

SECTION B – WATERFRONT

1 Definition

- 1.1 The Waterfront designation shall generally be defined as those lands extending inland 150 metres (500 feet) from any standing waterbody greater than 8 hectares (20 acres) in area or the substantive rivers within the Township: Indian, Joseph, Moon, Musquash, and Severn.
- a) Lands which physically or functionally relate to the waterfront area, although extending beyond 150 metres (500 feet) from the waterbody, shall be deemed to be within the Waterfront designation.
 - b) Lands which do not physically or functionally relate to the waterfront area, although within 150 metres (500 feet) of the waterbody, shall be deemed not to be within the Waterfront designation.
- 1.2 For the purposes of Section 1.1, when determining whether lands physically or functionally relate to the waterfront, the following guidelines shall be considered:
- a) the boundary shall be extended beyond 150 metres (500 feet) from the waterbody to encompass a significant natural or built feature;
 - b) where a road is between 150 metres (500 feet) and 195 metres (650 feet) of a waterbody, the road shall form the boundary;
 - c) generally, small remnants of rural area surrounded by the waterfront designation shall be included in the Waterfront designation;
 - d) all islands shall be included in the Waterfront;
 - e) for farms, open space and golf courses, the boundary shall be 150 metres (500 feet) from the waterbody;
 - f) portions of resort properties beyond 150 metres (500 feet) from the waterbody shall be included in the Waterfront designation; and,
 - g) the Waterfront designation shall be outside the limits of Urban Centres or Community designations.
- 1.3 The precise limits of the Waterfront designation shall be defined and illustrated in an implementing comprehensive zoning by-law and confirmed by a site visit where necessary.
- 1.4 Lands that form the bed of any waterbody defined above shall be considered part of the Waterfront designation.

2 Principles

- 2.1 The Waterfront setting consists of open space and low density residential land uses on mainland and island shorelines; interspersed with some commercial development, primarily resorts and marinas; amongst a predominantly forested landscape. This character is recognized and all development shall have regard to such character.
- 2.2 The Waterfront is a unique resource and land asset. As such, development, including lot creation, should occur only after careful consideration of those recreational, environmental, socio-economic, and aesthetic qualities which contribute to the attraction of the waterfront and shared enjoyment of its lakes and rivers.
- 2.3 Development shall be promoted in locations where demands on public services will be minimized, and where such development will most effectively utilize or help pay for existing services.
- 2.4 Limiting density of buildings and structures in the Waterfront area is important in protecting the character of the Waterfront area. Many factors affect Waterfront character such as number of structures, setbacks, shoreline vegetative buffers, height, built size, built form, shoreline structures and the historical lake development. Strict adherence to policies limiting density related to these factors is paramount.

3 Goals

Goals of the Waterfront policies are as follows:

- 3.1 To protect the character of the waterfront in recognition of the different character of individual lakes.
- 3.2 To retain and promote the Waterfront's unique recreational character within the context of primarily a single-tier of development.
- 3.3 To ensure that development is suited to its site and that appropriate access and services are provided.
- 3.4 To encourage optimal growth while taking into consideration the lake system health of the Township's lakes and rivers.
- 3.5 To preserve and enhance the high quality of the recreational and biological aspects of the Waterfront.
- 3.6 To ensure growth is compatible with and has regard for the overall physical, environmental, social, and economic aspects of the waterfront.

- 3.7 To encourage the redevelopment and expansion of commercial businesses such as marinas and resorts and to recognize their important economic function.

4 Objectives

Objectives of the Waterfront policies are as follows:

Character

- 4.1 To recognize and protect the character of waterbodies within a single tier of development around the shoreline with limited, low density backlot development where access permits.
- 4.2 To ensure that built form does not become concentrated or dominate the Waterfront to the detriment of natural form.
- 4.3 To maintain or restore the majority of all developed and undeveloped shorelines in their natural state and promote stewardship of their biological benefits.
- 4.4 To identify the character of individual lakes through a classification system and assign appropriate limitations in an effect to protect this character.

Access and Servicing

- 4.5 To ensure that access is provided to all new lots to a standard appropriate to the situation.
- 4.6 To promote the waterways as a major recreational asset that should be made accessible to both public and private users.
- 4.7 To ensure that development does not unduly contribute to a demand for utilities or services which are uneconomical to provide, improve, or maintain.
- 4.8 To encourage public trail systems which provide recreational opportunities and link the waterfront to other areas of the Township.

Lake System Health

- 4.9 To support the District of Muskoka's water quality program, which provides one measure of a waterbody's capacity to sustain development.
- 4.10 To ensure that development does not occur beyond the threshold set for each waterbody as detailed in the District of Muskoka Lake System Health program.

Natural Areas

- 4.11 To maintain a high level of biodiversity by protecting natural areas and the connections between them.

4.12 To ensure that the environment is protected from negative impacts of development.

4.13 To protect and, where possible, enhance water quality.

Areas of Use Limitation

4.14 To ensure that development in areas of use limitation does not result in any of the following situations:

- a building hazard;
- a hazard to navigation;
- a risk to life and property;
- significant environmental degradation; or,
- significant detraction from the natural landscape.

4.15 To protect those areas bordering the Township's lakes and rivers.

Development

4.16 To encourage development which will contribute to the attraction and viability of the Waterfront for visitors and residents.

4.17 To support the continued and enhanced viability of resorts and marinas, other commercial uses, and residential uses as important elements in the Muskoka economy.

4.18 To control development on the waterfront such that it does not dominate the natural shoreline.

4.19 To ensure golf courses are developed and operated using best management practices for the protection of natural heritage features and functions.

4.20 To foster redevelopment opportunities of residential and commercial properties while maintaining the character of the waterfront area.

4.21 To protect and preserve the cultural heritage and archaeology resources in the waterfront area.

4.22 To promote healthy and active communities by planning for public spaces, parks, public access to water, trails, and open space.

4.23 To ensure all lighting of properties is respectful of neighbours, the environment, navigation and the dark sky.

4.24 To ensure development of small lots is compatible with development in the area.

- 4.25 To ensure development of undeveloped lakes is sensitive to the existing natural setting, has adequate access, and incorporates traditional modest cottage development.
- 4.26 To encourage increased energy generation through alternative and renewable energy systems, including small-scale wind and solar power generators.

5 General Development Policies

Character

- 5.1 The Waterfront character differentiates the waterfront area from an urban or rural setting. Waterfront character is linked to the natural and built form which is oriented toward the lakes and rivers in the Township. Natural form includes predominantly vegetated shorelines with thin soils over the granite bedrock of the Precambrian shield. Built form includes mostly residential development interspersed with some commercial development, primarily resorts and marinas. The Waterfront is the focus for recreation, spiritual relaxation, water supply, and support for fisheries and wildlife habitat, among others. Where development occurs in the Waterfront, it should enhance and protect, where possible, those qualities that contribute to character.
- 5.2 Natural form should dominate the character of the Waterfront. Natural shorelines may visually screen development viewed from the water and buffer uses. Shorelines shall be encouraged to be maintained in a predominantly natural state with tree cover and ground vegetation retained as development occurs.
- 5.3 Waterfront character evolves over time. Traditionally, tourist commercial as well as residential development has contributed to the character and economic viability of the Township of Muskoka Lakes. This development, dating back to the steamship era of over a century ago, remains a part of the present character of the waterfront. Development shall be encouraged to maintain and improve the historic connections of the waterfront. Resorts and marinas shall be encouraged to develop and expand in a manner that complements the Township.
- 5.4 Where development occurs in the Waterfront, it should complement the natural and built form and should enhance and protect those qualities that contribute to character.
- 5.5 The Township recognizes that different lakes have different character. The three (3) large lakes, Muskoka, Rosseau, and Joseph, generally exhibit larger built forms and building types which are generally not in character with the smaller lakes.

- 5.6 The categorizing of lakes by the Township appears in Schedule J to the Official Plan. A river identified in Schedule J shall be subject to the same policies as those lakes in the same category.

Permitted Uses

- 5.7 Permitted uses in areas designated as Waterfront are limited to the following:
- a) residential uses, which shall be limited to single detached dwelling units, and home-based businesses;
 - b) commercial uses including; resorts, marinas, waterfront contractors, tent and trailer parks, children's camps, churches, ~~and~~ institutional uses with lodging, any existing industrial uses, and related staff accommodation;
 - c) open space uses including parks and recreational uses (golf courses in conjunction with tourist resorts);
 - d) public uses;
 - e) accessory structures and buildings to the above-noted uses; and,
 - f) existing development as defined in an implementing zoning by-law.

