

THE CORPORATION OF THE TOWN OF INNISFIL
BY-LAW NO. 029-05

A By-law of the Corporation of the Town of Innisfil to amend Zoning By-law 054-05, as amended to establish a site specific Zoning By-law for the Big Bay Point Resort Secondary Plan Lands containing Definitions, General Provisions and various zones including Medium Density Resort Residential 1 (MDRR1) Zone, Medium Density Resort Residential 2 (MDRR2) Zone, Medium Density Resort Residential 3 (MDRR3) Zone, High Density Resort Residential 1 (HDRR1) Zone, High Density Resort Residential 2 (HDRR2) Zone, High Density Resort Residential 3 (HDRR3) Zone, Resort Recreational Commercial (RRC) Zone, Resort Recreational Hotel Commercial (RRHC) Zone, Resort Recreational Civic (RRCV) Zone, Urban Open Space (UOS) Zone, Rural Open Space (ROS) Zone, General Open Space (GOS) Zone, Environmental Protection Area (EPA) Zone, and holding provisions, as authorized under Section 34 of the Planning Act.

WHEREAS By-law 054-04, as amended, is the main comprehensive Zoning By-law of The Corporation of the Town of Innisfil; and

WHEREAS the *Council* of the Corporation of the Town of Innisfil deems it appropriate to establish a site specific Zoning By-law that shall only apply to the Big Bay Point Resort Secondary Plan Lands as shown on Schedule "A" to this by-law; and

WHEREAS the *Council* of the Corporation of the Town of Innisfil deems it appropriate to add new zoning standards and categories to the Big Bay Point Resort Secondary Plan Lands which include Medium Density Resort Residential 1 (MDRR1) Zone, Medium Density Resort Residential 2 (MDRR2) Zone, Medium Density Resort Residential 3 (MDRR3) Zone, High Density Resort Residential 1 (HDRR1) Zone, High Density Resort Residential 2 (HDRR2) Zone, High Density Resort Residential 3 (HDRR3) Zone, Resort Recreational Commercial (RRC) Zone, Resort Recreational Hotel Commercial (RRHC) Zone, Resort Recreational Civic (RRCV) Zone, Urban Open Space (UOS) Zone, Rural Open Space (ROS) Zone, General Open Space (GOS) Zone, Environmental Protection Area (EPA) Zone, as authorized under Section 34 of the Planning Act; and

WHEREAS this Zoning By-law for the Town of Innisfil as authorized under Section 34 of the Planning Act will:

1. prohibit the *use* of land and the *erection*, location or *use* of *buildings* or *structures* except for certain purposes; and
2. regulate the *height*, bulk, location, size, floor area, spacing, character and *use* of *buildings* or *structures*; and
3. regulate the minimum *frontage* depth and area of a parcel of land, the density of development and the proportions of the area thereof that any *building* or *structure* may

- occupy; and
4. require loading and parking facilities for *buildings* or *structures erected or used* for certain purposes; and
 5. prohibit all or any *use* of land, the *erection*, location or *use* of all or any class or classes of *buildings* or *structures* within any defined area or areas; and
 6. prohibit all or any *use* of land and the *erection*, location or *use* of all or any class or classes of *buildings* or *structures* on land that is a significant natural heritage feature or area; and
 7. provide for the issuance of certificates of occupancy; and

WHEREAS the *Council* of the Corporation of the Town of Innisfil deems it appropriate to apply holding (H) provisions to the Big Bay Point Resort Secondary Plan Lands; and

WHEREAS the *Council* of the Corporation of the Town of Innisfil, having held the necessary public meeting for rezoning the Big Bay Point Resort Secondary Plan Lands, now deems it desirable to implement the Big Bay Point Resort Secondary Plan, and amend Zoning By-law 054-05 as it applied to the Big Bay Point Resort Secondary Plan Lands:

NOWTHEREFORE the *Council* of The Corporation of the Town of Innisfil enacts the following:

1. This By-law applies to the lands shown on Schedule "A" to this By-law as attached; and
2. Maps 29, 30, 35, 36, 37, 139 and 140 of By-law 054-04 are hereby amended by deleting the zone categories applied to the Big Bay Point Resort Secondary Plan Lands and by adding the reference: "See Zoning By-law 029-05"; and
3. Schedules "A", "B" and "C" attached hereto form part of this By-law; and
4. For the purpose of this By-law, the Big Bay Point Resort Secondary Plan Lands have been divided into zones, the boundaries of which are shown on Schedule "B" to this By-law; and
5. For the purpose of phasing, the Big Bay Point Resort Secondary Plan Lands have been divided into phases, the boundaries of which are shown on Schedule "C" to this By-law; and
6. The (H) holding symbol restricts the *uses* of the lands to *uses*, buildings and structures in existence on the date of passage of this By-law until the conditions outlined in Section 8 of this By-law are satisfied; and
7. The following zone provisions shall apply to the Big Bay Point Resort Secondary Plan Lands:

**THE ZONING BY-LAW FOR THE BIG BAY POINT RESORT SECONDARY PLAN
LANDS**

SECTION 1

INTERPRETATION - ADMINISTRATION

1.1 APPLICATION

- 1.1.1** No *building, structure* or land shall be *used* and no *building* or *structure* shall be *erected*, structurally altered or enlarged or demolished except in compliance with the standards and requirements set out in this By-law
- 1.1.2** No *person* shall *use* any land or *erect*, alter, enlarge and *use* any *building* or *structure* except in accordance with the standards and requirements set out in this By-law.
- 1.1.3** No municipal permit, certificate or license may be issued if the permit is required for a *use* of land or *erection, alteration*, enlargement or use of any *building* or *structure* that is in violation of this By-law.
- 1.1.4** Despite any other provisions of this By-law, the *Chief Building Official* of the *Town* may not issue a *building permit* for the development or redevelopment of any land or *buildings* or *structures* or any part thereof within the area of the *Town* to which this By-law applies unless in accordance with the provisions of a By-law of the *Town* enacted pursuant to Section 41 of the Planning Act.
- 1.1.5** The lack of a survey, or a mistake or an error or omission by any *person* required to comply with the provisions of this By-law does not relieve that *person* from liability for failure to comply with the provisions of this By-law.
- 1.1.6** The *Zoning Administrator* is charged with the responsibility for the administering of this By-law.
- 1.1.7** Schedules "A", "B" and "C" attached hereto form part of this By-law.

1.2 ZONES AND SYMBOLS

- 1.2.1** The *zones* are referred to by the following names and symbols and are identified by the symbols:

<u>ZONE</u>	<u>SYMBOL</u>
Medium Density Resort Residential 1 Zone	MDRR1
Medium Density Resort Residential 2 Zone	MDRR2
Medium Density Resort Residential 3 Zone	MDRR3
High Density Resort Residential 1 Zone	HDRR1
High Density Resort Residential 2 Zone	HDRR2
High Density Resort Residential 3 Zone	HDRR3
Resort Recreational Commercial Zone	RRC
Resort Recreational Hotel Commercial Zone	RRHC
Resort Commercial Zone	RC
Resort Service Zone	RS
Resort Recreational Civic Zone	RRCV
Urban Open Space Zone	UOS
Rural Open Space Zone	ROS
Environmental Protection Area	EPA
General Open Space Zone	GOS

1.3 ZONE BOUNDARIES

Respecting the *zone* boundaries of the *zones*, each parcel of land within the area to which this By-law applies is provided with a *zone* category, thus, the boundary of the parcel forms the *zone* boundary.

1.4 MANDATORY WORDING

The words “must” or “shall” are mandatory.

1.5 SEVERABILITY

Should any section, subsection, clause, paragraph or provision of this By-law, including any part of Schedule “A” to this By-law, be declared by a court of competent jurisdiction to be invalid, or any part thereof, other than the provision or part of the schedule so declared to be invalid, the same shall not affect the validity of the By-law as a whole.

1.6 CERTIFICATE OF OCCUPANCY

1.6.1 No land may be *used* or occupied, and no *building* or *structure* which has been *erected* or altered may be *used* or changed in *use*, in whole or in part, until a Certificate of Occupancy by the *Zoning Administrator* under Section 34 of the Planning Act has been

issued stating that the proposed *use* and occupancy of the land, *building* or *structure* complies with the provisions of this By-law.

1.6.2 No Certificate of Occupancy, no *building permit* and no approval of an application for any municipal license may be issued where the proposed *use, building* or *structure*, is contrary to the provisions of this By-law.

1.6.3 Notwithstanding the forgoing, this section shall only apply to non-residential *uses* and multiple residential *uses* including any *use* having a *resort residential unit* as an *accessory use*.

1.7 APPLICATION FOR CERTIFICATE OF OCCUPANCY

1.7.1 A Certificate of Occupancy must be applied for:

- a) coincident with every application for a *building permit*,
- b) any municipal license where a change of *use* is proposed, or
- c) where any change of *use* is proposed.

1.7.2 Application for Certificate of Occupancy

- a) A Certificate of Occupancy is to be applied for coincident with every application for a *building permit*.
- b) Every application for a Certificate of Occupancy is to be accompanied by plans, in duplicate, drawn to a scale of either 1:120 or as required, based on an actual survey by an Ontario Land Surveyor and showing:
 - i) the true shape and dimensions of the *building envelope* or any part thereof to be *used*, or upon which it is proposed to *erect* or alter any *building* or *structure*,
 - ii) the proposed location, *building height* and dimensions of the *building, structure* or work in respect of which the permit is applied for,
 - iii) the location of every *building* or *structure* already *erected* on or *erected* partly on the *building envelope*,
 - iv) the proposed location of *parking spaces, driveways, loading spaces* and *landscaping* areas, and
 - v) such other information as is considered necessary to determine whether every *building, structure* or work conforms to the requirements of this By-law.
- c) Every application for a Certificate of Occupancy is to be signed by the registered owner of the *building envelope*, or by the registered owner's agent duly authorized in writing and filed with the *Zoning Administrator*, and is to set forth in detail:
 - i) the current and proposed *use* of the *building envelope* and each *building*

or *structure*, or part of each *building* or *structure*, and all information as may be required to determine whether every proposed *use* of land, *building* or *structure* conforms to the requirements of this By-law.

