

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

SCHEDULE D – CRITERIA FOR DISCRETIONARY USES

- D.1 Where a development permit for any discretionary use is required, in addition to the other requirements of this by-law, the following provisions will be addressed to the satisfaction of the Township, prior to the issuance of a development permit:
- a) the natural waterfront will prevail with built form blending into the landscape and shoreline;
 - b) natural shorelines will be retained or restored;
 - c) disturbance on lots will be limited and minimized;
 - d) vegetation will be substantially maintained on skylines, ridge lines or adjacent to the top of rock cliffs;
 - e) native species will be used for buffers or where vegetation is being restored;
 - f) rock faces, steep slopes, vistas and panoramas will be preserved to the extent feasible; and
 - g) building envelopes and the associated activity area will be defined and the remainder of the property shall remain generally in its natural state.

SECONDARY AND GARDEN SUITES

- D.2 In addition to other requirements of this by-law, the following matters shall be addressed to the satisfaction of the Township prior to the issuance of a development permit:
- a) A secondary suite shall be designed so that it is capable of being integrated with the dwelling once the secondary suite use is discontinued;
 - b) Accessory buildings containing garden suites will be smaller than the primary dwelling, and will either be portable, or capable of conversion to another accessory residential use, once the garden suite is discontinued;
 - c) An agreement with the owner will be executed under the provisions of the Municipal Act and will:
 - a. Address the conditions under which the garden or secondary suite will be installed, maintained and removed from the property;
 - b. Identify the period of occupancy;
 - c. Require that the garden or secondary suite not be used as a rental dwelling unit for profit or gain;
 - d. Require that the garden or secondary suite meets all health, safety, servicing and building code standards;
 - e. Address the provision of securities to ensure that the conditions of the agreement will be satisfied;
 - f. Acknowledge limitations to emergency and other services where such a unit is accessible only by water or a private road; and
 - g. Include any other conditions that the Township deems necessary.

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ACCESSORY GOLF COURSES (in a “Waterfront Resort Commercial Open Space” Development Permit Area)

D.3 In addition to other requirements of this by-law, the following reports shall be submitted to the satisfaction of the Township prior to the issuance of a development permit:

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

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

DRIVING RANGE (in a “Waterfront Resort Commercial Open Space” Development Permit Area)

D.4 In addition to other requirements of this by-law, the following reports shall be submitted to the satisfaction of the Township prior to the issuance of a development permit:

- a) The property has access onto a year round publicly maintained, public road;
- b) Stormwater management report
- c) Construction mitigation plan;
- d) Site evaluation if any sensitive features are present on the site; and
- e) Any other reports deemed necessary by the Township.

ACCESSORY STABLES (in a “Waterfront Resort Commercial” Development Permit Area)

D.5 In addition to other requirements of this by-law, the following matters shall be addressed to the satisfaction of the Township prior to the issuance of a development permit:

- a) Ministry of the Environment Minimum Separation Distance Formula
- b) Minimum setback from any shoreline or watercourse – 300 metres (1000 feet)

DOCK (in a “Waterfront Environmental Protection One” Development Permit Area)

D.6 In addition to other requirements of this by-law, the following matters shall be addressed to the satisfaction of the Township prior to the issuance of a development permit:

- a) A fisheries assessment or
- b) Clearance from the Department of Fisheries and Oceans

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WATERFRONT LANDING

D.7 In addition to other requirements of this by-law, the following matters shall be addressed to the satisfaction of the Township prior to the issuance of a development permit:

- a) Sufficient docking and parking facilities will be provided to serve the primary residential or resort commercial use;
- b) The property, particularly the shoreline, is suitable for the use;
- c) The property has access onto a year round publicly maintained, public road;
- d) Access to the facility by water is suitable;
- e) The facility will not have a negative impact on environmentally sensitive areas, habitat or heritage areas;
- f) The facility is not located within an area affected by a development constraint;
- g) The facility will be designed in a manner that is compatible with surrounding properties;
- h) Parking facilities will be setback at least 20 metres (66 feet) from the shoreline and a shoreline buffer will be required to be maintained or restored outside the shoreline activity area;
- i) Stormwater management and construction mitigation is addressed; and
- j) Waterfront landings will be secured through ownership of a registered right of way.

MINIATURE GOLF COURSE

D.7 In addition to other requirements of this by-law, the following matters shall be addressed to the satisfaction of the Township prior to the issuance of a development permit:

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

DWELLING WHERE AN IDENTIFIED INACTIVE OR ACTIVE WASTE DISPOSAL SITE

D.8 In addition to other requirements of this by-law, the a technical report shall address the following matters to the satisfaction of the Township prior to the issuance of a development permit:

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