

OUR SHORE

I N N I S F I L

Community Planning Permit By-Law 062-17



Town of Innisfil

COMMUNITY PLANNING PERMIT BY-LAW | 062-17

A By-law of the Corporation of the Town of Innisfil to regulate land use and development on lands within the "Shoreline Permit Area" designation of the Town of Innisfil Official Plan, as amended by Official Plan Amendment No. 23.

WHEREAS it is considered desirable to regulate the use of land and the character and location of buildings and structures for the promotion of ecologically sound and safe development along the Lake Simcoe shoreline;

AND WHEREAS there is an Official Plan in effect in the Town of Innisfil;

AND WHEREAS the Official Plan has been amended by By-law No. 040-17 to adopt a community planning permit system for shoreline management by Official Plan Amendment No. 23;

AND WHEREAS authority is granted to the Council of The Corporation of the Town of Innisfil to pass this By-law under Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

NOW THEREFORE the Council of The Corporation of the Town of Innisfil hereby repeals By-laws 080-13 and 052-05, and all amendments thereto, as it relates to the lands described in this By-law as shown on Schedule "A" and enacts By-law 062-17.

PASSED THIS 24 DAY OF MAY, 2017.

GORD WAUCHOPE, MAYOR

LEE PARKIN, CLERK



SECTION 1:

COMMUNITY PLANNING PERMITS

1.1 GOALS & OBJECTIVES

- 1.1.1** The goal of the Community Planning Permit System (CPPS) are to:
- a. Implement the vision, principles and policies of the **Official Plan**;
 - b. Engage the community in the creation of the planned vision for the Lake Simcoe **shoreline**;
 - c. Establish a comprehensive planning framework that facilitates and shapes appropriate, ecologically sound and safe **development** along the Lake Simcoe **shoreline**; and,
 - d. To protect people and property from the natural hazards that exist for **shoreline development**.

- 1.1.2** The objectives of the CPPS are to:
- a. Provide for an alternative land use regulatory framework;
 - b. Provide an opportunity for the **shoreline** to develop in a manner that is in keeping with the Lake Simcoe Protection Plan;
 - c. Protect people and property from the natural hazards associated with **development** along the Lake Simcoe **shoreline**;
 - d. Recognize **existing** land **uses** and identify expectations of future **development**;
 - e. Maintain the residential and recreational **uses** along the Lake Simcoe **shoreline**;
 - f. Use vegetative buffers to increase the natural appearance and ecological function of the Lake Simcoe **shoreline**; and,
 - g. Improve water quality and fish habitat.

- 1.1.3 The following guiding principles form the basis for the provisions in this By-law and tie into the goals of the **Town's** Community Strategic Plan:



1.2 REQUIREMENT FOR A COMMUNITY PLANNING PERMIT (“PLANNING PERMIT”)

All **development** within the area identified in Schedule “A” to which this By-law applies shall require a Planning Permit. This area is called the **Shoreline** Permit Area.

1.3 EXEMPTIONS

1.3.1 The following types of **development** shall not require a Planning Permit:

- a. any **development** consistent with a site plan agreement pursuant to the **Town's** Site Plan Control By-law;
- b. interior renovations provided that there is no change in **use** or intensification;
- c. maintenance of **existing buildings** and **structures**, such as the replacement of windows, doors, stairs and **decks**, that will not result in changes to the **footprint** of the **structure** and location;
- d. repairs to **existing buildings** and foundations provided that the works do not involve the placement of fill, alteration of **existing** grades or changes to the **footprint** of the **structure**;
- e. seasonal water **structures** subject to the standards and provisions in Section 5.2.3;
- f. **storage sheds** no greater than 10 square metres in size, subject to the standards and provisions in Section 5.2.1;
- g. placement of fill less than 7 cubic metres or 2 half ton loads;
- h. lands subject to By-law 029-05 (Friday Harbour);
- i. 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; and,
- j. projects initiated by a **public authority** in accordance with Section 4.22.



1.4 ISSUANCE OF A PLANNING PERMIT

1.4.1 Pre-consultation

- a. An owner of property located within the **Shoreline** Permit Area ("Owner") may meet with **Town** staff and other agencies, such as the Lake Simcoe Region **Conservation** Authority and Ministry of Natural Resources and Forestry to discuss the proposal and submission requirements.
- b. Summer site photos from Lake Simcoe should be provided and may be required.
- c. A site visit may be required.

1.4.2 Submission of Community Planning Permit Application ("Application")

- a. The Owner shall submit an Application, associated drawings and studies as identified in the pre-consultation.
- b. Within five (5) business days the **Town** shall confirm whether the Application is complete and, if the Application is complete, the approval stream it will follow.
- c. Upon receipt of a complete Application the **Town** shall make a decision on the Application within 45 days.

1.4.3 Application Review

The Application shall be circulated for comment to the relevant approval authorities and regulatory bodies as determined by the **Town** and is reviewed by **Town** of Innisfil staff.



1.4.4 Notification Requirements

- a. If the standard for **development** falls under a Class 2 or 3 Planning Permit as further identified in Sections 4 and 5 of this By-law, no notice is required.
- b. If the standard for **development** falls under a Class 1 Planning Permit as further identified in Sections 4 and 5 of this By-law, notice of the Application is given by first class mail to residents within a minimum of 60 metres and up to a maximum of 120 metres of the subject property or by the placement of a sign on the street frontages and lake side of the property.
- c. Notice of all complete Applications are placed on the **Town's** website and are provided to Council for information purposes.



1.4.5 Delegated Approval

As further identified in Section 5 of this By-law:

- a. Class 1 Applications are variations to standards which require consideration by Council and shall be presented to Council.
- b. Class 2 Applications are variations to standards which may be considered by Staff.
- c. Class 3 Applications meet all **development** standards and may be considered by Staff.

1.4.6 Decision

Upon review of a complete Application the **Town** may:

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

1.4.7 **Notice of Decision**

- a. A Planning Permit, where issued, is the notice of decision and shall be provided to the Owner.
- b. Where a Planning Permit is not issued, a notice of refusal to issue a Planning Permit shall be given to the Owner. Notice shall be given in person, in which case it is deemed to be received on the date of personal delivery, or by prepaid ordinary mail, in which case it is deemed to be received five business days after the date of mailing. The **Town** shall issue a notice of decision to the Owner within 15 days of the date of decision.
- c. The Owner can appeal in writing to the Ontario Municipal Board any approval condition or the lack of the issuance of a Planning Permit.

1.4.8 **Clearance of Conditions**

If the Planning Permit is approved with conditions, the Owner shall fulfill the conditions associated with the approval in advance of the issuance of the Planning Permit.

1.4.9 **Building Permit Application**

Following the issuance of a Planning Permit the Owner may apply for a building permit.



1.5 COMPLETE APPLICATIONS

Applications for a Planning Permit shall comply with the complete application submission requirements identified in Schedule 1 of Ontario Regulation 173/16. Where any required external approvals are required, such as Transport Canada or Department of Fisheries, these approvals may be required to be provided to the **Town** for an Application to be deemed complete.

1.6 DELEGATION OF APPROVAL AUTHORITY

Council hereby delegates to staff, the authority to issue provisional approvals and Community Planning Permits as set out in this BY-LAW. Council can withdraw or amend this delegation at any time.

1.7 REFERRALS TO COUNCIL

- 1.7.1 Within five (5) business days of receiving a complete Application, **Town** staff may refer an Application to Council.
- 1.7.2 The Owner may refer an Application to Council at any time prior to the decision of an Application.



1.8 APPROVAL CONSIDERATIONS & CRITERIA

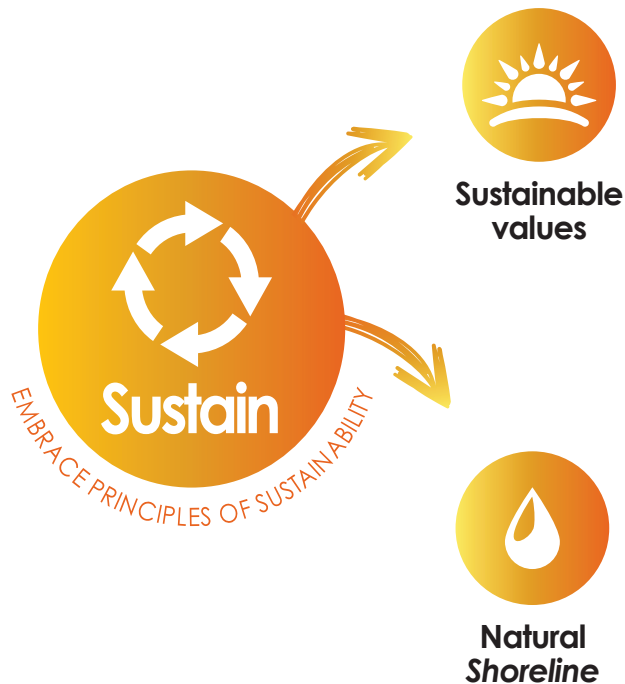
When considering an Application regard shall be given to the following guiding principles.



- i. **Development** shall be designed and constructed to minimize impacts on the **shoreline** and Lake Simcoe
- ii. The blend of built form and natural features shall be compatible with the **existing** character of the **shoreline** area, visible from both land and water
- iii. Disturbance on **lots** will be limited and minimized and the balance of the property shall generally remain in its natural state



- i. Lake Simcoe exists in the public realm and provides significant ecological and social benefits
- ii. The desire for private **buildings** or **structures** in Lake Simcoe shall be balanced with community **use** and access to the Lake
- iii. Public opportunities to enjoy Lake Simcoe, including those provided by municipal road ends and publically owned land, shall be protected, established or enhanced



- i. Safety of people and property from natural hazards: such as flooding, ice conditions and wave uprush, is the top priority
- ii. Erosion, run-off and sedimentation control improvements and measures will be used to ensure **development** is sensitive to the **shoreline**
- iii. Proposals shall take into consideration the naturally occurring **shoreline** in the area and the **development** shall be designed to be compatible with these characteristics
- iv. Access, infrastructure and servicing of the subject property shall be provided in the most sustainable method for the **shoreline**; tertiary sewer treatment may be required

- i. The **shoreline** shall be protected or improved and restored
- ii. Natural **vegetation** will be substantially maintained along property boundary lines, the waterfront **yard** and **shoreline**
- iii. Native species will be used for buffers or where **vegetation** is being improved and restored





1.9 CRITERIA FOR VARIATIONS FROM STANDARDS

- 1.9.1 Where a Class 1 or 2 Planning Permit is required, in addition to the guiding principles of this By-law, the following criteria shall be addressed to the satisfaction of the **Town**, prior to the issuance of a Planning Permit:
- the proposal is appropriate for the lands;
 - the proposal takes into account the unique characteristics of the property;
 - any potential off site impacts are identified and mitigated;
 - the proposal shall maintain the general intent of this By-law;
 - the proposal shall maintain the general intent of the **Official Plan**; and,
 - the proposal is consistent with the Provincial Policy Statement and is consistent with all applicable **provincial plans** and policies, including the Lake Simcoe Protection Plan (LSPP) and any other provincial plan or policy. If ever a conflict arises between any plan, policy or document, the provision that gives the greatest protection to the ecological health of the Lake Simcoe watershed will prevail.

1.10 CONDITIONS OF APPROVAL


- 1.10.1 Conditions of approval may be
- be required as part of the approval of a Planning Permit;
 - be imposed prior to the issuance of a Planning Permit;
 - be attached as a condition of a Planning Permit; or,
 - required in an agreement to be entered into between the Owner and the **Town** and registered on title.

1.10.2 The conditions in the following chart support the guiding principles of this By-law and the **Official Plan**:

CONDITION				
Development shall be undertaken in accordance with a Community Planning Permit, including submitted plans, reports and drawings	✓	✓	✓	✓
Identification, protection, maintenance and enhancement of existing trees and other vegetation , including the restoration or replacement of vegetation where removed		✓	✓	✓
Land for road widenings to the extent established in the Town and County of Simcoe Official Plans and / or daylighting triangles		✓		
Construction access plan to articulate how building materials will be placed on the site and how construction access will be provided to the subject property during construction	✓	✓	✓	
Lighting facilities shall be required to minimize the impacts on lake views, night skies and environmental features and a lighting impact analysis may be required to ensure the proposal is dark sky compliant	✓	✓		✓
Easements in favour of the municipality for access, construction, maintenance or improvement of watercourses , ditches, land drainage works and other public utilities		✓	✓	✓
Facilities for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon	✓	✓	✓	✓
Payment of cash-in-lieu, equal to 5% of the land, except where it has already been taken at the time of lot creation		✓		
Coastal engineering study or technical report to address coastal hazards such as: flooding, ice, erosion, dynamic beach and wave uprush	✓	✓	✓	✓
Environmental Impact Statement preparation, submission and mitigation measures	✓		✓	✓
Fish habitat impact assessment and offset measures	✓	✓	✓	✓

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CONDITION				
Site alteration plan to demonstrate alteration or restoration of the grade of land and the placing or dumping of fill	✓	✓	✓	✓
Provision of sustainable / low impact design features	✓		✓	✓
Monitoring of the use of lands as is necessary for the protection of public health and safety or the protection of the natural environment		✓	✓	✓
Specified agreement of exchange for increased height and or density in accordance with Section 1.17		✓		
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	✓	✓	✓	✓
Approvals and permits from other regulatory bodies such as: Department of Fisheries and Oceans , Transport Canada and Lake Simcoe Region Conservation Authority	✓	✓	✓	✓
Execution, maintenance and monitoring of any feature or works associated with a condition or a report	✓	✓	✓	✓
Enter into an agreement with the Town and / or any regulating bodies, to be registered on title, to confirm development will proceed in accordance with the Community Planning Permit, including the requirement of financial securities	✓	✓	✓	✓
Sun / shadow / shade study	✓			
Contaminant and spill management plan			✓	
Erosion and sediment control plan			✓	
Conformity with and compliance to all regulated authorities for matters associated with property standards, outstanding fees, enforcement and other by-laws		✓		
Any condition that may be imposed pursuant to sections 34,40,41 and 42 of the Planning Act	✓	✓	✓	✓

1.11 FULFILLMENT OF CONDITIONS

Any condition of a Planning Permit must be completed within (two) 2 years from the date of issuance of the permit.

1.12 EXTENSIONS TO FULFILLMENT OF CONDITIONS

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

1.13 AMENDMENTS TO PROVISIONAL APPROVALS OR PLANNING PERMITS

At the request of the Owner, amendments to a Planning Permit may be made at any time, subject to this By-law and any provisions within.





1.14 AGREEMENT BETWEEN MUNICIPALITY AND OWNER

- 1.14.1 An Owner may be required to enter into one or more agreements with the **Town** respecting any condition imposed by the Planning Permit.
- 1.14.2 Any agreement subject to conditions may be registered on title to the Owner's property.
- 1.14.3 Where Council has delegated approval authority to Staff, Council further delegates the authority for the Manager of Planning to administer an agreement required by the Planning Permit and the authority to make amendments to the agreement(s) is delegated to the Manager of Legal/Clerks Services.

1.15 AMENDING AGREEMENTS

Council delegates the authority to Staff to amend any agreement required by the Planning Permit.

1.16 PRE-EXISTING SITE PLAN AGREEMENTS

Pre-existing site plan agreements continue to be valid and binding and may be amended under this By-law if subject to an Application.



1.17 COMMUNITY BENEFITS FOR INCREASED HEIGHT OR DENSITY

1.17.1 Where an increase in the **height** of a **building** or **structure** or an increase in density (**lot coverage**) is contemplated, provisions may be made in exchange for specified community facilities or benefits to the satisfaction of Council.

1.17.2 Community benefits may include provisions for the following:

- a. Public art on public lands or **buildings**;
- b. Parkland and public **park** improvements;
- c. Built form with innovative technological, environmental or design components;
- d. Provision of public access or improvements to public access to Lake Simcoe, the **shoreline**, beaches or road ends;
- e. Preservation of community identity or natural environments;
- f. Off-site streetscape improvements;
- g. Local improvements to public **parking areas**;
- h. Land for municipal purposes;
- i. Provision of special facilities to enhance the environment such as: **vegetation** protection zone enhancements, drainage improvements, tertiary sewer treatment;
- j. Phosphorous level control measures; and,
- k. Other local improvements identified through Community Improvement Plans, Secondary Plans, Streetscape Studies, Community Planning Permit By-laws, environmental strategies, sustainable energy strategies, capital budgets, master plans, or other implementation plans or studies.



1.17.3 Each proposal for an increase in **height** or density must be assessed on a case by case basis to ensure:

- a. the **development** does not impose adverse effects on the subject lands or the surrounding area;
- b. the site is suitable for the increase in **height** or density in terms of its size and shape to accommodate the proposed **development**;
- c. the **development** constitutes good planning and is consistent with the policies of this By-law; and,
- d. the value of the increased **height** and density is appraised by the Owner, to the satisfaction of the **Town**, and the value of the benefit to be provided is assessed compared to the increased value to the Owner so there is an equitable relationship between the established value of the increased **height** and density and its benefit to the community.

1.17.4 Opportunity for **height** or density increases are to be identified at pre-consultation.

1.17.5 Community benefits may be provided off site.

1.17.6 Details of the community benefits provided in exchange for increased **height** and density will be finalized between the **Town** and the Owner in an agreement to be registered on title.

1.17.7 Community benefits in exchange for increased **height** or density will require a Class 1 permit and in accordance with Section 1.4.4(b) will be included in the notification of the permit application.

SECTION 2: ADMINISTRATION



2.1 INTRODUCTION & PURPOSE OF THE COMMUNITY PLANNING PERMIT BY-LAW

- 2.1.1** This By-law shall be referred to as the “Shoreline Community Planning Permit By-law”. This By-law applies to lands falling within the Shoreline Permit Area designation of the **Official Plan**, as set forth in **Official Plan** Amendment No. 23 and as shown on Schedule “A” of this By-law which includes all parcels of land abutting Lake Simcoe (i.e. with frontage on Lake Simcoe) including **lots** with direct access across a public road or private land where these **lots** are functionally connected to Lake Simcoe within the **Town** of Innisfil and all land under water to the middle of Lake Simcoe.
- 2.1.2** The Permit System is designed to combine, into one process, zoning amendment, site plan, minor variance, **site alteration** and **vegetation** removal applications.

2.2 INTERPRETATION

The provisions of this By-law are minimum requirements except where a maximum requirement is specifically identified.

2.3 CONFORMITY & COMPLIANCE WITH BY-LAW

Legal Non-Conforming Uses And Legal Non-Complying Buildings And Structures

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 Land **uses** are considered to be legal **non-conforming** if they were a legally established **existing use** prior to the passing of this By-law but are no longer permitted by this By-law. Subsection 34(9) of the Planning Act, R.S.O. 1990, c.P.13, as amended ("Planning Act") establishes an owner's right to continue to **use** a property for a **use** that was legally established. A **non-conforming use** remains legal where the **use** has been continuous, and there has been no intent of abandonment of the **use**.

2.3.3 Where a legal **non-conforming use** has been interrupted due to damage, the legal **non-conforming use** is considered to be continuous, provided that the Owner has maintained an intent to reconstruct, repair or re-establish the **use**.

2.3.4 This By-law does not prevent the continued legal **use, alteration** or expansion of **buildings** and **structures** that no longer conform to the permitted **uses** in this By-law. This By-law does not prevent the erection of a **building** or **structure** for a legal **non-conforming use** or establishment of a legal **non-conforming use** where a **building** permit has been issued in accordance with the Building Code Act, 1992, S.O. 1992, c.23 ("Building Code Act"), if a **building** permit was issued prior to this By-law being passed.

2.3.5 **Buildings** and **structures** are considered to be legal **non-complying** if they were legally established prior to the passing of this By-law but no longer comply with the new provisions of this By-law. This By-law does not prevent the continued **use, alteration** or expansion of legally **existing buildings** and **structures** which no longer comply with this By-law.



2.4 OBLIGATION

Nothing in this By-law shall relieve any person from the obligation to comply with the requirements of the Building Code Act and any other By-laws of the **Town**, County of Simcoe and provincial and federal legislation regulations, such as Ontario Regulation 179/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourse and the Public Lands Act, R.S.O. 1990 and relevant regulations under that Act.

2.5 INSPECTION

The person or persons having jurisdiction to enforce this By-law are hereby authorized, after giving notice to the owner or assessed owner, occupant or apparent occupant of the property in question, to enter the property for the purpose of inspection, and for carrying out their duties under this By-law as part of an Application.

2.6 UNLAWFUL USES

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

2.7 ENFORCEMENT

Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the penalties as provided for under the Planning Act.

2.8 COMMENCEMENT OF BY-LAW DATE

This By-law shall come into force in accordance with Section 9 of the Community Planning Permits Ontario Regulation 173/16.

2.9 INTERPRETATION OF BY-LAW

For the purposes of this By-law, the word “shall” within this By-law indicates a mandatory requirement. Unless the context requires otherwise, the word “used” shall also mean “designed to be used”, the word “occupied” shall also mean “designed to be occupied”. This By-law makes reference to the **Official Plan** and **Official Plan** Amendment No. 23 to implement a Permit System and should be read and interpreted in conjunction with these documents.



2.10 REPEAL OF BY-LAWS

On the day that this By-law comes into force, Comprehensive Zoning By-law No. 080-13 and Fence By-law 052-05 of the Town of Innisfil, and all amendments thereto, are repealed in so far as they apply to lands affected by this By-law as shown on Schedule "A".

2.11 TRANSITION PROVISIONS

Where a Committee of Adjustment of the **Town** or the Ontario Municipal Board has authorized a minor variance, in respect of any land, **building** or **structure** and the decision of the Committee of Adjustment of the **Town** or the Ontario Municipal Board authorizing such minor variance has become final and binding after January 1, 2013 and prior to the enactment of this By-law, the provisions of this By-law, as they apply to such land, **building** or **structure**, shall be deemed to be modified to the extent necessary to give effect to such minor variance.

2.12 SCHEDULE TO BY-LAW

- 2.12.1 Schedule "A" – Shoreline Community Planning Permit Area (Map), attached hereto, forms part of this By-law.
- 2.12.2 The boundary of the Shoreline Permit Area is deemed to be the entire lot directly adjacent to Lake Simcoe and extends to the middle of Lake Simcoe.
- 2.12.3 The lands subject to the amendment include all parcels of land abutting Lake Simcoe (i.e. with frontage on Lake Simcoe) including **lots** with direct access across a public road or private land where these **lots** are functionally connected to Lake Simcoe within the Town of Innisfil.
- 2.12.4 Roads shown on Schedule "A" are for information only and are not intended to confirm legal status or exact location.

2.13 VARIATIONS WITHIN THIS BY-LAW

Variations to the standards in this By-law may be permitted, where identified. Where variations are not identified, and the standards cannot be met, an amendment to this By-law is required.



2.14 AMENDMENTS TO THE COMMUNITY PLANNING PERMIT SYSTEM BY-LAW

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 land owner. Any amendment to this By-law must be supported by a comprehensive planning rationale within the context of the planned vision for all of the lands within the area subject to the By-law and must provide details of public and community engagement to support the amendment.

2.15 NOTES & APPENDICES

Appendices and notes provided within boxes in italicized text do not form part of this By-law, but are provided for information purposes.

2.16 BOLD & ITALICIZED TEXT

Terms for which definitions are provided are shown in italicized and bold text for information purposes.

SECTION 3:

DEFINITIONS

3.1 ACCESSORY

When used to describe a **use, building or structure**, means a **use** of land, **building** or **structure** that is naturally and normally incidental, subordinate, and exclusively devoted to supporting the **principal use, building or structure** and is located on the same **lot**.

3.2 ALTER

Means:

- a. in the case of a **building, structure** or part thereof, a change in the external dimensions, or a change from one type of **use** to another, or a change in location; or
- b. in the case of a **lot**, changes to **existing** grades by more than 0.3 metres or over an area exceeding 9 square metres.