1.8 VIOLATIONS

Any *person* who contravenes this By-law is guilty of an offence and, each day a breach of this By-law continues constitutes a separate offence and on summary conviction, the offender is liable to a fine as provided for under the Planning Act.

1.9 EFFECTIVE DATE

This By-law comes into force and takes effect on the day it is finally passed by *Council* subject to the appeal provisions set out in the Planning Act.

SECTION 2
DEFINITIONS

For the purpose of this By-law, the definitions and interpretations in this section shall govern:

- 2.1 **Accessory** when used to describe a *use, building or structure*, means a *use*, or a *building or structure*, that is naturally and normally incidental, subordinate and exclusively devoted to supporting the *principal use, principal building or structure* and located on the same *building envelope* therewith.
- 2.2 **Accessory Dwelling Unit** means a *dwelling unit* in an *outbuilding* in a MDRR1 or MDRR3 Zone.
- 2.3 **Alteration** means any change in a bearing wall or partition, column, beam, girder or other supporting member of a *building or structure* or any increase in the area of cubic contents of a *building or structure*.
- 2.4 **Apartment Building** means a *building* containing more than four *resort residential units*, each having access from an internal corridor.
- 2.5 **Apartment House** means a *building* accommodating between 4 and 8 *resort residential units* disposed above and beside each other, sharing a common entry with a maximum *building envelope* coverage of 65%.
- 2.6 **Attached** means a *building* otherwise complete in itself, which depends for structural support or complete enclosure upon a division wall or walls shared in common with an adjacent *building or buildings*.
- 2.7 **Back Building** means an ancillary segment of the *principal building* extending into the *rear yard*. A *back building* may connect the *principal building* to an *outbuilding* or *garage*.
- 2.8 **Basement** means that space of a *building* which is partly below grade and which has more than one-half of its height measured from floor to ceiling above the *established grade* around the exterior of a *building*.
- 2.9 **Block** means a parcel of land that contains a group of *building envelopes* that may be subdivided for purposes of condominium tenure.
- 2.10 **Boardwalk** means a pedestrian walkway, constructed of wood or a similar material, along the edge of the *marina* water basin.
- 2.11 **Boathouse** means an area within a *waterfront townhouse* used for the storage of boats owned by the resident of the *waterfront townhouse*.
- 2.12 **Building** means any *structure* whether temporary or permanent, used or *erected* for the shelter, accommodation or enclosure of *persons*, animals, materials, produce or equipment.
- 2.13 **Building Envelope** means the land occupied by, around and contiguous to a *principal building* or activity, any common elements exclusive to a unit and any *accessory buildings* required to comply

with the *building* setback and other provisions of this By-law.

- 2.14 Building Envelope Area** means the total horizontal area of the *building envelope*.
- 2.15 Building Envelope Coverage** means the combined area covered by all *buildings* and *structures* including decks on the *building envelope* measured at ground level and expressed as a percentage of the *building envelope area*.
- 2.16 Building Envelope Depth** means the horizontal distance between the midpoints of the *front building envelope line* and *rear building envelope line* and where there is no *rear building envelope line*, means the length of a line within the *building envelope* between the midpoint of the *front building envelope line* and the apex of a triangle formed by the *side building envelope lines*.
- 2.17 Building Envelope Frontage** means the distance between the *side building envelope lines* measured at the minimum *building* setback from the *front building envelope line* and parallel to the chord of the *building envelope frontage* and, for the purpose of this paragraph, the chord of the *building envelope frontage* is a straight line joining the two points where the *side building envelope lines* intersect the *front building envelope line*.
- 2.18 Building Envelope Line** means any boundary of a *building envelope*.
- 2.19 Building Height** means the vertical distance between the *established grade* and:
- a) the highest point of a flat roof;
 - b) the deck line of a mansard roof;
 - c) the mean height between the eaves and ridge of a gabled or hip roof;
- but exclusive of roof or penthouse *structure* accommodating an elevator, staircase, tank, ventilating fan or other similar equipment, or other utilitarian *structure* which does not provide habitable living space.
- Building height* shall be calculated in accordance with the provisions of Section 3.3 and the provisions set out for each *zone*.
- 2.20 Building Permit** means a document that grants legal permission to start construction of a *building* as defined by the Building Code Act of Ontario.
- 2.21 Business or Professional Office** shall mean a *building* or part of a *building* in which one or more *persons* are employed in the management, direction or conducting of a business, or where professionally qualified *persons* and their staff serve clients or patients who seek advice, consultation or treatment.
- 2.22 Cellar** means the space of a building that is partly or entirely below grade which has less than one-half of its height measured from floor to ceiling above the *established grade* around the exterior of the *building*.
- 2.23 Chief Building Official** means the officer or employee of the *Town* from time to time charged by *Council* with the duty of administering the provisions of the Building Code Act of Ontario.

- 2.24 Church** means a *building* or *buildings* commonly used for public worship and may include a meeting hall, all of which may be located within a single *building* or separate *buildings* on one *building envelope*. A *day nursery* or an *accessory* educational facility associated thereto is permitted as an *accessory use* within the definition of a *church*.
- 2.25 Clinic** means a *building* or part of a *building* that is used solely for the purpose of consultation, diagnosis and office treatment of human beings and does not include a private hospital.
- 2.26 Conference Facilities** means a building or structure that includes meeting rooms, conference/convention facilities and may include *resort recreation establishments*, which may be integrated with a *hotel use*.
- 2.27 Corner Building Envelope** means a *building envelope* abutting one or more parts of the same *street*, or on two or more *streets* in which an interior angle of less than one hundred and thirty-five (135) degrees is contained by the two straight lines which adjoin the foremost point of the *building envelope* with the two points at which the *interior side building envelope line* and the *rear building envelope line* meet the *street* or *streets*.
- 2.28 Council** means the *Council* of The Corporation of the Town of Innisfil.
- 2.29 Day Nursery** or nursery school means a *day nursery* within the meaning of the Day Nurseries Act, as amended.
- 2.30 Detached** means not *attached*.
- 2.31 Driveway** means an area of land that provides vehicular access from a *public street* or *private street* to a *parking aisle* or *parking space*.
- 2.32 Dwelling** means a *building* containing one or more *resort residential dwelling units* constructed on site and shall not include travel trailers, mobile homes, double wide mobile homes, tourist trailers, campers and motor vehicles, *hotels* or boarding or rooming houses, motels or *institutions*.
- 2.33 Dwelling Unit** means one room or a group of rooms in a *dwelling*, used, or if vacant, designed and intended to be used by only one household as a single independent and separate housekeeping establishment:
- a) in which food preparation, sleeping and sanitary facilities are provided for the *use* of the occupants; and
 - b) which has a private entrance from outside the *building* or from a common hallway or stairway inside the *building*.
- 2.34 Erect** when used in this By-law includes 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 regrading or draining;
 - b) altering any *existing building* or *structure* by adding, enlarging, extending, remodeling, renovating, moving, demolishing or effecting other structural change;
 - c) any work, the doing of which requires a *building permit* under the Building Code

Act.

- 2.35 Established Grade** means the average level of the proposed or finished ground or sidewalk adjoining a *building* at all exterior walls.
- 2.36 Existing** means *existing* as of the date of the passing of this By-law.
- 2.37 Exterior Side Building Envelope Line** means the longer of the *building envelope lines* of a *corner building envelope* that abuts a *public street* or *private street*.
- 2.38 Exterior Side Yard** means the *side yard* of a *corner building envelope* which *side yard* extends from the *front yard* to the *rear yard* between the *side building envelope line* and the nearest wall of any *building* or *structure* on the *corner building envelope*. The minimum *exterior side yard* means the minimum distance between the *exterior side building envelope line* and the nearest wall of any *principal building* or *accessory building* on the *building envelope*, according to the context in which the term is used.
- 2.39 First Floor** means the floor of a *building* at or immediately above the *established grade*.
- 2.40 Flexbuilding** means a *building* containing both *resort residential units* and *grade related retail and service commercial uses*.
- 2.41 Fractional Ownership Resort Residential Units** means *resort residential units* that are fractionally owned by two or more owners and not occupied by any one owner for more than 185 days per calendar year.
- 2.42 Front Building Envelope Line** means the *building envelope line* that divides the *building envelope* from a *public street* or *private street*, but
- a) in the case of a *corner building envelope*, the shorter of the *building envelope lines* abutting the *public street* or *private street*; or
 - b) in the case of a *corner building envelope* with two *public street* or *private street* lines of equal length, the *building envelope line* that abuts the narrower *public street* or *private street* shall be deemed to be the *front building envelope line*, and in the case of both *public street* or *private streets* being under the same jurisdiction, or of the same width, the *Town* may designate either *public street* or *private street* line as the *front building envelope line*; or
 - c) in the case of a *corner building envelope* abutting a 0.3 metre reserve, the *building envelope line* so abutting the 0.3 metre reserve shall be deemed an *exterior side building envelope line* and the other line abutting the *public street* or *private street* shall be deemed the *front building envelope line*; or
 - d) in the case of a *through building envelope*, the shorter boundary dividing the *building envelope* from the *public street* or *private street* shall be deemed to be the *front building envelope line* and the opposite shorter boundary shall be deemed to be the *rear building envelope line*. In case each of the *building envelope lines* should be of equal length, the *Town* may designate either the *public street* or *private street* line as the *front building envelope line*.

