

Ontario Land Tribunal

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**Tribunal ontarien de
l'aménagement du territoire**

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October 22, 2021

TO: All recipients of the Ontario Land Tribunal Decision and Order issued on
October 13, 2021

RE: OLT CASE NO.: PL200013, DECISION ISSUED OCTOBER 13, 2021

On October 13, 2021, the Ontario Land Tribunal issued its Decision and Order ("Decision") on the above noted case.

Rule 24.4 of the Ontario Land Tribunal's *Rules of Practice and Procedure* states that the Tribunal may at any time correct a technical or typographical error made in a decision or order.

The Tribunal has updated the Decision for greater clarity under the authority of this Rule by adding Attachments 1 to 3 in accordance to the amended paragraphs of [45] to [47].

A corrected version of the Decision issued on October 13, 2021 is enclosed with this communication. This enclosed Decision replaces the Decision and Order issued on October 13, 2021.

Thank you.

"Euken Lui"

EUKEN LUI
ACTING REGISTRAR

Encl.

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 13, 2021

CASE NO(S): PL200013

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Barbara Rowland et al
Subject:	Application amend Zoning By-law No. 2008-66P - Refusal of Application by Town of Huntsville Conservation-Holding (C-H)
Existing Zoning:	Shoreline Residential Five (SR5)
Proposed Zoning:	To permit the development of two lots
Purpose:	100 and 200 Treasure Island
Property Address/Description:	Town of Huntsville
Municipality:	Z/29/2019/HTE
Municipality File No.:	PL200013
OLT Case No.:	PL200013
OLT File No.:	Ball et al v. Huntsville (Town)
OLT Case Name:	

PROCEEDING COMMENCED UNDER subsection 53(14) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Barbara Rowland et al
Subject:	Application for Consent - Failure of the Town of Huntsville to make a decision
Purpose:	To permit a severance on Treasure Island
Property Address/Description:	622 North Waseosa Lake Road
Municipality:	Town of Huntsville
Municipal File No.:	B/45/2019HTE
OLT Case No.:	PL200013
OLT File No.:	PL200054

PROCEEDING COMMENCED UNDER subsection 53(14) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Barbara Rowland et al
Subject:	Application for Consent - Failure of the Town of Huntsville to make a decision

Purpose:	To permit a severance on Treasure Island
Property Address/Description:	600 North Waseosa Lake Road
Municipality:	Town of Huntsville
Municipal File No.:	B/44/2019HTE
OLT Case No.:	PL200013
OLT File No.:	PL200053

Heard: April 19-23, 2021 by video hearing

APPEARANCES:

Parties

Counsel/Representative*

Keith Ball, Gayle Gailits and
Barbara Rowland

Russell D. Cheeseman

Lake Waseosa Ratepayers'
Association

Kevin Thompson and Jennifer Trommelen-Jones

Douglas Janes

Self-represented*

DECISION DELIVERED BY JATINDER BHULLAR AND ORDER OF THE TRIBUNAL

[1] This hearing was held by video over five days. The parties completed and provided written closing submissions to the Tribunal on May 7, 2021.

[2] The appeals have been brought by Keith Ball, Gayle Gailits and Barbara Rowland ("Applicant/Appellant") regarding the refusal by the Town of Huntsville (the "Town") to pass an amendment to Zoning By-law No. 2008-66P (the "ZBL") and its failure to make decisions on consent applications relating to lands located at 600 and 622 North Waseosa Lake Road and 100 and 200 Treasure Island ("subject lands").

[3] The consents are requested by the Applicant/Appellant so that the subject lands which are an island in Lake Waseosa can be suitably accessed from land access points that connect to North Waseosa Lake Road.

[4] There are three Zoning By-law Amendments (“ZBA”) requested by the Applicant/Appellant. These are:

- a. Zoning Amendment for 600 Lake Waseosa Road to add additional use “Waterfront Landing” to existing R5 designation; and
- b. Two applications for rezoning of 100 and 200 Treasure Island from existing “Conservation-Holding (C-H)” in the Town’s ZBL to R5 zoning.

WITNESSES AND EVIDENCE

[5] The Town did not attend nor provide any evidence at the hearing. Two parties opposed the Applicant/Appellant’s requested relief in these appeals: Lake Waseosa Ratepayers’ Association (“LWRA”) and Douglas Janes (“Janes”).

[6] The Applicant/Appellant presented two witnesses. Lanny Dennis was called to provide expert opinion evidence in the area of land use planning. Hannah Wolfram was called to present expert opinion evidence in the area of ecology.

[7] LWRA presented two witnesses. Michael Sullivan provided expert opinion evidence in the area of land use planning. Tristan Knight presented expert opinion evidence in the area of land use planning.

[8] Janes called two witnesses. Kirstin Maxwell presented evidence as a lay witness. Stephan Fahner presented expert opinion evidence in the area of land use planning.

CONSENT APPEAL: ISSUES AND ANALYSIS

[9] Mr. Dennis explained that the consents relate to parking and water access in respect of the creation of rights-of-way over the properties known municipally as 620 and 622 North Waseosa Lake Road, in favour of the properties know as 100 and 200 Treasure Island in the Town (Exhibit 1, pages 27-30).

[10] In order to allow each of the consents, Mr. Dennis reviewed and presented uncontested evidence guided by s. 53 of the *Planning Act* ("Act").

[11] As directed in s. 53, Mr. Dennis provided a detailed review of criteria in s. 51(24) of the Act:

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*.

[12] Mr. Dennis stated that s. 51(24)(a) provincial interest is served as the consents will allow for the development and use of a recreational property, in small measure will facilitate construction jobs and provide for reasonable access to shoreline.

[13] In review of the remainder of s. 51(24) through subsections (b-m), Mr. Dennis opined that no new lots are created; the accesses provide a 7.6 metre ("m") right-of-way over a private road; no municipal services are needed; no demand for schools expansion; and that the easements are made available for water lot access. Mr. Dennis concluded that the consents are not premature and are in conformity with the Town's Official Plan ("TOP").

[14] Mr. Dennis was cross-examined, and his evidence was unfettered. The Tribunal finds based on all the evidence on file and Mr. Dennis' testimony that the consents are appropriate as the provincial interest is preserved and a plan of subdivision is not required.

[15] Based on the uncontroverted evidence of Mr. Dennis, the Tribunal finds that a plan of subdivision is not necessary for the proper and orderly development of the Town.

ZONING BY-LAW AMENDMENTS

[16] When considering a proposed ZBA, the Tribunal must consider each of the following tests set out in the Act, to determine whether the ZBA:

- a. has regard for the Provincial interests set out in s. 2 of the Act;
- b. is consistent with the PPS;
- c. conforms to the District Municipality of Muskoka Official Plan ("DOP") and the TOP;

- d. maintains the general intent and purpose of the zoning by-law; and
- e. is desirable for the appropriate development or use of the land.

