

**TOWNSHIP OF LAKE OF BAYS**  
**DEVELOPMENT PERMIT BY-LAW 04-180**  
CONSOLIDATION – MARCH 12, 2007

## **6. CONDITIONS**

*The development permit system allows for the imposition of conditions that must be fulfilled prior to the issuance of a development permit and conditions that must be fulfilled as part of a development permit. In addition, agreements may be registered on title. One of the advantages of this new planning system is that agreements should generally not be required to be registered (as was previously the case with the site plan control system) and it is intended that in the vast majority of cases, agreements will not be necessary. Examples where they may be necessary include substantial shoreline revegetation requirements, road widening requirements and easement requirements. In general, agreements may be necessary where more than 65% of a shoreline has been cleared.*

- 6.1 When a Development Permit is required, the following conditions may be imposed prior to the issuance of a development permit, as a condition of a development permit, or in an agreement registered on title. Where a report is required, it must be undertaken to the satisfaction of the Township and the recommendations of that report may be required to be implemented through a condition imposed prior to the issuance of a development permit, as a condition of a development permit, or in an agreement registered on title, and may include greater requirements than specified in other provisions of this by-law.
- a) the proposed development shall be required to be undertaken in accordance with a development permit, including plans and drawings, and provisions for the maintenance or restoration of shoreline vegetation;
  - b) road widenings may be required to the extent established in the Township and Muskoka Official Plans;
  - c) in the case of commercial development, facilities may be required to provide access to and from the lot, such as access ramps, curbing, turning lanes and traffic direction signs;
  - d) lighting facilities shall be required to minimize the impacts on lake views, night skies and environmental features;
  - e) walls, fences, hedges, trees, shrubs or other ground cover or facilities for the landscaping of the lands or the protection of adjoining lands may be required;
  - f) in the case of commercial development, garbage storage facilities may be required;
  - g) easements may be required in favour of the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works and other public utilities;

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- h) in the case of commercial development, facilities may be required for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
- i) the dedication of parkland or the payment of cash-in-lieu, equal to 2% of the land for commercial development and 5% of the land for all other development may be required, except where it has already been taken at the time of lot creation, for new lot creation or changes in land use;
- j) maintenance of any of the works described in subsections (a) to (i) above;
- k) in the case of a lot where development constraints, as set forth in the Official Plan and further defined in this by-law, exist, a site evaluation may be required;
- l) in the case of development which is suspected to be within an area prone to flooding or erosion, a technical report may be required to confirm the flood or wave uprush hazard and if necessary, to demonstrate that a building can be appropriately floodproofed, or to demonstrate that there will be no significant off-site impacts.;
- m) in the case of development within 400 metres (1312 ft.) of the design limit of a sewage lagoon facility, a technical report recommending mitigation measures that may be required;
- n) in the case of development within 300 metres (984 ft.) of an active pit or 500 metres (1640 ft.) of an active quarry, an impact assessment to determine the compatibility of the proposed land use and to recommend mitigation measures may be required;
- o) in the case of a lot which has suspected soil contamination constraints, an environmental site assessment shall be required;
- p) a noise report shall be required where commercial development is likely to have an impact on adjacent uses, or where a sensitive land use is proposed in the vicinity of a noise generator such as a railway, highway, commercial or industrial use;
- q) a site evaluation may be required where a development
  - i. is located within 120 metres of a provincially significant wetland, or within 30 metres of any other wetland
  - ii. is located within 30 metres of a coldwater stream;
  - iii. is located on or immediately adjacent to a steep slope
  - iv. is located within a deer wintering area
  - v. is located within a natural heritage area
- r) in the case of a lot containing or abutting Type 1 fish habitat or unknown fish habitat, a fish habitat impact assessment may be required if development is proposed within the shoreline yard, or if a variation to the shoreline yard is requested;

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- s) 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.

6.2 When a development permit is required for a discretionary use or when the use requires a variation from the standards, the following conditions may be applied, in addition to those included in Section 6.1 above:

- a) in the case of a golf course, a hydrogeological assessment, a surface water impact assessment, a pesticide and chemical management plan and an operation and management plan shall be required;
- b) a visual impact analysis may be required;
- c) a lighting impact analysis may be required;
- d) a land use compatibility analysis may be required;
- e) in the case where action is recommended by a technical report, conditions which address the recommendations may be imposed.

6.3 Where provided for in the provisions of this by-law, development may be required to be undertaken in accordance with plans and drawings, including provisions for the maintenance or restoration of shoreline vegetation.