- 2.43 Front Yard** means the *yard* extending across the full width of the *building envelope* between the *front building envelope line* of the *building envelope* and the nearest wall of any *buildings* or *structures* on the *building envelope*. The minimum *front yard* means the minimum distance between the *front building envelope line* and the nearest wall of any *principal building* or *accessory building* on the *building envelope*, according to the context in which the term is used.
- 2.44 Frontage** means the privately held land between the *building* façade and a *frontage line*.
- 2.45 Frontage Line** means any *building envelope line* or back of sidewalk easement, that abuts a UOS or ROS Zone or a *public street* or *private street*.
- 2.46 Garage** means a separate *building* or part of the *principal building* used for the temporary parking or storage of licensed vehicles of not more than three tonnes gross vehicle.
- 2.47 Golf Course** means a public or private area designed and operated for the purposes of playing golf on an 18 hole course, and shall include a clubhouse and may include *accessory* facilities such as driving ranges, miniature courses, golf academy and maintenance buildings.
- 2.48 Grade Related Retail and Service Commercial Uses** means *retail stores* and such *uses* as *restaurants* with or without outdoor patios, cafes, coffee shops, bistros, pubs, *business* or *professional offices*, sporting good rental and sales establishments, bake shops, administrative offices, banks and financial institutions, bicycle repair shops, medical *clinics*, a *church*, art galleries, *laundry shops*, personal service shops such as hair salons and tailor shops, pharmacies, day-care nurseries, showrooms, tailoring shops and associated *accessory uses*.
- 2.49 Gross Floor Area** means the total floor area within a *building* measured between the exterior faces of the exterior walls or from the centerline of a joint partition and excludes any mezzanine areas, mechanical rooms, storage rooms, common walls, stair wells, garbage and electrical rooms, parking *structures* or *garages* and similar *uses* which are *accessory* to the *principal use*.
- 2.50 Height** means the maximum vertical measurement from the *established grade* to the highest point of a *structure* but does not apply to *building height*.
- 2.51 Hotel** means a *building* or *structure* used for the purpose of catering to the needs of the traveling public by supplying sleeping accommodations, food, entertainment and refreshments.
- 2.52 Institution** means a *building* or part of a *building* used for non-commercial purposes by an organized body, religious group or society such as a public hospital, library or similar *use*.
- 2.53 Interior Building Envelope** means a *building envelope* other than a *corner building envelope*.
- 2.54 Interior Side Yard** means the *side yard* extending from the *front yard* to the *rear yard* between the *side building envelope line* and the nearest wall of any *building* or *structure* on any *building envelope* and excluding any *exterior side yard*. The minimum *interior side yard* means the minimum distance between an *interior side building envelope line* and the nearest wall of any *principal* or *accessory building* on the *building envelope*, according to the context in which the term is used.
- 2.55 Landscaped Buffer** means an open space free of buildings or structures, used for the growing and maintenance of trees, grasses, flowers, shrubs or other *landscaping* which is intended to

provide separation from and screen the view of adjacent land uses or properties.

- 2.56 Landscaped Open Space** means open space on the *building envelope*, unobstructed by *accessory* equipment, *parking spaces* or *loading spaces* and *buildings* and used exclusively for *landscaping*.
- 2.57 Landscaping** means any combination of trees, grass or other horticultural elements, decorative stonework, signboards, paving, other than parking areas, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.
- 2.58 Laundry Shop** means a *building* or part of a *building* used for the purpose of receiving articles or goods or fabric to be subjected to a commercial process of laundering, dyeing or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process and includes a self-service laundry.
- 2.59 Loading Space** means an unencumbered area of land which is provided and maintained upon the same *building envelope* or *building envelopes* upon which the *principal use* is located and which area:
- a) is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle and such parking shall not be for the purpose of sale or display;
 - b) is suitable for the temporary parking of one commercial motor vehicle;
 - c) has adequate access to permit ingress and egress of a commercial motor vehicle from a *public street* or *private street* by means of *driveways*, *parking aisles*, maneuvering areas of similar areas; and
 - d) does not include a waste collection or transfer facility.
- 2.60 Municipal By-Law Enforcement Officer** means the officer or employee of the Town of Innisfil with the duty of enforcing the provisions of municipal by-laws.
- 2.61 Natural Buffer** means an area comprised of *existing* and enhanced vegetation with preferential use of local native species, free of buildings or structures, which is intended to provide separation from and to create a zone of transition that will mitigate encroachment and impacts on the Environmental Protection Area.
- 2.62 Non-Permanent Resort Residential Units** means any combination of *fractional ownership resort residential units* or *restricted occupancy resort residential units*.
- 2.63 Open Space** means the open unobstructed space on a *building envelope*, including the open, unobstructed space accessible to all occupants of any residential or commercial *building* or *structure* on a *building envelope* which is suitable and used for the growth and maintenance of grass, flowers, bushes and other *landscaping* and may include any surface pedestrian walk, patio, pools or similar area but does not include any *driveway*, ramp or *parking spaces*, *parking aisles*, *loading spaces*, maneuvering areas and similar areas.

- 2.64 Outbuilding** means a *building* that is *accessory* to a *principal building*.
- 2.65 Parking Aisle** means an area of land that abuts and provides direct vehicular access to one or more *parking spaces*.
- 2.66 Parking Space** means a rectangular area, exclusive of *parking aisles*, for the temporary parking of motor vehicles.
- 2.67 Passive Recreation** means *uses* that are not considered to be structured activities such as walking, nature trails, bird watching.
- 2.68 Person(s)** means any human being, association, firm, partnership, *private club*, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a *person* to whom the context can apply according to law.
- 2.69 Premise** means the area of a *building* occupied or used by a single business or enterprise. In a multiple tenancy *building*, occupied by more than one (1) business, each individual business area shall be considered a separate *premise*.
- 2.70 Principal Building** means the *building* or *structure* in which is carried on the *principal use* for which the *building envelope* is used.
- 2.71 Principal Use** means the main *use* to which the subject lands are devoted and the main purpose for which the subject lands are used.
- 2.72 Private Club** means a *building* or part of a *building* used as a meeting place for the members of a philanthropic organization, not operated for profit, chartered or recognized nationally, provincially or locally, dedicated to recreational, education or community-service goals and in which membership is open generally to all residents of the *Town* and may be operated by a condominium corporation.
- 2.73 Private Street** means a highway not assumed by the municipality that is usually traveled and maintained by a private individual, group of individuals or condominium corporation, which affords a means of access to an abutting *building envelope* and may include *landscaping* elements.
- 2.74 Public Street** means a public highway that is dedicated to, assumed by and maintained by the *Town*.
- 2.75 Rear Building Envelope Line** means the *building envelope line* farthest from and opposite to the *front building envelope line*.
- 2.76 Rear Yard** means the *yard* extending across the full width of the *building envelope* between the *rear building envelope line* of the *building envelope* and the nearest wall of any *principal building* on the *building envelope*. Where a *rear yard* is required for an *accessory building* in this By-law then this definition applies except the words *accessory building* are to be substituted for *principal building*. The minimum *rear yard* means the minimum distance between the *rear building envelope line* and the nearest wall of any *principal building* or *accessory building* on the *building envelope*, according to the context in which the term is used.
- 2.77 Resort Marina** means a commercial establishment where docking, in-water boat storage, boat rental, piers, docks and boat slips or any combination of the foregoing are available for all types of

marine watercraft.

- 2.78 Resort Recreational Establishment** means a *building* or *structure* or part thereof where facilities are provided for recreation and may include a fitness centre, bowling alley, tennis and squash courts, simulated golf facilities, *swimming pools*, ancillary commercial *uses*, and social and meeting facilities.
- 2.79 Resort Residential Unit** means condominium *dwelling unit* permitted within the MDRR1, MDRR2, MDRR3, HDRR1, HDRR2 and HDRR3 Zones.
- 2.80 Resort Service Marina** means a commercial establishment where boat launching, hauling facilities and minor boat repair facilities are available for all types of marine craft.
- 2.81 Resort Service Use** means a service area that may house resort security and grounds keeping services, and may also be the location where waste and recycling bins are stored for collection.
- 2.82 Resort Theatre** means an indoor facility that is used for live theatrical performances and contains a minimum of 300 seats.
- 2.83 Restaurant** means an establishment that has full kitchen facilities for the preparation of meals and is engaged in the sale and service of meals to the public for consumption on the *premises* and, may include *premises* licensed under the Liquor License Act as a dining lounge, dining room, entertainment lounge and a patio.
- 2.84 Restricted Occupancy Resort Residential Units** means *resort residential units* (including timeshare) owned by one or more unrelated owners and owner occupied for no more than 185 consecutive days per calendar year, with a minimum required unoccupied period of either 65 days or two periods of 35 consecutive days each and a maximum aggregate owners' occupancy of less than 300 days per calendar year.
- 2.85 Retail Store** means a *building* or part of a *building* where goods, merchandise, substances or articles are offered for retail sale directly to the general public and includes storage on the store *premises* of limited quantities of such goods, merchandise, substances, articles or things sufficient only to service such store, but does not include mechanical or electronic gaming machines to be used for the purpose of gambling.
- 2.86 Side Building Envelope Line** means any *building envelope line* other than a *front* or *rear building envelope line*.
- 2.87 Side Yard** means the *yard* extending from the *front yard* to the *rear yard* between the *side building envelope line* and the nearest wall of any *building* or *structure* on the *building envelope*.
- 2.88 Storey** means a part of a *building* which is situated between any floor level and the floor, ceiling or roof next above it and shall include a *basement* but shall not include a *cellar* or attic.
- 2.89 Structure** means anything constructed or *erected*, the *use* of which requires location on the ground, or which is *attached* to something having location on the ground.
- 2.90 Structured Parking Facility** means a *building* or structure that contains *parking aisles* and *parking spaces* used for the temporary parking of motor vehicles, that may contain a maximum of

two levels of covered parking and one level of parking on the roof.

- 2.91 Swimming Pool** means a body of water located indoors or outdoors, having an area of more than 9 square metres contained by artificial means, a depth greater than 0.6 metres at any point and which is used and maintained for the purpose of swimming, diving or bathing.
- 2.92 Through Building Envelope** means a *building envelope* bounded on two opposite sides by *public streets* or *private streets* provided, however, that if any *building envelope* qualifies as being both a *corner building envelope* and *through building envelope* as herein defined, such *building envelope* is deemed a *corner building envelope* for the purpose of this By-law.
- 2.93 Town** means The Corporation of the Town of Innisfil.
- 2.94 Townhouse 1** means a single *resort residential unit* with common walls on the *side building envelope lines* with the facades forming a continuous *frontage line* with a minimum *building envelope area* of one hundred and eighty (180.0) square metres.
- 2.95 Townhouse 2** means a single *resort residential unit* in a building designed to mask a parking lot or *garage* from a *frontage* with a minimum *building envelope area* of ninety (90.0) square metres.
- 2.96 Use** means the purpose for which any land, *building* or *structure* is occupied or maintained.
- 2.97 Waterfront Townhouse** means a *resort residential unit* within a *building* containing a series of *resort residential units*, each having direct access from the outside and with exposure to the waterfront area, and in some instances having an integrated *boathouse* or boat slip.
- 2.98 Wildlife Management and Enhancement** means only those management and enhancement activities identified in an approved Amphibian and Reptile Protection and Enhancement Plan.
- 2.99 Yard** means the space abutting a *building* or *structure* on the same *building envelope* 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 *building envelope lines* is to be used.
- 2.100 Zone** means a designated area of land use shown on any schedule to this By-law.
- 2.101 Zoning Administrator** means an officer or employee of the Corporation of the Town of Innisfil charged with the duty of administering this By-law.