ZBA FOR 600 NORTH WASEOSA LAKE ROAD

[17] Associated with the consent to facilitate access to 100 and 200 Treasure Island, the property at 600 North Waseosa Lake Road requires the addition of “Waterfront Landing” with associated performance standards to the permitted SR5 uses that are currently on the property (Exhibit 1, Tab 44, pages 814 to 816).

[18] Mr. Dennis provided the planning evidence and opined that this additional use meets all the statutory requirements for approval as a ZBA. Mr. Dennis referred to his Witness Statement for analysis of the Act, the Provincial Policy Statement 2020 (“PPS”), the District Municipality of Muskoka Official Plan (2019), and the Town of Huntsville Official Plan (2006), which was in force and effect at the time of the rezoning applications, and the Town of Huntsville Official Plan (2019). Mr. Dennis also relied on the evidence of Ms. Wolfram, the Ecologist called on behalf of the Applicant/Appellant at this Hearing, and her work on the Waterfront Landing property (600 and 622 North Waseosa Lake Road) which is attached to her Witness Statement (Exhibit 1, Tab 8, Appendix “D”, pages 82 to 89).

[19] Whereas Mr. Dennis was cross-examined, there was no opposing evidence presented and the expert opinion evidence of Mr. Dennis was unfettered.

[20] The Tribunal finds that based on the totality of the evidence before it that the ZBA requested for 600 Waseosa Lake Road has regard for s. 2 of the Act, is consistent with the PPS, conforms with the DOP and TOP, maintains the general intent and purpose of the ZBL and is appropriate for desirable development of the land.

ZBA FOR 100 AND 200 TREASURE ISLAND

[21] The Applicant/Appellant seeks Shoreline Residential Five (SR5) zoning to construct one dwelling on each of 100 and 200 Treasure Island sites. This was the main area of contest between the Applicant/Appellant and opposing parties.

[22] At the hearing contested evidence was presented in two key areas as it affects the consideration of the ZBA request. These were:

- a. The ecological assessment regarding suitability and feasibility of the proposal with respect to the two properties at 100 and 200 Treasure Island; and
- b. The planning policies and plans as these relate to the subject lands.

ECOLOGY

[23] Ms. Wolfram provided specific evidence related to issues identified LWRA in the Procedural Order ("PO"). Ms. Wolfram stated that she conducted an in-water navigation study in Lake Waseosa around the Treasure Island property and also on-site work to assess ecological functions. Ms. Wolfram informed the Tribunal that she provided Scoped Environmental Impact Study which was provided to the Town (Exhibit 1, Tab 8, Appendix C). There was no peer review conducted by the Town however, the Town reviewed the material with the Ministry of Natural Resources and Forestry ("MNR"). As a result, the subject lands were also studied for a variety of species that are endangered or threatened and could exist on the subject lands. Ms. Wolfram stated that she took habitat-based approach which provides conservative approach for protection of environment.

[24] Mr. Knight provided his evidence and critique of Ms. Wolfram's study methodologies as part of LWRA participation in this hearing. Furthermore, Mr. Knight

under questioning confirmed that his evidence was not based on any physical aquatic or land-based field work around Treasure Island or the subject lands.

[25] Mr. Knight disputed that the biophysical conditions have not been properly studied including erosion impacts and it could impact the sizing and location of building a structure or dwelling on the subject lands within the parameters of requested SR5 rezoning. Mr. Knight particularly cited that Ms. Wolfram's studies of subject lands do not provide sufficient details to make such determination. Ms. Wolfram opined that she has done field measurements of water access, vegetation and terrain. Ms. Wolfram opined that the planned development locations and the suitable dwelling structures can be built that will work within the requested SR5 zone setbacks. She further opined that her field work did not identify any ecological issues save and except for a possible bat habitat that is not impinged upon by the proposal and sufficient mitigation measures exist if needed to be employed, given the size of each of 100 Treasure Island and 200 Treasure Island.

[26] Mr. Knight raised the concern that deer wintering areas were in the prescribed distance that requires a study of this feature. Mr. Knight estimated that this situation existed as the distance from an identified wintering habitat was short by 60 m, i.e. if the subject lands were another 60 m away then deer wintering study would not have been required. Mr. Knight in answer to questions admitted that he has used the same shoreline mapping in calculating his distance that he has previously stated was not accurate enough. Ms. Wolfram admitted to the existing of identified deer wintering area but added that there are substantial and continuous shoreline developments interposing between the subject lands and the deer wintering area creating continuous barriers of structures as well as Lake Waseosa, which are between the shoreline and the subject lands. Ms. Wolfram opined that creates relatively unsurmountable barriers for deer wintering to be of concern *vis-a-vis* the Treasure Island.

[27] Ms. Wolfram through her field data analysis showed that appropriate water ingresses were available for the proposal which avoided any identified Type 1 fish habitat. Mr. Knight opined that perhaps the timing of the studies did not fully follow the

proper time of year for such a study being in late fall. Ms. Wolfram opined that she did close observations in her study to determine what sustains Type 1 fish habitat and had no reservations on the outcome of her studies.

[28] The Tribunal having reviewed the evidence presented by Mr. Knight and Ms. Wolfram prefers the opinion evidence of Ms. Wolfram. Ms. Wolfram has been engaged in and has carried out her studies and investigations through field work, in communication with Town staff, and having received direction indirectly from MNRF through the Town staff. The evidence of Mr. Knight is more in the vein of a peer review with a large number of embedded apprehensions and generally fault finding. He found it hard to recognize anything positive about Ms. Wolfram's work and only under direct questions admitted some virtue or legitimate findings in Ms. Wolfram's work.

[29] Ms. Wolfram answered the issues list questions indicating that the ecological investigations have established that the proposed zoning will not create any issues on an ecological basis *vis-a-vis* s. 2 of the Act regarding provincial interests, the PPS 2020, the DOP, the TOP and maintains the intent and purpose of the ZBL with respect to ecological aspects.

ZONING: SHORELINE RESIDENTIAL (SR5)

[30] The Applicant/Appellant seeks zoning Shoreline Residential for each of 100 Treasure Island and 200 Treasure Island versus existing zoning "C-H", Conservation-Holding. Ms. Maxwell who works for the Town was asked about the origins of this zoning designation as prior to around 2008, the subject lands were zoned Rural 1 ("RU1") and there was no dispute about this. Ms. Maxwell stated that she could not trace any reasons or history for the zoning change except it appears to have occurred around a municipal comprehensive review that was undertaken during the time of this change. Mr. Sullivan opined that the water quality has been updated and the removal of holding is not necessary as the underlying purpose of the same has been achieved.