3.3 ATTACHED

Means joined, fastened or connected to an adjacent **structure, building** or land.

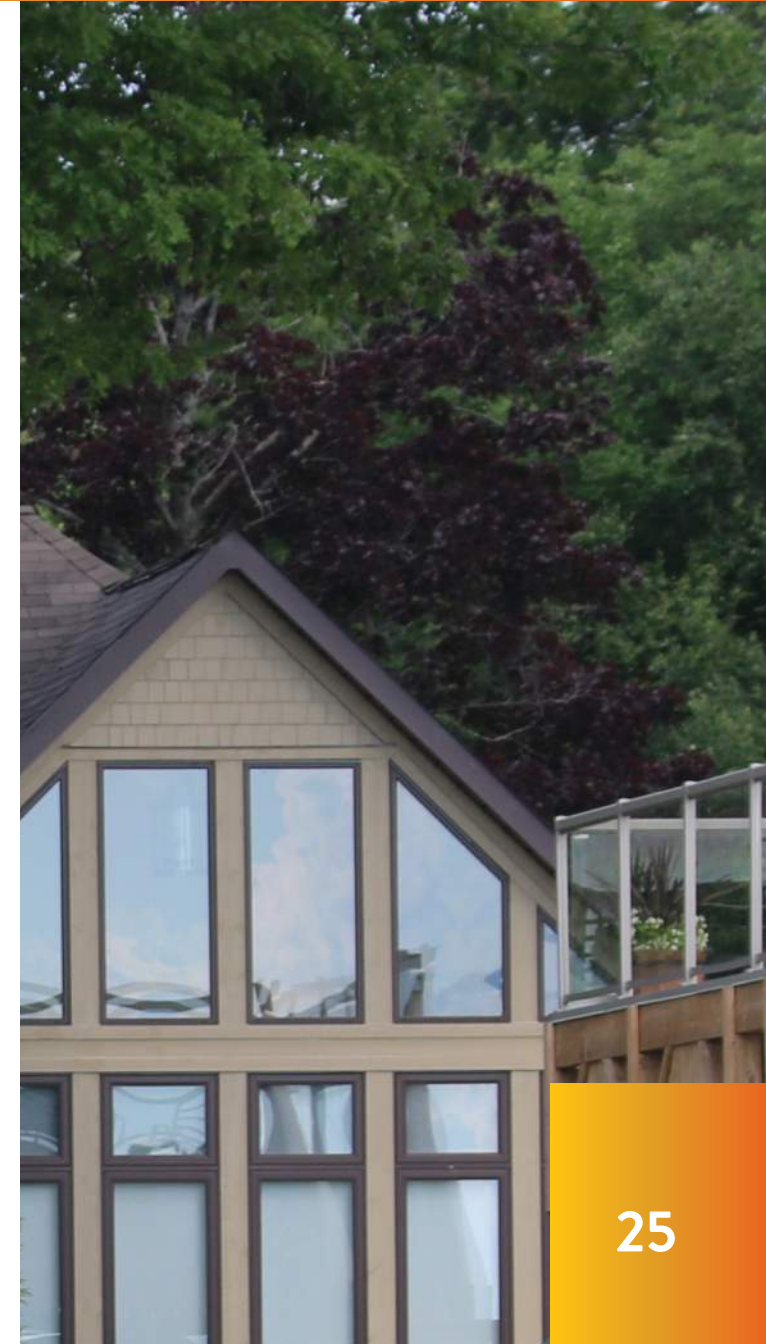
3.4 BALCONY

Means a platform that may be partially enclosed, projecting from a **building or structure** above 2.5 metres from the established grade or the **water's edge** (219.15).

3.5 BED AND BREAKFAST RESIDENCE

Means a detached **dwelling** containing, as an accessory **use**, up to 2 guest rooms that are available for rent to the travelling or vacationing public for overnight accommodation on a temporary basis.

A **Bed and Breakfast Residence** may include the provision of meals and **use** of common areas to those persons residing temporarily therein, but the guest rooms shall not include facilities for food preparation. A bed and breakfast residence shall not include a group home, boarding or lodging house, restaurant, tavern, hotel, or tourist establishment. The bed and breakfast residence shall be owned and operated by one or more persons residing on the premises.



3.6 BOATHOUSE

Means an **accessory building**, located on land or in Lake Simcoe used for the storage of boats and marine related equipment, and which does not include sleeping accommodations, kitchen or washroom facilities, and any potable water, natural gas or sanitary servicing.

3.7 BOATPORT

Means an accessory **building**, located on land or in Lake Simcoe, used for the purpose of berthing or sheltering and storing boats and marine related equipment that is roofed / covered, but not enclosed by more than one wall and is built, founded or anchored near or at the **water's edge**.

3.8 BUFFER, SHORELINE

Means a natural area, adjacent to the **shoreline**, maintained in its natural predevelopment state for the purpose of protecting natural habitat, stabilizing the **shoreline** and minimizing the visual impact of **buildings** and **structures** on a lake front **lot** and is intended to represent the Minimum Vegetation Protection Zone (MVPZ) referenced in Provincial documents. The **Shoreline** Buffer is measured in land from the **water's edge** (219.15).

3.9 BUILDING

Means any enclosed **structure**, whether temporary or permanent, used or intended to be used for shelter, accommodation or enclosure of persons, animals, materials, produce or equipment. Any tent, awning, bin, silo, vessel or vehicle used for any of these purposes is a **building**.

3.10 BREEZEWAY

Means an architectural feature, similar to a hallway, that allows the passage of a breeze between **structures** and can be a simple roof connecting two **structures** or more substantial. It may refer to a hallway between two wings of a larger **structure**, such as between a house and a **garage**, that lacks heating and cooling but allows sheltered passage.

3.11 CARPORT

See "**Garage**".

3.12 CONSERVATION

Means the **use** of land for the preservation, protection or improvement of the components of the natural environment through maintenance or comprehensive management for individual or **public use** or benefit.

3.13 CRAFTS, TRADE AND INSTRUCTIONAL SERVICES

Means businesses such as: photographers, arts and crafts services, artists, sculptors, wood crafts, graphic designers, jewelers, sign makers, plumbers, electricians, lawn and garden care, pool maintenance, small appliance repair, snow removal, and home repair services, but does not include repair and servicing of **motor vehicles**, motorcycles, boats, or any other motorized vehicle.

3.14 DARK SKY COMPLIANT

Means reducing light pollution by limiting the **height** of light fixtures and ensuring lights shine downward and away from adjacent properties and the surrounding area ensuring an increased number of stars visible at night, reducing the effects of electric lighting on the environment, and reducing energy consumption.

3.15 DECK

Means a **structure** at or above 0.2 metres above established grade with no solid roof or walls, except for railings, which may be constructed on piers, a foundation or cantilevered

above grade for **use** as an outdoor living space and includes **landings** and stairs but does not include a **balcony**, porch or veranda. Any portion of a **dock structure** that extends onto the land above the **water's edge** (219.15) is a **deck**.

3.16 DEVELOPMENT

Means:

- a. the construction, **erection** or placing of one or more **buildings** or **structures** on land or on water;
- b. the making of an addition or **alteration** to a **building** or **structure** that has the effect of increasing its size or usability;
- c. the laying out and establishment of:
 - i. a commercial parking **lot**
 - ii. sites for the location of three or more mobile homes as defined in subsection 46 (1) of the Planning Act
 - iii. sites for the construction, **erection** or location of three or more land lease community homes as defined in subsection 46 (1) of the Planning Act; or

- iv. sites for the location of three or more trailers as defined in subsection 164 (4) of the Municipal Act, 2001
- d. **site alteration**, including but not limited to,
 - i. alteration of the grade of land, and
 - ii. placing or dumping fill, or
- e. the removal of **vegetation**.

3.17 DOCK

Means a **structure** built, founded or anchored near or at the **water's edge** (219.15) extending on or over the water at which boats may be berthed or secured in conjunction with a **use** on the mainland.

3.18 DRIVEWAY

Means an area of land which provides vehicular access from a street to a parking aisle, space or **garage**.

3.19 DWELLING

Means a residential **building** designed for occupancy by one or more persons, containing no more than one **dwelling** unit as its **principal use**, and does not include a tourist establishment, a mobile home with or without a foundation, **sleeping cabin**, motor home, vehicle, tent or a trailer.

3.20 DWELLING, SINGLE DETACHED

Means a separate residential **building** designed and intended to be occupied as a single **dwelling** unit for one household.

3.21 ERECT

Means any construction, reconstruction and relocation of **buildings** and **structures** and, without limiting the generality of the work, also includes:

- a. any preliminary physical operation such as excavating, filling or re-grading or draining;
- b. altering any **existing building** or **structure** by adding, enlarging, extending, remodeling, renovating, moving, demolishing or effecting other structural change; and
- c. any work, the doing of which requires a **building** permit under the Building and Plumbing By-law of the **Town**.

3.22 EXISTING

Means legally **existing**, being a reality or an actuality, as of the date of passing of this By-law.

3.23 EXISTING LOT

Means a **lot** that existed as of the date of the passing of this By-law.

3.24 FENCE

Means any wall (other than a wall of a **building** or retaining wall), gate or other **structure** or partition made of wood, metal or other substance which is **used** to enclose, separate, provide privacy or divide, in whole or in part, a **yard** or other land, or to separate or purport to separate land not under common ownership.

3.25 FLOOR AREA

Means:

- a. for a **dwelling**, or **dwelling** unit, the total area of the **storeys** contained within the outside walls of the **dwelling** exclusive of any **garage**, **carport**, porch, veranda, **balcony**, sunroom, unfinished attic, unfinished basement or unfinished cellar; or
- b. for a **building** or part of a **building**, other than a **dwelling**, the total area of all of the **storeys** contained within the outside walls of the **building**.

In all cases, only that **floor area** having a clear **height** to the ceiling of at least 2.2 m shall be considered in the calculation of the **floor area**.

3.26 FOOTPRINT

Means the **floor area** of a **building** or **structure**, measured at grade on a horizontal plane, to the outside edge of walls, or posts in the case of an unenclosed **structure**, and includes the furthest extent of a **deck** or a **dock**.

3.27 FRONTAGE, LOT

Means the distance between the side **lot lines** measured 7.5 metres back from the front **lot line** and parallel to the chord of the **lot** frontage and, for the purpose of this definition, the chord of the **lot** frontage is a straight line joining the two points where the side **lot lines** intersect the front **lot line**.

3.28 FRONTAGE, WATER

Means the distance between the side **lot lines** measured 7.5 metres back from the **shoreline** and parallel to the chord of the **shoreline**, and for the purpose of this definition, the chord of the **shoreline** is a straight line joining the two points where the side **lot lines** intersect the **shoreline**. Should a **lot** not directly abut the **shoreline**, the water frontage shall be the **lot line** opposite the front **lot line**.

3.29 GAZEBO / PERGOLA

Means an accessory **structure** or **building** with open, screened or solid walls.

3.30 HABITABLE

See "**HUMAN HABITATION**".

3.31 HEALTH AND SOCIAL SERVICES

Means businesses such as: doctors, dentists, psychiatrists, chiropractors, professional registered massage therapists, day nursery and counselling.

3.32 HEIGHT

Means the vertical distance measured between the established grade, or for a **structure** partially or entirely on or over the water, from the elevation measured at 219.15 metres, to:

- a. the highest point of a flat roof or of the surface of a **structure**, but excluding any railing;
- b. the **deck** line of a mansard roof;
- c. the mean **height** between the eaves and a ridge of a gabled or hip roof;
- d. including roof or penthouse **structure** accommodating an

elevator, staircase, tank, ventilating fan or other similar equipment, a smoke stack, barn, silo, communications tower or utilitarian **structure** that provides **habitable** space;

- e. but exclusive of ornamental features.

3.33 HOME OCCUPATION

Means an occupation for gain or support conducted within a **dwelling** unit as a clearly incidental or secondary **use** to the residential **use** and provided the proprietor carrying out the occupation resides within the **dwelling** unit.

3.34 HUMAN HABITATION

Means **use** of a **building** or **structure** for living, sleeping, eating or for food preparation purposes.

3.35 LANDING

Means an area at the top of a flight of stairs or between flights of stairs, which does not exceed the width of the associated stairs by more than 1 ½ times, or a maximum width of 2.5 metres, whichever is less.

3.36 LANDSCAPED OPEN SPACE

Means an open, unobstructed space on a **lot**, located at grade which is dedicated to the growth and maintenance of trees, shrubs, grass, flowers, decorative paving and other landscape features and may include patios and walkways, but does not include any **driveway**, ramp, at grade recreational **uses**, boat ramp or **parking area**, whether surfaced or not, or any open space beneath a **building** or **structure**. A walkway shall not be used as a **driveway** or **parking area**.

3.37 LEACHING BED

Means a **leaching bed** as defined in the Ontario Building Code.

3.38 LOT

Means a parcel of land which can be legally conveyed subject to the provisions of the Planning Act, as amended.

3.39 LOT AREA

Means the total area within the **lot lines** of a **lot** located above the **water's edge** (219.15).

3.40 LOT COVERAGE

Means the area of all **buildings** and **structures**, including those **buildings** or **structures** appertaining to the **lot** or extending out into the water divided by the **lot area** of the **lot**, up to and including the **water's edge** (219.15), measured as a percentage. **Lot coverage** excludes canopies, retaining walls, **fences**, pools, at grade recreational **uses**, septic systems and overhanging eaves to a maximum of 1 metre. **Lot coverage** is measured on a horizontal plane to the outside edge of walls, the posts of an unenclosed **structure**, or the furthest extent of a **deck** (greater than 2.0 metres in **height**) / **balcony**.

3.41 LOT DEPTH

Means the horizontal distance between the midpoints of the front and waterfront **lot lines** and where there is no front or waterfront **lot line**, means the length of a line within the **lot** between the midpoint of the front or waterfront **lot line** and the apex of a triangle formed by the side **lot lines**.

3.42 LOT LINE

Means any boundary of a **lot** or vertical projection thereof.

3.43 LOT LINE, FRONT

Means the **lot line** that divides the **lot** from the street, but

- a. in the case of a corner **lot**, the shorter of the **lot lines** abutting the street;
- b. in the case of a corner **lot line** with two street lines of equal length, the **Town** may designate either street line as the front **lot line**; or,
- c. in the case of a corner **lot** abutting a 0.3 m reserve, the **lot line** so abutting the 0.3 m reserve shall be deemed an exterior side **lot line** and the other line abutting the street shall be deemed the front **lot line**.

3.44 LOT LINE, EXTERIOR SIDE

Means any **lot line** connecting the front **lot line** and a waterfront **lot line** and abutting a road.

3.45 LOT LINE, INTERIOR SIDE

Means any **lot line** connecting the front **lot line** and a waterfront **lot line**.

3.46 LOT LINE, WATERFRONT SIDE

Means the **lot line** farthest from and opposite to the front **lot line** and abutting the **water's edge** (219.15). Should a **lot** not directly abut the **shoreline**, the waterfront **lot line** shall be the **lot line** opposite the front **lot line**.

3.47 MOTOR VEHICLE

Means an automobile, motorcycle, a motor-assisted bicycle, as amended, and any other vehicle propelled or driven otherwise than by muscular power.

3.48 NATURAL HERITAGE

Means an area, site or feature that exhibits biological, geological, hydrological, landform or cultural attributes that are significant on a local, regional, provincial or national scale, as identified on Schedule B: Land Use of the **Official Plan**.

3.49 NON-COMPLYING

Means a **use**, **building** or **structure** which does not comply with the regulations, standards, requirements or provisions of the By-law for the zones in which such **use**, **building** or **structure** is located as of the date of the passing of the By-law.

3.50 NON-CONFORMING

Means a **use**, **building** or **structure** which does not conform to the permitted **uses** of the By-law for the zones in which such **use**, **building** or **structure** is located as of the date of the passing of this By-law.

3.51 OFFICIAL PLAN

Means the **Town** of Innisfil **Official Plan**.

3.52 PARK

Means an area of land consisting largely of open space and which may include outdoor recreation **uses**, a pavilion or a **conservation use**.

3.53 PASSIVE RECREATIONAL USES

Means a **park** that is operated for commercial gain, other than a public **park**.

3.54 PARKING AREA

Means an area or **structure**, including a private **garage** or **driveway**, provided for the temporary parking of vehicles which is accessory to a permitted **use**, and includes any related parking aisle, **parking spaces** and **structures**, but does not include any part of a street or laneway.

3.55 PARKING SPACE

Means a rectangular area, exclusive of aisles, used for the temporary **parking** of **motor vehicles**

3.56 PERSONAL SERVICES

Means businesses such as: barbers, beauticians, cleaning services, caterers, wedding planners, travel consultants, music instructors and entertainment services, but does not include adult entertainment services or body rub parlours and escort services.

3.57 PRINCIPAL USE

Means the main **use** to which the subject lands are devoted and the main purpose for which the subject lands are **used**.

3.58 PROVINCIAL PLANS

Means any plan produced and enacted by the Province of Ontario, such as: The Greenbelt Plan, The Lake Simcoe Protection Plan, Places to Grow, The South Georgian Bay Lake Simcoe Source Protection Plan, and any amendments thereto.

3.59 PROFESSIONAL OFFICE

Means businesses such as: accountants, architects, engineers, financial services, lawyers, land use planners, real estate agents, bookkeeping, and marketing and advertising agents.

3.60 PUBLIC AUTHORITY

Means:

- the **Town**, County of Simcoe, Government of Ontario, Government of Canada, Lake Simcoe Region Conservation Authority or any board, authority, or commission of them;
- any entity providing police, ambulance or fire service on behalf of the authorities listed in clause a);
- any utility company providing telephone, electrical or natural gas services;
- any railway company authorized under the Railway Act of Canada; or
- any corporation providing services to the public that has an operating budget entirely funded by one or more entities listed in clause (a).

3.61 PUBLIC USE

Means the **use** of a **lot**, **building**, **structure** or facility by a **public authority**, for the purpose of providing its services to the public, or carrying out its public mandate including: infrastructure and utilities necessary for the transmission or distribution of electricity, municipal water, and sewage,

as well as public roads, rail lines, transit stations, stormwater management facilities, infrastructure and transmission facilities for telecommunications or cable television, but not including administrative offices, sales outlets, **garages**, depots or **yards**.

3.62 RE-VEGETATION

Means the planting or re-planting of native **vegetation** in order to restore a **shoreline** buffer.

3.63 SETBACK

Means the distance between a **lot line**, or projected **lot line** into Lake Simcoe or the **water's edge** (219.15) and the nearest wall of any **building** or **structure** as indicated in the context in which the term is **used**.

3.64 SETTLEMENT AREA

Means Urban and Village Settlements as identified in the Town of Innisfil **Official Plan** and include: Alcona, Lefroy-Belle Ewart, Sandy Cove, Gilford, Kempenfelt Bay / Big Bay Point **Shoreline**, Big Cedar Point **Shoreline**, De Grassi Point **Shoreline**, and Leonards Beach **Shoreline**.

3.65 STORAGE SHED

Means a detached accessory **building** used solely for storage excluding **motor vehicles**.

3.66 SHORELINE

Means the **water's edge** measured at 219.15.

3.67 SITE ALTERATION

Means a change to the **existing** topography by more than 0.3 metre, or over an area exceeding 9 square meters, and includes excavation, blasting, filling and grading.

3.68 SLEEPING CABIN

Means an accessory **building**, not **attached** to a principal **dwelling**, designed for the temporary accommodation of persons, but does not contain a kitchen, also known as a bunkie.

3.69 STOREY

Means a **storey** as defined in the Ontario Building Code.

3.70 STORAGE, OUTDOOR

Means an area of land **used** in conjunction with a permitted **use** located within a **building** or **structure** on the same **lot**, for the storage of goods and materials. The temporary or overnight **parking** of **motor vehicles** shall not be considered outside storage.

3.71 STRAIGHT LINE PROJECTION

Means the straight-line extension or projection of a **lot line** into Lake Simcoe.

3.72 STRUCTURE

Means anything constructed or **erected**, the **use** of which requires location on or in the ground or on or in the water, or which is **attached** to something having location on the ground or in the water.

3.73 TOWN

Means The Corporation of the **Town** of Innisfil.

3.74 USE

Means:

- a. the purpose for which land, **buildings** or **structures** may be arranged, designed, designated, intended, maintained or occupied; and
- b. the occupation, business, activity, or operation carried on, or intended to be carried on the land or in a **building** or **structure** for which it is arranged, designed, designated, intended, maintained or occupied.

3.75 VEGETATION

Means all plants, trees, ground cover and other similar species collectively

3.76 WALKAWAY

Means an at grade surface **used** for pedestrian access. A walkway shall not be **used** for the **parking** of **motor vehicles**.

3.77 WATERCOURSE

Means any surface stream or river including an intermittent stream, drainage ditch, municipal drain or flowing stream or river but this does not include a ditch constructed within a road allowance for the specific purpose of draining a street.

3.78 WATER'S EDGE

Means:

- a. where water levels are not managed by a control **structure**, the ordinary interface between land and water identified by a mark made by the action of water under natural conditions on the shore or bank of a water way, which action has been so common and usual that it has created a difference between the character of the **vegetation** or soil on one side of the mark and the

character of the **vegetation** and soil on the other side of the mark, or;

- b. where water levels are managed by a control **structure**, the location at which the horizontal plane of the regulated summer water level intersects with the land, and,
- c. for the purposes of this By-law shall mean the standard average annual water level measured at an elevation of 219.15 metres.

3.79 WATER STRUCTURE, PERMANENT

Means any **dock**, ramp, boat lift, marine railway or other similar **structure** in place year round.

3.80 WATER STRUCTURE, SEASONAL

Means any **dock**, ramp, boat lift, marine railway or other similar **structure** that is not in place from December 1 to March 31.

3.81 YARD

Means the distance to a **building** or **structure** on the same **lot** which is open, uncovered and unoccupied

except for such accessory **buildings, structures** or **uses** which are specifically permitted by this By-law. In determining **yard** measurements, the minimum horizontal distance from the respective **lot lines** is to be **used**.

3.82 YARD, FRONT

Means a **yard** extending across the full width of the **lot** situated between the front **lot line** and a line parallel to the nearest point of any **structure**.

3.83 YARD, WATERFRONT

Means any **yard** extending across the full width of the **lot** which abuts the **water's edge** (219.15) and a line parallel to the nearest point of any **dwelling**.

3.84 YARD, SIDE

Means any **yard** extending across the full width of the **lot** which abuts the **water's edge** (219.15) and a line parallel to the nearest point of any **dwelling**.

3.85 YARD, EXTERIOR SIDE

Means a side **yard** immediately adjoining or abutting a road or road allowance.

3.86 YARD, INTERIOR SIDE

Means a side **yard** other than an exterior side **yard**.





SECTION 4:

SHORELINE PERMIT AREA

General Provisions apply to all lands subject to this Community Planning Permit By-law.

4.1 GENERAL PROVISIONS

No lands shall be used and no **buildings** or **structures** shall be erected, altered, enlarged, or used within any delineated area on the attached maps which form part of this Community Planning Permit By-Law, subject to conformity with the standards and provisions of this Community Planning Permit By-Law and subject to the provisions of Section 4.17 and 4.18.

4.2 ACCESS

Development shall only be permitted on a **lot** that abuts a **shoreline** or an original shore street allowance which has frontage on a year round maintained public street, a seasonally maintained public street or a private street with a legal right of way.



4.3 AVAILABILITY OF MUNICIPAL SERVICES

No **use** of land or the erection or **use** of **buildings** or **structures** are permitted unless there are available private or municipal services and related capacity available to service the land, **building** or **structures**. If municipal services become available the land owner will be required to connect to services.