SECTION 3

GENERAL PROVISIONS

3.1 ACCESSORY BUILDINGS

- 3.1.1** The total *building envelope coverage* of *accessory buildings* and *structures* including a *detached garage* in any zone that permits *resort residential units* shall not exceed fifty six (56.0) square metres.
- 3.1.2** No *accessory buildings* may be permitted in front of a *principal building*.
- 3.1.3** Where an *accessory building* is *attached* to the *principal building*, the *front yard building envelope*, *side yard building envelope*, *rear yard building envelope* and area requirements of this By-law must be complied with as if the *accessory building* was part of the *principal building*.
- 3.1.4** No *persons* may use an *accessory building* as a *dwelling unit* except where permitted by this By-law.
- 3.1.5** No building envelope in a zone that permits *townhouse 1 resort residential units* shall contain more than one (1) *accessory building*.
- 3.1.6** Accessory buildings are not permitted in *townhouse 2* or *waterfront townhouse* zones.

3.2 ACCESSORY DWELLING UNITS

Occupancy of an *accessory dwelling unit* shall not be permitted until the *Town* has issued a Certificate of Occupancy.

The *use* of any land and the *erection*, renovation, *use* and maintenance of any *building* for an *accessory dwelling unit* shall be subject to the provisions and standards of Ontario Regulation 384/94, as amended.

3.3 BUILDING HEIGHT

- 3.3.1** The *building height* of *buildings* and *building* elements shall be:
- a) Measured in *storeys* and each *storey* shall not exceed four (4.0) metres for *resort residential unit buildings* and four and one half (4.5) metres for non- *resort residential unit buildings* or the ground floor of *building* types occupied by *grade related retail and service commercial uses*; and
 - b) Measured from *established grade* taken anywhere along the *front building envelope line*.
- 3.3.2** A portion of a *building* no greater than twenty-five (25.0) square metres may exceed the *building height* limits contained in this By-law, subject to approval by the *Town*
- 3.3.3** Minimum and maximum *building heights* shall be in accordance with the provisions set out for each *zone*.

3.4 DEVELOPMENT CONCEPT

3.4.1 Within the area shown on Schedule "A" to this By-law, the following resort related uses are permitted and/or required:

- a) No more than a total of 2,000 *residential resort units* and *hotel* units shall be permitted.
- b) A maximum of 1,600 resort *residential units* shall be permitted, subject to Section 8.1, in accordance with Section 4.
- c) A minimum of 400 *hotel* units shall be provided, subject to Section 8.1, in accordance with Section 5.2.
- d) A minimum of 5,000 square metres of *conference facilities* shall be provided, in accordance with Section 5.2
- e) A minimum of 8,000 square metres of *grade related retail and service commercial uses* shall be provided, in accordance with Section 5.3.
- f) A *resort theatre* shall be provided with a minimum of 300 seats, in accordance with Section 5.1.
- g) A *resort recreational establishment* shall be provided with a minimum *gross floor area* of 3,000 square metres, in accordance with Section 5.1.
- h) A *golf course* with a *golf course* clubhouse having a minimum *gross floor area* of 500 square metres shall be provided, in accordance with Section 7.2.
- i) A *resort marina* shall be provided with a maximum of 1,000 slips, in accordance with Section 5.1.

3.5 FRONTAGE ON A PUBLIC OR PRIVATE STREET

No *person* may *erect* any *building* or *structure* in any *zone* unless the *building envelope* upon which such *building* or *structure* is to be *erected* fronts upon a *public street* or *private street*.

3.6 GENERAL BUILDING SETBACK

Notwithstanding any other provision of this By-law, all *principal buildings* and *accessory buildings* shall be set back a minimum of six (6.0) metres from the boundary of Schedule "A".

Notwithstanding any other provision of this By-law, all *buildings* and *structures* shall be set back a minimum of one (1.0) metre from any *public street* or *private street* unless otherwise stated in this By-law.

3.7 HOLDING ZONES

3.7.1 Holding (H) Zones are in parenthesis following the *zone* symbol.

3.7.2 Prior to the removal of the Holding (H) symbol, the only permitted *uses* on the lands

subject to the Holding (H) symbol shall be those *uses* existing at the date the Holding (H) symbol is applied.

3.7.3 Where a Holding (H) symbol is imposed on any land as shown on Schedule "B", in Section 8 of this By-law, which places the Holding (H) symbol on said lands shall set out the conditions to be satisfied to effect its removal.

3.8 LAND SEVERED FOR PUBLIC UTILITIES

Where land is acquired for the purpose of a public utility line and the acquisition deprives a parcel of land of street frontage, the part of such parcel so deprived of street frontage shall be deemed, for the purpose of this By-law, to have *frontage* on the *public street* or *private street* provided the land has a permanent right of access to the *public street* or *private street*.

3.9 MINIMUM DISTANCE SEPARATION

Notwithstanding any other provisions of this By-law, the minimum distance separation between agricultural operations and *uses* permitted within the area identified on Schedule "A" shall be in accordance with Provincial standards and guidelines.

3.10 NON-PERMANENT RESIDENTIAL UNITS

3.10.1 Notwithstanding the *uses* permitted in the MDRR1, MDRR2, MDRR3, HDRR1, HDRR2, and HDRR3, all *resort residential units* shall be *non-permanent resort residential units*.

3.11 PARKING AND LOADING PROVISIONS

3.11.1 Parking

Where land or *buildings* are used in accordance with this By-law, every owner shall provide and maintain motor vehicle parking facilities for the sole use of the owner, occupant or *persons* making use of the *premises* on the same *building envelope* in accordance with the requirements outlined for the respective *uses* as specified below and in accordance with the other provisions contained in this By-law.

Use	Minimum Parking Requirements
a) <i>Church</i> , community halls and other places of assembly	One (1.0) space for every four (4.0) <i>persons</i> to be accommodated according to maximum permitted occupant load.
b) Government <i>building</i> or civic <i>use</i>	One (1.0) space for every twenty-three (23.0) square metres of <i>gross floor area</i> .
c) <i>Grade related retail and service commercial</i>	Three (3.0) spaces for every 100 m ² of <i>gross floor area</i> or part thereof including <i>restaurant</i> space up to 20%. For <i>restaurant</i> space in excess of this threshold, 6.0 stalls per 100 m ² shall apply.

d) <i>Hotel</i>	One (1.0) space for every guest room plus four (4.0) spaces for every 100 m ² of <i>gross floor area</i> not directly related to the <i>hotel</i> operations.
e) <i>Resort Marina</i>	One-fifteenth (0.15) space for every boat slip.
f) <i>Resort Recreational establishments</i> not otherwise identified	One (1.0) space per one hundred (100.0) square metres of <i>gross floor area</i> .
g) <i>Townhouse 1</i> and <i>waterfront townhouse resort residential units</i>	Two and one quarter (2.25) spaces for every <i>resort residential unit</i> .
h) <i>Townhouse 2</i> and <i>apartment house resort residential units</i>	One and one half (1.5) spaces for every <i>resort residential unit</i>
j) <i>Apartment Building</i> and <i>flexbuilding units</i>	One and one half (1.5) spaces for every <i>resort residential unit</i> .
k) Theatre or amphitheatre	One (1.0) space for every five (5.0) seats.
l) <i>Golf course</i>	Four (4.0) spaces per golf hole plus four (4.0) spaces for every one hundred (100.0) square metres of <i>gross floor area</i> of the clubhouse.
m) <i>Uses</i> permitted by this By-law other than those listed above	One (1.0) space for every twenty-eight (28.0) square metres of <i>gross floor area</i> .

3.11.1.1 Each *parking space* must be readily accessible at all times and arranged in such a manner to provide access and maneuvering space for the parking and removal of a motor vehicle except that this does not apply in the case of a *waterfront townhouse and townhouse 1 resort residential unit*.

3.11.1.2 The minimum size of *parking spaces* shall be a net minimum width of 2.85 metres, and free of any and all obstructions, such as curbs, sign posts, light poles, hydrant connections, steps and structural columns. The minimum length for a 90 degree parking stall shall be 5.7 metres and increased to 6.0 metres where overhang cannot be accommodated.

3.11.1.3 All required resident parking for *resort residential units* within the HRRR2 and HRRR3 Zones shall be provided underground.