[31] Mr. Dennis reviewed s. 2 of the Act in detail. He adopted the opinion evidence of Ms. Wolfram in the area of ecology for all planning considerations, whereby Ms. Wolfram opines that the rezoning has regard for s. 2 (a) and s. 2 (e) of the Act and ecological impacts are minimal to none and have been mitigated where necessary through proper location of accesses to subject lands as well as in the placement of dwellings. Mr. Dennis in further review of s. 2 opined that the requests comply with s. 2 with due buffers being established around proposed structures, the development represents developing recreational uses, possible jobs during construction and that there is reasonable access to shoreline. There was very little opposing evidence with regard to s. 2 other than Mr. Knight's ecological opinions where the Tribunal has already determined that it prefers the opinion evidence of Ms. Wolfram.

[32] The Tribunal thus finds that the proposed zoning requests have regard for s. 2 of the Act and the provincial interest.

[33] Mr. Dennis reviewed the PPS including issues per the PO. Mr. Dennis adopted the ecological opinions of Ms. Wolfram specially policy 2.1 where Ms. Wolfram opined that there is availability of suitable sites for development and if necessary, any adverse affects like slopes can be minimized through mitigation measures. Mr. Dennis stated that within the context of the PPS, the subject lands are rural areas. Mr. Dennis opined that the proposal is consistent whereby suitable private sewage solution is feasible to manage the site dwellings. He also reviewed policy 1.1.5.2 b) which allows for resource based recreational uses. In review of policy 1.1.5.5 he opined that the proposed development is appropriate in size given the large size of each of the two parcels in the subject lands. The Tribunal notes that planners called by the opposing parties, Mr. Sullivan and Mr. Fahner, were in agreement that a dwelling on each lot would be appropriate given the size of 100 Treasure Island and 200 Treasure Island.

[34] In review of policies in s. 3.0 of the PPS regarding protecting public health and safety, Mr. Dennis opined that the siting of the development can provide for safe development of the dwelling and there will be no hazardous conditions that will confront the usage or development of these developments. Mr. Dennis opined that the site for

development has been selected with ecological considerations and there are no species at risk within the proposed development envelopes. Mr. Dennis concluded that the proposal is consistent with the PPS.

[35] Mr. Dennis reviewed the DOP and specific policies in sections C and J regarding natural heritage, water resources and consistent with Muskoka settlement patterns. For consideration of section C, Mr. Dennis adopted the expert opinion evidence of Ms. Wolfram which concluded that the proposal is ecologically appropriate. Mr. Dennis opined that the proposal conforms with the specific direction in the DOP's section J as the proposal is an appropriate economic recreational use waterfront development with due consideration for size, appropriate considerations for access and suitable infrastructure considered to develop the two dwellings. Mr. Dennis referring to section K5 stated that the DOP defers further considerations to the TOP.

[36] Mr. Dennis reviewed the applicable policies in the TOP. He opined that the proposal maintains the direction regarding community character through managed and appropriate scale of the development which maintains substantial tree cover. He opined that in respect of policy 2.4.1, the proposal addresses second home community direction in the TOP. Depending upon the expert opinion evidence of Ms. Wolfram, he added that the proposal follows the TOP with due consideration for activity areas established in the proposal, as well as environment direction in section 3 of the TOP through proposed environmental and landscape considerations with buffers between the surrounding areas and development envelopes.

[37] Mr. Fahner suggested that the lake plan for Lake Waseosa is the proper instrument and this development is an ideal candidate to be assessed against it. He added that this plan developed with efforts of LWRA is not recognized by the TOP. Janes suggested that perhaps the Tribunal should so request the adoption of this plan. The Applicant/Appellant submitted that this is not before the Tribunal and as such, the Tribunal lacks authority to allow this request. The Tribunal agrees with the Applicant/Appellant and cannot address the proposed lake plan for Lake Waseosa in this proceeding.

[38] Mr. Dennis reviewed section 8 of the TOP and opined that in consideration of applicable parts of section 8 (Waterfront Policies), the policy provides a balance between the building and natural features per subsection 8.2; follows the design principles guidance of subsection 8.3 with protection of “ribbon of life” as per subsection 8.3.3 and the accesses have been ecologically selected and also the development is offset from shorelines, so the build form does not dominate the shoreline.

[39] Mr. Dennis opined that whereas TOP 2006 is applicable to the appeal, he has reviewed and opines that the application has regard for the TOP 2019 and conforms. He particularly identified the coverage of steep slopes in the newer TOP and opined that the proposed development is over an area where soil exists over the majority of the area. Mr. Dennis concluded that the ZBA thus conforms with the TOP.

[40] Mr. Dennis reviewed the ZBA and stated that many people and staff have expressed that “C” zoning implies conservation and no change. Referring to the ZBL Mr. Dennis opined that apart from not allowing a dwelling unless it existed before the zoning was established, there are many uses allowed which have no relationship to or connection to a typical conservation area. He also opined that the “C” zoning appears to be an anomaly with only one other site so zoned while the shoreline of Lake Waseosa is heavily developed. He also emphasized and Ms. Maxwell agreed that there is no data available from the Town which provides rationale for the original change from rural to “C” in 2008.

[41] Mr. Dennis reviewed the requested R5 zoning and stated that it is the next most restrictive zoning category for such properties, but it allows for the development of dwellings with suitable safeguards with prescriptions for setbacks and other parameters. He stated that “Conservation Zone” has no corresponding designation in the Official Plans of either the District Municipality of Muskoka or the Town of Huntsville. Indeed, Treasure Island is designated the same as the rest of the shoreline in both the DOP (Waterfront Area) and the TOP (Waterfront).

[42] In spite of differing planning opinions, Mr. Sullivan and Mr. Fahner agreed that building at least one dwelling on each of 100 Treasure Island and 200 Treasure Island with water access provided through North Lake Waseosa Road properties is appropriate. Ms. Maxwell informed the Tribunal that the Town staff drafted certain different zoning options with site specific conditions. She added that these allowed for a specific area in each site to be zoned SR5 while maintaining that the rest of the property areas to be kept "C" zoned. Under cross-examination she admitted that on her review, she could see that the conditions attached to such scenarios were such that they would not allow any dwelling to be built in spite of a proposed zoning change. Mr. Sullivan stated that zoning of the subject lands as RS5 in full is problematic as future lotting and development could occur. Mr. Sullivan suggested that spot zoning will be more appropriate. Similarly, Mr. Fahner suggested that split zoning be considered whereby the building envelope and the accesses be zoned "SR5" and the rest of the subject lands be kept "C" zoned. Mr. Sullivan and Mr. Fahner opined that if it was not so established the Applicant/Appellant in the future could build more dwellings. Both the opposing planners could not provide any policy basis for their suggestions in this regard. The Applicant/Appellant submitted that site plan control and other approval processes interpose to ensure that the development proceeds according to due compliance with the Town's planning policies and by-laws.