4.4 BED AND BREAKFAST RESIDENCE

The following provisions shall apply:

- a. A bed and breakfast shall be contained within a **dwelling** and be clearly accessory to the principal residential **use** and shall not change the residential character of the **lot**.
- b. A bed and breakfast shall contain no more than two (2) guest rooms.
- c. No person other than the person residing in the residence containing the bed and breakfast shall be employed except as is necessary for housekeeping and food preparation purposes to service the guests of the bed and breakfast.
- d. A bed and breakfast shall be owned and operated by a person residing in the **dwelling** containing the bed and breakfast **use**.
- e. The guest rooms shall not contain kitchen facilities.
- f. The **parking area** shall be provided in accordance with Section 4.20 and 4.21 of this By-Law.

4.5 CHANGE OF USE

No person shall change the **existing use** of any lands, **building** or **structure** to a different type or class of **use** without determining that the intended **use** is in accordance with the provisions of this By-law.

4.6 DAYLIGHT TRIANGLES

- 4.6.1 A 10 metre daylighting triangle shall be required on a corner **lot** at all at-grade intersection of two or more streets.
- 4.6.2 A variation to the daylighting triangle provisions require a Class 2 Permit.
- 4.6.3 Within a daylighting triangle, no **buildings** or **structures** which would obstruct the vision of **motor vehicles** are to be **erected**, and no trees, signs, shrubs, hedges, **fences** or walls are to be planted, **erected** or maintained to a **height** greater than 1 metre above the centreline of the adjacent street at the lowest point.
- 4.6.4 **Existing vegetation** within a daylighting triangle must not be removed without a Planning Permit.



4.7 DRIVEWAY

All **driveways** located in the **Shoreline** Permit Area delineated on the **attached** maps which form part of this By-Law must comply with the following provisions:

- a. A **driveway** located in a settlement boundary as defined by the **Town's Official Plan** shall be constructed of a stable surface comprised of asphalt, concrete, concrete pavers or permeable pavers. A **driveway** located outside of a settlement boundary as defined by the **Town's Official Plan** shall be constructed of a stable surface such as gravel, asphalt, concrete, concrete pavers or permeable pavers;
- b. The **driveway** shall include any surface area that may be **used** for the **parking of motor vehicles**;
- c. One walkway, no greater than 1.5 metres in width, **attached** to a **driveway** is permitted on one side of a **driveway**;
- d. **Parking** of **motor vehicles** shall not be permitted on **landscaped open space**;
- e. A **driveway** is not permitted in the waterfront **yard**;
- f. The outdoor **parking** of a **motor vehicle** shall only be permitted on a **driveway** or **parking space**;
- g. A circular **driveway** shall only be permitted on a **lot** with a **lot** frontage greater than 22 metres;
- h. The access locations for a circular **driveway** shall be located in one **yard**;
- i. A circular **driveway** shall not cover more than 50% of the **yard** in which it is located;
- j. Any **lot** with a frontage less than 22 metres, a maximum of one (1) **driveway** shall be permitted per **lot**; and,
- k. The maximum **driveway** width shall be in accordance with the following provisions:
 Minimum width: 3.0 m
 Maximum width: 60% of **lot** frontage to a maximum of 9.0 m whichever is less

4.8 DWELLING UNITS PER LOT

That no more than one residential **dwelling** unit is permitted per **lot**.

4.9 EXISTING LOTS

Where an **existing lot** that does not meet the minimum **lot area** or frontage requirements of this By-Law, the **lot** may be developed or **used** provided any **building** or **structure** or **use** complies with all other provisions of this By-law, save and except Section 4.17 and 4.18 of this By-Law.

4.10 FENCE

Any **fence erected**, constructed or maintained on any **lot** shall be subject to the following:

- a. No **fence** shall be permitted to be located in Lake Simcoe.
- b. No **fence** shall be permitted within 0.3 metres of any **lot line** abutting a street.
- c. No **fence** shall be permitted to be electrified and/or contain barbed wire.
- d. No **fence** shall be greater than 1.82 metres in **height** above grade subject to the following standards:
 - i. Any **fence** located within 6.1 metres of the **water's edge** shall not be more than 0.9 metres in **height** above grade.
 - ii. Any **fence** located within 6.1 metres from the front **lot line** shall not be more than 0.9 metres in **height** above grade.
 - iii. The **height** of any **fence** shall be measured from the highest point of the **fence** or top beam, whichever is greater, to average grade.
 - iv. Variations to these standards will require a Class 2 Permit.



4.11 FRONTAGE ON A STREET

- 4.11.1 No person shall **erect** any **building** or **structure** in any **Shoreline** Permit Area unless the **lot** upon which such **building** or **structure** is to be **erected** fronts onto a street.
- 4.11.2 Section 4.11.1 does not prohibit the **erection** of any **building** or **structure** on any **existing lot** accessed by a private road or easement at the date of passing of this By-law, but where all other provisions of this By-law apply.
- 4.11.3 Any **lot** or parcel of land **existing** prior to the passing of this By-Law that only has access via a private road or easement, the **lot line** abutting the private road or easement shall be deemed to be the front **lot line** and front **yard** for the purposes of this By-Law.

4.12 HABITABLE DWELLING UNIT

- 4.12.1 A new **habitable dwelling** unit may be permitted provided that a coastal engineering study or technical report confirms that the **structure** is located outside any area affected by wave uprush or other related hazards.
- 4.12.2 An **existing habitable dwelling** unit may be reconstructed or enlarged, provided that:
- in the case of reconstruction, the entire **building** is dry-flood proofed;
 - in the case of an addition, the addition is dry-flood proofed and does not exceed 50% of the original **floor area**; and,
 - the intended **use** of the **building** is unchanged, or is otherwise permitted in this By-law.



4.13 HEIGHT EXCEPTIONS

4.13.1 The maximum **height** provisions of this By-law shall not apply to prevent the **use, erection** or **alteration** of the following accessory **buildings** or **structures** provided the **principal use** is located and **erected** on a **lot** within the **Shoreline** Permit Area and all other provisions of this By-law are complied with:

- church spire;
- clock tower;
- flag pole;
- screened mechanical roof top features, i.e. air conditioner units;
- non-commercial communication; and,
- radio or television antenna or tower or an ornamental roof **structure** that contains no **floor area** and is less than 2.3 square metres in area.

4.13.2 Additional **height** exemptions may be considered in exchange for specified community benefits in accordance with Section 1.17.



4.14 HOME OCCUPATION

Home occupations are permitted in the **Shoreline** Permit Area subject to the following provisions

- a. A **home occupation** shall maintain the residential character of the **dwelling**, and shall not create or become a public nuisance, in particular, with regard to noise, noxious odours, emissions of smoke, traffic or **parking**.
- b. **Home occupations** shall include, but are not limited to:
 - i. **professional offices**;
 - ii. **health and social services**;
 - iii. **personal services**; and
 - iv. **crafts, trade and instructional services**.
- c. **Home occupations** shall not include or permit:
 - i. outdoor storage, including construction equipment or commercially licensed vehicles;
 - ii. outdoor storage of goods and materials;
 - iii. repair and servicing of **motor vehicles**, motorcycles, boats, trailers or any other motorized vehicles;
 - iv. kennel;
 - v. nursing home;
 - vi. eating establishment;
 - vii. laundry service;
 - viii. marine rental and storage establishments (boats, fish huts, **docks**);
 - ix. taxi services or any similar type of business or **use**;
 - x. storage or **use** within any accessory **structure** including **attached garages**; and
 - xi. retail type of function or **use**.
- d. **Uses** in association with a permitted **home occupation** shall occupy no more than 25% of the **floor area** of the **dwelling** unit containing the **home occupation** or 100 square metres, whichever is the lesser.
- e. **Parking** shall be provided in accordance with the provisions of Section 4.20 and 4.21.
- f. The operator of the **home occupation** shall be a resident of the **dwelling** unit containing the **home occupation**.
- g. **Home occupations** must be wholly contained within the **dwelling** unit.
- h. **Home occupations** offering services shall be limited to a maximum of two (2) customers at a time.
- i. **Home occupations** offering child care services shall be limited to a maximum of five (5) children.
- j. The maximum number of **Home occupation** shall be limited to one (1) per **dwelling** unit.
- k. A maximum of one (1) employee that does not reside in the **dwelling** shall be permitted.



4.15 LIGHTING

- 4.15.1 All lighting must use sensitive lighting practices (**dark sky compliant**) for all land **uses**.
- 4.15.2 Any lighting shall not exceed a maximum **height** of 9 metres from average grade or **water's edge**.
- 4.15.3 Any lighting must be directed away from abutting streets and/or properties and directed downward.

4.16 NATURAL ENVIRONMENTAL AREAS AND FEATURES

Development on lands designated Natural Environmental Area in Schedule B: Land Use and lands identified in Appendix 1 and 2: Natural Areas of the **Official Plan** shall require an Environmental Impact Statement to ensure the environmental features on the property are protected.

4.17 NATURAL ENVIRONMENTAL AREAS AND FEATURES

- 4.17.1 Despite any other provisions of this By-law, where a legal **non-complying building** or **structure** has been legally **erected** prior to the passing of this By-law and has been damaged, destroyed, or demolished, the reconstruction of the **building** will be restricted to its original **footprint** and location, **building** size, **floor area**, **lot coverage** and **height**.

- 4.17.2** A legal **non-complying building** or **structure** may be enlarged subject to a Planning Permit as described in the following chart:

Proposed Expansion	Community Planning Permit Class
Height , location, building size, floor area , coverage - unchanged	2
15 % increase of existing height to the maximum height permitted, lesser of the two	2
Height increase greater than 15% of existing height	2
50 % increase in ground floor area to the maximum permitted, lesser of the two	2
Floor area increase greater than 50%	2

- 4.17.3** Any encroachment into a **non-complying** waterfront **yard setback** shall not be further reduced.
- 4.17.4** Any legal **non-complying boathouse** shall not increase in **floor area**, **building** size, **lot coverage** or **height**.



4.18 NON-CONFORMING USES

4.18.1

Any Legal **non-conforming use** may continue provided that there is no change in **use**. Where a **building** containing a legal **non-conforming use** is damaged, destroyed or demolished, the reconstruction of the **building** will be restricted to its original **footprint** and location, **building** size, **floor area**, coverage and **height**.

4.18.2

Any expansions to a **building** containing a legal **non-conforming use** require a Class 2 permit.

4.19 PERMITTED YARD ENCROACHMENTS

Encroachments greater than stipulated in the following chart will require a Class 2 permit:

Accessory Building, Structure or Feature	Permitted Encroachment into Minimum Required Yard Setback
(a) Sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters, bay windows or other ornamental features	0.6 metres into any required minimum yard setback
(b) Drop awnings, clothes line poles, garden trellises, pergolas , TV or radio antennas, air conditioning units, rainwater tanks, generators	No restriction on encroachment into any required minimum yard setback
(c) Signs subject to an approved sign By-law, parking areas , retaining walls, driveways , walkways, patios, landscaped open space , recreational areas at grade and other similar accessory structures and features	No restriction on encroachment into any required minimum yard setback
(d) Uncovered stairs and uncovered wheelchair ramps	No restriction on encroachment into any required minimum yard setback

4.20 PARKING

Where land, **buildings** or **structures** are **used** in accordance with this By-law, every owner shall provide and maintain off-street **motor vehicle parking areas** for the sole **use** of the owner, occupant or persons making **use** of the premises on the same **lot** and in accordance with the requirements outlined in the following chart:

USE	Minimum Number of Parking Spaces
Single dwelling unit	2 parking spaces , tandem parking shall be permitted
Bed and Breakfast Residence	1 parking space for each guest room in addition to the parking spaces required for the single detached dwelling , tandem parking shall be permitted
Home occupation	2 additional parking spaces (1 for the employee and 1 for the customer) in addition to the parking spaces required for the single detached dwelling , tandem parking shall be permitted

4.21 PARKING SPACE AND PARKING AREA PROVISIONS

Parking spaces shall be designed and maintained in accordance with the following requirements.

- The minimum width of a **parking space** shall be 3 metres. The minimum length for a **parking space** shall be 6 metres.
- Parking** in the front **yard** or exterior side **yard** shall only be permitted on a **driveway**.
- Parking** is not permitted in the waterfront **yard** on a **lot**.

4.22 PERMITTED USES ON ALL LANDS

- 4.22.1 A **public authority** may, for the purposes of public service, **use** any land or **erect** or **use** any **building** or **structure** in the Shoreline Permit Area.
- 4.22.2 Accessory **buildings** and **structures** that occur in conjunction with the **principal use** are permitted in the **Shoreline** Permit Area provided they are in accordance with the accessory **building** and **structure** provisions of this By-law.
- 4.22.3 The construction, **erection** and the temporary **use** of a construction shed, scaffold or other **building** or **structure** is permitted in the **Shoreline** Permit Area provided they are incidental to the construction on a **lot** where it is situated and is necessary for the work in progress. These **structures** shall be removed upon conclusion of the project.
- 4.22.4 **Docks used** for municipal purposes shall be permitted and require a permit.

4.23 SHORELINE BUFFER AREA

A **Shoreline** buffer area shall be designed and maintained in accordance with the following.

- 4.23.1 A **shoreline** buffer area shall be a minimum of 30 metres in depth from the **water's edge** (219.15) and shall be consistent with the Minimum **Vegetation** Protection Zone (MVPZ) in **Provincial Plans**.
- 4.23.2 On **lots** with a **lot depth** of less than 60 metres in length, the **shoreline** buffer area shall be a minimum of 15 metres in depth from the **water's edge** (219.15).
- 4.23.3 25% of the frontage along Lake Simcoe at the average annual water mark or 15 metres, the lesser of the two, may be **used** for access, landscape open space, recreational **uses** and amenity space. The remaining **shoreline** buffer area of the **lot** shall be maintained in its natural state or re-vegetated in accordance with this By-law.
- 4.23.4 A Class 2 permit can amend the standards up to a maximum of 35%.
- 4.23.5 A Class 1 permit can amend the standards up to a maximum of 50%.

4.24 SLEEPING CABINS

A **sleeping cabin** is permitted as an accessory **structure** in the Shoreline Permit Area and is subject to the accessory **building** or **structure** provisions of this By-law. A **sleeping cabin** shall not be permitted within a boat house or in the waterfront **yard**.

4.25 STORAGE AND USE OF HAZARDOUS LIQUIDS OR LEACHABLE CHEMICALS

Hazardous liquid or leachable chemicals not classified as waste, including petrochemicals, shall be contained wholly within an enclosed **building** and shall be subject to the approvals and regulations of the Province of Ontario.

4.26 TEMPORARY SALES EVENT OR OCCASIONAL USE OR SPECIAL EVENT

A **building** or **structure** associated with a temporary sales event, including an outside garage sale or rummage sale, or a special event, whether or not for profit, shall be permitted in the Shoreline Permit Area for a maximum of six days per calendar year. A Class 3 permit shall be required.



4.27 PROHIBITED USES

The following **uses** are prohibited in the **Shoreline** Permit Area:

- no **use** which from its nature or materials **used** therein is declared or regulated by the Province of Ontario to be a noxious trade, business or manufacturer;
- the storage of inoperable **motor vehicles** such as but not limited to, planes, helicopters, boats and houseboats;
- Trailers or recreational vehicles or **motor vehicles used** as a **dwelling** unit or for advertising purposes on a **lot** or in/on Lake Simcoe;
- Noxious **uses** which, from its nature or the materials **used** therein, is declared to be a noxious trade, business or manufacture regulated by the Province of Ontario; and,
- Outdoor storage of goods, wares, merchandise, substances or articles **used** in conjunction with a **home occupation**.

4.28 PROHIBITED USES IN THE WATERFRONT YARD

The storage of dilapidated marine items such as fish huts and portable **docks** or similar types of **structures** and the **parking** of non-marine **motor vehicles**.



4.29 WELLHEAD PROTECTION AREA AND INTAKE PROTECTION ZONE

The storage of the following material shall be prohibited within an Intake Protection Zone (IPZ), as shown as IPZ on Schedule A: animal manure, petroleum fuels; petroleum solvents and chlorinated solvents, pesticides, herbicides and fungicides, construction equipment, inorganic fertilizers, road salt, and, other contaminants listed in Ontario Regulation 347 of the Revised Regulations of Ontario, 1990, as may be updated and amended from time to time.



SECTION 5:

DEVELOPMENT STANDARDS & USES

Development in the Shoreline Permit Area shall follow the Guiding Principles of this By-law as follows:



Built Form In Context

balance
built form
and natural
shoreline
features



Public Realm Connects Us

Lake Simcoe
is part of our
public realm



Sustainable values

explore the use
of sustainable
features and
design



Natural Shoreline

balance
natural
shoreline
features and
built form



5.1 STANDARDS FOR DEVELOPMENT

5.1.1 Permitted Uses and Development

The following chart identifies the permitted **uses** in the Shoreline Permit Area:

Use	On Land		In Water	
	PERMITTED	DISCRETIONARY	PERMITTED	DISCRETIONARY
(a) Legally existing dwelling units	✓			
(b) Single detached dwelling	✓			
(c) Bed and Breakfast Residence	✓			
(d) Accessory uses, buildings and structures	✓			
(e) Boathouse		✓		✓
(f) Dock		✓ (partially land based)		✓
(g) Home Occupation				
(h) Sleeping Cabin	✓			
(i) Private Septic system and wells	✓			
(j) Revetments, breakwaters				
(k) Retaining walls	✓			
(l) Forestry, Fish, Wildlife, Park, Conservation Uses and Management	✓		✓	
(m) Passive Recreation Uses	✓			
(n) Recreational Trails	✓			

5.1.2 Lot Standards And Provisions

(a) The following chart shall apply to **lots** located within **settlement areas**.

	Standard	Staff Variation Class 2 Permit	Council Variation Class 1 Permit
Lot Area (minimum)	1 400 square metres	40% reduction	Greater than 40% reduction
Lot Frontage (minimum)	17 m	1 m reduction	None
Water Frontage (minimum)	15 m	2 m reduction	None
Waterfront Yard (minimum)	Lot depth 60 m or less = 15 m setback from the water's edge	50% reduction	Greater than 50% reduction
	Lot depth greater than 60 m = 30 m setback from the water's edge	50% reduction	Greater than 50% reduction
	Attached decks, porches, pergolas, gazebos, or any other attached accessory structure to a dwelling or attached garage = 15 m	30% reduction	Greater than 30% reduction
Front Yard (minimum)	Dwelling unit = 4.5 m Attached Garage = 6 m Attached Garage with motor vehicle door(s) facing the interior/ exterior side yard = 4.5 m Attached decks/ porches/balconies = 3 m	None	None

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(a) The following chart shall apply to **lots** located within **settlement areas**.

	Standard	Staff Variation Class 2 Permit	Council Variation Class 1 Permit
Front Yard (maximum)	Dwelling unit = 7 m Attached Garage = 7 m Attached Garage with motor vehicle door(s) facing the interior/exterior side yard = 7 m Attached Garage door(s) openings for motor vehicles when facing a street = 50% maximum of the principal building width.	20% increase	
Interior Side Yard (minimum)	Dwelling unit = 3 m Attached Garage = 2 m Attached Garage with motor vehicle door(s) facing the interior side yard = 6 m Attached decks /porches/balconies = 2 m	50% reduction	None
Exterior Side Yard (minimum)	Dwelling unit = 4 m Attached Garage = 4 m Attached Garage with motor vehicle door(s) facing the exterior side yard = 6 m Attached decks /porches/balconies = 3 m	50% reduction	None
Total Lot Coverage (maximum)	35%	Increase to 50%	Greater than 50%

CHART CONTINUED FROM PREVIOUS PAGE

(a) The following chart shall apply to **lots** located within **settlement areas**.

	Standard	Staff Variation Class 2 Permit	Council Variation Class 1 Permit
Building Height (maximum)	8 m Flat Roof (FR) = 7.5 m	11 m* FR = 9 m*	12 m FR = 10 m
Landscaped Open Space (minimum of lot area)	40%	Less than 40%	None
Landscaped Open Space (minimum of front yard and exterior side yard)	40%	Less than 40%	None

- * Shall increase one side **yard** to a minimum of 4.5 metres for the **dwelling**. In the case of a corner **lot** the increased side **yard** of 4.5 metres for the **dwelling** shall be located from the interior **lot line**.
- * A breezeway may be permitted to **attached** to the **dwelling** and **garage** and shall be subject to the standards and provisions as noted in the above chart for an **attached garage**. The breeze way shall be a wholly enclosed corridor providing access from the **dwelling** to the **garage** with a minimum width of 1.2 metres and a maximum length of 10 metres.



(b) The following chart shall apply to **lots** located outside of **settlement areas** with **lot areas under 7,900 m²**

	Standard	Staff Variation Class 2 Permit	Council Variation Class 1 Permit
Lot Area (minimum)	5260 sq. m	10% reduction	Greater than 10% reduction
Lot Frontage (minimum)	45 m	10% reduction	Greater than 10% reduction
Water Frontage (minimum)	40 m	10% reduction	Greater than 10% reduction
Waterfront Yard (minimum)	30 m	50% reduction	Greater than 50% reduction
	Attached decks , porches, pergolas , gazebos , or any other attached accessory structure to a dwelling or attached garage = 15 m	30% reduction	Greater than 30% reduction
Front Yard (minimum)	Dwelling unit = 15 m Attached Garage = 12 m Attached Garage with motor vehicle door(s) facing the interior/exterior side yard = 10 m Attached decks /porches/balconies = 6 m	50% reduction	None
Interior Side Yard (minimum)	Dwelling unit = 6 m Attached Garage = 4 m Attached Garage with motor vehicle door(s) facing the interior side yard = 10 m Attached decks /porches/balconies = 4 m	50% reduction	None

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(b) The following chart shall apply to **lots** located outside of **settlement areas** with **lot areas under 7,900 m²**

	Standard	Staff Variation Class 2 Permit	Council Variation Class 1 Permit
Exterior Side Yard (minimum)	Dwelling unit = 15 m Attached Garage = 5 m Attached Garage with motor vehicle door(s) facing the exterior side yard = 10 m Attached decks /porches/ balconies = 6 m	50% reduction	None
Total Lot Coverage (maximum)	15%	Increase to 20%	Greater than 25%
Building Height (maximum)	11 m Flat Roof (FR) = 8 m	12 m* FR = 9 m*	13 m FR = 12 m
Landscaped Open Space (minimum of lot area)	60%	Less than 60%	None
Landscaped Open Space (minimum of front yard and exterior side yard)	60%	Less than 60%	None

- * Shall increase one side **yard** to a minimum of 7.5 metres for the **dwelling**. In the case of a corner **lot** the increased side **yard** of 7.5 metres for the **dwelling** shall be located from the interior **lot line**.
- * A breezeway may be permitted to **attached** to the **dwelling** and **garage** and shall be subject to the standards and provisions as noted in the above chart for an **attached garage**. The breeze way shall be a wholly enclosed corridor providing access from the **dwelling** to the **garage** with a minimum width of 1.2 metres and a maximum length of 10 metres.

(c) The following chart shall apply to **lots** located outside of **settlement areas** with **lot areas over 7,900 m²**.

	Standard	Staff Variation Class 2 Permit	Council Variation Class 1 Permit
Lot Area (minimum)	7,900 sq. m	None	None
Lot Frontage (minimum)	61 m	10% reduction	Greater than 20% reduction
Water Frontage (minimum)	55 m	10% reduction	Greater than 10% reduction
Waterfront Yard (minimum)	30 m	50% reduction	Greater than 50% reduction
	Attached decks , porches, pergolas , gazebos , or any other attached accessory structure to a dwelling or attached garage = 20 m	30% reduction	Greater than 30% reduction
Front Yard (minimum)	Dwelling unit = 20 m Attached Garage = 15 m Attached Garage with motor vehicle door(s) facing the interior/exterior side yard = 10 m Attached decks /porches/balconies = 10 m	50% reduction	None
Interior Side Yard (minimum)	Dwelling unit = 8 m Attached Garage = 6 m Attached Garage with motor vehicle door(s) facing the interior side yard = 12 m Attached decks /porches/balconies = 6 m	50% reduction	None

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(c) The following chart shall apply to **lots** located outside of **settlement areas** with **lot areas over 7,900 m²**.