- 3.11.1.4** Ingress and egress to and from the *parking aisles* prescribed by this section must be provided by a sufficient number of adequate, unobstructed *driveways* having a minimum width of six (6.0) metres or four (4.0) metres for a one-way *parking aisle*, except that in the case of a *townhouse 1* or *waterfront townhouse resort residential unit*, the paved width may be reduced to three and one half (3.5) metres. All off-street *parking spaces*, *driveways* and *parking aisles* required herein for *resort marinas* and *golf courses* must be constructed and maintained with a stable surface which is treated to prevent the raising of dirt or loose particles. All off-street *parking spaces*, *driveways* and *parking aisles* required for any other permitted *use* must have a cement or asphaltic binder or any other permanent type of surfacing and the spaces must be outlined and maintained with a suitable paint.
- 3.11.1.5** Where a ramp to *parking aisles* provides access from a *public street* or *private street*, the ramp must not have a grade steeper than 5% within six (6.0) metres of the *building envelope line* so as to provide adequate vision to the *public street* or *private street* in both directions.
- 3.11.1.6** Where a *building envelope*, *building* or *structure* accommodates more than one type of *use*, the parking requirements for the whole *building* is the sum of the requirements for the separate parts of the *building envelope*, *building* or *structure* occupied by the separate types of *uses*.
- 3.11.1.7** Where an addition is made to a *building* or the *use* is changed, then additional *parking spaces* must be provided up to the number required for the addition or change in *use* with the exception that where a *garage* is *erected* in any *zone* that permits *resort residential units*, the number of *parking spaces* as required for the *zone* are to be provided.
- 3.11.1.8** Where the application of parking standards results in a fraction of a *parking space*, the required number of spaces is to be increased to the next whole number.
- 3.11.1.9** The lights used for illumination of *parking spaces*, *parking aisles* and *driveways* must be so arranged as to divert the light away from adjacent *building envelopes* and *streets*.
- 3.11.1.10** A *structure* no more than four (4.0) metres in *height* and not more than five (5.0) square metres in area may be *erected* in the parking area for the *use* of parking attendants.
- 3.11.1.11** No sign may be *erected* in any parking area other than directional signs, signs necessarily incidental to the efficient operation of a commercial parking lot and a sign that gives the name of the owner. The maximum size of the sign is one (1.0) square metre.
- 3.11.1.12** Where off-street parking for any *use* other than a resort residential *use* abuts a *side building envelope line* or *rear building envelope line* in a *zone* that

permits *resort residential units*, then a screen must be *erected* or planted and maintained along the *side building envelope line* or *rear building envelope line* and the screen must have a minimum *height* of one and one half (1.5) metres and must be suitable for provisions of privacy, protection from vehicle lights and must be in keeping with the immediate landscape.

- 3.11.1.13** Any *private street* less than 10 m in right of way width shall be designated a fire vehicle route in accordance with the applicable legislation, shall be signed so as to prohibit parking at any location on the *private street* and shall have posted the required regulatory signs.
- 3.11.1.14** No parking or loading facility or part thereof may be located and no land may be used for the temporary parking or storage of any licensed vehicle within one (1.0) metre of any *building envelope line* or within one (1.0) metre of the boundary of any *zone* that permits *resort residential units*.
- 3.11.1.15** No on-site *parking space* in a *zone* that permits *resort residential units* shall be used for the storage or parking of watercraft, trailers or commercial vehicles.
- 3.11.1.16** No parking or storage of watercraft and/or trailers shall be permitted on any *public street, private street/lane, parking space, parking aisle* or any resort recreation use. Notwithstanding the foregoing, winter storage of watercraft and/or trailers may occur on lands zoned ROS.
- 3.11.1.17** Adequate parking facilities shall be provided for the storage or parking of watercraft and/or trailers, either on site or off-site, to the satisfaction of the *Town*.
- 3.11.1.18** *Parking spaces* for persons with disabilities shall be provided for all *grade related retail and service commercial uses, resort theatre, hotel and resort recreational establishments* at a rate of 1 *parking space* for every 30 *parking spaces* otherwise required by this By-law. Where the application of this requirement results in a fraction of a *parking space* the required number of spaces shall be increased to the next whole number. Each single space is required to be a minimum of 3.9 metres wide, except where two or more of these spaces are grouped together in which case each shall be a minimum of 3.2 metres wide.

3.11.2 Loading

Where land, *buildings* or *structures* are used for any purposes involving the receiving, shipping, loading or unloading of goods, wares, merchandise and raw materials, a minimum of one space is required for the purpose of loading or unloading goods, wares and merchandise and raw materials. No *private street* shall be used by any vehicle as an area to unload or load goods, wares, merchandise and raw materials, except adjacent to the HDRR2, HDRR3 and RRHC Zones.

The *driveways, parking aisles, loading spaces* for *resort marinas* and *golf courses* must

be constructed and maintained with a stable surface that is treated to prevent the raising of dirt or loose particles. All *parking spaces*, *loading spaces* and *driveways* and *parking aisles* require a cement or asphaltic binder or any other permanent type of surfacing for any other permitted *uses*.

A *loading space* shall have a minimum of twelve (12.0) metres in length and 3.6 metres in width and shall have a vertical clearance of a minimum of 4.2 metres.

Loading spaces for each *premise* shall be provided on the same *building envelope* in accordance with the following standards:

<u>Gross Floor Area</u>	<u>Spaces Required</u>
i) 0-1860 sq. m.	1.0
ii) 1861-2787 sq. m.	2.0
iii) Over 2787 sq. m.	3.0

3.12 PROHIBITIONS

3.12.1 No *person* shall use any land or *erect* any *buildings* or *structures* within any *zone* except for a permitted *use* and in accordance with the regulations provided by this By-law for the *zone* in which it is located.

3.12.2 No *use* is permitted which from its nature or materials used therein is declared by the Local Board of Health to be a noxious trade, business or manufacture under the Health Protection and Promotion Act or regulations there under.

3.12.3 Not more than one *principal use* is allowed on a *building envelope* unless specifically permitted in this By-law.

3.12.4 No land to which the provisions of this By-law apply shall be used and no *building* or *structure* shall be *erected* for the purpose of a public or private elementary or secondary school.

3.12.5 No *townhouse 1*, *townhouse 2* or *waterfront townhouse building* shall contain more than eight (8) *resort residential units*.

3.13 CIVIC USES AND UTILITIES

Despite any other provisions contained in this By-law, the Town of Innisfil, a utility operation providing a public utility service such as Innisfil Hydro or any local board thereof, as defined in the Municipal Affairs Act, any telephone or telegraph company, any transportation system owned, operated or authorized by or for the *Town*, any Department of the Dominion or Provincial Government of Ontario, or any other Municipal jurisdiction, may for purposes of public service, use any land or *erect* or use any *building* or *structure* in any *zone*, except in the Environmental Protection Area (EPA) Zone and a *natural buffer* in the General Open Space (GOS) Zone and provided that in any *zone* that permits *resort residential units*, the *building* or *structure* is in compliance with the *building height*, coverage, *landscaped open space* and *yard* regulations prescribed for the *zone* and there is no open storage in the *yards* of goods, materials or equipment and that any *building erected* or used under the provisions of this section is of a character and

maintained in general harmony with *buildings* of the type permitted in the *zone*. Notwithstanding the foregoing, the *public street*, including any infrastructure to be located thereon or thereunder, shown on Schedule "B" to this By-law shall be permitted in the Environmental Protection Area (EPA).

3.14 SETBACK FROM BIG BAY POINT ROAD

Despite any other provisions contained in this By-law, no *building* or *structure* is to be *erected* in any *zone* closer than thirteen (13.0) metres from the centerline of Big Bay Point Road.

3.15 SIGHT TRIANGLES

On a *corner building envelope* abutting a *public street*, within the triangular space formed by the *public street* lines and a line drawn from a point in the *public street* line to a point in the other *public street* line, each point being six (6.0) metres measured along the *public street* line from the point of intersection of the *public street* lines, no *building* or *structure* which would obstruct the vision of drivers of motor vehicles may be *erected* and no trees, signs, shrubs, hedges, fences or walls are to be planned, *erected* or maintained of greater *height* than one (1.0) metre above the centerline of the adjacent *public street* at the lowest point. Where the two *public street* lines do not intersect at a point, the point of intersection of the *public street* lines are deemed to be the intersection of the tangents of the *public street* lines.

3.16 SPECIAL USES PERMITTED

The following are permitted in all *zones* except the Environmental Protection Area (EPA) Zone and the General Open Space (GOS) Zone; construction, *erection* and the temporary *use* of a construction shed, scaffold or other *building* or *structure* including a temporary sales or rental office which is incidental to construction on a *building envelope* where it is situated and is necessary for the work in progress and until the work is completed or abandoned, and *Private Streets*.

Abandoned in this subsection means the failure to proceed expeditiously with the construction of a work, specifically, abeyance of construction for six months.

3.17 SWIMMING POOL

Despite any other provisions contained in this By-law a *swimming pool* is permitted as an *accessory use* in any Resort Recreational Commercial Zone or Urban or Rural Open Space Zones provided that:

3.17.1 No part of a *swimming pool* shall be located closer to any *public street* line than the minimum distance required for an *accessory building* located on the same *building envelope*.

3.17.2 The maximum *height* of every outdoor *swimming pool* shall be two (2.0) metres above the *established grade*.

3.17.3 Every outdoor *swimming pool erected* in any *zone*, must be enclosed by a fence of at least 1.21 metres in *height* and located at a distance of not less than 1.21 metres from the pool, the gate to which must be equipped with self-locking device and kept closed when the pool is not in use.

3.17.4 Every indoor *swimming pool* must be within an area equipped with self-locking doors that are kept closed when the pool is not in use.

3.18 YARD ENCROACHMENTS

Except as otherwise provided in this By-law, every part of any required *yard* must be open and unobstructed by any *building* or structure from the ground to the sky except for:

3.18.1 Sills, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental features, provided, however, that the same shall not project more than 60 centimetres into any required *yard*.

3.18.2 Galleries, arcades, and awnings.

3.18.3 Fences, retaining walls and patios.

3.18.4 Decks, provided, however, that the same shall not project more than 1.2 metres from any interior lot line or rear line or project more than 3.0 metres from any front line or project more than 4.0 metres from any exterior lot line.

3.18.5 Porches and stoops may project into any required *yard* to a maximum distance of 3.0 metres.

3.18.6 Balconies above the first floor, provided, however that the same shall not project more than 1.5 metres into any require *yard*.

3.19 ZONE REGULATIONS

3.19.1 No *person*, except a public authority engaged in the implementation of public works or services, may reduce in *area* or *frontage*, any *building envelope* already built upon, either by conveyance or *alteration* of any portion thereof or otherwise, so that the *building envelope coverage* of the *building* exceeds the maximum permitted by this By-law or so that the *area* or *frontage* of the *building envelope* will be less than the minimum permitted by this By-law for the *zone* in which the *building envelope* is located.