[43] Mr. Dennis concluded in his overall assessment of the ZBA applications and opined that the proposed zoning is fully supported in policies and is good planning as well as the ZBA maintains the intent and purpose.

[44] Having reviewed all the evidence before it, the submissions of the parties and the oral evidence presented at the hearing, the Tribunal finds that the ZBAs have regard for the provincial interest, are consistent with the PPS, conform with the District Municipality of Muskoka's and the Town's official plan and maintain the general intent and purpose of the ZBL.

ORDER

[45] The Tribunal Orders that the appeals are allowed in part. Provisional consent is to be given to the two consents 620 and 622 North Waseosa Lake Road for properties located at as per Attachment 1.

[46] The Tribunal allows the appeal in part and By-law No. 2008-66P for the property located at 620 North Waseosa Lake Road in the Town of Huntsville is to be amended generally in accordance with Attachment 2. The Applicant/Appellant shall provide the Tribunal with final form of these documents in a form considered suitable by the Town of Huntsville for review and issuance within 60 days of this order.

[47] The Tribunal allows the appeals in part to rezone 100 Treasure Island and 200 Treasure Island as Shoreline Residential 5 with respect to the Zoning By-law No. 2008-66P for the Town of Huntsville is to be amended and generally in accordance with Attachment 3. The Applicant/Appellant shall provide the Tribunal with final form of these documents in a form considered suitable by the Town of Huntsville for review and issuance within 60 days of this order.

[48] Should any difficulties arise in implementing this order, the Tribunal may be approached.

“Jatinder Bhullar”