General Development Standards

- 5.8 Waterfront lots should be of sufficient dimension and size to accommodate the use proposed, related structures, and services within acceptable standards. As such, a variety of lot sizes, water frontages, setbacks, and structural limitations are expected in recognition of the natural and built influences in the Waterfront.
- 5.9 All major development and redevelopment shall be subject to site plan control, including all commercial, industrial and institutional uses, as more specifically described in an implementing site plan control by-law.
- 5.10 The following shall constitute minimum lot requirements, unless otherwise specified:
- a) a lot area of 0.4 hectares (1 acre); and,
 - b) a water frontage of 60 metres (200 feet).
- 5.11 In recognition of the character of Lake Joseph, and in accordance with Sections B.6.17 and B.6.18, the following shall constitute minimum lot requirements on Lake Joseph, unless otherwise specified:
- a) the minimum lot area of 0.8 hectares (2 acres); and,
 - b) the minimum water frontage of 90 metres (300 feet).
- 5.12 Shorelines of all lakes listed in Schedule J to the Official Plan are considered significant within the context of Section 34(1) of the Planning Act. As such, the locating or using of buildings or structures is generally prohibited in such areas.

The front yard setbacks, as detailed in an implementing comprehensive zoning by-law, are established in recognition of:

- a) Requirement of a shoreline vegetative buffer;
- b) Minimizing the dominance of the built form on the natural environment;
- c) Maintenance of privacy and noise attenuation especially on properties fronting onto a narrow waterbody;
- d) Maintenance of aesthetic qualities of the waterfront; and,
- e) Protection of natural habitat and minimizing environmental impact in the foreshore area.

5.13 Land based buildings and structures (unless otherwise specified in the Plan) shall be located a minimum of 20 metres (66 feet) from the normal or controlled high water mark of a waterbody with the exception of the following:

- a) minor accessory buildings or structures and marine related facilities, which shall be located as detailed in an implementing comprehensive zoning by-law;
- b) septic tile bed and mantle, which shall not be permitted within 30 metres (100 feet) of the waterbody;
- c) buildings and structures proposed on vacant lots that abut or are adjacent to Natural Areas described in Section B.7, which shall be located as detailed in an implementing comprehensive zoning by-law;
- d) existing development as defined in an implementing zoning by-law; and,
- e) consideration may be given to alternatives where such setbacks are not possible due to terrain or other constraints and where on site phosphorus management is implemented.

5.14 Sideyard setbacks shall be established in an implementing comprehensive zoning by-law in recognition of the following:

- a) in the case of land structures, to maintain a natural area between buildings so as to reduce the dominance of the built form on the natural environment, maintain privacy, attenuate noise, connect habitat, ensure compatibility, and contribute to the aesthetic qualities of the waterfront;
- b) in the case of shoreline structures, to allow for the ingress and egress of boats to dock spaces and boathouse slips, while maintaining reasonable views and separation for privacy between neighbouring properties; and,
- c) consideration may be given to alternatives where such setbacks are not possible due to terrain or other constraints.

- 5.15 All waterfront areas shall be subject to a Tree Preservation By-law and any development or redevelopment of this area may be permitted in accordance with the By-law.
- 5.16 All waterfront areas shall be subject to a Site Alteration By-law and any development or redevelopment of this area may be permitted in accordance with the By-law.
- 5.17 A division of two (2) legal bona fide uses on a property resulting in no more than one dwelling and one sleeping cabin per lot may be considered if the resultant lots comply with the existing lot of record criteria, as defined in an implementing comprehensive zoning by-law.
- 5.18 Redevelopment of existing properties shall be encouraged to follow current development standards, as closely as possible, to be compatible with and consistent with sound planning principles including environmental considerations. In addition, encouragement shall be given to restoring and preserving natural shorelines.
- 5.19 The preparation of an Environmental Impact Study (EIS) shall be required for all major development in waterfront areas. Requirements of an EIS are detailed in Section F.
- 5.20 Aggregate operations shall not be permitted in the Waterfront designation.

Water Access Development

- 5.21 The following shall generally constitute minimum lot sizes for new lots with water access only, unless otherwise stated:
- a) a lot area of 0.8 hectares (2 acres); and,
 - b) a water frontage of 90 metres (300 feet).
- 5.22 Due to concerns of character, visual impact, environmental impact, access, and service provision, islands less than 0.8 hectares (2 acres) shall not be developed for residential purposes and shall be limited to a picnic shelter and a dock, or existing development as of the date of adoption of this Plan.
- 5.23 Where development is being considered for islands slightly less than 0.8 hectares (2 acres) in size, the following matters shall be examined in an Environmental Impact Study accompanying a Zoning By-law Amendment application:
- a) retention of tree cover;
 - b) protection of critical fish and wildlife habitat;
 - c) adequate soil depth and site suitability for a septic system;
 - d) satisfactory long term access and service delivery; and,

- e) subdued visual impact and appropriate location of building envelopes.

Access

- 5.24 The creation of 5 or more lots/units shall be accessed by a publicly owned and year round publicly maintained road. Without limiting the generality of the foregoing, however, development may be considered with the following access provisions:
- a) a seasonally or year-round maintained public road for less than 5 lots;
 - b) an existing private road with the capacity to handle the additional traffic and where a substantial increase in demand for additional municipal services would not be created and where legal right-of-way or access can be determined;
 - c) a minor extension or new private road serving a limited number of lots where the proposal is infilling or representative of the last physical development feasible, where legal right-of-way or access can be determined, and where the alternative of a public road is not environmentally or economically viable; or,
 - d) islands or mainland areas where water access only is available provided that adequate long term parking and docking facilities are secured to the satisfaction of the Township, and less than 5 lots are proposed.

Waterfront Landings

- 5.25 Waterfront landings provide alternative long-term access. They are not intended for large storage facilities, marina use, or commercial use. New waterfront landings shall generally not locate in an area of use limitation, as defined in this Plan, and shall proceed by site plan control to address the following:
- a) parking facilities that are accessory to the principal water access use;
 - b) sufficient docking facilities serving water access properties; and,
 - c) natural buffering of parking facilities from adjacent uses and from the water, where required.
- 5.26 The following constitute lot requirements for waterfront landings, or as zoned at the time of adoption of this Plan:
- a) a lot area minimum of 0.1 hectare (0.25 acres) and lot area maximum of 1.2 hectares (3 acres);
 - b) a minimum water frontage of 23 metres (75 feet);
 - c) a maximum dockage of 1 slip per 4 metres (12.5 feet) water frontage;

- d) vehicle parking of 2 spaces per boat slip and with a minimum front yard setback of 15 metres (50 feet); and,
 - e) a maximum disturbed area of 50% including parking and driveways.
- 5.27 Accessory residential uses may be permitted, provided the lot standards meet those required for residential development.
- 5.28 Public docks are not intended for the use of individuals accessing private cottages, or commercial barge operators.

Boat Impact Assessments

- 5.29 Boat impact assessments shall be prerequisite for development or redevelopment where boating may be concentrated for the following situations:
- a) the cumulative establishment of docking or mooring facilities from the date of adoption of this Plan, accommodating fifteen (15) or more boats;
 - b) commercial docking or mooring facilities on a narrow waterbody; or,
 - c) the establishment of any use governed or to be governed under the boat livery provisions of the Municipal Act, S.O. 2001, c25 or similar provisions.

Terms of Reference for Boat Impact Assessments can be found in Implementation Section F.23.

Servicing

- 5.30 Servicing in the Waterfront shall be subject to the requirements established through the District Official Plan and Provincial regulation. Development proposals involving water supply and sewage treatment should be directed to the authority having jurisdiction.
- 5.31 It is not anticipated that the Waterfront will be serviced by municipal water and sewer systems. Therefore, private individual on-site sewage and water systems will be utilized where on-site conditions are suitable for the long term provisions of such services and where they do not service more than one legally conveyable lot.
- 5.32 Hydrogeological reports satisfactory to the Township shall be submitted in support of any proposal on private servicing systems where: more than five residential lots are proposed; construction of a new road(s) is proposed; there are areas of known or suspect water quantity or quality; for commercial, industrial or other uses which would produce an effluent flow of greater than 4,500 litres per day; or private groundwater and sewage disposal services are proposed for an individual lot of less than 1 hectare in area on lands adjacent to

existing lot development where the cumulative impacts of private services are deemed of significant concern by the authority having jurisdiction. These requirements do not apply where the lot or unit is a shoreline lot and the groundwater flow does not affect adjacent backlot or rural properties.