3.19.2 No *person* may be deemed to be in contravention of *building envelope coverage*, *building envelope area*, *building envelope frontage*, or *building envelope yards*, if the contravention arose as a result of a part of a *building envelope* being conveyed or having been conveyed to, or acquired by, the *Town*, County of Simcoe, Her Majesty in the Right of Ontario, or Her Majesty in the Right of Canada, or Local Boards of the *Town*.

SECTION 4

RESORT RESIDENTIAL ZONES

4.1 MEDIUM DENSITY RESORT RESIDENTIAL ONE (MDRR1) ZONE

4.1.1 Principal Permitted Use

- a) *Townhouse 1*

4.1.2 Accessory Uses

- a) *Attached or detached garage, accessed from an alley or lane*
- b) Residential use *accessory* to the *townhouse 1*, on the same *building envelope*, and on the second *storey* of a *detached garage*, which shall not include an *accessory dwelling unit*.

4.1.3 Regulations

- a) Minimum *building envelope area*: 180.0 sq. m
- b) Minimum *building envelope frontage* 6.0 m
- c) Maximum *building envelope coverage* 70.0%
- d) Maximum *building height – principal building* 3.0 *storeys*
- e) Maximum *building height – accessory building* 2.0 *storeys*
- f) Maximum *building coverage – accessory building* 56.0 sq. m
- g) Minimum *building setback from a public street* 4.2 m
- h) Minimum *front yard setback* 4.0 m
- i) Minimum *rear yard setback - principal building* 30% of *building envelope depth*
- j) Minimum *rear yard setback - accessory building* 0.5 m
- k) Minimum *exterior side yard setback* 2.0 m

4.1.4 Special Provisions

- a) An *attached garage* shall only be *attached* to the rear of the *principal building* and shall be no wider than the *principal building*.
- b) A *detached garage* shall be no wider than the *principal building* and in no case shall be wider than seven (7.0) metres.
- c) Notwithstanding the provisions of Section 3.11.1, a maximum of 1.25 spaces per *resort residential unit* of required parking, may be provided along *private streets* or in surface parking areas within 150 metres of the *building envelope*.

- d) Notwithstanding the provisions of Section 4.1.3(a), the maximum *building envelope coverage* of a *townhouse 1* shall be 80% where a *back building* connects a *principal building* to a *garage*.
- e) Notwithstanding the provisions of Section 4.1.3(d), the maximum *building height* shall be 4 *storeys* for a maximum of 20% of *resort residential units* within the *MDRR1 zone*.

4.2 MEDIUM DENSITY RESORT RESIDENTIAL TWO (MDRR2) ZONE

4.2.1 Principal Permitted Use

- a) *Townhouse 2*

4.2.2 Accessory Uses

4.2.3 Regulations

- a) Minimum *building envelope area*: 90.0 sq.m
- b) Minimum *building envelope frontage*: 6.0 m
- c) Maximum *building envelope coverage*: 70.0%
- d) Maximum *building height – principal building*: 3.0 *storeys*
- e) Minimum *building setback from a public street*: 4.2 m
- f) Minimum *front yard setback*: 4.0 m
- g) Minimum *rear yard setback*: 1.0 m
- h) Minimum *exterior side yard setback*: 0.0 m
- i) Maximum *building height – accessory building*: 2.0 *storeys*
- j) Minimum *building envelope depth*: 15.0 m

4.2.4 Special Provisions

- a) All required parking associated with a *townhouse 2* shall be provided on-site or in an adjoining *RS zone*.

4.3 MEDIUM DENSITY RESORT RESIDENTIAL THREE (MDRR3) ZONE

4.3.1 Principal Permitted Use

- a) *Waterfront Townhouse*

4.3.2 Accessory Uses

- a) *Attached or detached garage, accessed from a private street*
- b) *Boathouse or boat slip*
- c) *Residential use accessory to the waterfront townhouse, on the same building envelope, and on the second storey of a detached garage, which shall not include an accessory dwelling unit.*

4.3.3 Regulations

- a) *Minimum building envelope area:* 120.0 sq. m
- b) *Minimum building envelope frontage* 6.0 m
- c) *Maximum building envelope coverage* 100.0%
- d) *Maximum building height* 4.0 storeys
- e) *Maximum building height - accessory building* 2.0 storeys
- f) *Minimum front yard setback* 2.0 m
- g) *Minimum rear yard setback* 1.0 m
- h) *Minimum exterior side yard setback* 2.0 m

4.3.4 Special Provisions

- a) *Notwithstanding the provisions of Section 3.11.1, a maximum of 1.25 spaces per resort residential unit of required parking, may be provided along private streets or in surface parking areas within 150 metres of the building envelope.*
- b) *A resort service marina shall be permitted on the western portion of the lands zoned MDRR3-1.*

4.4 HIGH DENSITY RESORT RESIDENTIAL ONE (HD RR1) ZONE

4.4.1 Principal Permitted Use

- a) *Apartment House*

4.4.2 Accessory Uses

- a) None

4.4.3 Regulations

- a) Minimum *building envelope area*: 720.0 sq. m
- b) Minimum *building envelope frontage*: 24.0 m
- c) Maximum *building envelope coverage*: 65.0%
- d) *Building height*: 3.0 *storeys* min and max
- e) Minimum *front yard* setback: 4.0 m
- f) Minimum *rear yard* setback: 30% of the *building envelope depth*
- g) Minimum *exterior side yard* setback: 2.0 m

4.5 HIGH DENSITY RESORT RESIDENTIAL TWO (HARR2) ZONE

4.5.1 Principal Permitted Use

- a) *Flexbuilding*

4.5.2 Accessory Uses

- a) None

4.5.3 Regulations

- a) Minimum *building envelope area* 240.0 sq. m
- b) Minimum *building envelope frontage* 12.0 m
- c) Maximum *building envelope coverage* 100.0%
- d) *Building height* 4.0 *storeys* min. and max.
- e) Minimum *building setback from a public street* 0.0 m
- f) *Front yard setback* 0.0 m min. and max.
- g) Minimum *rear yard setback* 0.0 m
- h) *Side yard setback* 0.0 m min. and max.

4.5.4 Special Provisions

- a) All required parking associated with *resort residential units* within a *flexbuilding* shall be provided on-site and underground.
- b) Required parking associated with non-residential uses within *flexbuildings* may be provided along *private streets*, underground, within surface parking areas, or any combination thereof, within 150 metres of the *building envelope*.
- c) All *flexbuildings* shall have *grade related retail and service commercial uses* located on the *first floor*.

4.6 HIGH DENSITY RESORT RESIDENTIAL THREE (HRRR3) ZONE

4.6.1 Principal Permitted Use

- a) *Apartment Building*

4.6.2 Accessory Uses

- a) None

4.6.3 Regulations

- a) Minimum *building envelope area* 480.0 sq. m
- b) Minimum *building envelope frontage* 24.0 m
- c) Maximum *building envelope coverage* 50.0%
- d) *Building height* 4.0 *storeys* min. and max.
- e) Minimum *building setback from a public street* 2.0 m
- f) *Front yard setback* 2.0 m min. and 4.0 m max.
- g) Minimum *rear yard setback* 0.0 m
- h) Minimum *exterior side yard setback* 0.0 m

4.6.4 Special Provisions

- a) All required on-site parking associated with an *apartment building* shall be provided underground.
- b) Notwithstanding the provisions of Section 3.11.1, a maximum of one half (0.5) space, per *resort residential unit of required parking*, may be located on-street or in a parking lot off-site, within 150 m of the *building envelope*.
- c) A *resort service marina* shall be permitted on the southern portion of the lands zoned HRRR3-1.

SECTION 5

RESORT RECREATIONAL COMMERCIAL ZONES

5.1 RESORT RECREATIONAL COMMERCIAL (RRC) ZONE

5.1.1 Permitted Uses

- a) *Resort Marina*
- b) *Resort Recreational Establishment*
- c) *Resort Theatre*

5.1.2 Accessory Uses

- a) *Uses* which are clearly incidental to, associated with and located on the same *building envelope* as the permitted *uses* as listed above, excluding *resort service marina* uses.

5.1.3 Regulations

- a) *Minimum building envelope area* 0.0 sq. m
- b) *Minimum building envelope frontage* 0.0 m
- c) *Maximum building envelope coverage* 100.0%
- d) *Building height – principal building*
 - i) *Minimum* 1.5 storeys
 - ii) *Maximum* 4.0 storeys

5.1.4 Special Provisions

- a) Notwithstanding the *uses* permitted under Section 5.1.1, *resort recreational establishments* shall only be permitted in the RRC-1 zone.
- b) Notwithstanding the *uses* permitted under Section 5.1.1, on land identified as RRC-2 in this By-law, permitted *uses* shall be limited to a *resort marina* and pedestrian and vehicle access bridges.
- c) A maximum of ten percent (10%) of boat slips associated with the *resort marina* may be covered.
- d) Notwithstanding the *uses* permitted under Section 5.1.1, in the area identified as RRC-3 in this By-law, permitted *uses* shall be limited to a *resort theatre* facility with a minimum seating capacity of 300 seats.
- e) Notwithstanding the provisions of Section 3.11.1 of this By-law, required parking for the *resort marina* may be permitted along *private streets* or in

parking areas within 400 m of the *resort marina*.

5.2 RESORT RECREATIONAL HOTEL COMMERCIAL (RRHC) ZONE

5.2.1 Permitted Uses

- a) *Hotel(s)*
- b) *Conference Facilities*

5.2.2 Accessory Uses

- a) *Grade related retail and service commercial uses*
- b) *Uses which are clearly incidental to, associated with and located on the same building envelope as the permitted uses as listed above*

5.2.3 Regulations

- a) *Minimum building envelope area* 4,000.0 sq.m
- b) *Minimum building envelope frontage* 40.0 m
- c) *Maximum building envelope coverage* 60.0%
- d) *Building height – principal building*
 - i) *Minimum* 2.0 storeys
 - ii) *Maximum* 4.0 storeys
- d) *Maximum building height – accessory building* 2.0 storeys

5.2.4 Special Provisions

- a) The *hotel(s)* shall contain a minimum of 400 accommodation rooms and a spa, and the *conference facilities* shall have a minimum *gross floor area* of 5,000 square metres, both of which shall be phased in accordance with Section 8 of this By-law.
- b) At least one *conference facility* shall have a minimum *gross floor area* of no less than 2,700 m².
- c) Notwithstanding the height regulations in Section 5.2.3, a *hotel* may have a maximum *building height* of 6 storeys provided, however, that it is located a minimum of 50 metres from any *existing residential zone*. Any storey above the fourth storey shall be setback a minimum of 1.5 m from the storey below.