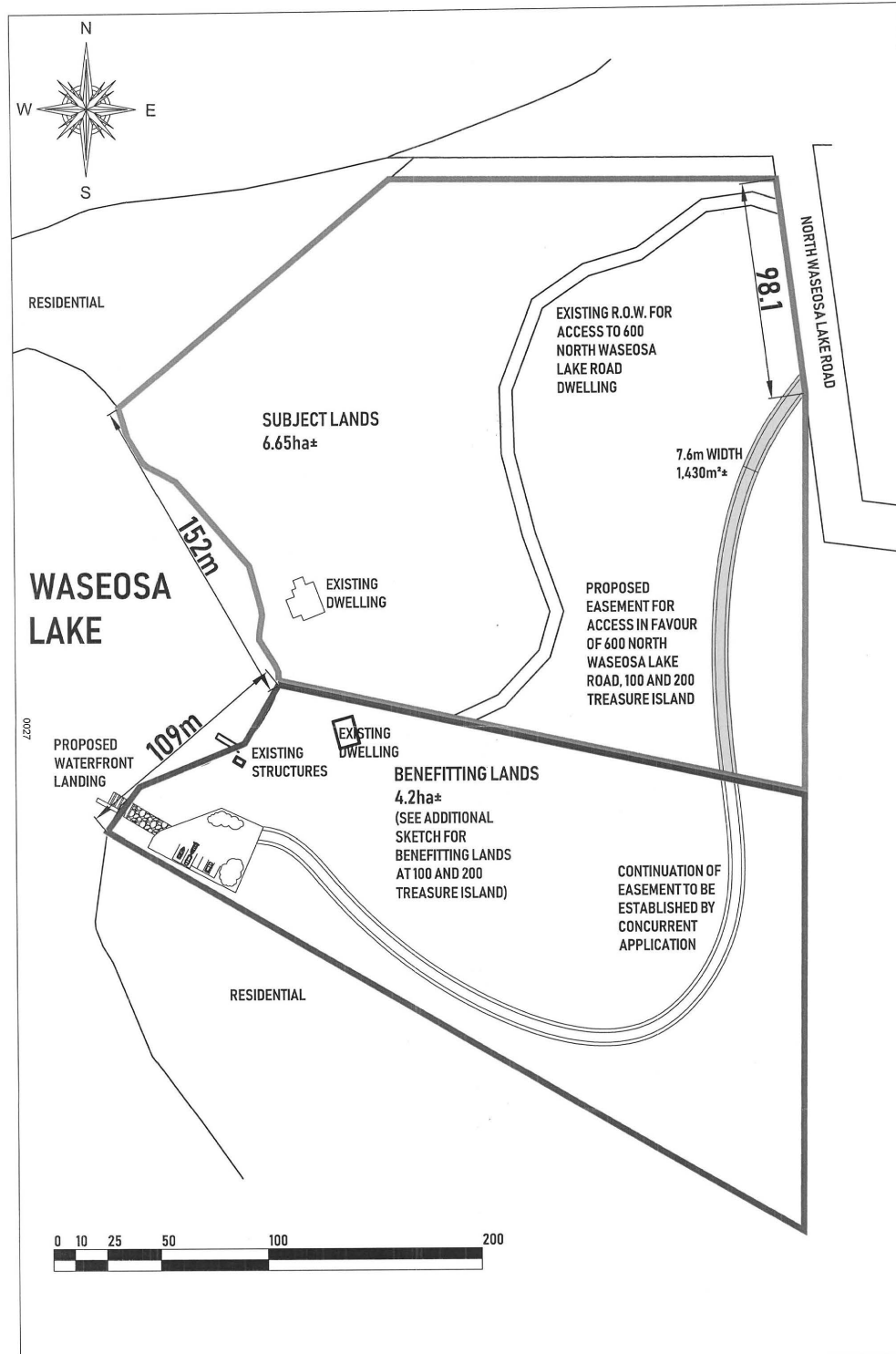
JATINDER BHULLAR
MEMBER


Ontario Land Tribunal

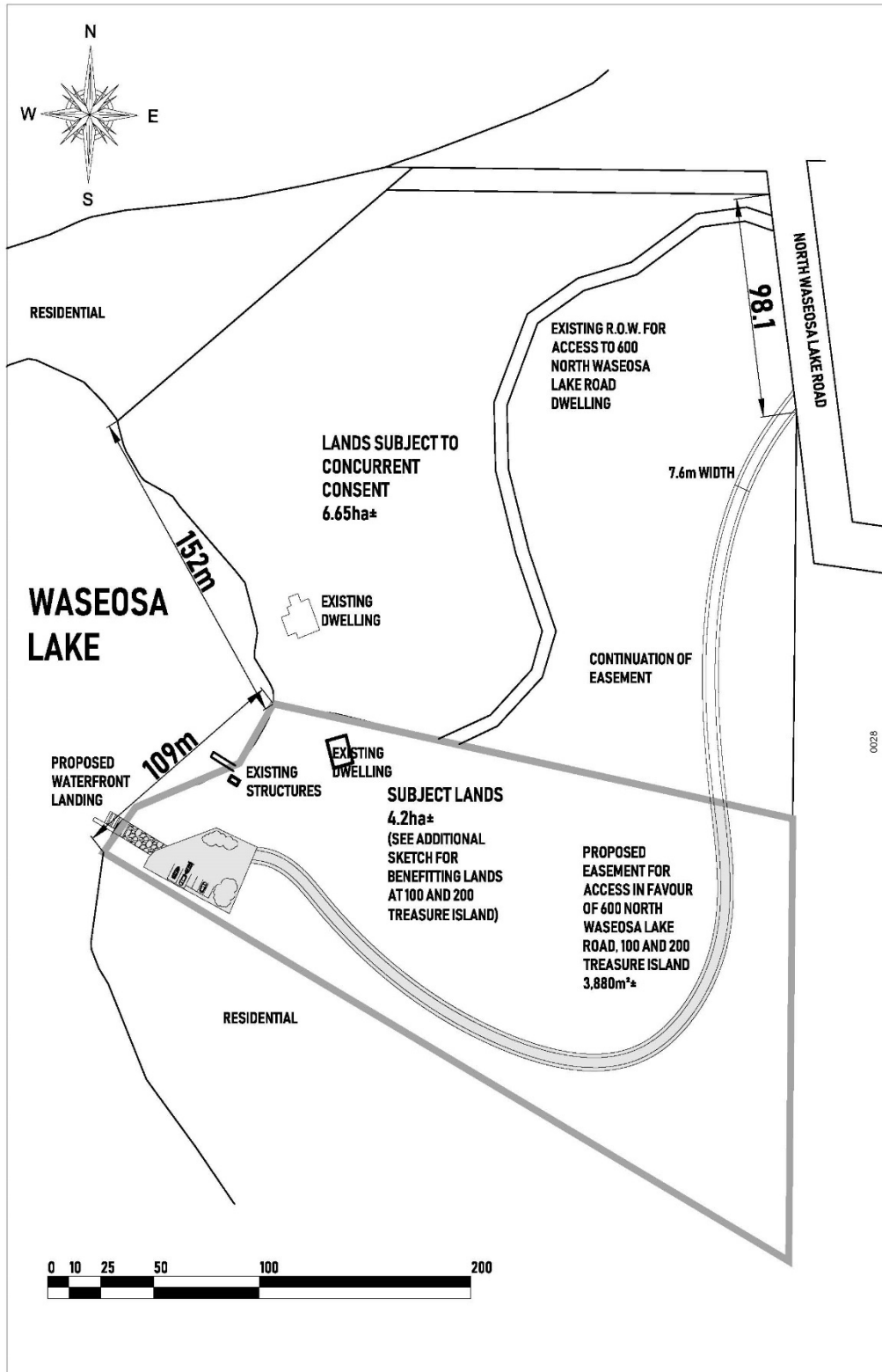
Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248