- 5.33 The use of private alternative energy generators, such as small-scale wind turbines, solar panels, and other similar sources will be permitted as accessory uses in appropriate locations. Where these alternative energy structures are proposed such facilities should be designed to avoid potential environmental, social, and aesthetic impacts.
- 5.34 Development on private services shall be limited to uses which use or produce less than 10,000 litres per day of water or sewage effluent or waste water, or do not create discharge which would be an environmental hazard or present a threat to ground or surface water.
- 5.35 Where development is permitted on private services, lots shall have sufficient and suitable area to adequately accommodate such services, and shall satisfy the authority having jurisdiction with respect to the approval of private water supply or private sewage facilities. Holding tanks shall not be permitted except to remedy a problem or situation on an existing developed lot that would be unsuitable for any other system.

Cultural and Archaeological Heritage

- 5.36 A Municipal Heritage Committee may be established pursuant to the Ontario Heritage Act to advise and assist Council on all matters related to cultural heritage resource conservation in the municipality.

Pursuant to the Ontario Heritage Act, Council may, by by-law:

- i) designate properties to be of cultural heritage value or interest.
- ii) define any area or areas within the municipality, as an area to be examined for designation as a heritage conservation district, and
- iii) designate any area or areas within the municipality, as a heritage conservation district.

Council will maintain a register of cultural heritage resources of all buildings and structures designated pursuant to the Ontario Heritage Act and all buildings and structures identified as being of architectural, historical and contextual interest.

- 5.37 Council may consider the designation of a Heritage Conservation District. Prior to the designation of a Heritage Conservation District or Districts, Council shall:

- i) pass a by-law defining an area or areas to be examined for future designation as a Heritage Conservation District(s).
 - ii) prepare a study for the area or areas to determine the feasibility of designation, the delineation of the Heritage District boundaries and an evaluation of the area's historic character.
 - iii) the study will be prepared in accordance with Ontario's Heritage Conservation District Guidelines prepared by the Ministry of Culture.
 - iv) public participation will be encouraged in the preparation of the study.
 - v) Heritage District Planning Guidelines may be prepared after the approval of the designation of the Heritage Conservation District by the Ontario Municipal Board. The guidelines can include policies to guide Council in the approval of permit applications for new development and alterations to properties located within the Heritage Conservation District.
- 5.38 Locally significant buildings, places, and attractions, should be identified as being important to the character of the municipality. Although these areas may not be designated, every effort should be made to protect and preserve them as they are important to the residents and visitors of Muskoka Lakes.
- 5.39 The Township may exercise any powers granted to it pursuant to the Ontario Heritage Act to recognize and protect historically significant buildings, structures, or areas.
- 5.40 Significant built heritage resources and significant cultural heritage landscapes shall be conserved. Consideration shall be given to restoration, documentation, and maintenance in its original context. Development should be compatible with these built heritage resources and cultural heritage landscapes.
- 5.41 Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
- Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.
- 5.42 Residential infill in areas of historic architectural or landscape merit shall be sensitive to the existing scale and pattern of those areas and consistent with existing landscape and streetscape qualities.

- 5.43 Council shall have regard for cultural heritage resources in the undertaking of municipal public works. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant heritage resources.
- 5.44 Archaeological resources shall be protected through the development approval process. Regard shall be had to the recommendations contained in the District of Muskoka Archaeological Master Plan.
- 5.45 An Archaeological Assessment, prepared by a professional licensed to conduct such work, shall be required for all major development, including all major Municipal infrastructure projects, located in and/or adjacent to known provincially registered archaeological sites or areas of moderate to very high potential as identified in the Muskoka Archaeological Master Plan. Development may only proceed once any significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Visual, Scenic and Aesthetic Qualities

- 5.46 The preservation and protection of the appearance of the shoreline in a natural vegetated state shall be encouraged.
- 5.47 Structurally, high profile development shall generally not be permitted. The height of any structure should be appropriate to its setting and terrain, including slope, tree cover, setbacks, and architecture and generally not exceed the height of the tree canopy.
- 5.48 Architectural designs which soften the appearance of two storey structures will be required in a Site Plan Control by-law to minimize the prominence of structural development along the shoreline. Walkout lower levels will be permitted but will be encouraged to be generally less than one half of the width of the structure (dwelling).
- 5.49 Private roads serving waterfront lots are encouraged to blend in with the waterfront setting and terrain, taking into account slope, tree cover, alignment, and road surface.
- 5.50 Development shall be located and designed so as to protect the character and prominence of public views and features including such areas as rock cliffs, waterfalls, rapids, and landmarks. Where development is proposed in such areas, encouragement shall be given to the dedication or acquisition of such lands for the purposes of conservation, public access, trails, and/or portages.
- 5.51 The retention of trees and native vegetation shall be encouraged through site plan control to uphold the visual and environmental integrity of the Waterfront.

Where development is proposed, a natural undisturbed buffer is required at the water's edge to generally meet a target of 15 metres (50 feet) in depth from the high water mark. Where little or no natural buffer exists, renaturalizing will be required, where possible. Minor accessory structures and an access pathway to the shoreline are permitted.

Land Use Compatibility

- 5.52 New uses or interests in land shall be compatible with other legally existing land uses in the vicinity so as to ensure the continued operation of such uses and to allow expansions where feasible and appropriate. The category and character of the lake in which the new use is proposed, and the historical use of the area, shall also be considered to ensure land use compatibility.
- 5.53 Where two different types of land uses are proposed (i.e. commercial/residential) adjacent to one another, the Township may require the preparation of additional reports as part of a complete application package to justify the development, including, but not limited to: noise assessment; tree preservation/landscape plan; traffic study; shadow study; market feasibility study; and/or odour assessment; to satisfy the Township that no negative impact will result from the development.
- 5.54 Development shall have regard to compatibility of uses in the area and, where necessary, shall have provisions for buffering, screening, limiting built size, increasing setbacks, and lot dimensions, among others.
- 5.55 Development adjacent to sanitary sewage disposal facilities including sewage lagoons will be discouraged. Where such development is proposed it will generally be limited to passive recreation and open space uses. Other uses should be setback from the specific facilities as detailed in the Ministry of the Environment Guidelines. Setbacks from municipal systems are detailed below:

FACILITY	MINIMUM SETBACK
Sanitary sewage disposal site (other than residential uses)	150 metres (500 feet)
Sanitary sewage disposal site (residential use)	200 metres (660 feet)
Waste stabilization ponds (all uses)	400 metres (1320 feet)
Hauled sewage lagoon (all uses)	400 metres (1320 feet)

- 5.56 Development within 1000 metres (3,280 feet) of a municipal water supply intake or municipal sanitary sewage outfall is not permitted unless the District of Muskoka is satisfied that the proposal will have no detrimental impact on the municipal servicing system. Where necessary the proponent will provide sufficient data to demonstrate no impact. Changes in land use within 1000

metres (3,280 feet) of a municipal water supply intake or municipal sanitary sewage outfall will be monitored.

6 Lake System Health

- 6.1 Limits to development on lakes may be based on social, physical, biological and other measures of capacity.
- 6.2 The District of Muskoka, through its Lake System Health Program, classifies lakes based primarily on water quality and the environmental well being of our lake system. The Township also classifies lakes based on lake character, settlement history, and lot development. Both Classification systems apply to all lakes in the Township.
- 6.3 The District of Muskoka will maintain a recreational water quality model and monitoring program and will review it on an ongoing basis. This model has been designed to address recreational water quality only and does not include factors to address fisheries values.
- 6.4 Through the review of the District of Muskoka recreational water quality program, it has been determined that the overall health of lakes and rivers in Muskoka is very good to excellent and that the cautious approach to development taken in Muskoka has been beneficial. This cautious approach will be continued. In this regard, new lot creation, development or redevelopment will only be permitted where it is determined that phosphorus impacts on water quality can be effectively eliminated.
- 6.5 The role of natural vegetated shorelines in buffering waterbodies from erosion, siltation and nutrient migration adjacent to the sensitive littoral zone is critical to the protection of water quality. Preservation and restoration, where appropriate, of shoreline buffers is therefore required. The frontage of a lot will be maintained in a natural state to a target depth of 15 metres (50 feet) from the shoreline where new lots are being created and where vacant lots are being developed. Where lots are already developed and further development or redevelopment is proposed, these targets should be achieved to the extent feasible. Where these targets cannot be met, a net improvement over the existing situation is required.
- 6.6 The sensitivity of lakes and rivers in the Township of Muskoka Lakes and potential development in waterfront area is established by the District of Muskoka Official Plan Amendment #32 (Lake System Health program). The Lake System Health program focuses on determining limits on growth, facilitating remedial action programs to enhance water quality, developing a program to address stormwater management, continuing the enhanced water quality monitoring program, and continuing to develop and implement related education and stewardship programs.