5.3 RESORT COMMERCIAL (RC) ZONE

5.3.1 Principal Permitted Use

- a) *Grade Related Retail and Service Commercial Uses*

5.3.2 Accessory Uses

- a) None

5.3.3 Regulations

- a) Minimum *building height* 1.5 *storeys*
- b) Maximum *building height* 3.0 *storeys*

5.3.4 Special Provisions

- a) Required parking associated with *grade related retail and service commercial uses* may be provided along *private streets*, underground, within surface parking areas, or any combination thereof, within 150 metres of the *building envelope*.
- b) On the lands zoned RC-1, a *resort service marina* shall be permitted.

5.4 RESORT SERVICE (RS) ZONE

5.3.1 Principal Permitted Use

- a) Parking lot including a *Structured Parking Facility*
- b) *Resort Service Use*

5.3.2 Accessory Uses

- a) None

5.3.3 Regulations

- a) Maximum *height* 7.5 m

5.3.4 Special Provisions

- a) The minimum setback of a *structured parking facility* from a GOS *zone* shall be 6 m.

SECTION 6

RESORT RECREATIONAL CIVIC ZONES

6.1 RESORT RECREATIONAL CIVIC (RRCV) ZONE

6.1.1 Permitted Uses

- a) Civic Uses including emergency response facilities

6.1.2 Accessory Uses

- a) *Uses* which are clearly incidental to, associated with and located on the same *building envelope* as the permitted *uses* as listed above

6.1.3 Regulations

- a) Minimum *building envelope area* n/a
- b) Minimum *building envelope frontage* n/a
- c) Maximum *building envelope coverage* 50.0%
- d) Maximum *building height* 4.0 *storeys*
- e) Minimum *building setback from a public street* 4.2 m

6.1.4 Special Provisions

- a) None

SECTION 7
OPEN SPACE ZONES

7.1 URBAN OPEN SPACE (UOS) ZONE

7.1.1 Permitted Uses

- a) Parks, parkettes, greens, squares and plazas
- b) Tennis courts, *swimming pools* and associated facilities
- c) Pedestrian and bicycle trails and paths
- d) *Landscaping* and decorative elements and features
- e) *Passive recreation*
- f) Community Garden

7.1.2 Accessory Uses

- a) *Uses* which are clearly incidental to, associated and co-located with permitted *uses* as listed above
- b) Infrastructure *accessory* to the development of the Big Bay Point Secondary Plan lands.

7.1.3 Regulations

- a) Minimum *building envelope area* n/a
- b) Minimum *building envelope frontage* n/a
- c) Maximum *building envelope coverage* n/a
- d) Maximum *height* 4 metres
- e) Minimum *building setback from a public street* n/a

7.2 RURAL OPEN SPACE (ROS) ZONE

7.2.1 Permitted Uses

- a) *Golf course* and associated uses, including *Golf course* clubhouse, halfway house and *accessory buildings*
- b) Pedestrian and bicycle trails and paths
- c) *Landscaping* and decorative elements and features
- d) *Passive recreation*
- e) Playing fields
- f) Stormwater management facilities

7.2.2 Accessory Uses

- a) *Uses* which are clearly incidental to, associated and co-located with permitted *uses* as listed above

7.2.3 Regulations

- | | | |
|----|--|-------------|
| a) | Minimum <i>building envelope area</i> | n/a |
| b) | Minimum <i>building envelope frontage</i> | n/a |
| c) | Maximum <i>building envelope coverage</i> | n/a |
| d) | Maximum <i>building height - principal building</i> | 3.0 storeys |
| e) | Maximum <i>building height - accessory building</i> | 1.0 storey |
| f) | Minimum <i>building setback from a public street</i> | n/a |

7.2.4 Special Provisions

- a) Notwithstanding the *uses* permitted under Section 7.2.1, on land identified as ROS-1 in this By-law permitted *uses* shall also include stormwater management facilities.
- b) The *golf course* clubhouse shall have a minimum *gross floor area* of 500 square metres and *grade related and service commercial uses* in conjunction with a *golf course* clubhouse are permitted to a maximum of 120.0 square metres.
- c) All *buildings* located in this *zone* shall be setback a minimum of 30 metres from a public collector street.
- d) The winter storage of watercraft and/or trailers in a parking lot shall be permitted and shall be appropriately screened from any *public street*, to the satisfaction of the *Town*.

7.3 ENVIRONMENTAL PROTECTION AREA (EPA) ZONE

7.3.1 Permitted Uses

- a) Naturalized areas
- b) Non-paved, naturalized pedestrian trails
- c) *Wildlife Management and Enhancement*
- d) *Public Street* as generally shown on Schedule "B" to this Bylaw

7.3.2 Accessory Uses

- a) None

7.3.3 Regulations

- a) *Minimum building envelope area* n/a
- b) *Minimum building envelope frontage* n/a
- c) *Maximum building envelope coverage* n/a
- d) *Maximum building height* n/a
- e) *Minimum building setback from a public street* n/a

7.3.4 Special Provisions

- (a) None

7.4 GENERAL OPEN SPACE (GOS)

7.4.1 Permitted Uses

- a) *Landscaped buffer*
- b) *Natural buffer*
- c) Community gardens

7.4.2 Accessory Uses

- a) None

7.4.3 Regulations

- a) None

7.4.4 Special Provisions

- a) A continuous *landscaped buffer* with a minimum width of 8.0 metres shall be established and maintained in the 'GOS' *zone*, where it abuts any residential *zone* external to the Big Bay Point Secondary Plan lands.
- b) Notwithstanding the provisions of Section 7.4.4 (a), a continuous *landscaped buffer* with a minimum width of 10.0 metres shall be established and maintained in the 'GOS' *zone* adjacent to Big Bay Point Road.
- c) Where a *resort service marina* use is established in an HDRR3-1 and/or MDRR3-1 *zone*, the minimum width of the *landscaped buffer* shall be 12m.

SECTION 8
HOLDING PROVISIONS

8.1 HOLDING SYMBOL

The (H) holding symbol restricts the use of the lands to uses, *buildings* and *structures* in existence on the date of passage of this By-law until the following conditions are satisfied:

- (a) Prior to lifting the holding provisions on the Phase 1 land, as shown on Schedule "C" to this By-law, the following shall be satisfied:
 - i. A Tree Preservation Plan shall have been completed to the satisfaction of the *Town*, the County and the Conservation Authority;
 - ii. An Edge Management Plan shall have been completed to the satisfaction of the Province, *Town*, the County and the Conservation Authority;
 - iii. A Collector Road Impact Study, including consideration of appropriate lighting governed by the International Dark-Sky Guidelines adjacent to the EPA, shall have been completed to the satisfaction of the Province, *Town*, the County and the Conservation Authority;
 - iv. A Butternut Survey and Management Plan shall have been completed to the satisfaction of the Province and the County in consultation with other public bodies;
 - v. A Planting or Reforestation/Compensation Plan shall have been completed to the satisfaction of the *Town*, the County and the Conservation Authority.
 - vi. An Amphibian and Reptile Protection and Enhancement Plan shall have been completed to the satisfaction of the *Town*, the County and the Province.
 - vii. An Aquatic Vegetation Management Plan, shall have been completed to the satisfaction of the Province in consultation with other public bodies;
 - viii. A Marina Basin Management Plan shall have been completed to the satisfaction of the *Town*, and the Province in consultation with other public bodies;
 - ix. An Environmental Management Plan (Integrated Pest and Turf Management Plan) shall have been completed to the satisfaction of the *Town*, the County and the Conservation Authority.
 - x. An Archaeological Assessment will have been carried out to the satisfaction of the *Town*, the County and the Ministry of Culture;
 - xi. A Coastal Engineering Study shall have been completed to the satisfaction of *Town*, County and Conservation Authority, in consultation with the Ministry of Natural Resources, Transport Canada and the Department of Fisheries and Oceans;
 - xii. A detailed Stormwater Management and Monitoring Plan shall be prepared to

- the satisfaction of the *Town*, County, Conservation Authority and Province;
- xiii. A detailed Functional Servicing Report shall be prepared to the satisfaction of the *Town*;
 - xiv. A Utilities Plan shall be prepared to the satisfaction of the *Town*.
 - xv. A comprehensive Streetscape Plan shall be prepared to the satisfaction of the *Town*;
 - xvi. Urban Design and Architectural Design Guidelines, including guidelines which address lighting adjacent to the EPA, shall be prepared to the satisfaction of the *Town*;
 - xvii. Landscape Plans shall be prepared to the satisfaction of the *Town*;
 - xviii. Detailed Servicing implementation plans shall be prepared to the satisfaction of the *Town*;
 - xix. Sewage capacity to service the Big Bay Point Secondary Plan Lands, as well as lands designated for development within the Alcona Water Pollution Control Plant designated service area and *existing* Big Bay Point residences shall have been demonstrated through the class environmental assessment process.
 - xx. All necessary municipal water and sewage capacity shall have been allocated for Phase 1 and Phase 2 and all necessary water and sewer services shall have been provided to the development;
 - xxi. A site plan development agreement related to the *golf course* shall have been executed; and
 - xxii. A site plan development agreement related to the *resort marina* shall have been executed.
 - xxiii. An Environmental Education Brochure shall be prepared to the satisfaction of the *Town*, the County and the Province.
- (b) Prior to lifting the holding provisions on a maximum of 800 *resort residential units* on the Phase 2 land, as shown on Schedule "B" to this By-law, the following shall be satisfied:
- i. The Phase 1 *golf course* and *golf course* clubhouse shall have been completed to the satisfaction of the *Town*;
 - ii. The Phase 1 *resort marina* and *boardwalk* shall have been completed to the satisfaction of the *Town*;
 - iii. All forestation required by the Planning Reforestation Compensation Plan (as defined in Town Official Plan Amendment No. 17) both on and off the Big Bay Point Resort Secondary Plan Lands shall have been completed to the satisfaction of the *Town* and the Lake Simcoe Region Conservation Authority (the "LSRCA");