The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

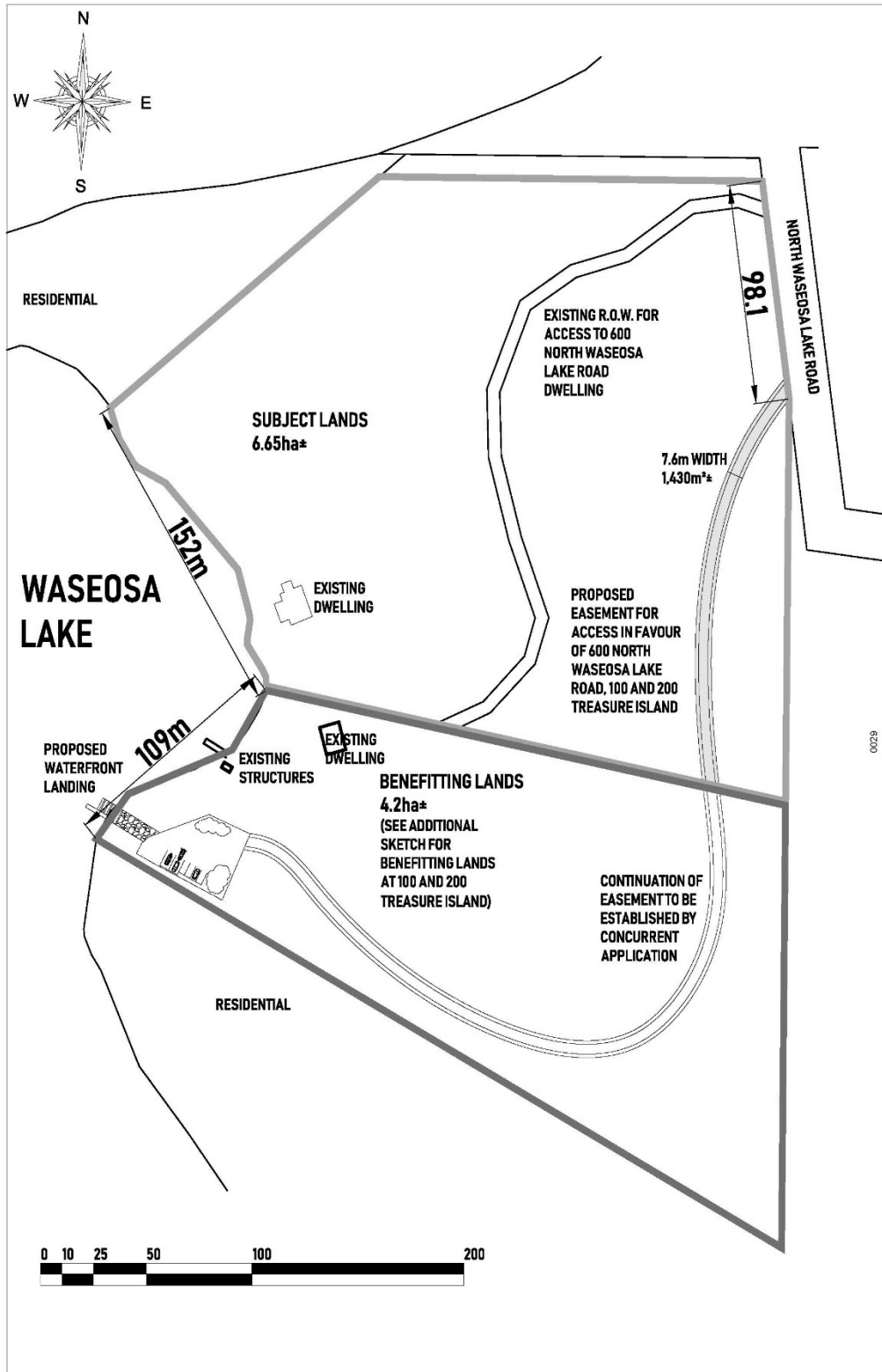
PL200013 – Attachment 1




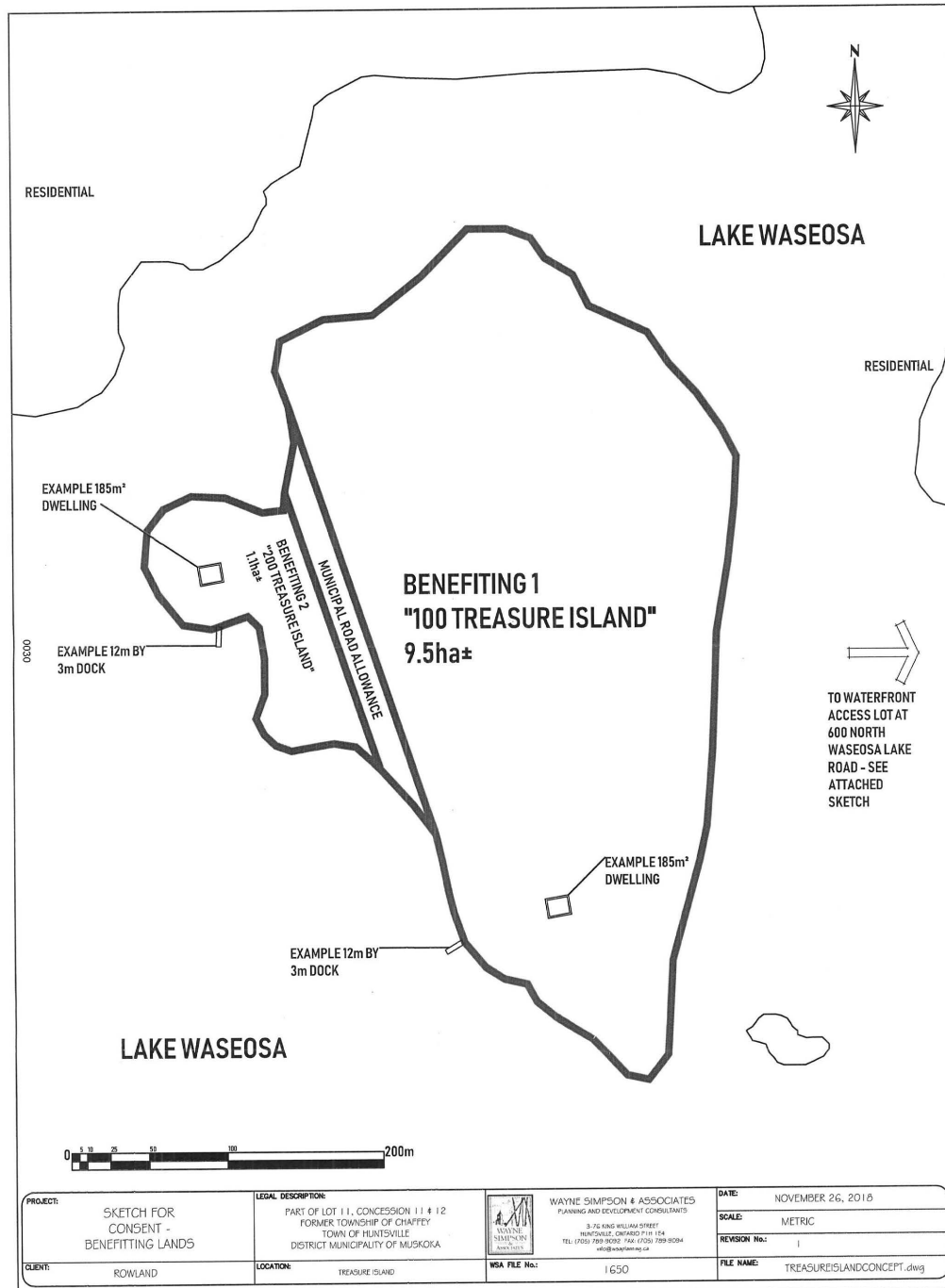
PROJECT: SKETCH FOR CONSENT	LEGAL DESCRIPTION: PART OF LOT 12, CONCESSION 11 FORMER TOWNSHIP OF CHAFFEE TOWN OF HURTSVILLE DISTRICT MUNICIPALITY OF MUSKOKA	WAYNE SIMPSON & ASSOCIATES PLANNING AND DEVELOPMENT CONSULTANTS  3-76 KING WILLIAM STREET HURTSVILLE, ONTARIO P1H 1C4 TEL: (705) 766-1000 FAX: (705) 766-1004 info@wsimpcorp.com	DATE: AUGUST 8, 2019 SCALE: METRIC REVISION No.1
CLIENT: ROWLAND	LOCATION: 600 AND 622 NORTH WASEOSA LAKE ROAD	WSA FILE No.: 1650	FILE NAME: NEWWATERACCESS.dwg



PROJECT: SKETCH FOR CONSENT	LEGAL DESCRIPTION: PART OF LOT 12, CONCESSION 11 FORMER TOWNSHIP OF CHAFFEE TOWN OF HUNTSVILLE DISTRICT MUNICIPALITY OF MUSKOKA	 WAYNE SIMPSON & ASSOCIATES PLANNING AND DEVELOPMENT CONSULTANTS 3-25 KING WILLIAM STREET HUNTSVILLE, ONTARIO L1H 1S4 TEL: (705) 709-9000 FAX: (705) 709-9004 info@wsaplanning.ca	DATE: AUGUST 8, 2019 SCALE: METRIC REVISION No.1
CLIENT: ROWLAND	LOCATION: 600 AND 622 NORTH WASEOSA LAKE ROAD	WSA FILE No.: 1650	FILE NAME: NEWWATERACCESS.dwg



PROJECT: SKETCH FOR CONSENT	LEGAL DESCRIPTION: PART OF LOT 12, CONCESSION 11 FORMER TOWNSHIP OF CHAFFEE TOWN OF HUNTSVILLE DISTRICT MUNICIPALITY OF MUSKOKA	 WAYNE SIMPSON & ASSOCIATES PLANNING AND DEVELOPMENT CONSULTANTS 3-75 KING WILLIAM STREET HUNTSVILLE, ONTARIO L1H 1S4 TEL: (705) 709-9000 FAX: (705) 709-9004 info@wsaplanning.ca	DATE: AUGUST 8, 2019 SCALE: METRIC REVISION No.1
CLIENT: ROWLAND	LOCATION: 600 AND 622 NORTH WASEOSA LAKE ROAD	WSA FILE No.: 1650	FILE NAME: NEWWATERACCESS.dwg