- 6.7 All waterbodies have been classified by the District of Muskoka Official Plan, as having high, moderate or low sensitivity to additional phosphorus loading. This classification is based on the responsiveness of a waterbody to phosphorus and its mobility within the watershed. Schedule J2 lists the classified lakes and rivers. If a lake or river is not on the list, it is assumed that it is a moderate sensitivity waterbody unless otherwise identified by the District of Muskoka.
- 6.8 Site Plan Control is required for all waterfront development. Where a waterbody is highly sensitive or over threshold, as defined by the Township of Muskoka Lakes and/or District of Muskoka, no new lot creation, re-zonings, or granting of additional development rights beyond those permitted in this Plan at the time of its adoption shall be permitted that would further negatively impact water quality.
- 6.9 Construction mitigation measures, storm water management, or other techniques must minimize negative impacts on water quality.
- 6.10 The Township encourages the preparation of Remedial Action Plans for all lakes and rivers listed as over threshold. Remedial Action Plans are further defined in the Implementation Section F.17 of this document.
- 6.11 When redevelopment of an existing property is proposed on a lake or river listed as having high sensitivity it shall be demonstrated that water quality will not be adversely affected. Opportunities to improve existing situations should be considered and can be implemented through site plan control.

Low Sensitivity Waterbodies

- 6.12 The Township shall require site plan approval for substantial development on lots abutting low sensitivity waterbodies. In addition, the Township shall require site plan approval for all shoreline and non-shoreline commercial, institutional and industrial development in order to ensure that stormwater management and construction mitigation techniques are implemented.

Moderate and High Sensitivity and Over Threshold Waterbodies

- 6.13 In order to ensure no negative impact on recreational water quality, all substantial development on a lot within the waterfront designation (including backlots), of moderate and high sensitivity and Over Threshold waterbodies will be subject to site plan control.

Site Plan Control

- 6.14 Where site plan control is required, or where on-site phosphorus management is required, the following matters will be addressed:

- a) appropriate location of buildings, structures and sewage disposal systems;
- b) retention or restoration of a natural vegetative buffer in accordance with Section 6.5 to prevent erosion, siltation and nutrient migration;
- c) maintenance or establishment of native tree cover and vegetation on the lot wherever possible;
- d) appropriate location and construction of roads, driveways and pathways, including use of permeable materials; and
- e) implementation of stormwater management and construction mitigation techniques, including proper re-contouring, discharging of roof leaders, use of soak away pits and other measures to promote infiltration.

Public Lands

- 6.15 The release of Crown land, other than lands under water, for private development is discouraged, particularly in the Waterfront designation. Should the Province dispose of Crown land for private development, such land will not be further divided unless it is to alleviate problems associated with existing development and no more than one single family dwelling will be permitted on those lands as of right.
- 6.16 The maintenance, enhancement or restoration of native vegetative buffers along shorelines in municipal parks and other municipal lands is strongly encouraged.

High Sensitivity Waterbodies

Lot Creation

- 6.17 In general, no lot creation will be permitted on waterbodies identified as being of high sensitivity unless the lot is connected to municipal water and sewer services.
- 6.18 Notwithstanding Section 6.17, lot creation on private services may be permitted where the Township has the resources and tools in place and is prepared to implement the following requirements:
 - a) The lot creation may only proceed where a water quality impact assessment undertaken and implemented to the satisfaction of the District of Muskoka and the Township of Muskoka Lakes demonstrates that the development can proceed without negatively impacting water quality and which outlines the circumstances under which development should occur.
 - b) The water quality impact assessment shall consist of the following main elements at a minimum.

Phase 1

Site condition analysis to determine if the required conditions exist on site so that development can occur in a manner that will ensure the protection of water quality and shall include analysis of the site and surrounding area, soil characteristics, and vegetation cover. The Phase 1 report must be completed to the satisfaction of the District of Muskoka and the Township of Muskoka Lakes before proceeding to Phase 2.

Phase 2

i. Identification of recommended building and septic system (including the leaching bed) envelope and mitigation measures, including but not limited to, detailed construction mitigation plans, shoreline setbacks and buffers, measures for protecting natural vegetation, and stormwater management;

ii. Monitoring will be required to confirm that the vegetative buffer and stormwater mitigation measures are in place until such time as construction is complete and an occupancy permit is issued and at a time approximately two years following the issuance of an occupancy permit;

iii. The use of a septic system with soils that have a demonstrated ability to effectively bind phosphorus will be required; and

iv. The recommendations of such a report and the monitoring and septic system requirements are required to be implemented through an official plan or zoning amendment and in Section 51(26) (subdivision, condominium or consent) and site plan agreements or development permits.

A detailed terms of reference is contained in Appendix J of the District of Muskoka Official Plan.

Development of Vacant Lots on Private Services

6.19 Development of a vacant lot on private services will only be permitted where it is demonstrated through a Phase 2 Water Quality Impact Assessment that building and septic system envelopes, together with appropriate mitigation measures, including but not limited to, detailed construction mitigation plans, shoreline setbacks and buffers will protect water quality and where these requirements are implemented in site plan agreements.

6.20 The use of a septic system with soils that have a demonstrated ability to effectively bind phosphorus will be required.

Redevelopment on Private Services

- 6.21 Redevelopment on private services will only be permitted where mitigation measures are implemented in order to prevent negative impacts on water quality, including phosphorus management measures.
- 6.22 Where the setback requirements cannot be met due to insufficient lot depth or the existence of terrain or soils conditions which make other locations on the lot more suitable, or where existing buffers or stormwater management practices do not satisfy the requirements outlined in this Plan, an overall net improvement shall be achieved through on-site phosphorus management measures.
- 6.23 A net reduction of phosphorus loading to the lake will be required for commercial redevelopment.

Over Threshold Waterbodies

Lot Creation – General

- 6.24 In general, no lot creation will be permitted on waterbodies identified as being Over Threshold unless the lot is connected to municipal water and sewer services.

Lot Creation - Moderate and Low Sensitivity Waterbodies

- 6.25 Notwithstanding Section 6.24, lot creation on private services may be permitted on waterbodies identified as being of moderate or low sensitivity where the Township of Muskoka Lakes has passed a municipal site alteration and tree preservation by-law and is prepared to implement the following requirements:
- a) An amendment to the Official Plan will be required to implement specific development policy.
 - b) Lot creation may only proceed where a water quality impact assessment, undertaken and implemented to the satisfaction of the District of Muskoka and the Township of Muskoka Lakes demonstrates that development can proceed without impacting water quality and which outlines the circumstances under which development should occur.
 - c) The water quality impact assessment shall consist of the following main elements at a minimum:

Phase 1

Site condition analysis to determine if the required conditions exist on site so that development can occur in a manner that will ensure the protection of water quality and shall include analysis of the site and surrounding area, soil

characteristics, and vegetative cover. The Phase 1 report must be completed to the satisfaction of the District of Muskoka and the Township of Muskoka Lakes before proceeding to Phase 2.

Phase 2

- i. Identification of recommended building and septic system (including the leaching bed) envelope and mitigation measures, including but not limited to, detailed construction mitigation plans, shoreline setbacks and buffers, measures for protecting natural vegetation, and stormwater management;
- ii. Monitoring will be required to confirm that the vegetative buffer and stormwater mitigation measures are in place until such time as construction is complete and an occupancy permit is issued, and on an annual basis until such time as the waterbody is no longer considered to be Over Threshold;
- iii. The use of a septic system with soils that have a demonstrated ability to effectively eliminate phosphorus; and
- iv. The recommendations of such a report and the monitoring and septic system requirements will be implemented through the official plan amendment and in the zoning amendment and Section 51(26) (subdivision, condominium or consent) agreements and site plan agreements.

A detailed terms of reference is contained in Appendix J of the District Plan.

Development of Vacant Lots on Private Services

- 6.26 Development of a vacant lot on private services will only be permitted where it is demonstrated through a Phase 2 Water Quality Impact Assessment that building and septic system envelopes, together with appropriate mitigation measures, including but not limited to, detailed construction mitigation plans, shoreline setbacks and buffers will protect water quality and where these requirements will be implemented in site plan agreements.
- 6.27 The use of a septic system with soils that have a demonstrated ability to effectively eliminate phosphorus will be required.