- iv. The Open Space and Trails Plan required by Town Official Plan Amendment No. 17 shall have been completed to the satisfaction of the *Town*, the County and the appropriate Provincial regulatory authorities in consultation with other public bodies;
- v. Trails Impact and Management Study shall have been completed to the satisfaction of the *Town*, the County and the Province in consultation with other public bodies;
- vi. Any negative impacts on *existing* wells resulting from construction activities in Phase 1 have been remedied to the satisfaction of the *Town*, in consultation with the County Simcoe (the "County") and the Ministry of the Environment (the "MOE");
- vii. Any negative impacts on the water quality of Lake Simcoe and the resort marina basin associated with construction and the ongoing maintenance of Phase 1 shall have been remedied to the satisfaction of the *Town* in consultation with the County, LSRCA, the Province and the Department of Fisheries and Oceans (the "DFO");
- viii. The Plan of Subdivision for the Big Bay Point Resort Secondary Plan Lands shall have been registered;
- ix. The public road connecting the Thirteenth Line and Big Bay Point Road shall have been completed to the satisfaction of the *Town*;
- x. Documentation has been prepared indicating that a sufficient supply of parking is available for Phase 1 to the satisfaction of the *Town*;
- xi. Documentation shall have been prepared indicating that the sewage generation rates and water consumption rates used for Phase 1 are acceptable, to the satisfaction of the *Town*;
- xii. Any necessary off-site road improvements shall have been completed to the satisfaction of the *Town*;
- xiii. A site plan development agreement related to the Phase 2 lands shall have been executed;
- xiv. A *hotel(s), conference facilities, resort theatre, grade related retail and service commercial uses* may be built to the maximum limit outlined in Section 3.4, anytime after the holding (H) symbol has been removed from the Phase 2 lands, in accordance with Sections 8.1(c)v. and 8.1(d)iv., and 8.1(c)vi. and 8.1(d)v;
- xv. The Amphibian and Reptile Protection and Enhancement Works shall have been completed to the satisfaction of the Province, the County and the *Town*; and
- xvi. Any negative impacts on natural heritage features and functions resulting from construction activities, development or site alteration in Phase 1 determined as a result of monitoring as required under Official Plan Amendment No. 17, Section 8.13.8, have been remedied to the satisfaction of the *Town* and the County, in

consultation with the Province.

- (c) Prior to lifting the holding provisions on a maximum of 400 *resort residential units* on the Phase 3 land, as shown on Schedule "C" to this By-law, the following shall be satisfied:
- i. All necessary municipal water and sewage capacity shall have been allocated for Phase 3;
 - ii. A minimum of 75% of the Phase 2 *resort residential units* shall have been built, transferred in title and occupied;
 - iii. A minimum of 4,000 square metres of *grade related retail and service commercial gross floor area* shall have been completed to the satisfaction of the *Town* and a minimum of 2,000 square metres shall have been leased;
 - iv. A *resort recreational establishment* having a minimum *gross floor area* of 3,000 square metres shall have been completed to the satisfaction of the *Town*;
 - v. A *hotel* having a minimum of 100 accommodation rooms shall have been completed to the satisfaction of the *Town*.
 - vi. *Resort conference facilities* having a minimum *gross floor area* of 3,000 square metres, which may be integrated with a *hotel* use, shall have been completed to the satisfaction of the *Town*.
 - vii. The majority of Collector Roads shall have been completed to the satisfaction of the *Town*;
 - viii. The Internal Road Network and General Open Space uses as necessary to accommodate the components of Phase 2 shall have been completed to the satisfaction of the *Town*;
 - ix. The system of pedestrian trails and bicycle pathways described in the Open Space and Trails Plan shall have been completed as required to accommodate the components of Phase 2 and to create a continuous connection between Big Bay Point Road in the north and Thirteenth Line in the south;
 - x. Any negative impacts on *existing* wells resulting from construction activities in Phase 2 have been remedied to the satisfaction of the *Town*, in consultation with the County and the MOE;
 - xi. Any negative impacts on the water quality of Lake Simcoe and the resort marina basin associated with construction and the ongoing maintenance of Phase 2 shall have been remedied to the satisfaction of the *Town* in consultation with the County, LSRCA, the MNR, the MOE and the DFO.
 - xii. Documentation has been prepared indicating that the Phase 2 *resort residential units* are being occupied on a non-permanent basis to the satisfaction of the *Town*;
 - xiii. Documentation shall have been prepared indicating that a sufficient supply of

- parking is available for Phase 2 to the satisfaction of the *Town*;
- xiv) Documentation shall have been prepared indicating that the sewage generation rates and water consumption rates used for Phase 2 are acceptable, to the satisfaction of the *Town*.
 - xv. Any necessary additional off-site road improvement shall have been completed to the satisfaction of the *Town*; and
 - xvi. A site plan development agreement related to the Phase 3 land has been executed.

 - xvii) Any negative impacts on natural heritage features and functions resulting from construction activities, development or site alteration in Phase 1 and 2 determined as a result of monitoring as required under Official Plan Amendment No. 17, Section 8.13.8, have been remedied to the satisfaction of the *Town* and the *County*, in consultation with the *Province*.
- (d) Prior to lifting the holding provisions on the remainder of the *resort residential units* on the Phase 4 land, as shown on Schedule "C" to this By-law, the following shall be satisfied:
- i. All necessary municipal water and sewage capacity shall have been allocated for Phase 4;
 - ii. A minimum of 75% of the Phase 3 *resort residential units* shall have been built, transferred in title and occupied;
 - iii. A minimum of 8,000 square metres of *grade related retail and service commercial gross floor area* shall have been built and minimum of 4,000 square metres shall have been leased;
 - iv. A minimum of 400 *hotel* rooms shall have been completed to the satisfaction of the *Town*;
 - v. A minimum of 5,000 square metres of resort *conference facilities* floor space, which may be integrated with a *hotel* use, shall have been completed to the satisfaction of the *Town*;
 - vi. The Internal Road Network, trails and bicycle pathways and General Open Space uses necessary to accommodate the components of Phase 3 shall have been completed to the satisfaction of the *Town*;
 - vii. Any negative impacts on *existing* wells resulting from construction activities in Phase 3 have been remedied to the satisfaction of the *Town*, in consultation with the *County* and the *MOE*;
 - viii. Any negative impacts on the water quality of Lake Simcoe and the resort *marina* basin associated with construction and the ongoing maintenance of Phase 3 shall have been remedied to the satisfaction of the *Town* in consultation with the *County*, *LSRCA*, the *MNR*, the *MOE* and the *DFO*.

- ix. Documentation has been prepared indicating that the Phase 3 *resort residential units* are being occupied on a non-permanent basis to the satisfaction of the *Town*;
- x. Documentation shall have been prepared indicating that a sufficient supply of parking is available for Phase 3 to the satisfaction of the *Town*;
- xi. Documentation shall have been prepared indicating that the sewage generation rates and water consumption rates used for Phase 2 and Phase 3 are acceptable to the satisfaction of the *Town*.
- xii. Any necessary additional off-site road improvement shall have been completed to the satisfaction of the *Town*; and
- xiii. A site plan development agreement related to the Phase 4 land has been executed.
- xiv) Any negative impacts on natural heritage features and functions resulting from construction activities, development or site alteration in Phases 1, 2 and 3 determined as a result of monitoring as required under Official Plan Amendment No. 17, Section 8.13.8, have been remedied to the satisfaction of the *Town* and the County, in consultation with the Province.

8.2. This by-law comes into force and takes effect on the day it is finally passed by *Council*, subject to the appeal procedures set out in the Planning Act and subject to OPA 17 having come into effect.

READ A FIRST TIME AND TAKEN AS READ A SECOND TIME THIS , DAY OF, 2007.

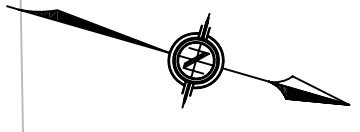
Brian H. Jackson, Mayor

Paul G. Landry, Clerk

READ A THIRD TIME AND FINALLY PASSED THIS , DAY OF , 2007.

Brian H. Jackson, Mayor

Paul G. Landry, Clerk



THIRTEENTH LINE

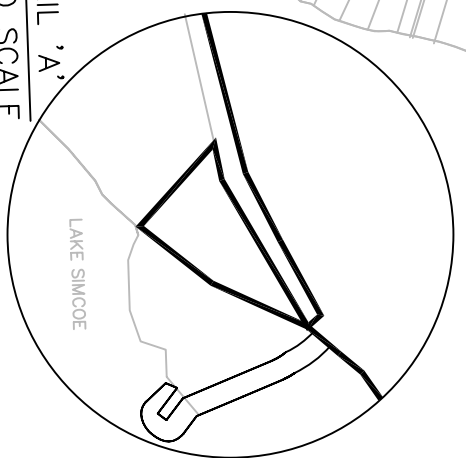
13TH LINE

13TH LINE

LAKE
SIMCOE

SEE DETAIL 'A'

DETAIL 'A'
NOT TO SCALE



LEGEND
[Hatched Box] LANDS SUBJECT TO AMENDMENT

**SCHEDULE "A":
LANDS SUBJECT TO AMENDMENT**

1:4000

TRAVELLED ROAD

BIG BAY POINT ROAD

BIG BAY POINT ROAD

DECK ROAD

12TH CONCRESSION

12TH CONCRESSION

KIMBERLY STREET

MAPLE GROVE ROAD

WEST STREET

CENTRE STREET


ROSEMARY LANE

PINE ROCK AVENUE

RUTH DRIVE

ROSEMARY ROAD

EAST DRIVE

- LEGEND**
-  SECONDARY PLAN AREA
 -  PHASE ONE
 -  PHASE TWO
 -  PHASE THREE
 -  PHASE FOUR

**SCHEDULE "C"
PHASING**
1:4000