PL200013 – Attachment 2

THE CORPORATION OF THE TOWN OF HUNTSVILLE

BY-LAW NUMBER “**”**

(Ball)

Being a by-law to amend Zoning By-law 2008-66P,
as amended, of the Corporation of the Town of Huntsville

WHEREAS the Council of the Corporation of the Town of Huntsville finds it expedient to amend Zoning By-law 2008-66P, as amended:

AND WHEREAS authority to pass this by-law is provided by Section 34 of the Planning Act, R.S.O., 1990, c.P. 13 and amendments thereto;

NOW THEREFORE the Council of the Corporation of the Town of Huntsville, enacts as follows:

1. Map No. B-8 of Zoning By-law 2008-66P, as amended, are hereby further amended by rezoning Part of Lot 12, Concession 11, Geographic Township of Chaffey, Town of Huntsville, specifically described as Part 5 on Plan35R-16204, from:

- a) Shoreline Residential Five (SR5) to Shoreline Residential Five Exception XXXX as shown hatched on Schedule “I”;

2. Section 6 —Special Exceptions” is further amended by the following:

Exception No. XXXX

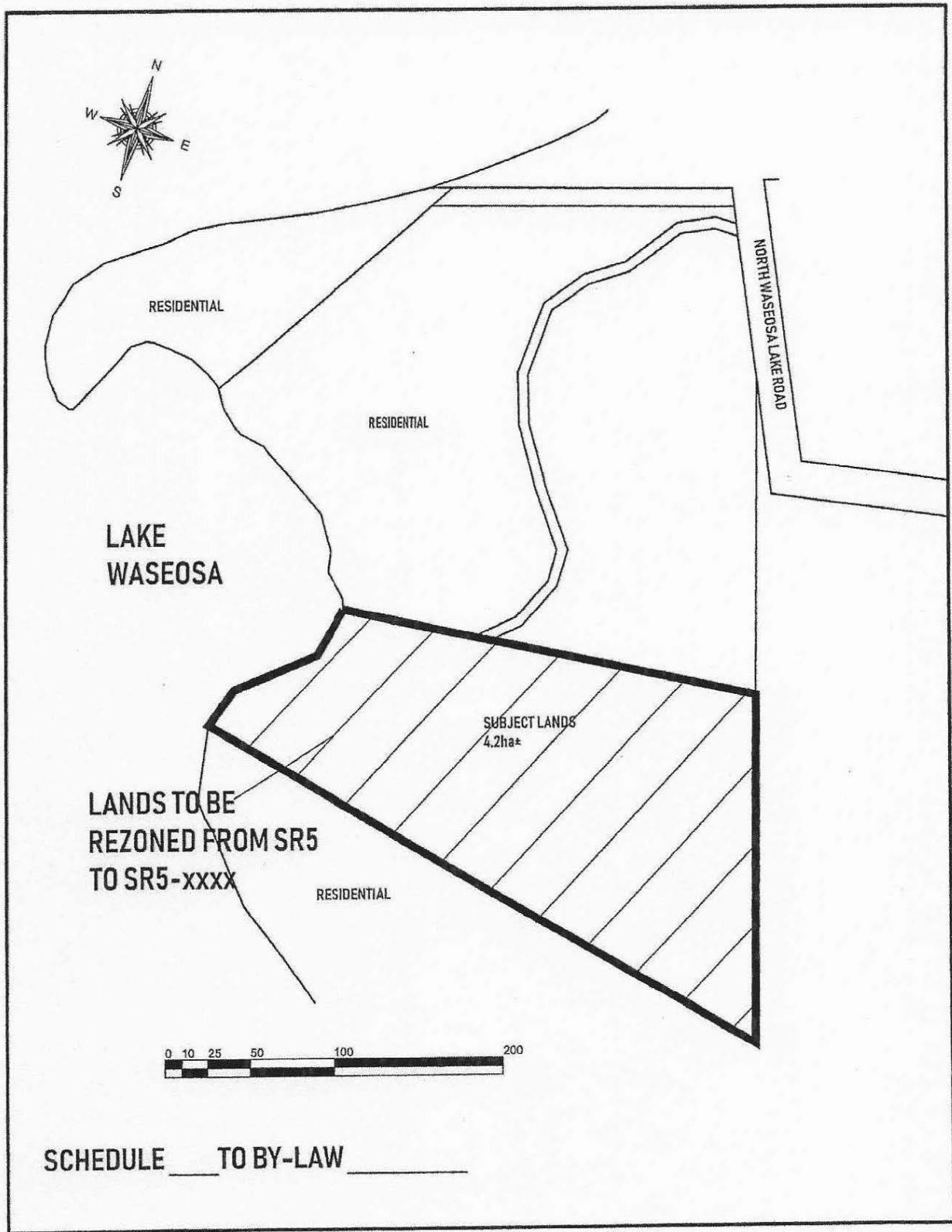
Notwithstanding any requirements of Zoning By-law 2008-66P, as amended,

- A waterfront landing is an additional permitted use.
- A 3m wide vegetative buffer shall be provided along the southerly interior side lot line.
- A 3m wide interior side yard setback shall be provided for all parking area along the southerly interior side lot line.
- A 10m wide southerly interior side yard setback shall be provided for the permitted dock and boat ramp associated with the waterfront landing.
- The maximum activity area width for a waterfront landing is 7.7m (25 feet).
- The minimum front yard requirement to the parking area is 30m and will contain a 30m vegetative buffer outside of the 7.7m wide access ramp from the parking area to the shoreline.
- The waterfront landing will be subject to site plan control.

3. Schedule “I” attached hereto, is hereby made a part of this by-law.



4. THIS BY-LAW SHALL COME into force on the date of passage and take effect the day after the last date for filing of appeals where no appeals are received, or, where appeals are received, upon the approval of the Ontario Municipal Board.