	Standard	Staff Variation Class 2 Permit	Council Variation Class 1 Permit
Exterior Side Yard (minimum)	Dwelling unit = 15 m Attached Garage = 6 m Attached Garage with motor vehicle door(s) facing the exterior side yard = 10 m Attached decks /porches/ balconies = 6 m	50% reduction	None
Total Lot Coverage (maximum)	15%	Increase to 20%	Greater than 25%
Building Height (maximum)	10 m Flat Roof (FR) = 7.5 m	12 m* FR = 9.5 m*	13 m FR = 12 m
Landscaped Open Space (minimum of lot area)	60%	Less than 60%	None
Landscaped Open Space (minimum of front yard and exterior side yard)	60%	Less than 60%	None

- * Shall increase one side **yard** to a minimum of 7.5 metres for the **dwelling**. In the case of a corner **lot** the increased side **yard** of 7.5 metres for the **dwelling** shall be located from the interior **lot line**.
- * A breezeway may be permitted to **attached** to the **dwelling** and **garage** and shall be subject to the standards and provisions as noted in the above chart for an **attached garage**. The breeze way shall be a wholly enclosed corridor providing access from the **dwelling** to the **garage** with a minimum width of 1.2 metres and a maximum length of 10 metres.

5.2 ACCESSORY USES, BUILDINGS AND STRUCTURES

5.2.1 Permitted Uses and Development

All detached accessory **uses, buildings** and **structures** located in the **Shoreline** Permit Area shall comply with the following provisions:

- a. No accessory **use, building** or **structure** shall be **erected** on any **lot** or on/in Lake Simcoe until the **principal use** has been established or the principal **building** or **structure** has been **erected**, with the exception of:
 - i. one (1) shed or **storage shed** that is not more than 10 square metres in **floor area**;
 - ii. one (1) **dock**; and,
 - iii. stairs and associated **landings** located within the waterfront **yard**.
- b. No accessory **use, building** or **structure** shall be **used** for the following, except as permitted in this By-law:
 - i. any occupation for gain or profit; or
 - ii. **human habitation**.
- c. The maximum **lot coverage** of any detached accessory **buildings** and **structures** shall be subject to the following chart:

	Standard	Staff Variation Class 2 permit
Lot Coverage (maximum) for any detached accessory structures (collectively)*	10% of the lot area or a maximum of 120 square metres whichever is the lesser.*	30% of the lot area or a maximum of 160 square metres whichever is the lesser.*

- * The 10% or 30% **lot coverage** permitted for accessory **building** and **structures** is included in the total **lot coverage** as set out in Section 5.1.

5.2.2 Boathouses / Boatports

A **boathouse/boatport** are discretionary uses in the **shoreline** buffer area and waterfront **yard** and are subject to a Class 1 permit and shall be subject to the provisions as described in the following chart:

Minimum water frontage		Max. Height* metres	Max. Width metres	Max. length metres	Max. projection into Lake Simcoe	Council Variation Class 1 permit	Side yard setback*	Council Variation Class 1 permit
< 15 m	On Land	3	3	10	1	50% increase	5m	10% decrease
	In Water	3	3	9	9			
15 m – <45 m	On Land	3.6	7	12	1			
	In Water	3	5	9	9			
46 m - <60 m	On Land	3.6	10	12	1			
	In Water	3.0	7	10	10			
61 m and greater	On Land	4	14	14	1			
	In Water	3.6	9	10	10			

*Where the maximum projection into Lake Simcoe is proposed to be increased through a Class 1 permit, the side **yard setback** on both sides of the property will be increased by a distance equal to the proposed projection over the permitted projection standard. * **See By-law 062-17 for all standards and requirements.**

- A total of one (1) **boathouse/boatport** is permitted per **lot**.
- No portion of any **boathouse/boatport** shall be **used** for **human habitation** or a **dwelling** at any time, including sleeping, cooking or living area, and shall not contain a sauna, washroom, hot tub, whirlpool or other similar type of **use**.
- The **boathouse/boatport** shall not be serviced by natural gas, propane, oil or other similar type of fuel or potable water.
- Any portion of a **boathouse/boatport** that projects greater than 1 metre into Lake Simcoe from the **water's edge** shall meet the standards and provisions of an in water **boathouse/boatport**.
- Any **boathouse/boatport** shall not impede the natural flow of water along the **shoreline** or harmfully alter fish habitat.
- Any water **structures, decks** or patios surrounding the **boathouse/boatport** shall be included in the maximum **floor area** of the **boathouse/boatport**.
- Any in water **boathouse/boatport** may be permitted on top of a **dock**.
- In addition to the permissible variations for maximum **height**, under the provisions of Community Benefits Section 1.17, Council as a Class 1 permit can approve variations in **boathouse/boatport height** up to a maximum of 7 metres.

5.2.3 Docks, Ramps, Boat Lifts, Marine Railways (Water Structures)

The following provisions shall apply to **docks**, ramps, boat lifts and marine railways, including permanent, temporary, seasonal and floating/non-floating water **structures**:

	Standard	Staff Variation Class 2 permit	Council Variation Class 1 permit
Quantity per lot (maximum)	1	More than 1 or each type	None
Side yard setback (minimum)	5 m	1 metres 0 m where co-location in accordance with e	None
Permanent Dock / marine railways projection into Lake Simcoe (maximum)	20 m	30 m	40 m
Permanent Cumulative dock area (maximum)	50 sq m	75 sq m	115 sq m

- a. Single **storey gazebos, pergolas**, tents, canopies or any other similar **structures** are permitted on or within any of the Water **Structures** within 10 metres from the **shoreline**;
- b. Water **Structures** shall be located in front of the Owner's property;
- c. The side **yard** property line located on the water is determined by projecting the **existing** property line from the **water's edge** into Lake Simcoe. **Setbacks** shall be measured from the property line projection;
- d. A coastal engineering report is required for permanent Water **Structures** to mitigate any identified impacts;
- e. A coastal engineering report may be required for seasonal Water **Structures** to mitigate any identified impacts;
- f. Breakwaters/revetments, rock groynes and shoals are not encouraged and, where proposed, are included in the total area of the **dock** and a coastal engineering report is required;
- g. Water **Structures** cannot impede the natural flow of water along the **shoreline** or harmfully alter fish habitat;
- h. The following criteria shall be reviewed by Staff when siting any water **structures**:
 - i. water depth of Lake Simcoe in the vicinity of the subject lands;
 - ii. projections of **docks**, ramps and boatlifts of abutting properties;
 - iii. interference with the **docks** of abutting properties; and,
 - iv. the shape and formation of the **shoreline**.
- i. Notwithstanding the above, where a Water **Structure** is proposed to be in front of publically owned land, such as a **park**, beach or a municipal road end a Class 1 permit is required.

5.2.4 Detached Garage

The provisions in the following chart shall apply to detached **garages**:

	Standard	Staff Variation Class 2 Permit	Council Variation Class 1 Permit
Quantity per lot (maximum)	1	More than 1	None
Waterfront Yard	Not permitted in Waterfront yard	30 m or 15 m where the lot depth is less than 60 m	None
Front Yard (minimum)	6 m Garage with motor vehicle door(s) facing the interior/exterior side yard = 5 m Garage door(s) openings for motor vehicles when facing a street = 50% maximum of the principal building width in a settlement area	Reduction to 3 m	None
Interior Side Yard (minimum)	3 m Garage with motor vehicle door(s) facing the interior side yard = 6 m	Reduction to 1 m	None
Exterior Side Yard (minimum)	3 m Garage with motor vehicle door(s) facing the exterior side yard = 6 m	Reduction to 1 m	None
Building Height	5 m	7m	None
Coverage (maximum)	50 sq.m	25% increase	50% increase
Floor Area for Second Storey (maximum)	50 sq.m	25% increase	50% increase

5.2.5 Storage Shed

The provisions in the following chart shall apply to **storage sheds**:

	Standard	Staff Variation Class 2 permit
Quantity per lot (maximum)	1	More than 1
Waterfront Yard (maximum)	1 m	None
Front Yard (minimum)	5 m Not permitted in front yard in settlement areas	Reduction to 1 m
Interior Side Yard (minimum)	2.5 m	Reduction to 1 m
Exterior Side Yard (minimum)	3 m	Reduction to 1 m
Building Height (maximum)	4 m	6 m
Coverage (maximum)	30 sq. m	25 % increase



5.2.6 Other Accessory Structures/Uses

The provisions in the following chart shall apply to other accessory **uses**:

	Qty (maximum)	Front Yard (minimum)	Waterfront Yard (maximum)	Side Yard (minimum)	Height (maximum)	Coverage (maximum) (sq. m)	Staff Variation Class 2 permit	Council Variation Class 1 permit
Gazebo, pergolas, etc.	1	5 m Not permitted in front yard within settlement areas	5 m	Interior = 3 m Exterior = 5 m	4 m	15	25% reduction where standard is a minimum, or increase where standard is a maximum	50% reduction where standard is a minimum, or increase where standard is a maximum
Saunas, hot tubs, whirlpools	2	Not permitted in front yard	15 m		4 m	15		
Swimming Pools, tennis courts, other recreational uses	1	5 m Not permitted in front yard within settlement areas	30 m		None	20% of lot area		
Sleeping Cabins can be standalone or on top of a garage	1	5 m	15 m	Equal to the side yard of the principal dwelling	4 m	50		

5.3 PRIVATE WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS

- 5.3.1** Where municipal services are not available or where the **lot** is unsuitable for private services, **development** is not permitted.
- 5.3.2** A sewage disposal **leaching bed** shall be permitted within any **yard** except the waterfront **yard**.
- 5.3.3** **Leaching beds** shall be set back a minimum of 100 metres from the **water's edge**.
- 5.3.4** On an **existing lot**, where a **leaching bed** cannot meet the minimum 100 metre **setback** due to site constraints, a reduced **setback** may be permitted by a Class 2 permit. A site evaluation may be required to the satisfaction of the **Town** which confirms that suitable soils exist and there will be no negative impacts on water quality. A tertiary sewage system may be required.
- 5.3.5** A **shoreline** landscaped buffer, a minimum of 15 metres in depth, shall be provided and maintained between the sewage disposal system and Lake Simcoe.
- 5.3.6** A septic tank may be permitted within the waterfront **yard**.



5.4 HELICOPTER PADS/HELIPORTS/ AERODROMES AND MOORINGS

Approval from Transport Canada is required for the placement of helicopter pads, heliports, aerodromes or moorings.

5.5 SITE ALTERATION

5.5.1 Vegetation Removal

Vegetation is essential in the protection of **shoreline** habitat, water quality and in the reduction in **shoreline** erosion.

Vegetation along **shorelines** is important for its ecological functions, its contribution to aesthetics and lake character and the reduction of the visual impact of **development** on Lake Simcoe.

- a. Regulated **vegetation** includes healthy woody **vegetation** (trees and shrubs) and smaller **vegetation**, including herbaceous **vegetation**.
- b. **Vegetation** removal is permitted in limited circumstances in accordance with **shoreline** buffer provisions. A Class 2 permit is required.
- c. **Development**, including the removal of woody **vegetation** or **site alteration** requires a Class 2 permit in accordance with the provisions in the following chart. The provisions do not apply to the removal of dead or dying trees, including those trees which present a potential hazard to life or property, or reasonable trimming or pruning without intent to harm the tree.



Planning Permit Required For Vegetation Removal Or Site Alteration	Criteria For Vegetation Removal Or Site Alteration
Within the 30 metre waterfront yard and shoreline buffer	i. Vegetation removal which in the opinion of the Town , would not compromise the ecological or visual functions of the shoreline buffer; or ii. Vegetation removal which is required to be removed for the establishment of a ii. previous pathway of a width not exceeding 1 metre; or iii. Vegetation removal supported by an arborist, professional forester or ecologist
Remainder of lot in Shoreline Permit Area <ul style="list-style-type: none"> • Within 120 metres of a Provincially Significant Wetland • In any wetland • In a natural heritage area • On a slope > 30% 	Site Evaluation and / or tree inventory and / or tree canopy details

5.5.2 Revegetation / Replanting

5.5.2.1 In a case where **vegetation** removal or **site alteration** has already occurred, further **development** on the subject lands is only permitted by a Class 2 permit provided that the areas are re-vegetated and replanted to establish a natural **shoreline** buffer as follows:

- Trees of a minimum **height** of 1.6 metres combined with shrubs, and at a density of one tree or shrub per 5 square metres, measured from the stems, more or less evenly along the **shoreline** buffer as site conditions permit.

5.5.2.2 If a proposal does not achieve the requirements of Section 5.5.2(a), an overall net gain of **shoreline vegetation** shall be required.

5.5.2.3 Where the natural **shoreline** is determined to be other than forested, as in the case of a natural beach, a **shoreline** buffer that is reflective of the natural **shoreline** shall be required.

5.5.3 Fill Placement, Fill Excavation and Removal and *Lot* Grading

- 5.5.3.1 Fill placement, fill excavation and removal and **lot** grading activities shall not affect the control of flooding, erosion, dynamic beach, pollution or land **conservation**.
- 5.5.3.2 Any activities shall not create negative adverse impacts on the natural coastal processes of the Lake Simcoe **shoreline**.
- 5.5.3.3 Fill placement greater than 7 cubic meters and less than 250 cubic metres require a Class 2 permit.
- 5.5.3.4 Fill placement of 250 cubic metres or greater is prohibited on the **shoreline** of Lake Simcoe unless supported by an Environmental Impact Study.
- 5.5.3.5 Any fill placement shall be greater than 30 metres from the **shoreline** of Lake Simcoe.
- 5.5.3.6 Only clean fill may be placed in conformity with Provincial guidelines and regulations and a soils report may be required to confirm fill quality and import location.
- 5.5.3.7 A **site alteration** plan may be required to show the following:
 - a. fill placement slopes are not to exceed a gradient of 3 (horizontal): 1 (vertical);
 - b. sediment and erosion control measures;
 - c. pre and post filling drainage patterns; and
 - d. restoration details (stabilization, topsoil, seed, sod, hydro seed and timing).



5.5.4 Aquatic Vegetation Removal And Shoreline Alteration

- 5.5.4.1 Removal of **vegetation** in Lake Simcoe is not encouraged. In conjunction with an approval for an in water **structure**, should it be necessary to remove aquatic **vegetation** or alter the **shoreline**, a Class 2 permit shall be required.
- 5.5.4.2 All other aquatic **vegetation** activities are to be done in accordance with the regulations of the Ministry of Natural Resources and Forestry and Fisheries and Oceans Canada



SECTION 6:

SITE SPECIFIC PROVISIONS

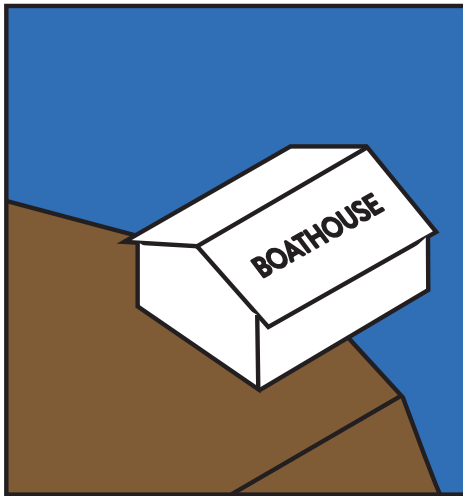
6.1 887 ADAMS ROAD (NORTH PART LOT 16, PLAN 571)

Property located at 887 Adams Road (North Part Lot 16, Plan 571) is permitted to have a total of up to six seasonal water **structures**, the location of which shall be in accordance with Sections 5.2.3 of this By-law.

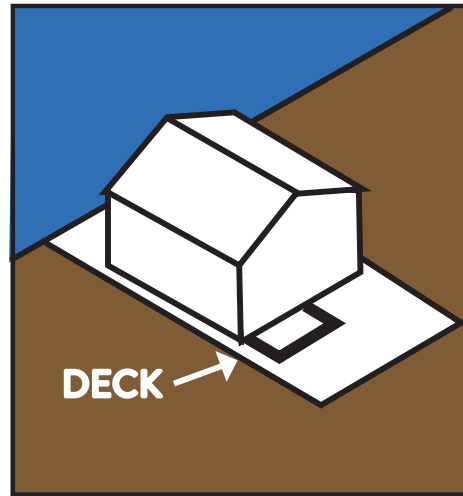


SECTION 7: EXAMPLES & ILLUSTRATIONS

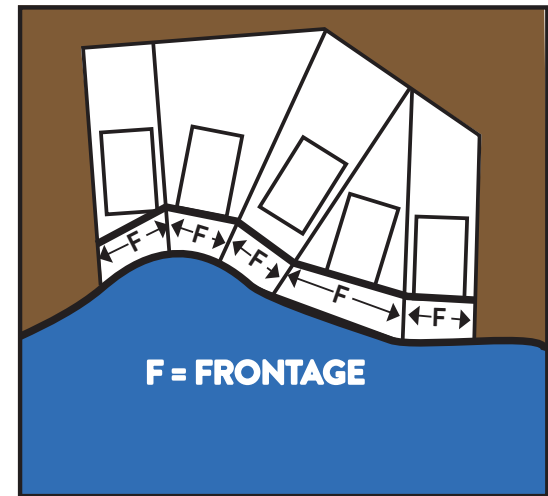
7.1 EXAMPLES



Boathouse





Deck

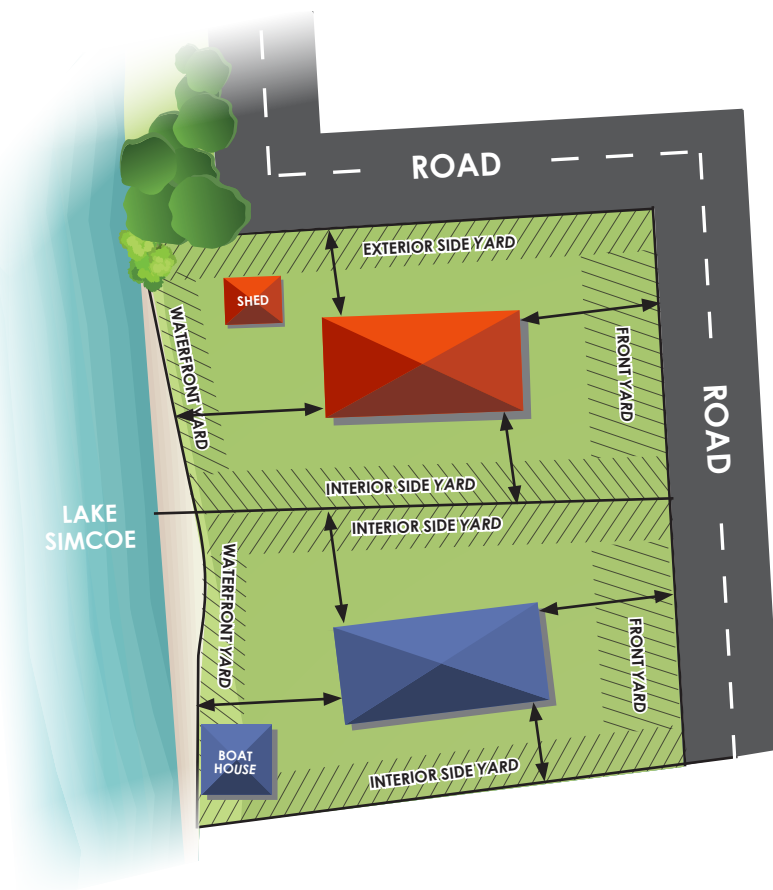


Frontage, Lot

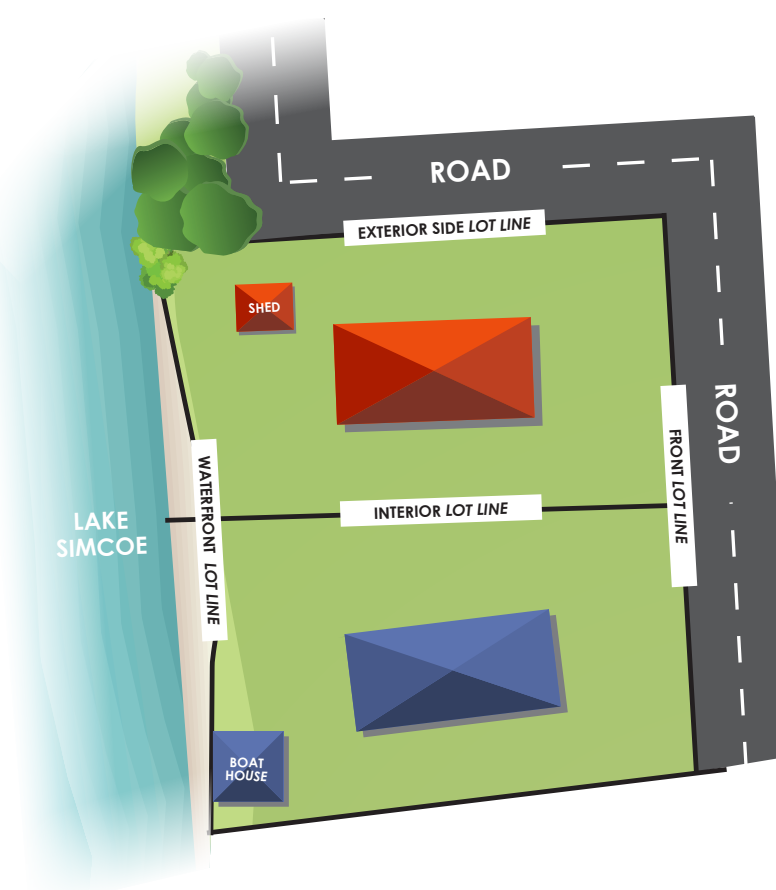
7.2 ILLUSTRATIONS

1 Yards

 Required **Yard**
 **Existing Yard** Depth / Width



2 Lot Lines





7.3 ILLUSTRATIONS

OUR SHORE INNISFIL

Docks, Ramps, Boat Lifts & Marine Railways

- ✓ Locate in front of your own property
- ✓ Make sure your dock doesn't block others
- ✓ Protect and enhance fish habitat - make sure the natural flow of water continues underneath your structure
- ✓ Share a dock - co-location is encouraged
- ✓ Permanent docks are a discretionary use and require a Class 1 (Council) permit
- ✓ Seasonal docks that satisfy all criteria are exempt from a permit

* Variations only in exceptional circumstances, subject to criteria and a permit. Rock groynes and shoals are not encouraged and where proposed require a coastal engineering report and will be included in overall size of dock.

Other Dock Configurations

COUNCIL * VARIATION
115m² MAX AREA

40m MAX LENGTH FROM SHORELINE

STANDARD
50m² MAX AREA
20m MAX LENGTH FROM SHORELINE

PERMANENT DOCK

2101 Innisfil Beach Road, Innisfil ON L9S 1A1
705-436-3710 • 1-888-436-3710 • ourshore@innisfil.ca
innisfil.ca/ourshore

OUR SHORE INNISFIL

On Land Boathouses

- ✓ One (1) boathouse per lot
- ✓ Protect and enhance fish habitat - make sure the natural flow of water continues underneath your structure
- ✓ Service with electricity – but no natural gas, propane or potable water please
- ✓ It all adds up – decks and patios surrounding boathouses are included in the maximum floor area
- ✓ Keep close to the shoreline – maximum of 1.0 metre projection into Lake Simcoe (otherwise it's an in water boathouse)
- ✓ Height measured from 219.15 contour (water's edge)
- ✓ Boathouses are a discretionary use and require a Class 1 (Council) permit
- ✓ Use for storage - no living space please



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In Water Boothhouses

- One (1) boothhouse per lot
- Service with electricity – but no natural gas, propane or potable water please
- Use for storage - no living space please
- Height measured from 219.15 contour (water's edge)
- If boothhouse is on top of a dock - it is in water
- Protect and enhance fish habitat – make sure the natural flow of water continues underneath your structure
- It all adds up – decks and patios surrounding boothhouses are included in the maximum floor area
- Boothhouses are a discretionary use and require a Class 1 (Council) permit



A <15m SHORELINE FRONTAGE		
3m	MAX Height	3m
3m	MAX Width	9m
9m	MAX Length	Max Projection into Lake Shoreline
5m	Sideward Setback	

B 15-45m SHORELINE FRONTAGE		
3m	MAX Height	5m
5m	MAX Width	9m
9m	MAX Length	Max Projection into Lake Shoreline
5m	Sideward Setback	

C 46-60m SHORELINE FRONTAGE		
3m	MAX Height	7m
7m	MAX Width	10m
10m	MAX Length	Max Projection into Lake Shoreline
6m	Sideward Setback	

D >60m SHORELINE FRONTAGE		
3.6m	MAX Height	9m
9m	MAX Width	10m
10m	MAX Length	Max Projection into Lake Shoreline
6m	Sideward Setback	

* In exceptional circumstances, subject to criteria and a permit, Council can vary these standards up to 50%

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OUR SHORE INNISFIL

What is a Community Planning Permit?

