRECINCT	Recreational Resort Residential	Recreational Resort Commercial	Discretionary Use
Artisan's Studio	• (a)(b)		
Day Nursery	• (a)(b)		
Home Occupation (b)(d)	•		Discretionary Use
Retail Store		•	
Secondary Residential Dwelling Unit (a)	•		
Hens, Backyard	•(c)		
NOTES: (a) Permitted in association with a single detached dwelling or townhouse only. (b) Provided no activity related to the accessory use occurs within 30 metres of a watercourse. (c) Backyard hens are only permitted on lots that are 0.4ha or more in size. (d) to a maximum of 200 square metres;			

6.9.4

Lot Requirements

PRECINCT	Recreational Resort Residential	Recreational Resort Commercial	Discretionary Use
Lot Frontage (minimum): full services	15 m	30 m	n/a
Lot Frontage (minimum): partial services	30 m	60 m	n/a
Lot Frontage (minimum): private services	60 m; (f)	60 m	n/a
Lot Frontage (minimum): abutting a watercourse	30 m		n/a
Lot Area (minimum): full services	465 m ²	1,400 m ²	up to 20%
Lot Area (minimum): partial services	0.2 ha	0.4 ha	up to 20%
Lot Area (minimum): private services	1 ha	0.4 ha	up to 20%
Lot Coverage (Maximum): full services	35%	40%	up to 20%
Lot Coverage (Maximum): partial or private services	20%	30%	up to 20%
Maximum Density for Dwelling Units on Serviced Lots	40 units per hectare		
Maximum size of a Variety & Convenience Store	n/a	200 square metres	
Front Yard (minimum)	7 m to garage 4 m to dwelling 2 m to a porch	15 m; (e)	up to 20%
Interior Side Yard (minimum)	1.5 m	6 m; (e)	up to 20%
Exterior Side Yard (minimum)	3 m; (a)	6 m; (e)	up to 20%
Rear Yard (minimum)	10 m	7 m; (e)	up to 20%
Maximum Building Height of Principal Building	9 m	11 m	up to 20%
Maximum Number of Enclosed or roofed accessory buildings or structures on a lot	2		n/a
Minimum Landscaped Area		20%	up to 20%
Other Provisions	(a)(b)(c)(d)		n/a
NOTES: (a) maximum garage projection into the front yard or the exterior side yard beyond the front face of the dwelling: <ul style="list-style-type: none"> from the front wall of building where there is a front porch - 1.0 metres; (b) Where an attached or detached accessory garage is located a minimum of 6.0 metres (19.7 ft.) beyond the minimum front yard requirement of the zone, the following provisions shall apply: <ul style="list-style-type: none"> minimum front yard for the dwelling is reduced to 4.0 metres (13.1 ft.) minimum front yard to a front yard porch - 2.0 metres (6.6 ft.). (c) Where the lot abuts a Type 1 Fish Habitat the minimum yard setback shall be 30 m. (d) The minimum lot frontage for semi-detached units shall be 11m and the minimum lot area shall be 345m ² (e) For a marina, where the front yard, side yard or rear yard abuts a shoreline, no front yard, side yard or rear yard requirement applies. However, no gasoline storage or septic tile bed shall be located within 30 m of the high water mark. (f) On an arterial road, the minimum lot frontage shall be 150 m; on a collector road, the minimum lot frontage shall be 135 m.			

6.10 Conservation Precinct

6.10.1 Permitted Uses – Principal Uses

PRECINCT	Conservation
Flood or Erosion Control Facilities	•
Passive Recreational Use	•
Park, Private	• (a)
Park, Public	• (a)
NOTES: (a) Provided no building or structure is permitted.	

6.10.2 Lot Requirements

PRECINCT	Conservation		Class 2 Variation Limit
Lot Frontage (Minimum)	(a)		
Lot Area (Minimum)	(a)		
Lot coverage (Maximum)	(a)		
Front Yard (Minimum)	(a)		
Interior Side Yard (Minimum)	(a)		
Exterior Side Yard (Minimum)	(a)		
Rear Yard (Minimum)	(a)		
NOTES: (a) As existed on the date of passing of this by-law.			