PL200013 – Attachment 3**THE CORPORATION OF THE TOWN OF HUNTSVILLE****BY-LAW NUMBER “***”**

(Rowland/Gailits/Ball)

Being a by-law to amend Zoning By-law 2008-66P,
as amended, of the Corporation of the Town of Huntsville

WHEREAS the Council of the Corporation of the Town of Huntsville finds it expedient to amend Zoning By-law 2008-66P, as amended:

AND WHEREAS authority to pass this by-law is provided by Section 34 of the Planning Act, R.S.O., 1990, c.P. 13 and amendments thereto;

NOW THEREFORE the Council of the Corporation of the Town of Huntsville, enacts as follows:

1. Map No. B-7 of Zoning By-law 2008-66P, as amended, are hereby further amended by rezoning Part of Lots 10 and 11, Concessions 11 and 12, Geographic Township of Chaffey, Town of Huntsville, from:
 - a) Conservation Holding (C-H) to Shoreline Residential Five Exception XXXX (SR5-XXXX) as shown hatched on Schedule “I”;
 - b) Conservation Holding (C-H) to Shoreline Residential Five Exception ZZZZ (SR5-ZZZZ) as shown cross-hatched on Schedule “I”;
2. Section 6 —Special Exceptions” is further amended by the following:

Exception No. XXXX

Notwithstanding any requirements of Zoning By-law 2008-66P, as amended,

- The building envelope for mainland primary and mainland accessory structures will be as shown on Schedule “I” attached hereto.
- The area outside of the mainland building envelope shall be maintained in a Natural State, except for a 3.5m wide meandering pathway for access from the shoreline activity area to the mainland building envelope.
- Only one dwelling unit shall be permitted within the building envelope.
- The maximum permitted primary dwelling footprint shall be 250 square metres (2,700 square feet), inclusive of any attached stairs and decks.
- The minimum front yard requirement shall be 30m for mainland structures.
- The only permitted uses shall be a dock and boathouse within the shoreline activity area width.
- The minimum lot frontage and area will be as shown on Schedule “I” attached hereto (existing area and frontage).



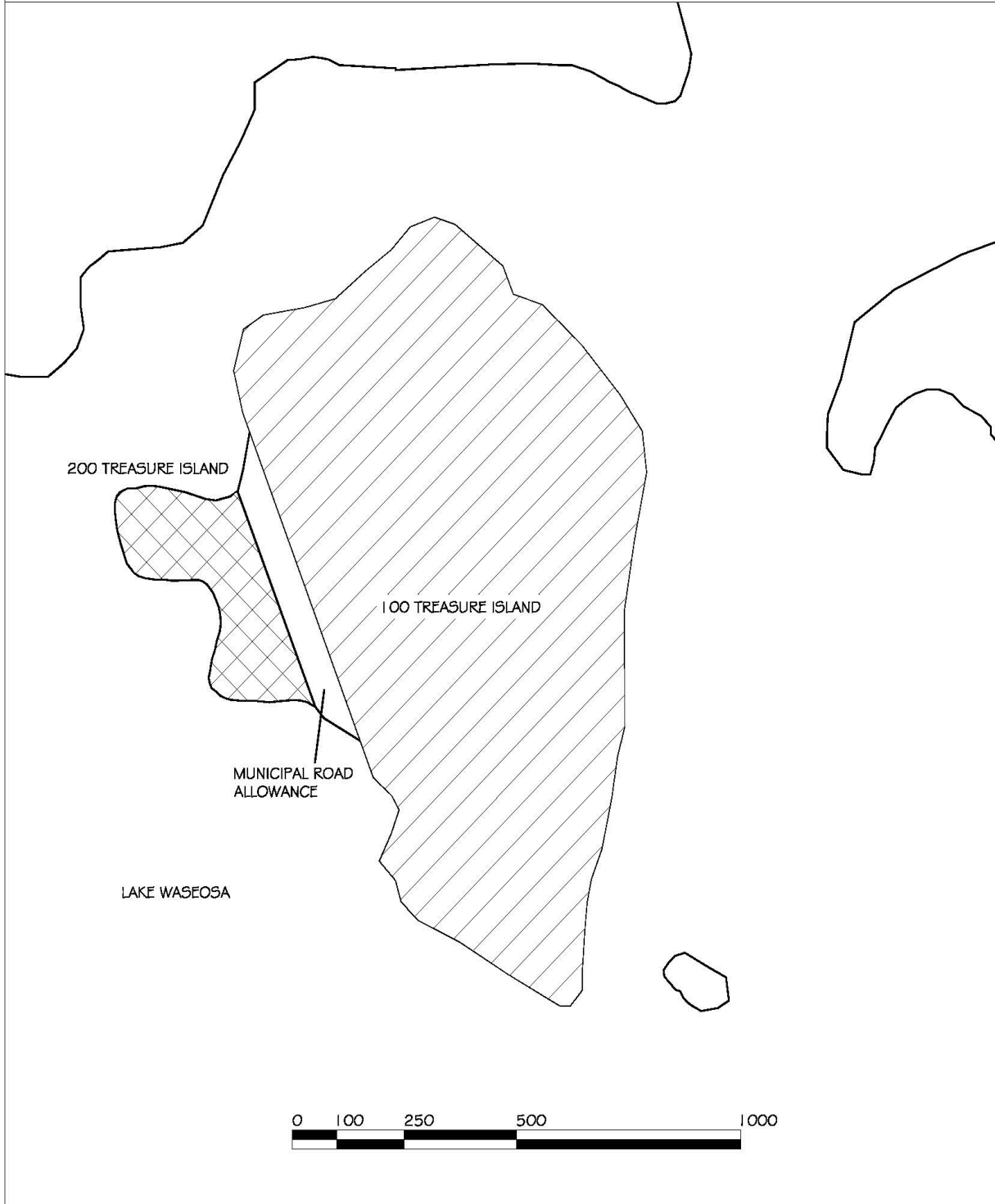
- No site alteration or development is permitted prior to the granting of site plan approval.

Exception No. ZZZZ

Notwithstanding any requirements of Zoning By-law 2008-66P, as amended,

- The building envelope for mainland primary and mainland accessory structures will be as shown on Schedule "I" attached hereto.
 - The area outside of the mainland building envelope shall be maintained in a Natural State, except for a 3.5m wide meandering pathway for access from the shoreline activity area to the mainland building envelope.
 - Only one dwelling unit shall be permitted within the building envelope.
 - The maximum permitted primary dwelling footprint shall be 167 square metres (1,800 square feet).
 - The minimum front yard requirement shall be 30m for mainland structures.
 - The only permitted uses shall be a dock and boathouse within the shoreline activity area width, inclusive of any attached stairs and decks.
 - The minimum lot frontage and area will be as shown on Schedule "I" attached hereto (existing area and frontage).
 - No site alteration or development is permitted prior to the granting of site plan approval.
3. Schedule "I" attached hereto, is hereby made a part of this by-law.
 4. THIS BY-LAW SHALL COME into force on the date of passage and take effect the day after the last date for filing of appeals where no appeals are received, or, where appeals are received, upon the approval of the Ontario Municipal Board.

SCHEDULE I) TO BY-LAW 2021 - _____



SCHEDULE II) TO BY-LAW 2021 - _____