Once in place, a Community Planning Permit (CPP) will be an approval you must have to build or extend a home, boathouse or dock; to perform lot grading or to remove trees. It will be required for any residential property with frontage on Lake Simcoe.

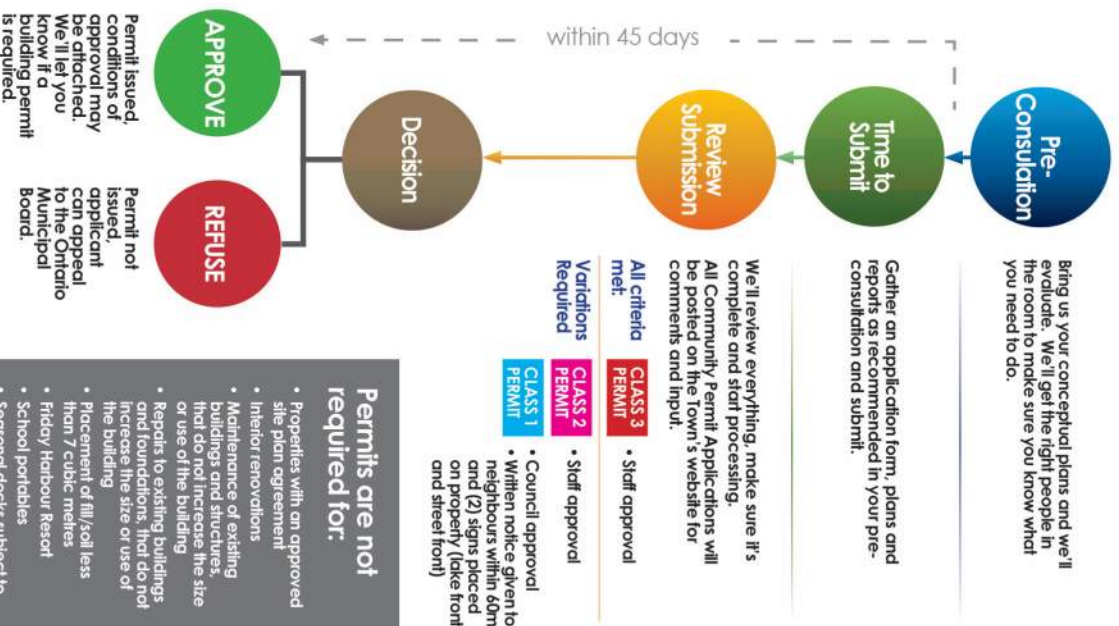
Why is the Town proposing to use a Community Planning Permit System?

This new process will allow you to apply for one permit—instead of having to apply separately (e.g. zoning, minor variance, site plan, site alteration and tree removals). Faster approval times mean you can get started on your projects sooner!

How will a Community Planning Permit System help the Lake Simcoe shoreline?

By requiring all new developments to apply for a permit, we'll be able to ensure that Lake Simcoe's health isn't impacted by construction.

Permit Process



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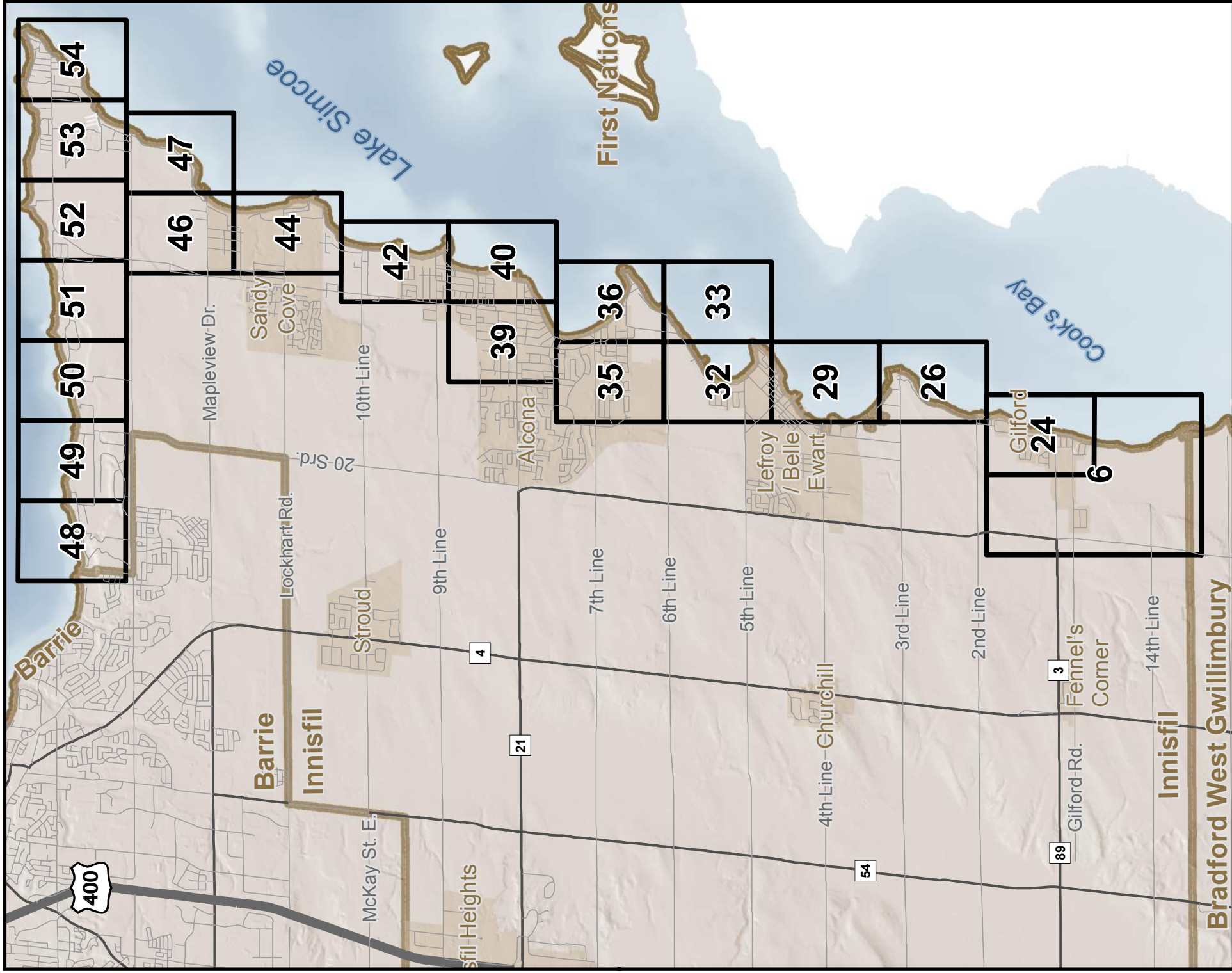


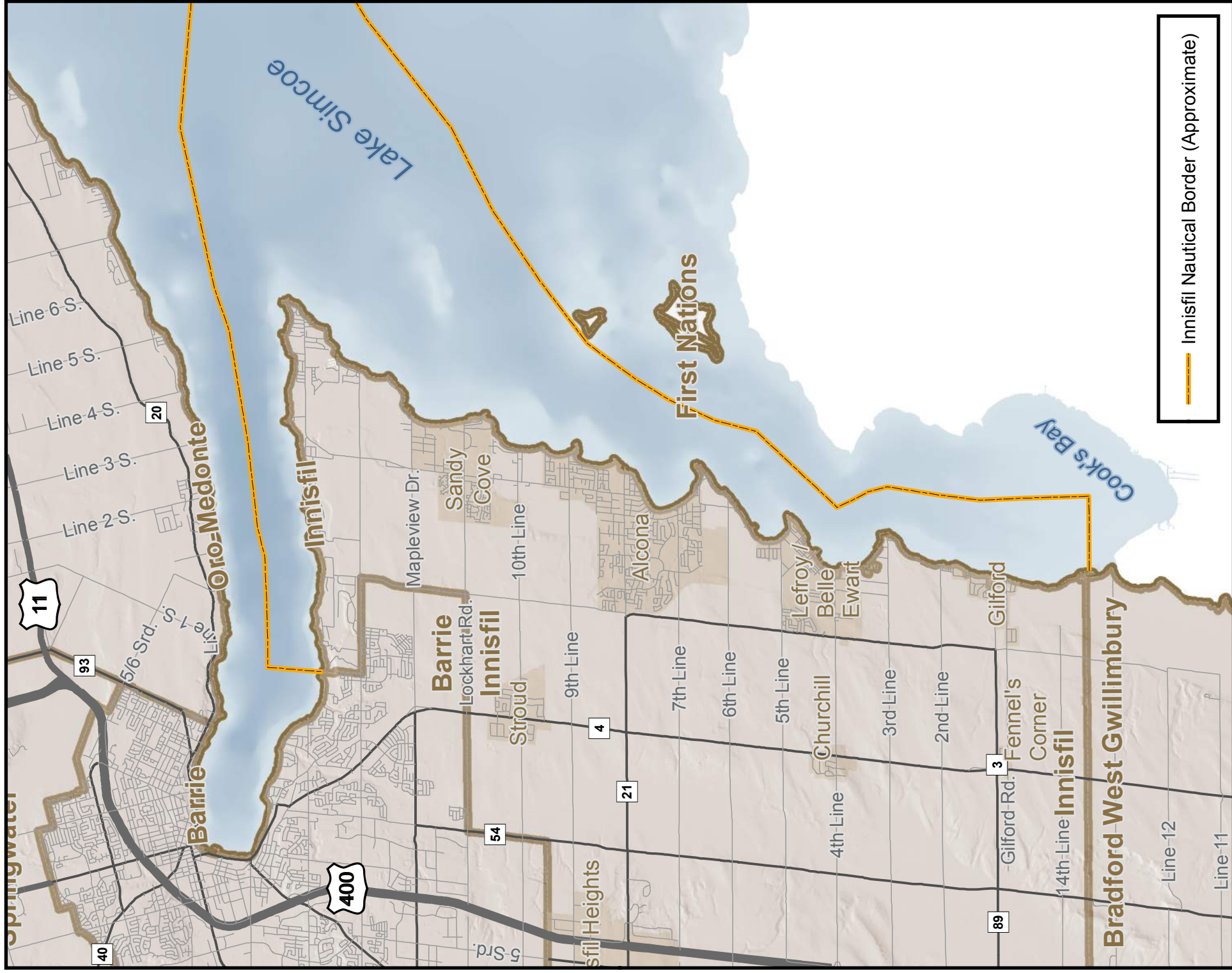
SCHEDULE A - MAPS



11/05/2017

Shoreline Permit Areas - Key





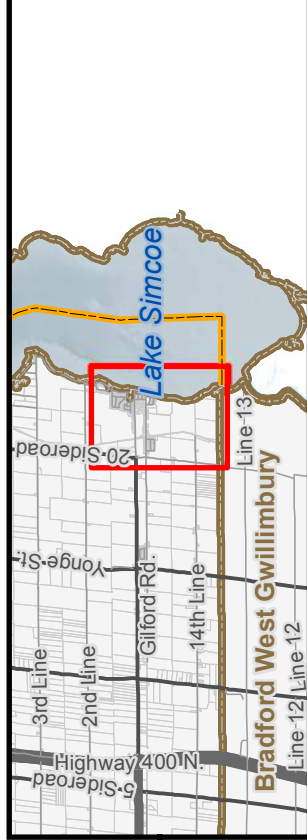
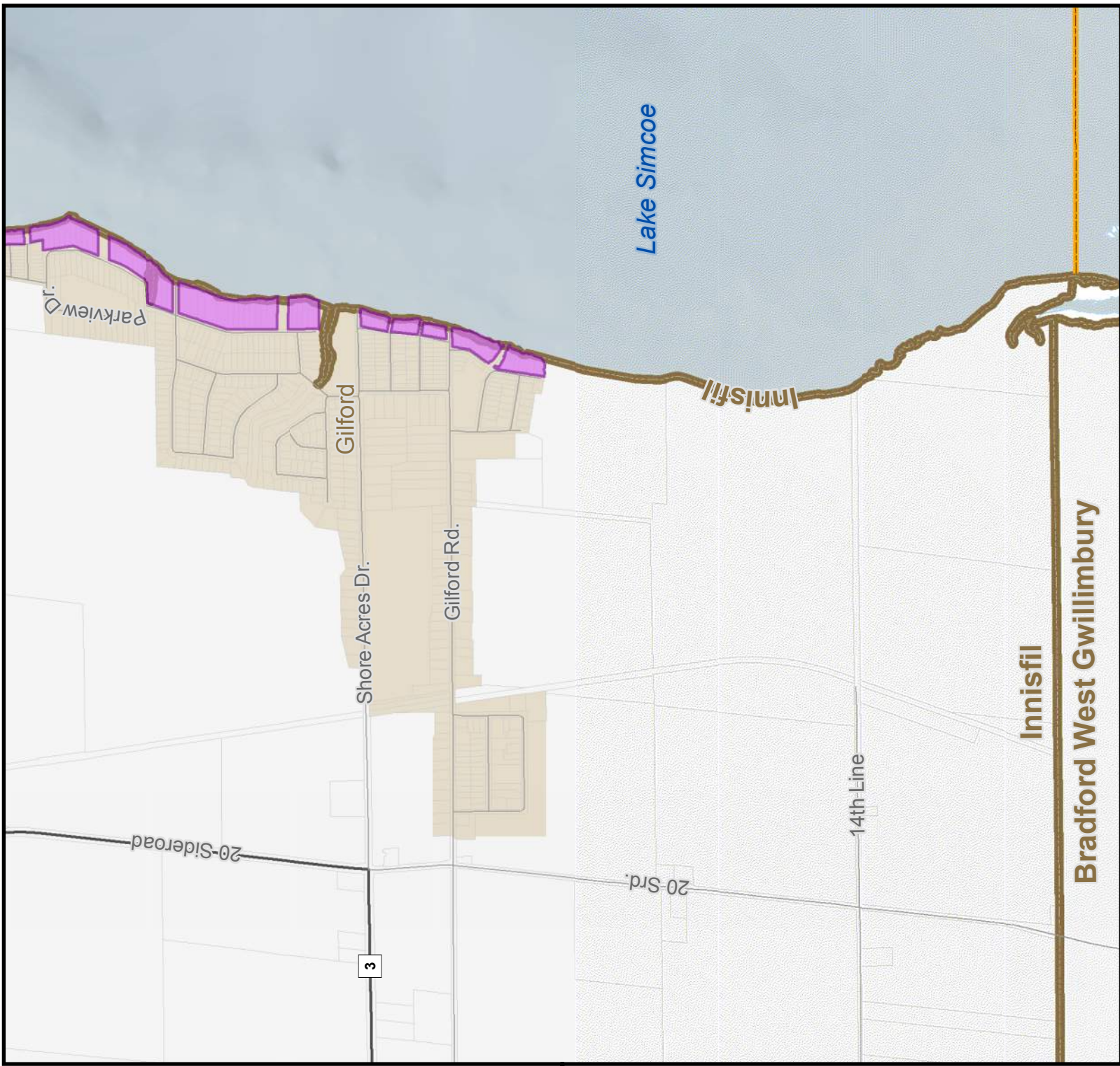
— Innisfil Nautical Border (Approximate)




11/05/2017

Shoreline Permit Areas - 6

0 80 160 320 m
1 cm = 2,114 m



 Affected Areas

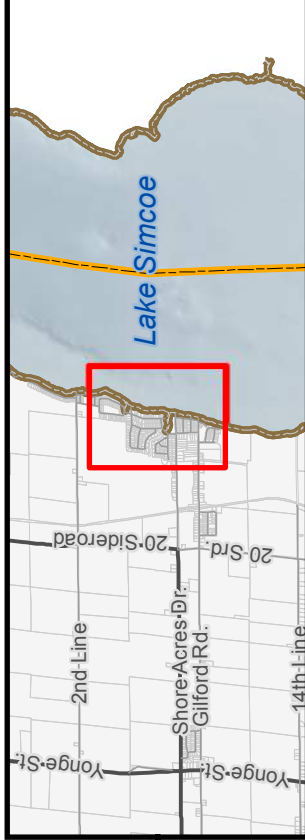
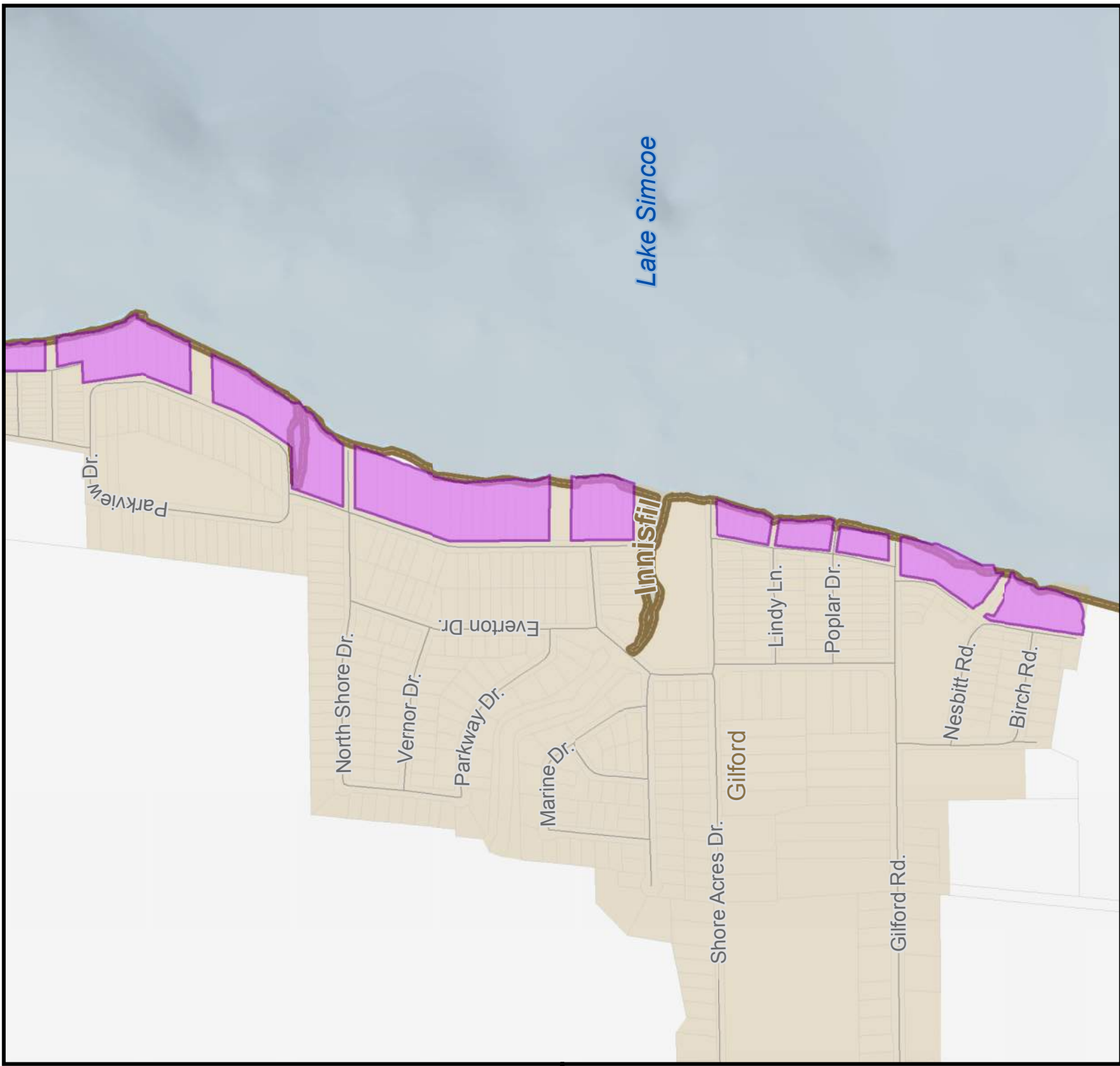
 Innisfil Nautical Border (Approximate)



11/05/2017

Shoreline Permit Areas - 24

0 40 80 160 m
1 cm = 1,057 m



Affected Areas

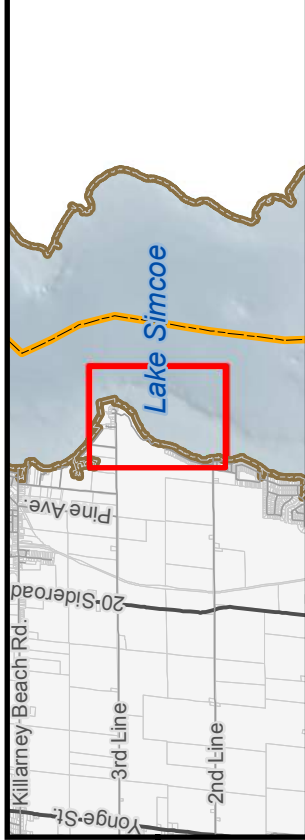
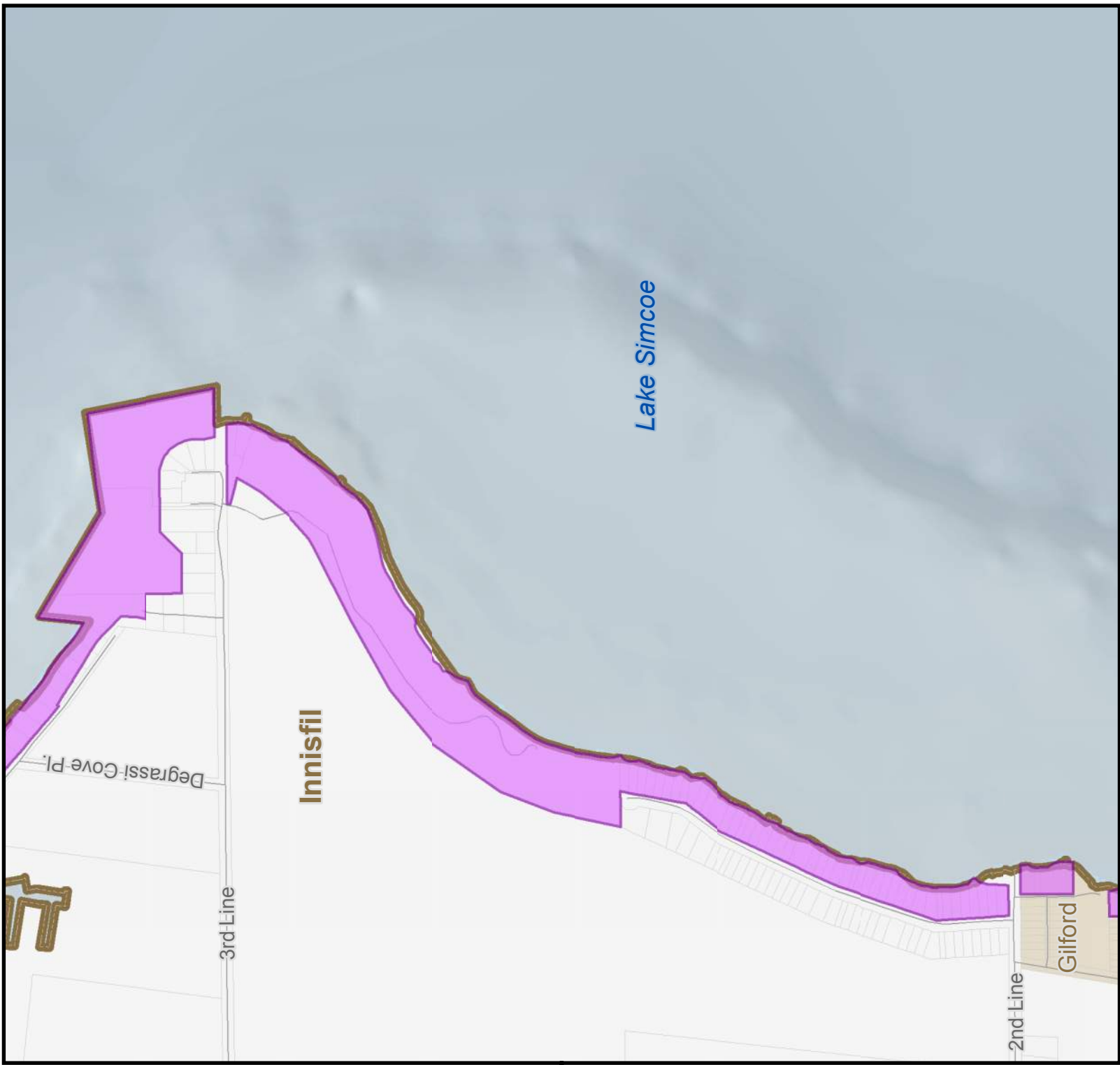
Innisfil Nautical Border (Approximate)