Redevelopment on Private Services

- 6.28 Redevelopment on private services will only be permitted where phosphorus mitigation measures are implemented in order to prevent negative impacts on water quality, including measures such as setbacks, vegetative buffers and stormwater management.
- 6.29 Where the setback requirements cannot be met due to insufficient lot depth or the existence of terrain or soils conditions which make other locations on the lot

more suitable, or where existing buffers or stormwater management practices do not satisfy the requirements outlined in this Plan, an overall net improvement should be achieved through the use of phosphorus management techniques.

- 6.30 A net reduction of phosphorus loading to the waterbody will be required for commercial redevelopment.
- 6.31 Site plan agreements will be required to implement buffers, stormwater and phosphorus management and building and septic system (including the leaching bed) envelopes.

7 Natural Areas

- 7.1 Natural features and areas shall be protected for the long term.
- 7.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.
- 7.3 Development and site alteration shall not be permitted in:
 - a) significant habitat of endangered species and threatened species;
 - b) provincially significant wetlands and highly significant regional wetlands, as identified on Schedules "A1", "A2", and "A3";
- 7.4 Development and site alteration shall not be permitted in:
 - a) significant areas of natural and scientific interest; and
 - b) significant wildlife habitat, including deer wintering areas

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions
- 7.5 Where development and site alteration is permitted in deer wintering areas the following development standards shall be implemented:
 - a) a minimum water frontage of 90 metres (300 feet);
 - b) where possible, a setback from the water of 30 metres (100 feet) for all habitable space; and,
 - c) the maintenance of significant conifer vegetation for cover and food.
- 7.6 Natural Areas where development may be permitted, subject to an Environmental Impact Study (EIS) demonstrating that there will be no negative

impact on the Area's features or functions and which may be subject to site plan control, are as follows:

- a) areas adjacent to provincially significant wetlands and highly significant regional wetlands, as identified on Schedules "A1", "A2", and "A3";
- b) areas within and adjacent to wetlands of other regional and local significance, as listed in Appendix "A" or as confirmed by site inspection;
- c) areas within and adjacent to significant fish habitat in accordance with Provincial and Federal regulation;
- d) development adjacent to significant habitat of threatened or endangered species;
- e) areas within or adjacent to significant wildlife habitat;
- f) areas within and adjacent to areas of natural and scientific interest (ANSIs) or Muskoka Heritage Areas, as listed in Appendix "B"; and
- g) areas adjacent to large tracts of Crown land greater than 80 hectares (200 acres).

7.7 All major development, including commercial, industrial and institutional development, shall be required to submit an Environmental Impact Study (EIS) as part of the application process, to the satisfaction of the Township. Requirements of an EIS are detailed in Section F.

7.8 To assist in maintaining shoreline habitat, a Site Alteration permit and Tree Preservation permit may be required.

7.9 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

7.10 Applications for development adjacent to fisheries areas may be permitted subject to consideration and appropriate utilization of development control techniques such as an implementing zoning by-law, site plan control, and/or subdivision control to ensure the impacts of the development are minimized.

7.11 Cardwell Lake and Young Lake are coldwater lake trout lakes that are considered by the Ministry of Natural Resources to be at capacity for development. New lot creation shall not be permitted within 300 metres of these lakes. Exceptions may be considered under the following circumstances:

- the proposed septic system is set back at least 300 metres from the shoreline of the lake, or such that drainage from the septic system would flow at least 300 metres to the lake;
- the septic system is located such that it would drain into the drainage basin of another waterbody, which is not at capacity; and

- to separate existing, viable dwellings, each having a separate septic system, provided that the land use does not change.

7.12 Under such circumstances as noted above in Section B.7.11, it is recommended that conditions be imposed to:

- Restrict the removal of natural vegetation within 30 metres (100 feet) of the lake except to accommodate a limited number of paths, water lines, docking facilities and removal of trees posing a hazard; and
- Require a minimum 30 metre (100 feet) setback for all buildings and structures (except docking facilities).

7.13 Where lot creation is proposed on Cardwell Lake or Young Lake a site specific soils investigation shall be prepared to the satisfaction of the Township. In addition, the following may be required through the plan of subdivision process or site plan approval process, and implementing development agreements:

- Stormwater management report and construction mitigation plan (including phosphorus attenuation measures such as directing runoff and overland drainage flows from driveways, parking areas, and other hard surfaces to soak away pits or infiltration facilities);
- Location of the tile-bed, in accordance with the recommendations of the site specific soils investigation;
- If additional fill material is needed for the construction of the tile bed, that it consists of fine to medium grained non-calcareous soils (sediments) showing the presence of aluminum and iron;
- Securities to ensure that the requirements of the agreement is implemented; and
- Monitoring to be reported to the Township and the Ministry of the Environment undertaken in accordance with provincial monitoring requirements.

7.14 Coldwater watercourses, as defined by the Ministry of Natural Resources (MNR), contribute to fish habitat. As such, increased setbacks of 30 metres (100 feet) as defined by the MNR from coldwater streams in the Rural area is recommended.

Heritage Areas

7.15 Heritage Areas, as defined by the Natural Heritage Evaluation of Muskoka, can be identified as areas where natural or man made features which contribute significant historical, geological, biological, archaeological, scenic or other

heritage value occur. Certain areas of the Township have been identified as Heritage Areas and are noted on Appendix B.

- 7.16 Where Heritage Areas are identified, regard shall be had for their protection in evaluating development proposals.
- 7.17 Development on lands adjacent to Heritage Areas shall not adversely impact on the heritage value of the area.

8 Areas of Use Limitation

- 8.1 Areas of Use Limitation are defined as lands with inherent physical or environmental hazards that may make them unsuitable for many active land uses, including the placement of permanent structures, and generally are subject to site plan control. Areas of Use Limitation generally take one of three forms:
- lands prone to flooding;
 - steep slopes; and,
 - narrow waterbodies.
- 8.2 All major development, including commercial, industrial and institutional development, shall be required to submit an Environmental Impact Study (EIS) as part of the application process, to the satisfaction of the Township. Requirements of an EIS are detailed in Section F Implementation. Development of fewer than three lots may, at the discretion of the Township, be required to submit an EIS to the satisfaction of the Township. Where required, an engineering evaluation must be provided to the satisfaction of the Township that demonstrates how the constraint can be addressed.

Lands Prone to Flooding

- 8.3 Lands prone to flooding are those lands adjoining a river, stream, or lake which are susceptible to flooding during the 100 year flood event. Such lands shall be zoned, based on available flood elevation data and regulations, to prohibit new development, except for appropriate shoreline structures.
- 8.4 Public or private works may be considered on lands prone to flooding where sufficient technical information is provided in a technical report to the satisfaction of the Township including the following:
- a) identification of lands prone to flooding;
 - b) confirmation that development is outside the floodway;
 - b) confirmation that development can be adequately flood protected; and,
 - c) confirmation that any filling, channelization, or construction would not result in adverse impacts or significantly impact flows.

Steep Slopes

- 8.5 Steep slopes, as identified below, are generally measured over a horizontal distance inland of 45 metres (150 feet) from the shoreline for at least 100 metres (330 feet) along the shoreline.
- 8.6 The following shall constitute minimum water frontage requirements for lot creation:
- a) a water frontage of 60 metres (200 feet) on lands with slopes >20% and <40%;
 - b) a water frontage of 90 metres (300 feet) on lands with slopes >40% and <60%; and,
 - c) a water frontage of 120 metres (400 feet) on lands with slopes >60%.
- 8.7 For steep slopes >20% and <40%, existing vegetation shall be substantially retained on all slope faces of 20%, or greater. If vegetation can not be substantially retained, then an Environmental Impact Study that addresses specific mitigation measures shall be required to address the visual and environmental integrity of such lands, among other matters.
- 8.8 For steep slopes >40%, an Environmental Impact Study for development that addresses specific mitigation measures shall be required to address the visual and environmental integrity of such lands, among other matters. Notwithstanding the generality of the foregoing, an Environmental Impact Study shall not be required for undertakings that satisfy the Environmental Assessment Act, such as public road construction.