6.11 Natural Constraints Overlay

6.11.1 Lands within the Natural Constraints Overlay are subject to the provisions of Section 4.14 of this By-law.

6.12 Flood Zone Overlay

6.12.1 Lands within the Flood Zone Overlay, Floodway Zone Overlay and Floodfringe Zone Overlay are shown on Schedules A1-I7 of this By-law.

The Overlay also includes lands contained within the Flood Zone Precinct, Floodway Zone Precinct, and Floodfringe Zone Precinct, as shown on Schedules A1-I7 of this By-law, the boundaries for which correspond to the identified Floodway for all rivers, streams or lakes, the Floodway for the Big East River, and the Floodfringe for the Big East River.

Development restrictions apply wherever the Flood Zone Overlay and the above noted Precincts have been identified.

6.12.2 Permitted Uses:

PRECINCT	Flood Zone	Floodway Zone	Floodfringe Zone
Flood or Erosion Control Facilities	•	•	•
Outdoor Recreational Use		• (b)	• (a)
Passive Recreation Use	•	• (b)	• (a)
Park, Private	• (b)	• (b)	• (a)
Park, Public	• (b)	• (b)	• (a)
Single Detached Dwelling			• (a)
NOTES: (a) Subject to any building or structure being floodproofed (b) Provided no building or structure is permitted.			

6.12.3 Permitted Accessory Uses:

PRECINCT	Flood Zone	Floodway Zone	Floodfringe Zone
Boathouse	• (a)		• (a)
Dock	• (a)	• (a)	• (a)
Home Occupation			• (b)
Home Industry			• (b)
NOTES: (a) Accessory to a permitted principal use on the same property on the abutting zone, and subject to the lot requirements of the applicable zone. (b) Subject to being flood proofed.			

6.12.4 Lot Requirements:

PRECINCT	Flood Zone	Floodway Zone	Floodfringe Zone		Class 2 Variation Limit
Lot Frontage (Minimum)	0	0	(a)		
Lot Area (Minimum)	0	0	(a)		
Lot coverage (Maximum)	(a)	(a)	5%		
Front Yard (Minimum)	(a)	(a)	20 m		
Interior Side Yard (Minimum)	(a)	(a)	6 m		
Exterior Side Yard (Minimum)	(a)	(a)	7 m		
Rear Yard (Minimum)	(a)	(a)	10 m		
Building Height (maximum)	9m	9m	9m		up to 20%
NOTES: (a) As existed on the date of passing of this by-law.					

6.12.5 Other than the permitted uses identified in Section 6.12.4, development shall not be permitted within the Flood Zone Overlay, Floodway Zone Overlay and Floodfringe Zone Overlay.

6.12.6 Despite 6.12.5, development may be permitted within the Floodfringe Zone Overlay of the Big East River, but shall be subject to a Class 2 Community Planning Permit application to demonstrate, to the satisfaction of the Town, that:

- a) It has safe access;
- b) All new buildings and additions are adequately flood-proofed; and
- c) Adequate provisions are made for the safe disposal of sewage.

Notwithstanding the provisions of this Section of the By-law, where existing buildings are located within any Flood Zone Overlay, minor expansions to existing structures may be permitted, subject to buildings being floodproofed appropriately. A minor expansion would include an addition to a building that would increase the gross floor area by no more than 10%.

6.12.7 In such cases, the minimum elevation of doors, windows or other openings in habitable buildings or structures shall be located above the following Regulatory Flood Elevations for the following water bodies:

Table 4: Minimum Building Elevations

Watercourse	Elevation (metres)
Buck Lake	302.65
Clearwater lake	102.30 ⁽¹⁾
Devine Lake	101.79 ⁽²⁾
Fairy Lake	286.53
Fox Lake	296.36
Hunter's Bay	286.48
Lake of Bays	317.18

Lake Vernon	287.48
Mary Lake	282.95
Muskoka River between Hunter's Bay and Fairy Lake	286.30 ⁽³⁾
Peninsula Lake	286.46
Skeleton Lake	282.73
<p>⁽¹⁾ Measured from the marking on the east end of the concrete abutment on the bridge, assumed at 100 metres.</p> <p>⁽²⁾ Measured from the marking on the west end of the dam, assumed at 100 metres.</p> <p>⁽³⁾ Lands where commercial uses are permitted and proposed to develop with either new or existing buildings shall be permitted to be constructed below the regulatory flood elevation subject to approved wet flood proofing techniques.</p>	