11/05/2017

Shoreline Permit Areas - 26

1 cm = 1,057 m



Affected Areas

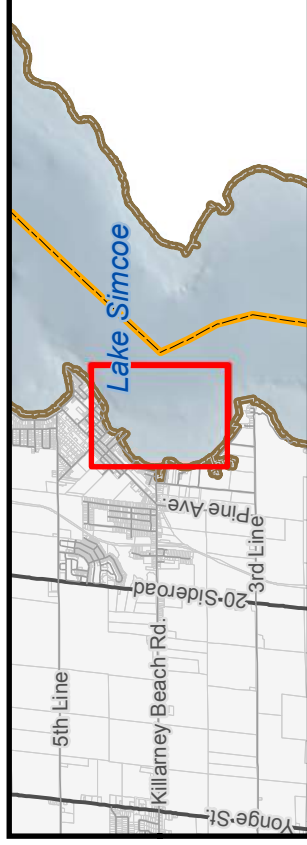
Innisfil Nautical Border (Approximate)



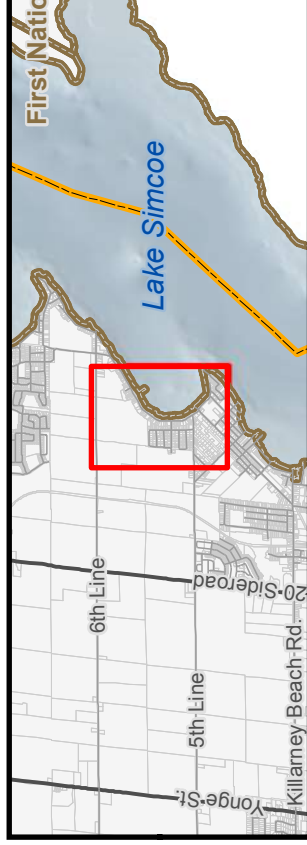
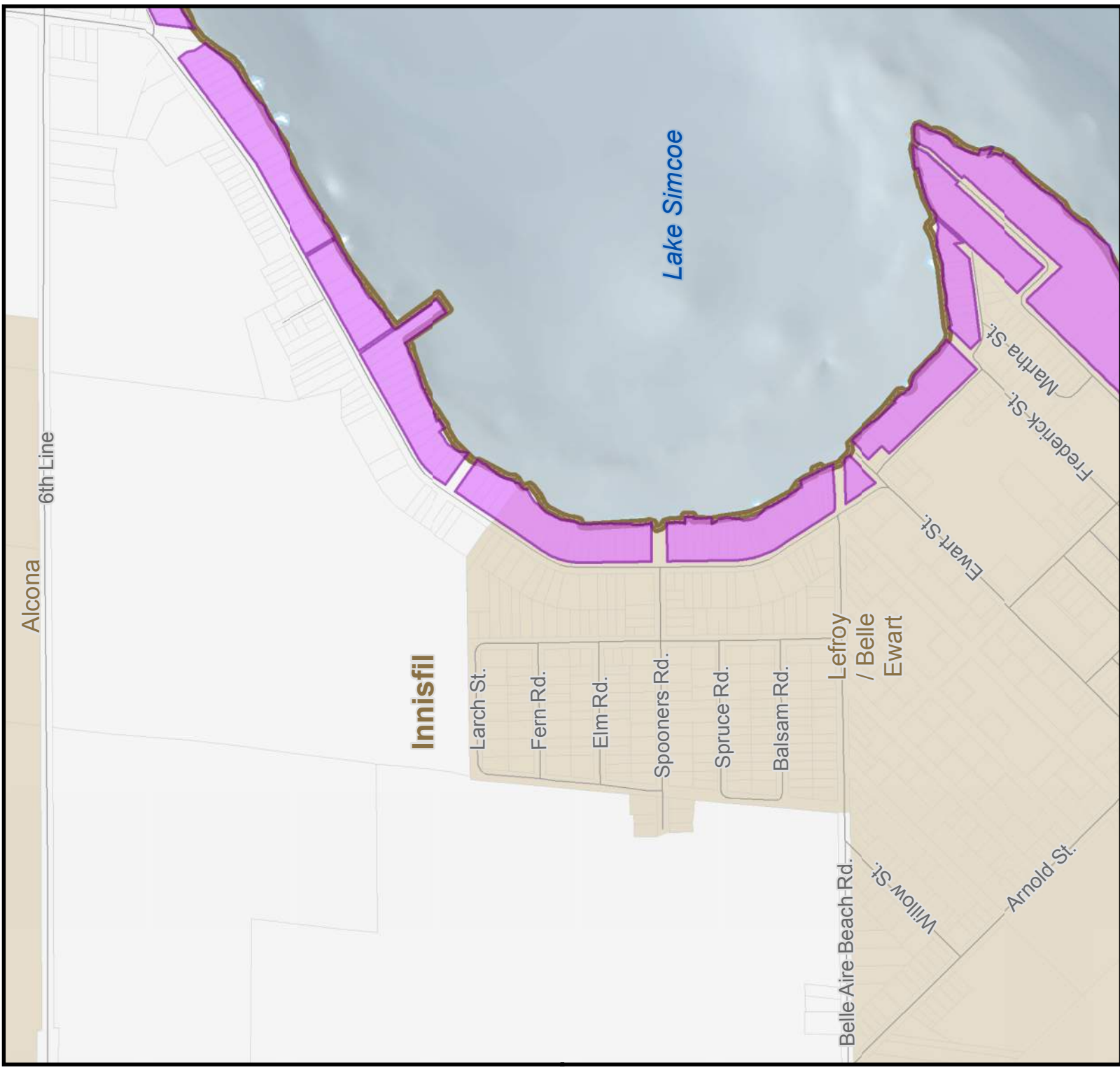
11/05/2017

Shoreline Permit Areas - 29

0 40 80 160 m
1 cm = 1,057 m



-  Affected Areas
-  Innisfil Nautical Border (Approximate)



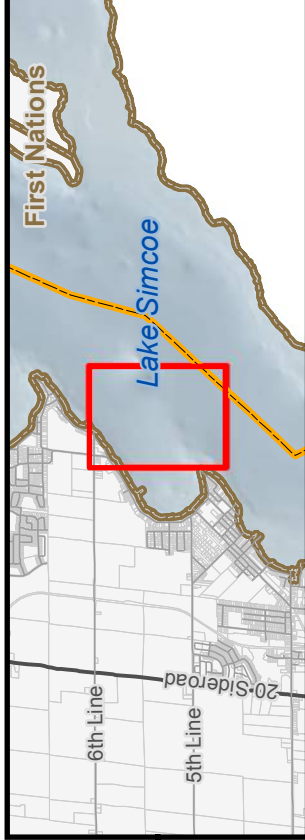
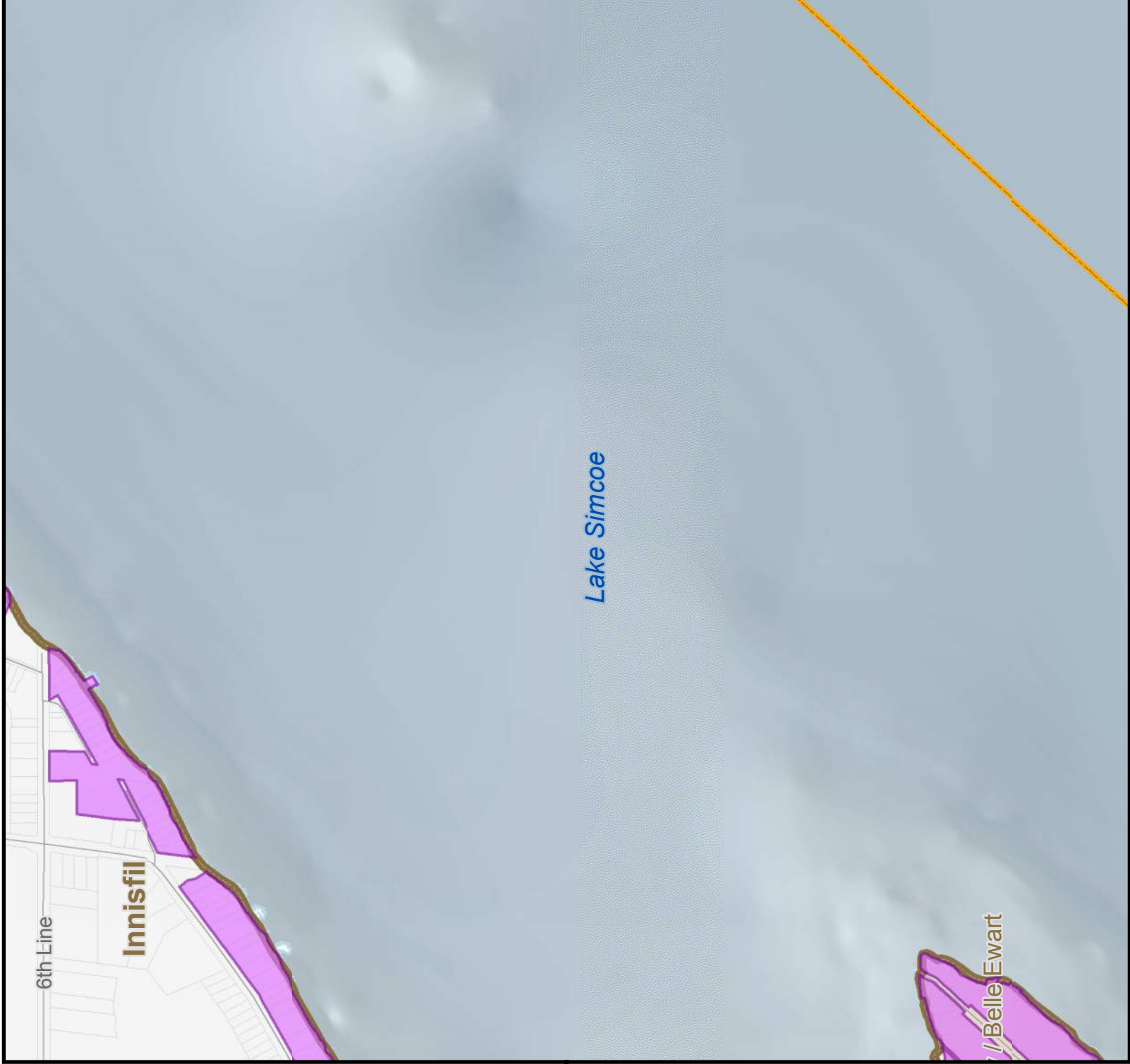
- Affected Areas
- Innisfil Nautical Border (Approximate)




11/05/2017

Shoreline Permit Areas - 33

0 40 80 160 m
1 cm = 1,057 m



 Affected Areas

 Innisfil Nautical Border (Approximate)

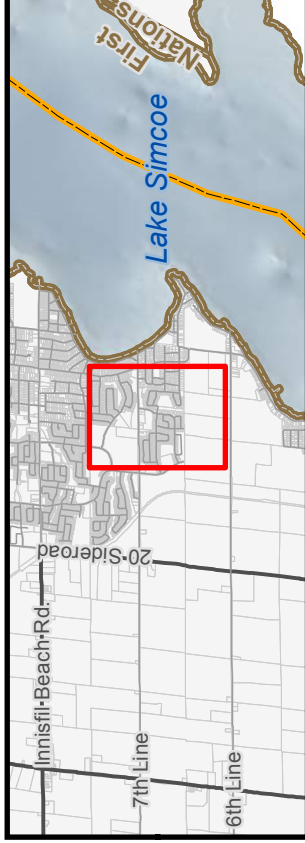
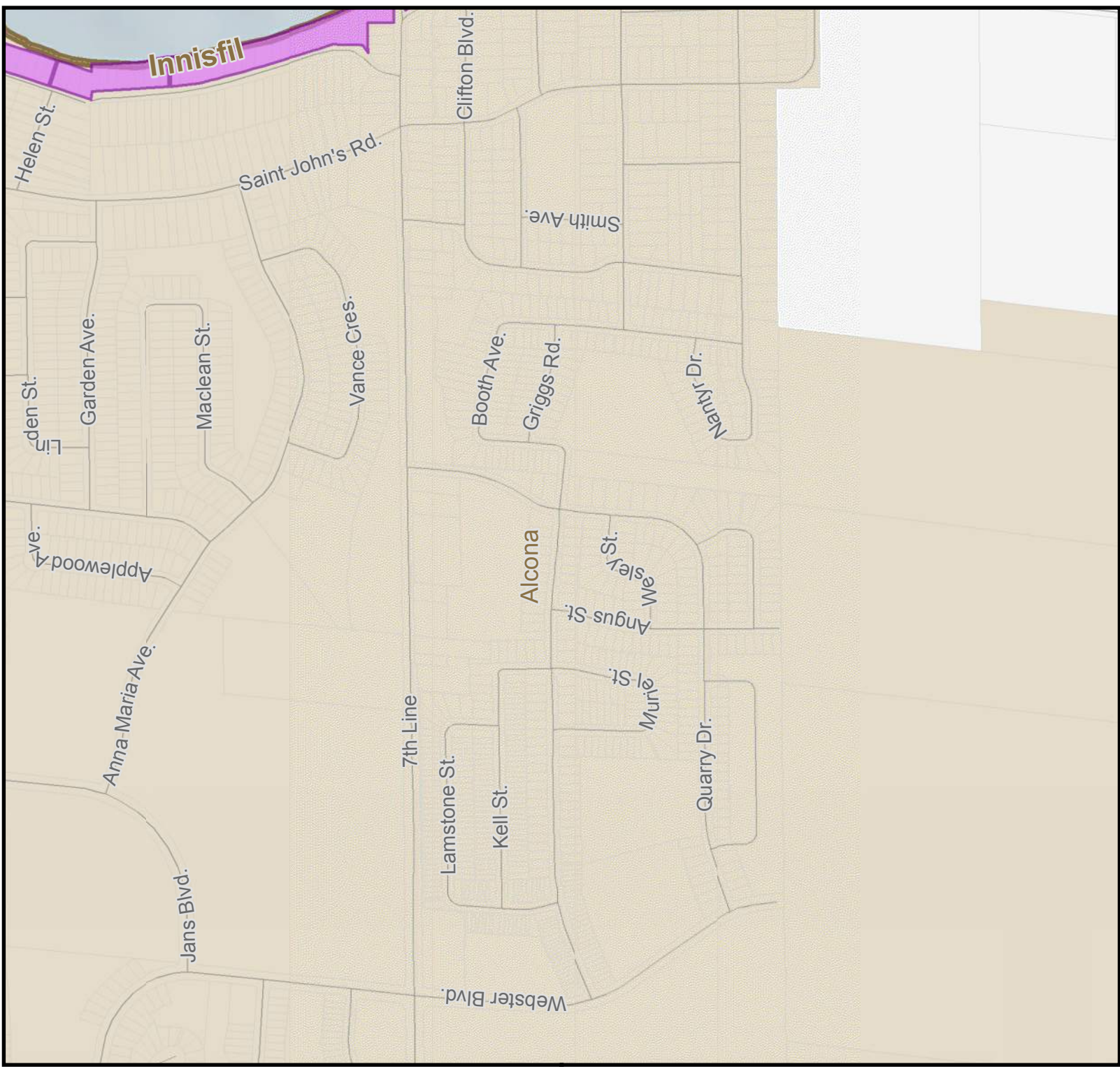


Innisfil

11/05/2017

Shoreline Permit Areas - 35

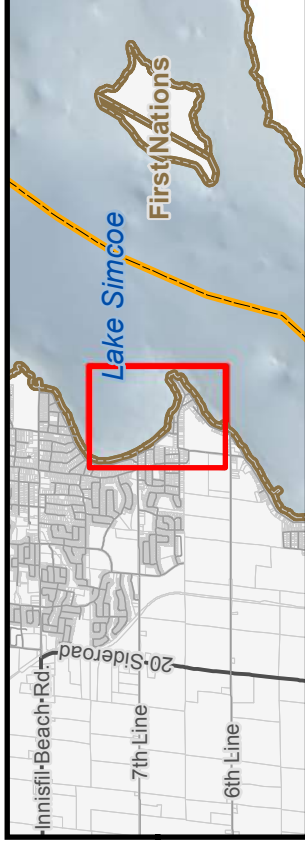
0 40 80 160 m
1 cm = 1,057 m




Affected Areas

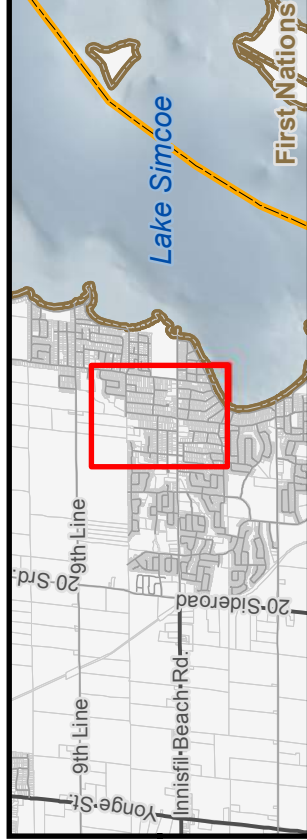
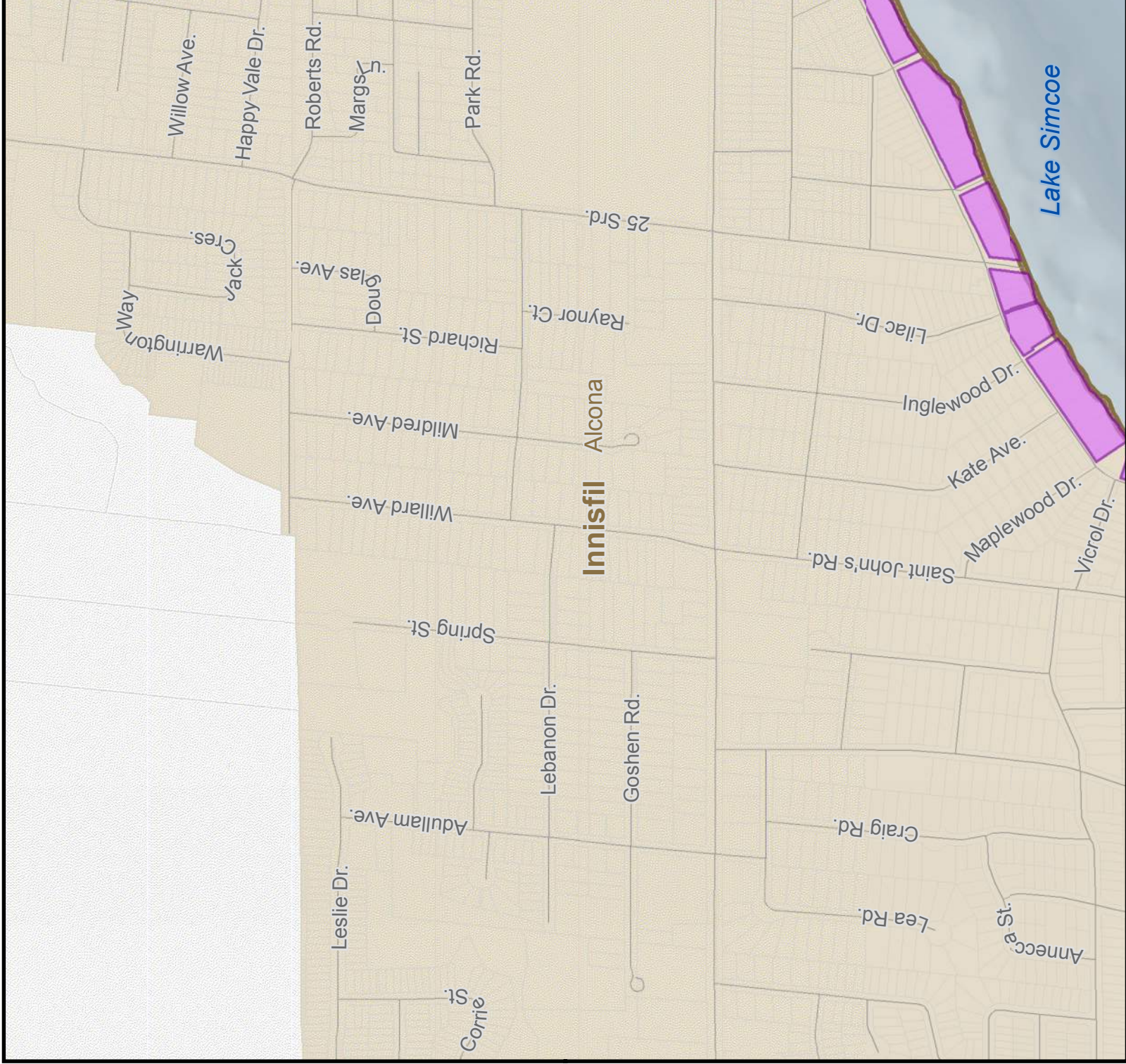


Innisfil Nautical Border (Approximate)



 Affected Areas

 Innisfil Nautical Border (Approximate)



- Affected Areas
- Innisfil Nautical Border (Approximate)