Narrow Waterbodies

- 8.9 A narrow waterbody is defined as a navigable lake or river with a minimum distance from shoreline to shoreline of generally less than 150 metres (500 feet) for at least 100 metres (330 feet) along both shorelines. The shoreline configuration for a narrow bay is further defined as having a perpendicular distance generally along the bay's axis from the shoreline to shoreline measurement to the end of the bay of at least 100 metres (330 feet).
- 8.10 The following shall constitute minimum water frontage requirements for lot creation:
- a) a water frontage of 90 metres (300 feet) in areas of narrowness < 150 metres (500 feet) and > 75 metres (250 feet) across; and,
 - b) a water frontage of 120 metres (400 feet) in areas of narrowness < 75 metres (250 feet) across.

- 8.11 The location and orientation of shoreline structures should be situated to minimize congestion on the waterbody.

9 Lake Character

- 9.1 Lakes within the Township are classified in Schedule J2 to the Official Plan.
- 9.2 The following special policies apply to Category 1 (Large) lakes:
- a) two storey boathouses are permitted subject to all other provisions relating to them in this Plan (Section B 13.7);
 - b) the maximum lot coverage shall be 10% based on that portion of the area of the lot within 60 metres (200 feet) of the normal water's edge; and,
 - c) the maximum width of docks shall be 25% of the lot frontage up to a maximum of 23 metres (75 feet). Boathouses are subject to further restrictions.
- 9.3 The following special policies apply to Category 2 (Medium/Developed) lakes:
- a. two storey boathouses shall not be permitted;
 - b. the maximum lot coverage shall be 8% of the lot area based on that portion of the area of the lot within 60 metres (200 ft) of the normal water's edge; and,
 - c. the maximum width of shoreline structures shall be 15% of the lot frontage up to a maximum of 15 metres (50 feet). Boathouses are subject to further restrictions.
- 9.4 The following special provisions apply to Category 3 (Small/Remote) lakes:
- a. boathouses shall not be permitted;
 - b. the maximum lot coverage shall be 5% of the lot area based on that portion of the area of the lot within 60 metres (200 feet) of the normal water's edge;
 - c. the maximum width of shoreline structures shall be 5% of the lot frontage up to a maximum of 6 metres (20 feet); and,
 - d. the maximum height of all main structures shall be 9 metres (30 feet).
- 9.5 The following special provisions apply to Category 4 lakes (lakes at capacity):
- a) two storey boathouses shall not be permitted;

- b) the maximum lot coverage shall be 8% of the lot area based on that portion of the area of the lot within 60 metres (200 feet) of the normal water's edge;
- c) the maximum width of the shoreline structures shall be 15% of the lot frontage up to a maximum of 15 metres (50 feet). Boathouses are subject to further restrictions; and,
- d) the minimum front yard setback for new dwellings and septic systems shall be 30 metres (100 feet).

9.6 Coverage is a means by which density is controlled, therefore, strict compliance is required. However, no Official Plan Amendment is required for:

- a) variation not exceeding 1/10 of the permitted coverage; or,
- b) variation to recognize coverage of existing structures.

10 Residential Development Policies

- 10.1 Development on the waterfront must be carefully controlled and monitored to maintain the character of the Waterfront area. Character of the Waterfront is not only a result of built size and form but also the number of habitable buildings, setbacks, shoreline vegetative cover, height, shoreline structures, and historical lake development.
- 10.2 When determining the historical lake development, the following factors shall be considered:
 - i) development trend over the past 50 years or more,
 - ii) access,
 - iii) building size,
 - iv) lot size,
 - v) shoreline structures.
- 10.3 One dwelling and one sleeping cabin shall be permitted per residential property, where the lot dimensions are appropriate.
- 10.4 Home-based businesses consisting of businesses such as bed and breakfasts, and cottage industries are permitted, provided they are small in scale and do not affect the residential character.
- 10.5 In recognition of the built character of a waterbody, the density of development on lots shall be limited based on a lot frontage and lot area criteria, as detailed in an implementing comprehensive zoning by-law.

- 10.6 More specifically, the density shall be controlled by limiting lot coverage to a maximum percentage of that portion of the lot area within 60 metres (200 feet) of the normal water's edge.
- 10.7 The maximum gross floor area of a dwelling shall be 696 square metres (7500 square feet).
- 10.8 The maximum permitted development on the lakes depends on the category of lake and must comply with Sections B.9.2 to B.9.5.
- 10.9 The policies and implementing zoning by-law provisions regarding density shall be strictly adhered to in accordance with Section F.1.6 of the Official Plan.

Forms of Development

- 10.10 Residential development shall generally take one of two forms:
- a) linear development, consisting of individual dwellings situated along the shoreline which constitutes traditional development form; and,
 - b) backlot development, consisting of individual dwellings within the Waterfront designation, separated from a waterbody by a legally separate developable piece of patented land.

Linear Development

- 10.11 Linear development shall occur within a single-tier surrounding a waterbody and meet the following minimum lot requirements, unless otherwise stated:
- a) a lot area of 0.4 hectares (1 acre); and,
 - b) a water frontage of 60 metres (200 feet).

Backlot Development

- 10.12 Where a public road passes through the Waterfront designation approximately parallel to a shoreline, not more than a single-tier of building lots may be permitted between the shoreline and such road. Similarly, not more than a single-tier of building lots shall be permitted beyond such road.
- 10.13 Where a public road passes through the Rural designation just outside the Waterfront designation and runs approximately parallel to the shoreline, no more than a single tier of lots may be permitted between the shoreline and the road.
- 10.14 Access to a waterbody by means of a right-of-way shall not be permitted for backlot development. However, easements may be considered for the purpose of private water supply.

- 10.15 Backlot development shall meet the following minimum lot requirements:
- a) a lot area of 2 hectares (5 acres); and,
 - b) frontage on a year-round maintained public road of 200 metres (660 feet).

Home-based Businesses

- 10.16 Home-based businesses shall be secondary and incidental to the main residential use and may include such uses as:
- a) professional/personal services;
 - b) artisans/studios;
 - c) day care;
 - d) bed and breakfast; and,
 - e) repair services (excluding vehicles, water crafts, heavy equipment, and aircrafts).
- 10.17 Home-based businesses shall meet the following development standards:
- a) be conducted from a single detached dwelling or accessory building by those who occupy the dwelling;
 - b) have adequate parking and road capacities to handle additional traffic, where road access is provided;
 - c) have adequate docking facilities, where water access is provided; and,
 - d) maintain the residential character of the property.

11 Commercial Development Policies

- 11.1 All development and redevelopment shall be subject to site plan control as defined in an implementing site plan control by-law.
- 11.2 Staff housing shall be encouraged to be provided by commercial operators for all commercial development. The staff housing will enable commercial businesses to attract skilled and qualified workers to the area by providing housing options.

Forms of Development

- 11.3 Tourist commercial development in the Waterfront shall generally take one of the following forms:
- a) resort commercial development consisting of those commercial uses which provide lodging, accommodation, and recreational facilities for the vacationing public;

- b) children's camps, churches, and religious or non-profit institutional uses consisting of lodging and accommodation facilities for members or clients;
- c) marina commercial development consisting of a building, structure, or place located on a waterway which provides facilities such as docking, storage for boats and boat accessories, services, and repairs, and may include accessory uses that are complementary to the primary marina use; and,
- d) tent and trailer parks consisting of those uses which provide campsite amenities and accessory uses such as docking and boat launching sites.

Other commercial development shall generally take one of the following forms:

- e) waterfront contractors consisting of those uses which have water frontage, are used as a contractors yard, and which provide a service to property owners in the Waterfront designation related to building construction and maintenance; and,
- f) commercial nodes in recognition of a commercial focus in the waterfront.

11.4 Limited expansion, enlargement, or redevelopment of existing commercial establishments shall be permitted to approved limits detailed in the implementing comprehensive zoning by-law, as of the date of adoption of this Plan. Various zoning categories shall take into account the general differences in resorts and their densities.

11.5 New resort commercial development requires an amendment to this Plan and amendment to the implementing comprehensive zoning by-law, subject to site plan control. The applicant shall establish the nature, location, size, and density of the proposed development.

11.6 Expansion, enlargement, or redevelopment of commercial establishments beyond the approved limits, as established in zoning, requires an amendment to the implementing comprehensive zoning by-law and is subject to site plan control. Consideration of proposals shall take into account the suitability of the site and the ability of the surrounding area to accommodate and sustain the expansion, enlargement, or redevelopment. Proposals shall maintain the general intent of the Plan and the following guidelines will be used in their evaluation:

- a) the property is of sufficient dimension and size to accommodate the proposal. Specific densities will be established in the amending zoning by-law;
- b) the proposal should blend in with the waterfront setting and terrain, taking into account such issues as slope, vegetative cover, aesthetics, compatibility, and access;
- c) water and sewage disposal systems shall be able to handle the proposal;

- d) access routes shall have the capacity or be upgraded to handle additional traffic; and,
- e) the effect of the proposal would comply with the intent of any water quality policies of this Plan or the District of Muskoka Official Plan.

11.7 All lands upon which resorts, marinas, waterfront contractors, retail, service commercial, and/or light industrial uses are located or permitted, shall be referred to as the Employment Areas of the Township.

Council recognizes that Employment Areas contribute substantially to the economic base of the Township. As such, Council supports the retention of all Employment Areas and operations in order to facilitate proper redevelopment and/or expansion. The conversion of Employment Areas to Non-Employment Areas shall be permitted through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

11.8 Despite Subsection 11.7, the creation of one residential lot containing an existing dwelling on the lands described as Part of Lots 26 and 27, Concession 11, Medora (Sullivan) is permitted subject to the requirements of the Township and Muskoka Official Plans.

Resorts

11.9 Forms of tenure such as single ownership, timesharing, condominium ownership, leaseback, interval ownership, fractional ownership, and right to use shall be considered for resort development or redevelopment within the principles, goals, and objectives of this Plan. Resort policies shall apply to permitted uses with lodging and/or accommodation other than tent and trailer parks.

11.10 Where resort development includes commercial resort condominium units, the condominiums shall form part of an integrated resort facility. The use of the units shall remain commercial and be available to the travelling public through a centrally managed rental pool. In support of this policy, the following guidelines will be used to further evaluate applications for commercial resort condominiums:

- a) the units shall form part of an integrated commercial resort which has a variety of on-site facilities all of which are available to all resort guests;
- b) the resort facilities, including boat docks and adjacent shorelines, are to be managed by the resort entity and not assigned or otherwise granted exclusive use by the condominium unit owners;

- c) a condominium agreement with the Township will be required to address, among other matters, the commercial nature and use of the condominium units to ensure that the use continues to be commercial. This agreement shall state that the resort condominium units are available to the travelling public the entire year, including the high season;
- d) the sequence of the resort development, including the timing of construction of all resort accommodation and facilities, will be established within the intent of these policies;
- e) docks, other shoreline structures and the adjacent shorelines will be retained under central management by the resort and not be specifically assigned for use by individual units. Overnight docking of boats is generally not permitted, however, a number of the dock spaces may be available for overnight docking and be identified in the site plan agreement.

It is the policy of the Township that residential condominiums are not permitted within the Waterfront designation or the Waterfront commercial zone.

11.11 Where a resort that includes condominium units substantially ceases to carry on business, the following policies shall apply:

- (a) the owners of the condominium units may, through a centralized management, continue to operate the units as part of a tourist commercial resort in accordance with the policies detailed in Section 11.11 and any and all agreements registered on title;
- (b) in the event that the condominium units are unable to be operated as part of a tourist commercial resort, use of the units shall cease until it is possible to operate them as such;
- (c) conversion of the tourist commercial resort use to residential use shall not be permitted; and,
- (d) the owners of all lands comprising the resort of which the condominium units form a part shall be considered partners with the condominium unit owners in the resort and actions that would derogate from the operation of the lands as a viable tourist commercial resort shall be discouraged.

11.12 Integrated recreation facilities shall be a component of any resort commercial development. Public use of resort facilities, particularly recreational and docking facilities, is encouraged. Joint use agreements should be considered as part of any redevelopment of resort properties.

11.13 Golf Courses are permitted as an accessory use to a resort use. Due to potential of water quality impact, detailed water quality monitoring will be required. This will involve monitoring during construction, as well as during golf course

operation. Such monitoring reports will be peer reviewed by the Township of Muskoka Lakes. Where a new or expanded golf course is proposed, the following shall be addressed to the satisfaction of the Township:

- water quality;
- protection of shorelines;
- impact on Heritage Areas and Provincially significant wetlands; and
- access as it relates to District and Township facilities.

11.14 To help foster year round resort opportunities, fractional ownership will be permitted. Where a fractional ownership project is proposed the units will be considered commercial and not residential and are to be available for the travelling public. The Township may require copies of a Resort Owners Agreement and Agreements of Purchase and Sale to ensure they are commercial operations. All fractions for a unit cannot be purchased by one individual or entity.

11.15 All resort development or redevelopment shall meet the following siting requirements:

- a) a minimum setback of 20m (66 feet) from the normal or controlled high water mark of a waterbody for all structures except shoreline and minor non-habitable structures;
- b) the provisions of Section 5.51;
- c) increased setbacks related to the height of buildings shall be encouraged;
- d) tree cover and vegetation is encouraged to uphold the visual and environmental integrity of the shoreline;
- e) A minimum of 30 metre setback from any shoreline will be required for leaching beds. Where this is not feasible, on-site phosphorus management will be required.

11.16 New resorts shall meet the following minimum lot and siting requirements:

- a) generous amount of open space;
- b) on a mainland property;
- c) a lot area of 2-hectares (5 acres);
- d) on appropriate water supply and sanitary sewage disposal systems;
- e) a water frontage of 150 metres (500 feet); and,

f) a natural buffer to ensure compatibility with adjacent residential uses.

11.17 New resorts in the Waterfront designation shall only be permitted through an Amendment to this Plan.

11.18 Where a resort commercial property has been registered by way of condominium description, private multi-unit servicing may be permitted to the satisfaction of the District of Muskoka.

11.19 A resort will be operated under on-site central management for profit.

Marinas

11.20 New marina development shall meet the following minimum lot requirements:

- a) a lot area of 0.8 hectares (2 acres);
- b) a water frontage of 75 metres (250 feet);
- c) a natural buffer to ensure compatibility with adjacent residential uses; and,
- d) increased setbacks for boat storage facilities located on land.

11.21 Marinas shall be encouraged to expand in a manner to provide additional boat storage thereby alleviating the pressure for docking facilities. Valet service in lieu of dock expansion is encouraged.

11.22 A dry marina for the purpose of only storing boats, or a self serve boat storage, shall be encouraged to be located away from the waterfront area, in the rural area, where proper visual mitigation measures can be achieved.

Waterfront Contractors

11.23 New waterfront contractors shall meet the following minimum lot and siting requirements and shall require site plan control:

- a) a lot area of 0.6 hectares (1.5 acres);
- b) a water frontage of 90 metres (300 feet);
- c) a year-round maintained public road frontage;
- d) setbacks and heights as identified in an implementing comprehensive zoning by-law for residential buildings and commercial buildings;
- e) limited outside storage areas and parking areas associated with the commercial operation; and,
- g) generally located on level land of which a majority is treed and the natural vegetation is preserved or enhanced to provide natural buffering of facilities from adjacent uses and from the water, where required.

Lands presently designated “Waterfront Commercial – Contractor” are listed in Appendix D: Lands Designated “Waterfront Commercial – Contractor”.

Tent and Trailer Parks

- 11.24 New tent and trailer parks shall not be permitted on Lake Muskoka, Lake Rosseau, or Lake Joseph. No expansion or enlargement of existing tent and trailer parks shall be permitted on such lakes, except through a zoning by-law amendment. Development standards for tent and trailer parks shall be established in an implementing comprehensive zoning by-law and a by-law under the Municipal Act to include specific provisions per campsite such as road frontage, water frontage, size, and setbacks.

Commercial Nodes

- 11.25 Port Sandfield is recognized as a commercial node in the waterfront designation and acts as a continued focus of waterfront commercial use. Permitted uses include waterfront commercial uses, existing contractor’s yard, existing institutional, and public open space. Development shall have regard for the following and shall be subject to site plan control:
- a) development shall normally take place in the form of infilling and intensification within existing boundaries;
 - b) land uses, activities, and architecture which add to the node’s character or functional basis shall be preserved and enhanced;
 - c) commercial uses shall be designed and any lighting arranged so as to blend in with the desired character and adjacent uses;
 - d) adequate buffering in the form of public open space and natural topographic features between the commercial node and adjacent residential or recreation use shall be maintained; and,
 - e) commercial uses shall provide adequate off-street parking or docking spaces, as appropriate and shall also provide adequate loading areas. In addition, vehicular access points shall be limited in number and designed in a manner that will minimize the danger to vehicular and pedestrian traffic.

12 Open Space and Public Use Policies

- 12.1 Private and public open space shall provide for those uses which contribute to the environmental quality, recreational experience, and tourism in the Township. The Township may zone open space uses in a separate zoning category in the implementing comprehensive zoning by-law. Notwithstanding the above, open space uses may be permitted in a variety of zones.