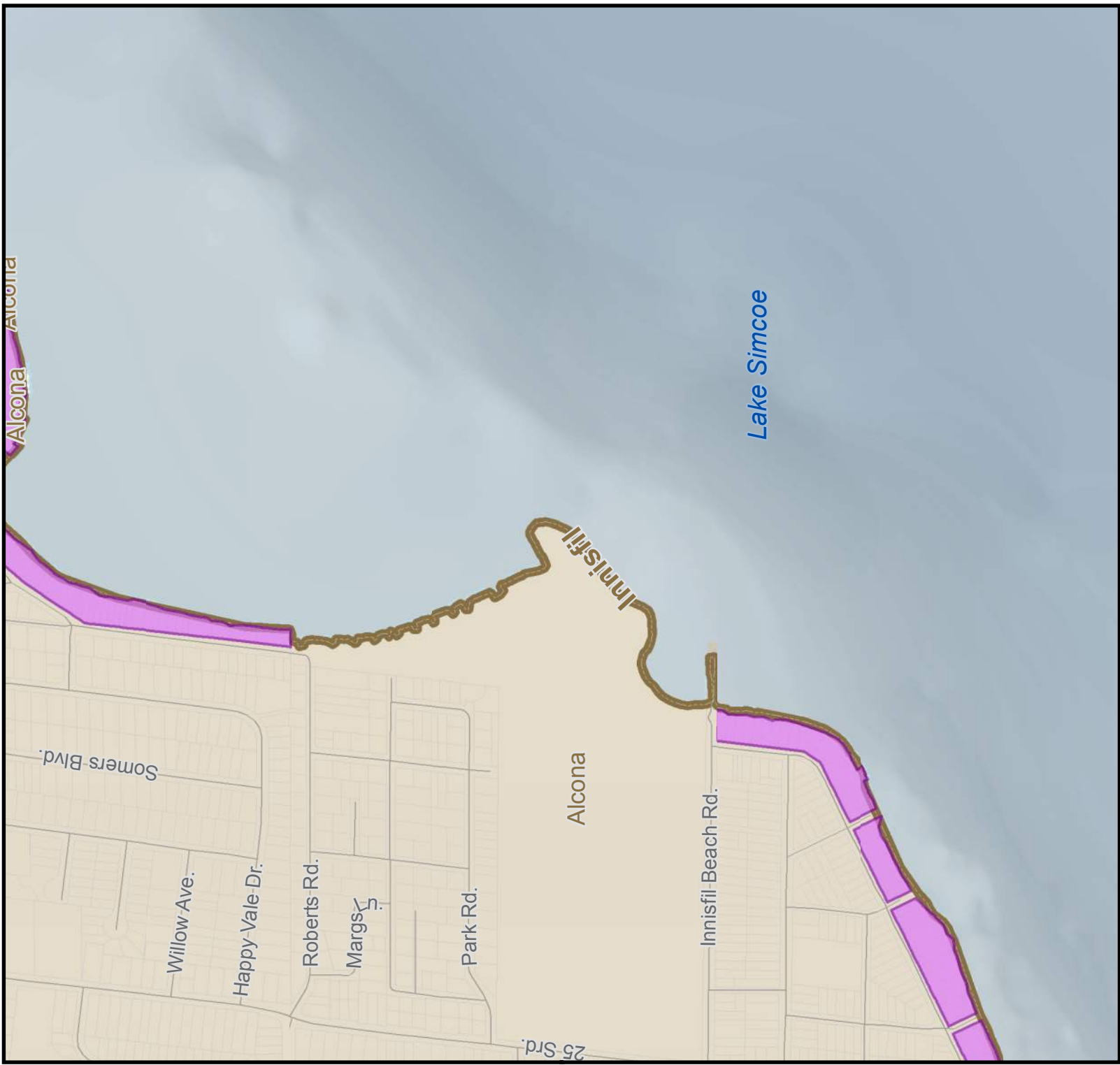


11/05/2017

Shoreline Permit Areas - 40

1 cm = 1,057 m

0 40 80 160 m



Affected Areas

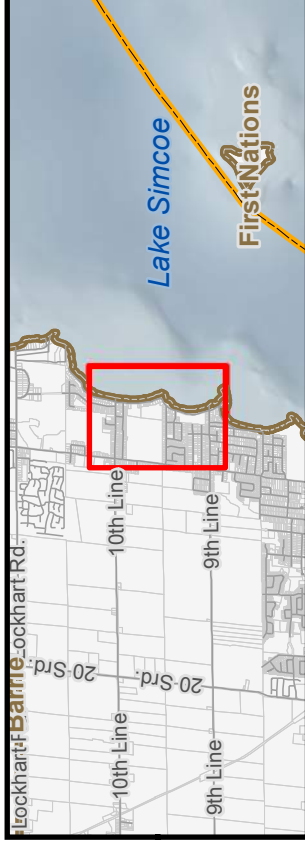
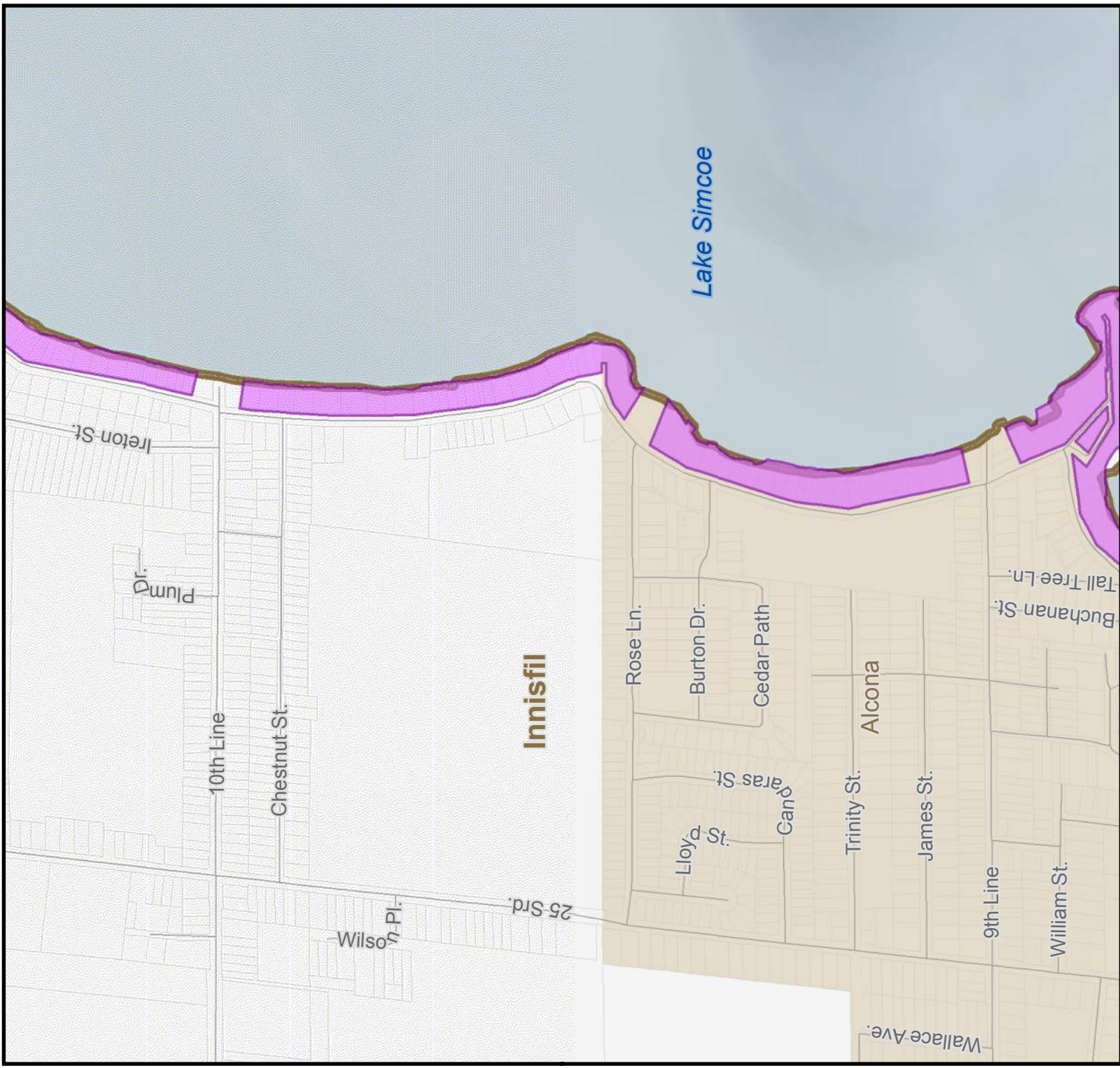
Innisfil Nautical Border (Approximate)




11/05/2017

Shoreline Permit Areas - 42

0 40 80 160 m
1 cm = 1,057 m



 Affected Areas

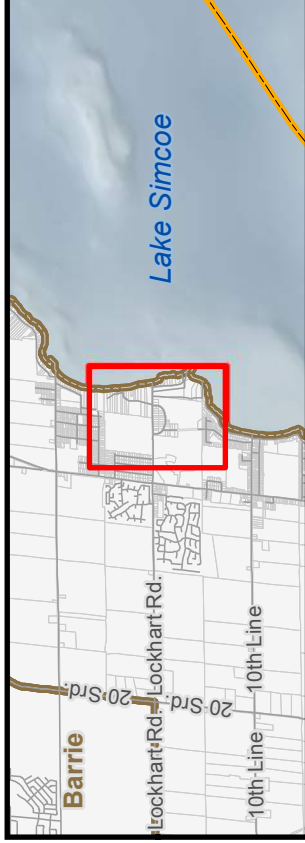
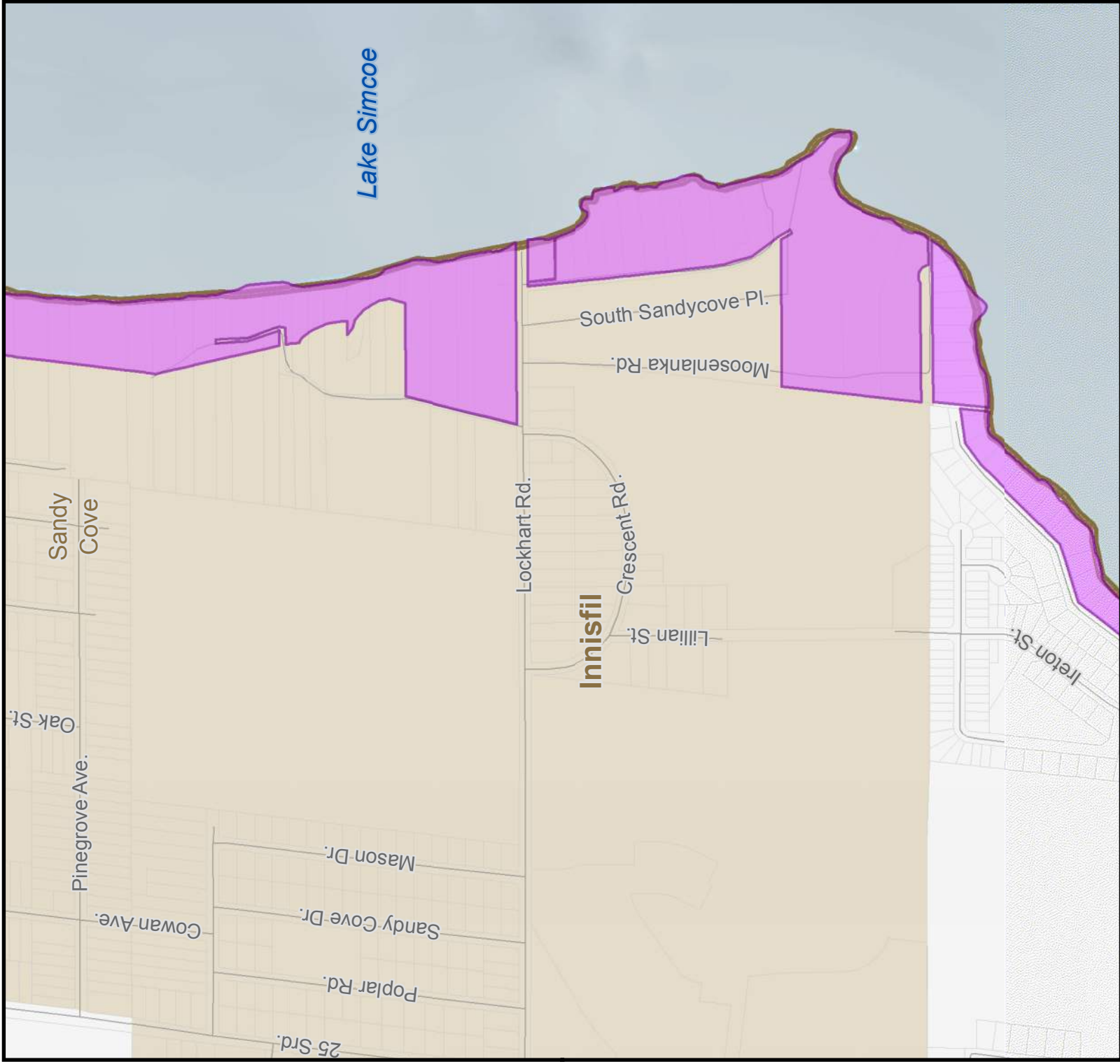
 Innisfil Nautical Border (Approximate)



11/05/2017

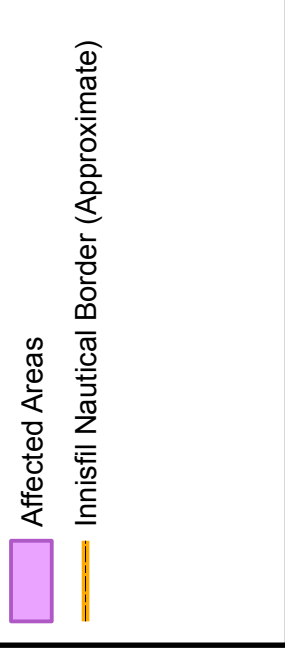
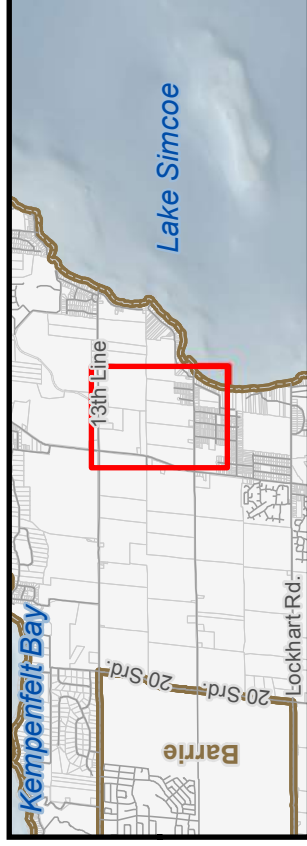
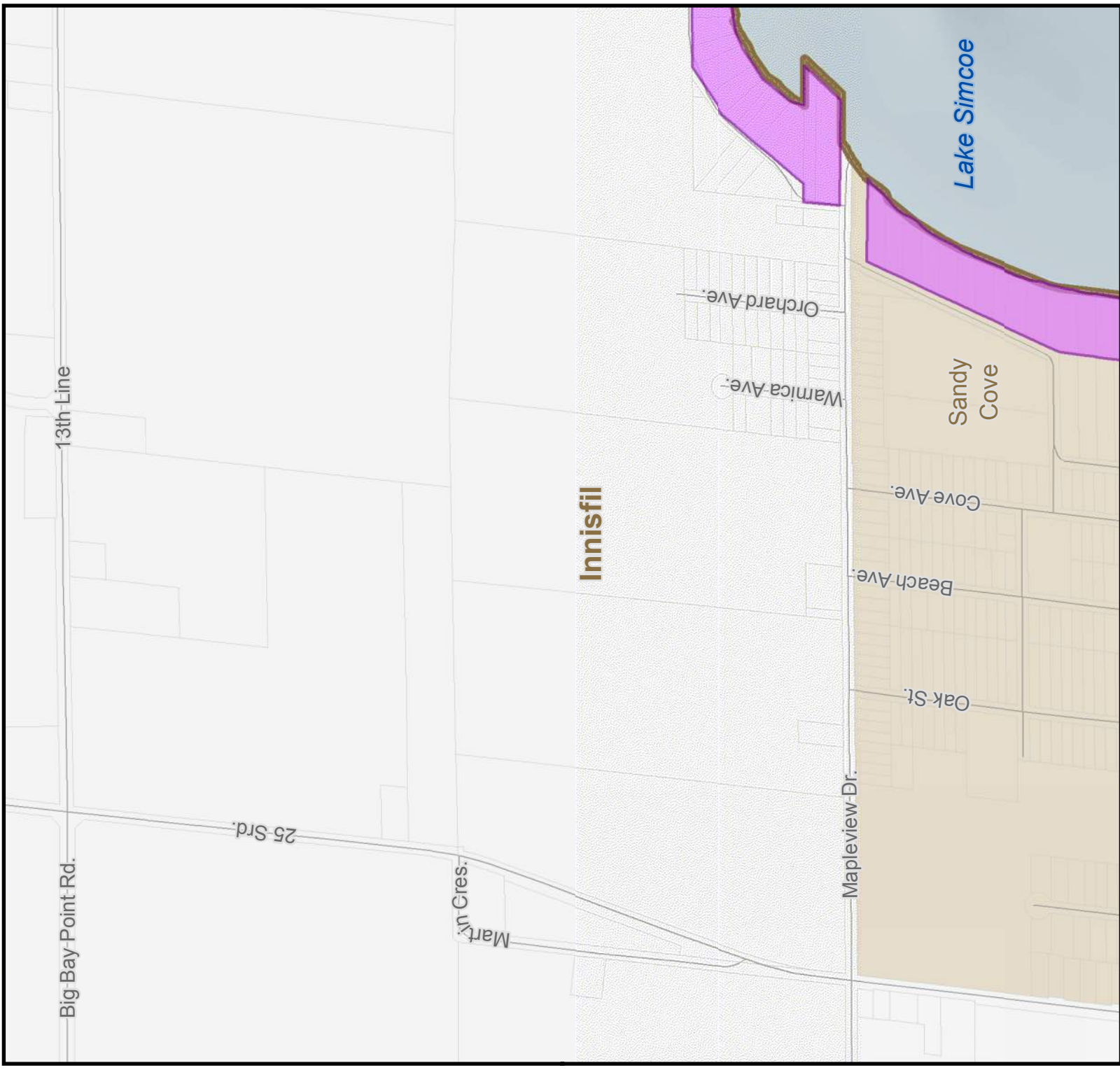
Shoreline Permit Areas - 44

1 cm = 1,057 m



Affected Areas

Innisfil Nautical Border (Approximate)

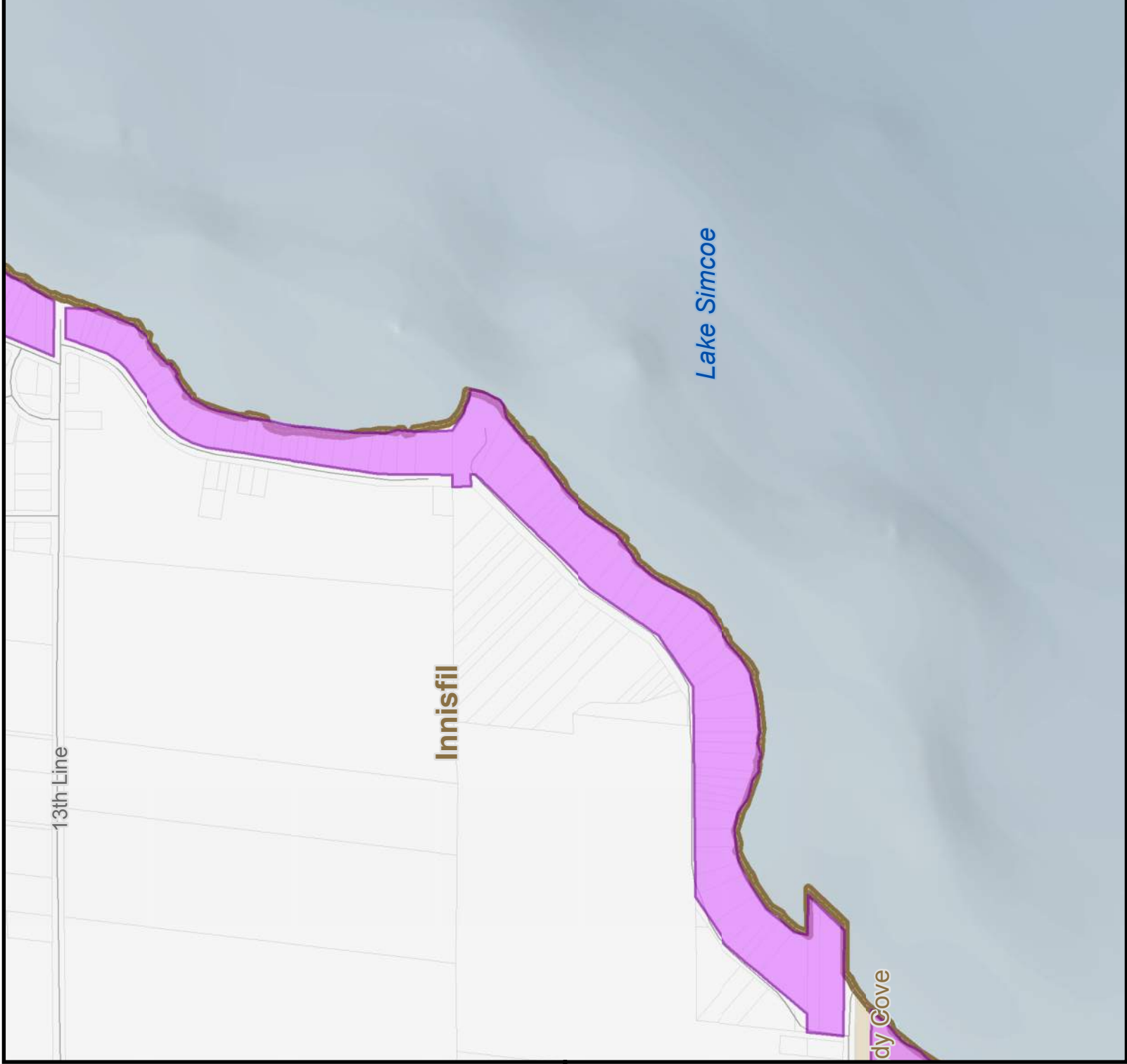





11/05/2017

Shoreline Permit Areas - 47

0 40 80 160 m
1 cm = 1,057 m



 Affected Areas

 Innisfil Nautical Border (Approximate)