-
- 12.2 Open space areas or uses shall be encouraged to locate in or adjacent to:
- a) existing public parks or other compatible land uses;
 - b) areas with adequate public access;
 - c) areas with natural amenities for shoreline recreation; and,
 - d) scenic areas.
- 12.3 Outdoor recreational and environmental uses including space extensive recreational uses, trails, picnic areas, and nature reserves shall be allowed as permitted open space uses. Such lands should generally only permit a small percentage of buildings and structures related to the open space use. In addition, all undeveloped Crown land owned by the Province, and lands which form the bed of any waterbody, shall be considered open space.
- 12.4 The connectivity of a public trail system throughout the Township of Muskoka Lakes should be encouraged. Lands shall be deeded to the Township where appropriate and where outlined in a Parks Master Plan. This could include trails for walking, biking, snowmobiling, cross country skiing, or hiking, and may be located across public lands, road allowances, or publicly maintained year round roads.
- 12.5 Public uses such as parks, public docking, parking, boat launching facilities, and the upgrading of public utilities shall be permitted, provided that such uses are compatible with surrounding uses and are not used overnight.
- 12.6 In conjunction with the recommendations contained in the Township Parks Master Plan, land developed for parks purposes should be of sufficient size to provide for public needs such as access, swimming, and picnic areas, and to provide for natural buffers, as required.
- 12.7 Road allowances that lead to water may provide for public use of the waterfront and access to a waterbody. As such, road allowances in the Waterfront should not generally be conveyed out of public ownership. However, where road allowances that lead to water cannot provide reasonable access to the water, the Township may convey such lands for private ownership in consideration of the following matters:
- a) the type of access and public use possible;
 - b) road allowance status;
 - c) existing access in the vicinity;
 - d) retention of natural and scenic features such as wetlands, sensitive natural areas, and rock cliffs;

- e) retention of built features such as hydro lines within a road allowance;
- f) physical constraints and waterbody characteristics, depending on the use, due to slope, terrain, substrate of the lakebed, hazards to navigation, depth of water, orientation of the road allowance, isolation from existing roads, and other matters;
- g) excessive crowding from neighbouring use;
- h) the recreational capacity of the waterbody to support additional access;
- i) potential for land exchange in the vicinity; and,
- j) history of use.

13 Shoreline Structures

- 13.1 Prior to development on shorelines, necessary approvals shall be obtained from the appropriate authority. Shoreline structures most commonly include docks and boathouses. Filling, dredging, and shoreline alteration is discouraged. Any approved artificial increase in water frontage or lot area shall not confer additional development rights.
- 13.2 Standards regulating shoreline structures shall be detailed in the implementing comprehensive zoning by-law.
- 13.3 Buildings, structures, or works extending beyond the normal or controlled high water mark or located at the shoreline shall be designed and located in a suitable manner so as to have regard for the following matters:
 - a) critical fish and wildlife habitat;
 - b) the natural flow of water;
 - c) potential damage from flood and ice heaving;
 - d) privacy; and,
 - e) other shoreline, resource development, and environmental policies.
- 13.4 To maintain a balance of natural and built form, the maximum cumulative width of shoreline structures, including all docks, shall be the lesser of 25 percent or 23 metres (75 feet) of the lot's water frontage, with the exception of the following:
 - a) waterfront landings which shall be limited to 25 percent;

- b) waterfront contractors which shall be limited to 25 percent;
- c) resort properties which shall be limited to 25 percent except in the case of applications for shoreline structures adjacent to the following three (3) resort properties where the applications shall fulfill the information requirements and be consistent with the guidelines set out in Appendix “C” as part of a site plan agreement.

The three (3) resort properties are:

- i) Lake Joseph Club,
 - ii) Muskokan Resort Club; and,
 - iii) Ferndale Resort.
- d) marinas which shall be limited to 75 percent; and,
 - e) large residential properties with severance potential, as determined by the Township, which shall generally be limited to 25 percent per minimum water frontage on potential lots.

13.5 Shoreline structures shall not impede the immediate view of surrounding properties, as defined by the extension of property lines onto the water.

13.6 The primary use of docks is for the docking and berthing of boats as well as access to the lake for swimming. Large docks, used as decks over the water, shall be discouraged.

Boathouses and Boatports

13.7 New two-storey boathouses shall generally meet the following requirements:

- a) located on Category 1 Lakes, provided the structure is not located on a narrow waterbody and significant fish habitat is protected, as defined in this Plan;
- b) located on a lot with a minimum water frontage of 90 metres (300 feet);
- c) may include a second floor structure not exceeding the floor area permitted for a sleeping cabin;
- d) may include a covered deck up to 23 square metres (250 square feet); and,
- e) an increased setback from the projected side lot line.

13.8 New single-storey boathouses and boatports shall generally meet the following requirements:

- a) located on Category 1, Category 2 or Category 4 Lakes, provided significant fish habitat is protected, as defined in this Plan;
- b) located on a lot with a minimum water frontage of 30 metres (100 feet); and,

- c) an increased setback from the projected lot line where a roof is for a sundeck.

14 Lake Plans

- 14.1 The Township supports the creation of Lake Plans and encourages them for all lakes and rivers.
- 14.2 Land use aspects of such Lake Plans in accordance with the Planning Act may be incorporated in the Official Plan by way of an Official Plan Amendment.
- 14.3 The following matters, amongst others, should be identified in a Lake Plan:
 - i. Location and access,
 - ii. Location within the watershed,
 - iii. Size and shape of lake,
 - iv. Distinct character areas for large lakes,
 - v. Number and location of islands,
 - vi. Locations of areas of steep slopes and narrow waterbodies,
 - vii. Topography, landscape, and shoreline features,
 - viii. Wetlands and identified natural heritage lands (i.e. ANSI's, Conservation Reserves, etc.) and locations of species of conservation concern (i.e. Endangered, Threatened and/or provincially significant),
 - ix. Water quality and the relationship to development capacity,
 - x. Historical development and cultural heritage,
 - xi. Existing land use,
 - xii. Existing built form,
 - xiii. Development trends,
 - xiv. Boating capacity,
 - xv. Open space, recreational areas, trails,
 - xvi. Public access points,
 - xvii. Development potential and capacity,
 - xviii. Specific policies and standards for development.
- 14.4 A lake can be changed in character category as identified in Section B.9 following the submission of a satisfactory Lake Plan and an amendment to this Plan.

15 Dark Sky Lighting

- 15.1 Dark Sky Lighting policies apply to all development, including residential, commercial, industrial and institutional uses, and are implemented through Site Plan Control.
- 15.2 New and existing development shall be encouraged to provide exterior lighting that avoids light trespass, and does not impose glare on neighbouring properties. In all cases, lighting must be designed to direct downwards rather than outwards.
- 15.3 Exterior lighting shall not interfere with water navigation.
- 15.4 The intensity of light on both existing and new development should be reduced where possible to minimize the impact on surrounding properties. Exterior floodlights shall not be permitted.
- 15.5 Full cutoff dark sky compliant lighting shall be required for all new development, and where appropriate redevelopment. Low level lighting is encouraged.
- 15.6 In the case of major development a detailed lighting plan shall be required.

16 Development of Small Lots

- 16.1 Small lots are defined as an individual property or island that has less than 61 metres (200 feet) of frontage and 1 acre in area.
- 16.2 Large open space uses such as sport courts, or any active recreational activity area, shall not be permitted. Parking areas shall be limited.
- 16.3 Two storey dwelling units shall be the maximum allowed on small lots. The maximum height requirement shall be noted in the implementing comprehensive zoning by-law.
- 16.4 Any development of a small lot shall be subject to Site Plan Control requirements and may be required to prepare an Environmental Impact Study.

17 Development of Undeveloped Lakes

- 17.1 Any development of an undeveloped lake shall be subject to Site Plan Control requirements.
- 17.2 Development on undeveloped lakes introduces a dramatic change in the character and natural habitat of flora and fauna. Remote development is

typically on a small lake or an area with substantial acreage and may be adjacent to crown land. As such, limited shoreline structures will be permitted.

- 17.3 Development potential shall be reduced to maintain a traditional remote cottaging experience.
- 17.4 Detailed development standards referring to, but not limited to, such requirements as minimum lot size, frontage, setbacks, etc., will be determined in an implementing zoning by-law.
- 17.5 It is expected that lot sizes and frontages will generally be larger on undeveloped lakes to maintain the character of the area.
- 17.6 On lots located on small undeveloped lakes, the only permitted shoreline structures are a single dock.