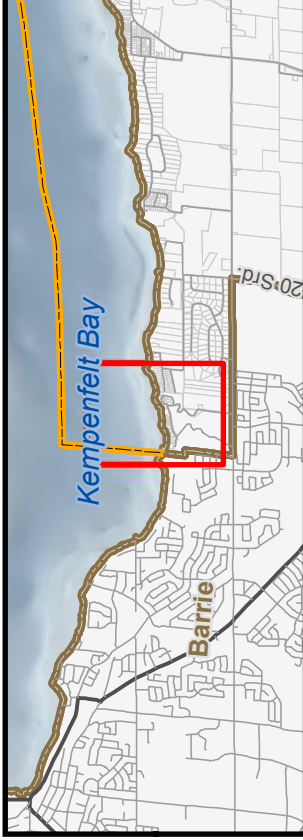
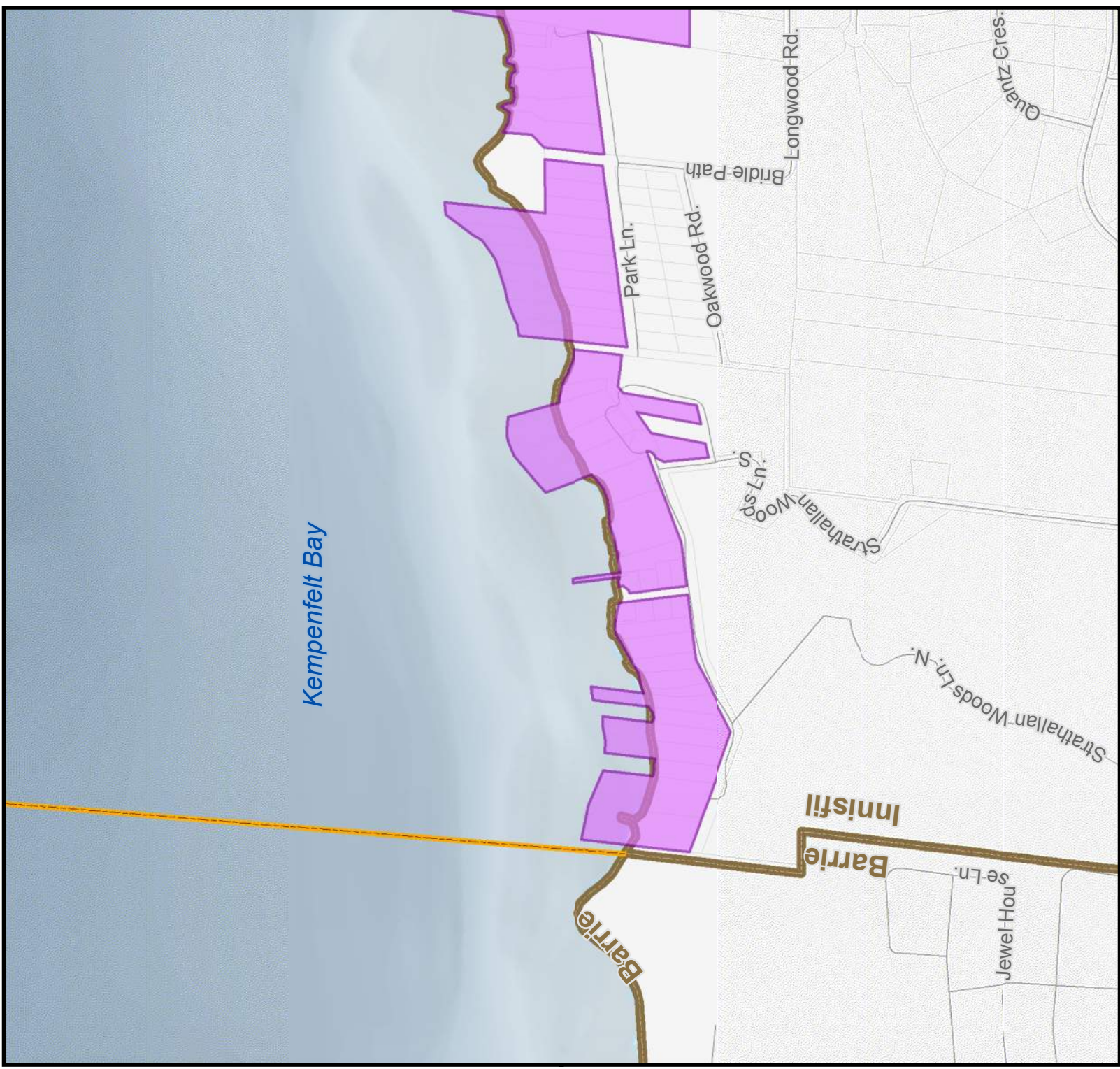


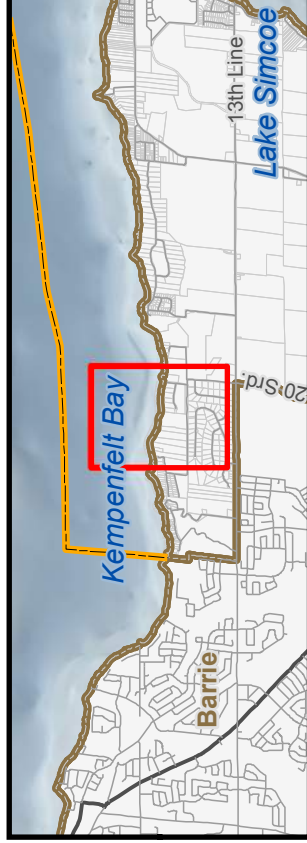
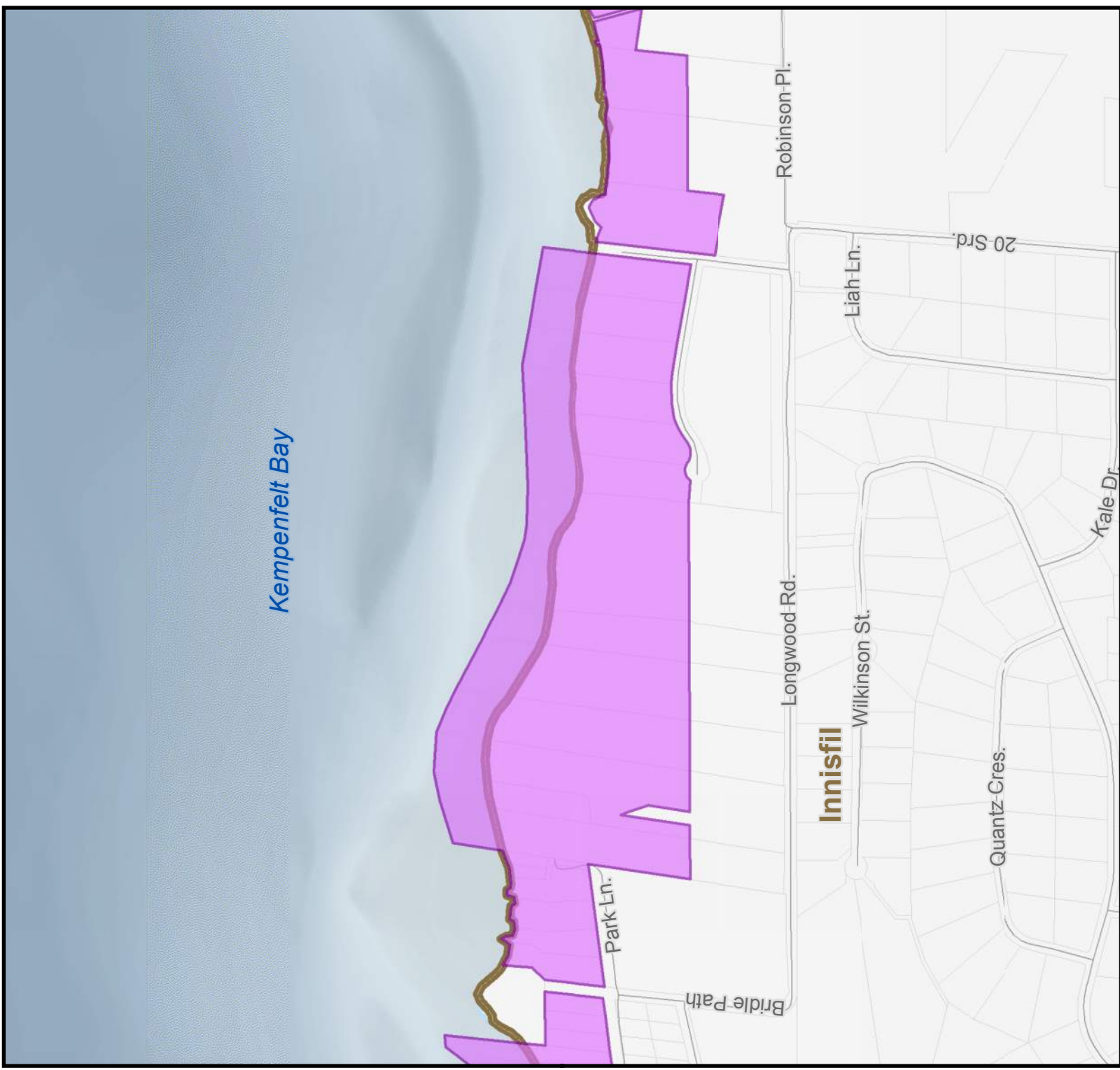
Innisfil

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Shoreline Permit Areas - 48

0 40 80 160 m
1 cm = 1,057 m





 Affected Areas

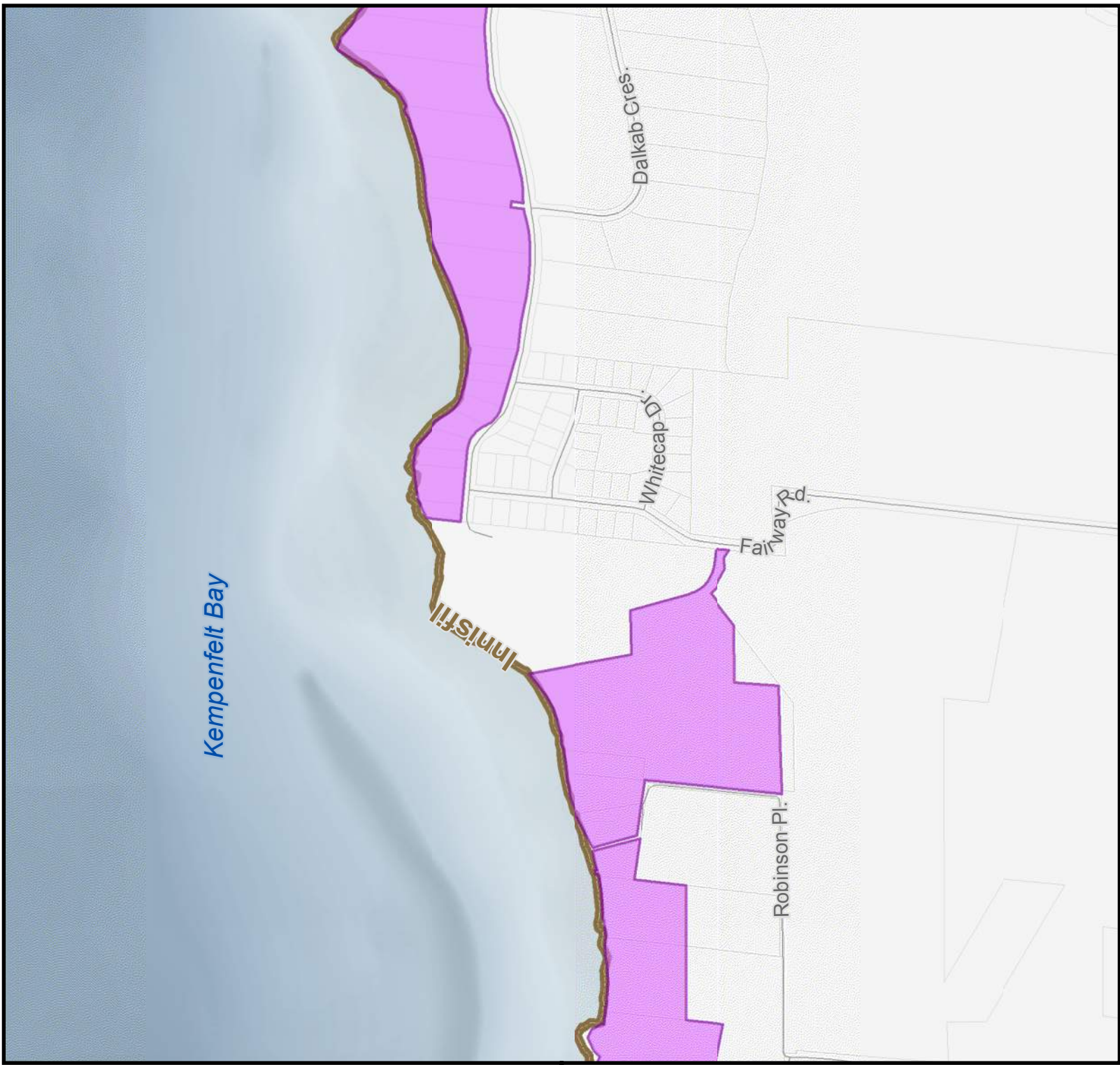
 Innisfil Nautical Border (Approximate)




11/05/2017

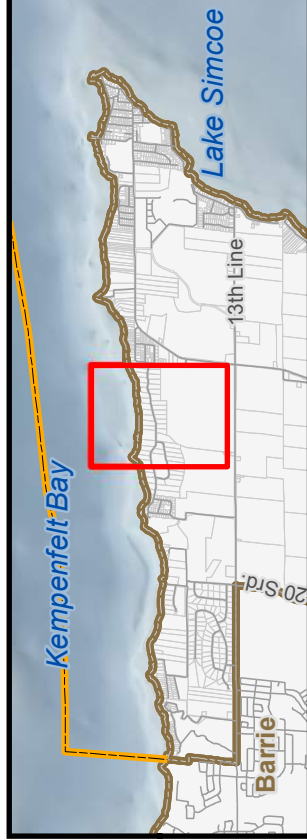
Shoreline Permit Areas - 50

0 40 80 160 m
1 cm = 1,057 m




 Affected Areas

 Innisfil Nautical Border (Approximate)



 Affected Areas

 Innisfil Nautical Border (Approximate)

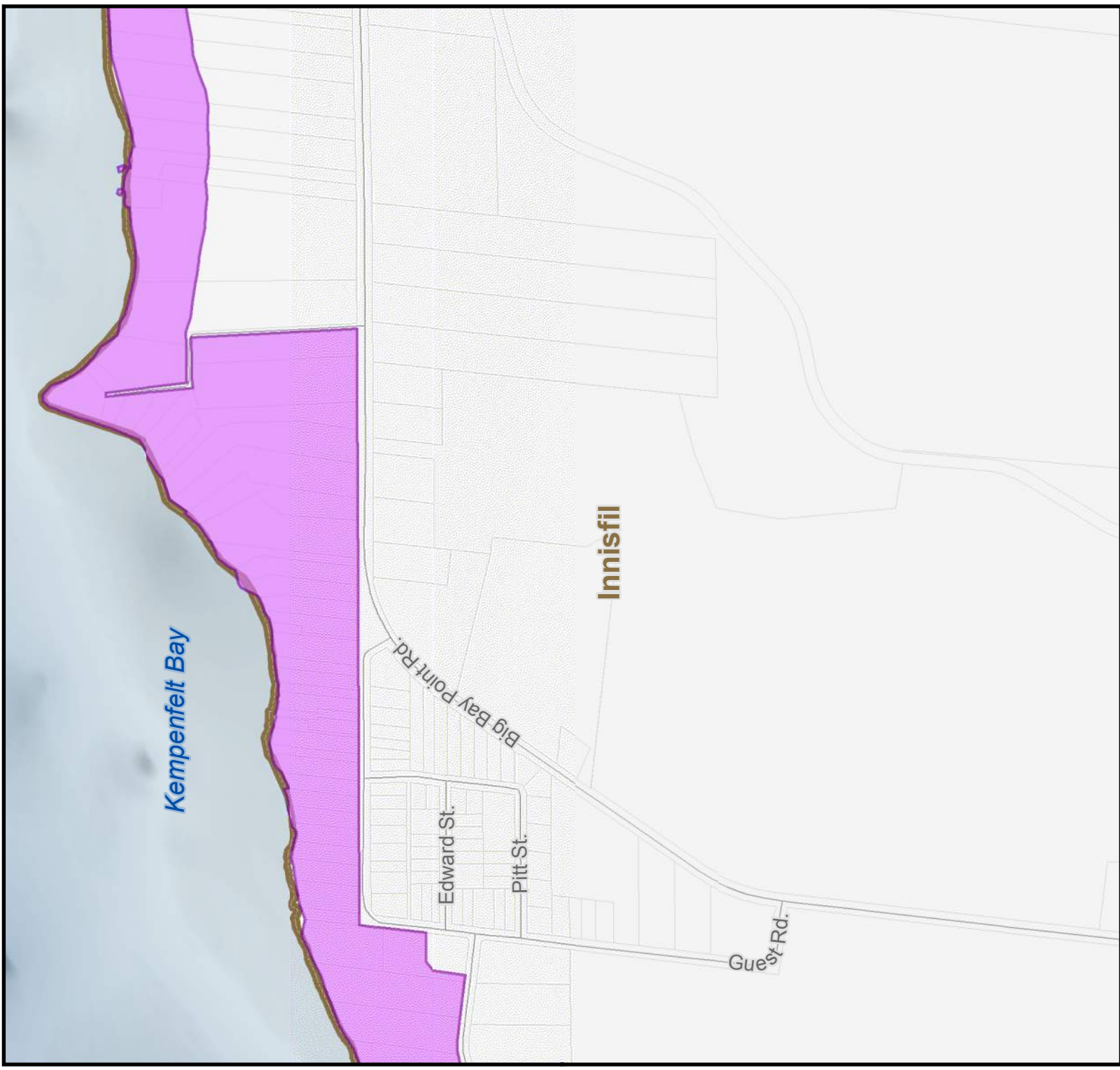


Innisfil


11/05/2017

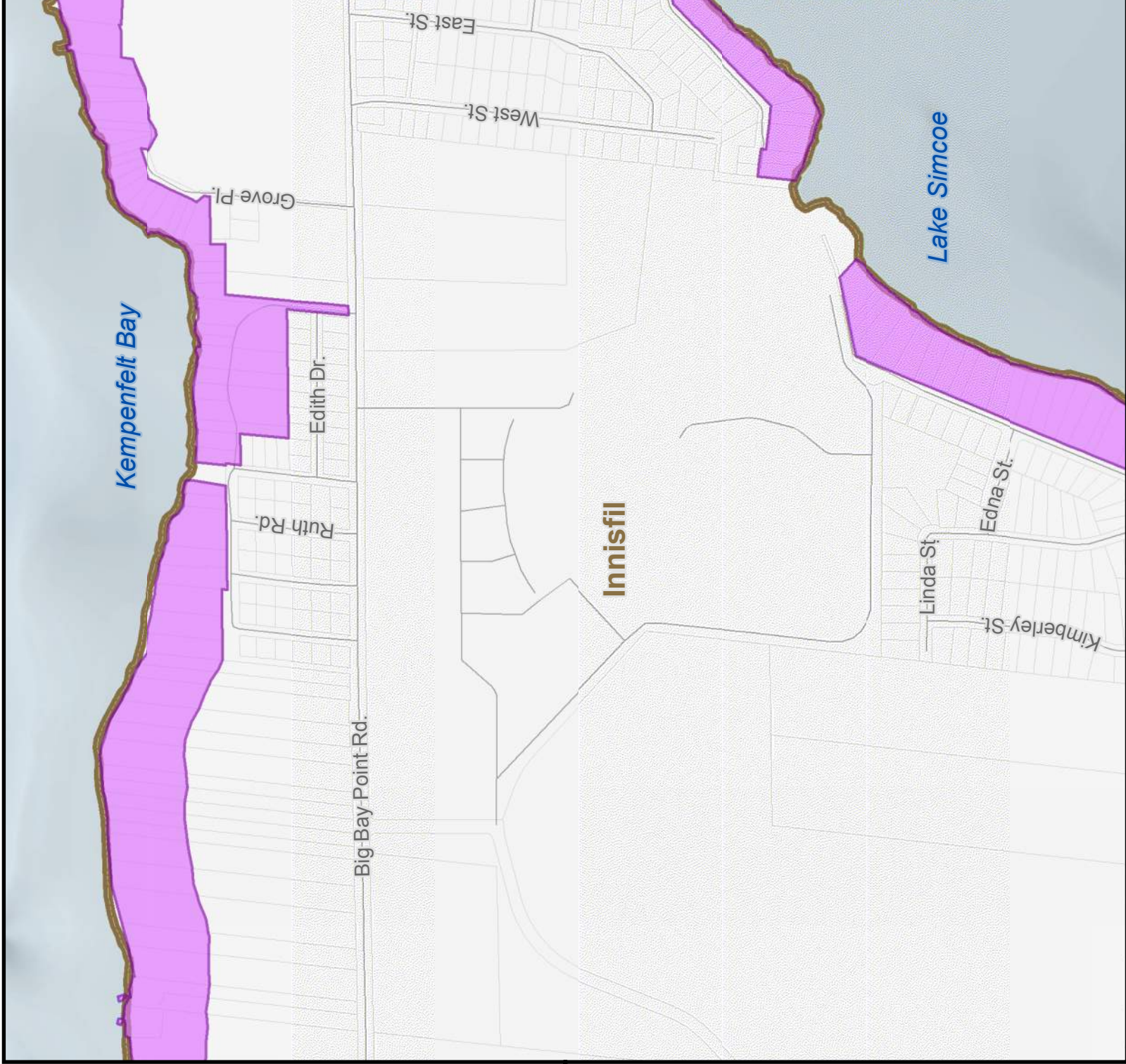
Shoreline Permit Areas - 52

0 40 80 160 m
1 cm = 1,057 m



 Affected Areas

 Innisfil Nautical Border (Approximate)

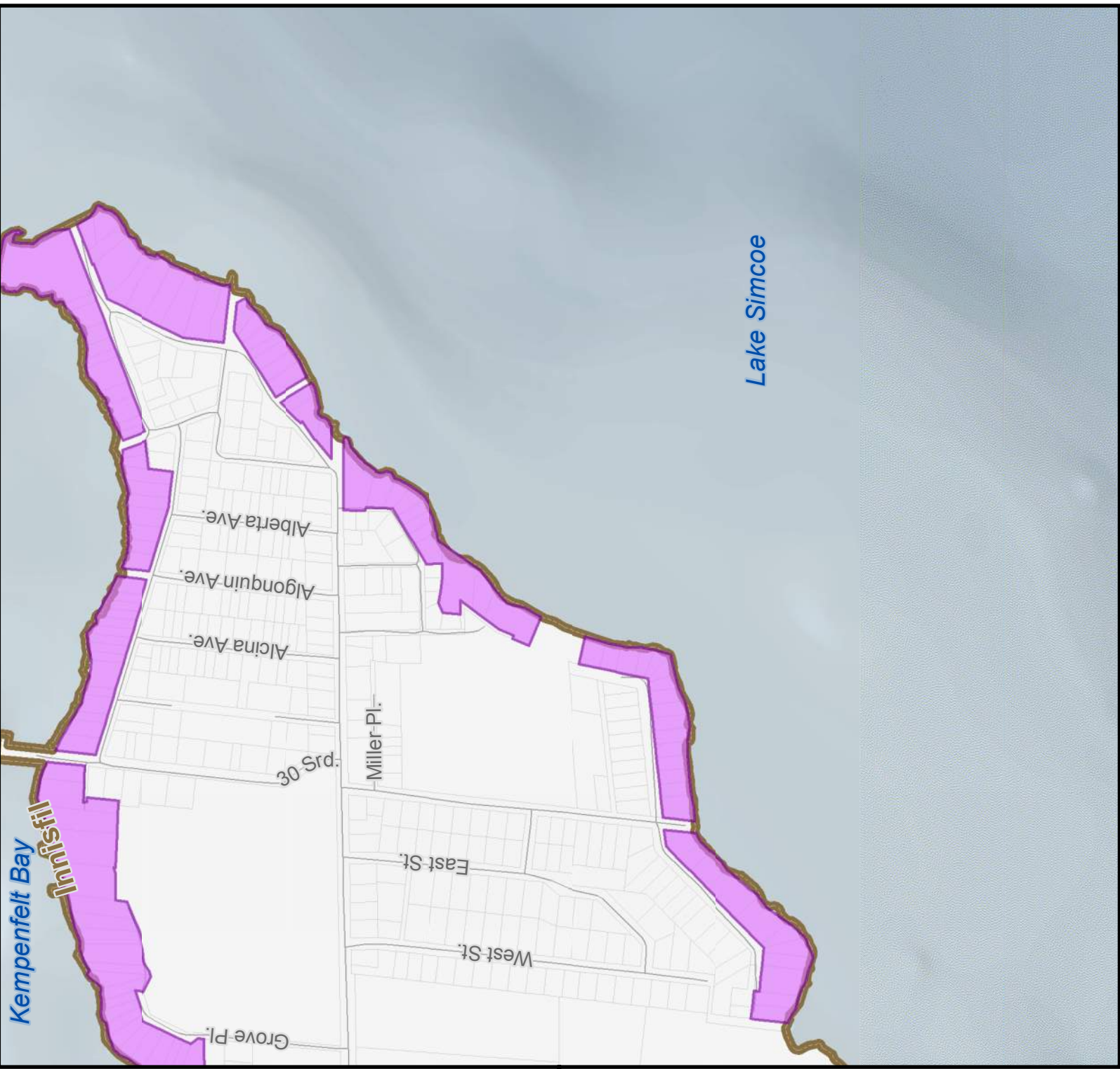





11/05/2017

Shoreline Permit Areas - 54

1 cm = 1,057 m



 Affected Areas

 Innisfil Nautical Border (Approximate)

NOTES:

[illegible]

NOTES:

[illegible]

OUR SHORE

I N N I S F I L

Community Planning Permit By-Law | 062-17

