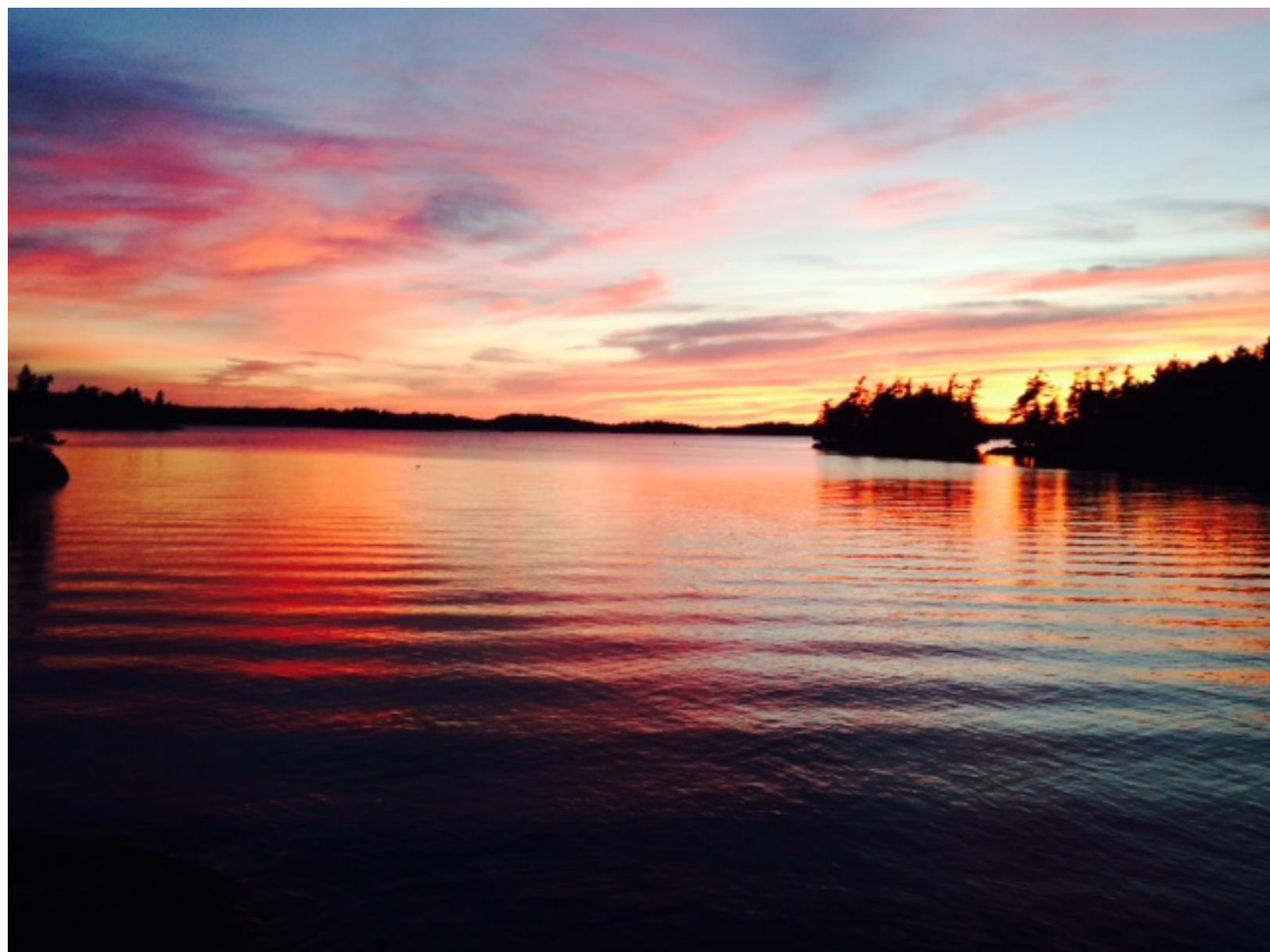




**Township of Muskoka Lakes Official Plan – Adopted by  
Township Council on October 12, 2022  
by By-law 2022-171 and then Approved with  
Modifications by District Council on November 20, 2023**

# **TOWNSHIP OF MUSKOKA LAKES OFFICIAL PLAN**





**Township of Muskoka Lakes Official Plan – Adopted by  
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# PART A - PLAN BASICS: APPLICABILITY, PURPOSE AND ORGANIZATION OF THE OFFICIAL PLAN

## A1 INTRODUCTION

This Official Plan is a policy document that is intended to serve as the basis for making land use decisions and managing physical change in the Township of Muskoka Lakes. According to the Planning Act, an Official Plan “shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality”.

## A2 APPLICABILITY

- a) This Official Plan is intended to guide development on all lands within the Township of Muskoka Lakes; however, it does not apply to Crown Lands and Indigenous Lands as shown on the schedules to this Plan.
- b) This Official Plan shall apply to all applications for **development** that have been deemed to be complete applications under the Planning Act the day following its approval by the District of Muskoka or the Ontario Land Tribunal. Within the period of time between the adoption of this Plan by Muskoka Lakes Council and its approval by the District of Muskoka or the Ontario Land Tribunal, regard should be had to the adopted Official Plan when making decisions on applications for **development**, particularly if the policies of the adopted Official Plan are more restrictive than the previous Official Plan.
- c) Applications for **development** that were deemed complete prior to the adoption of this Official Plan shall be reviewed based on the previous Official Plan.

## A3 PURPOSE OF THE PLAN

- a) The purpose of this Official Plan is to establish the goals and objectives for development in the Township, and to set out policies for achieving them. The Official Plan establishes the framework within which sustainable growth and

community improvement can take place.

- b) This Official Plan acts as a guide for assisting the Township in:
  - i) Preparing Zoning By-Laws or Community Planning Permit By-laws;
  - ii) Assessing and making decisions about **development** applications;
  - iii) Undertaking public works;
  - iv) Undertaking community improvements; and
  - v) Promoting economic growth.
- c) The Plan assists the public and Council in:
  - i) Understanding the long-term vision for the Township;
  - ii) Assessing and making private investment decisions;
  - iii) Formulating positions on development options within the Township; and,
  - iv) Participating in the planning process.

## **A4 PLANNING PERIOD**

- a) The planning period for this Official Plan is to 2046.
- b) Notwithstanding the above, nothing limits the planning for **infrastructure** and **public service facilities** beyond 2046.
- c) In addition, the Township may plan beyond 25 years for the long-term protection of **employment areas** provided new lands are not designated for this purpose beyond the planning period.

## **A5 ORGANIZATION OF THE PLAN**

This Official Plan is divided into the following operative sections, each of which is described below.

Part A (Applicability, Purpose and Organization of the Official Plan) establishes where the Official Plan applies, its purpose and how it is organized.

Part B (Vision and Objectives) establishes an aspirational and long-term vision for Muskoka Lakes that is based on Strategic Plan that was adopted by Council on January 13, 2021 and

visioning exercises undertaken as part of the Official Plan update process. This part of the Plan then includes a series of land use planning, sustainable development, housing, economic development, tourism and climate change objectives that are intended to achieve the vision and the strategic goals.

Part C (Growth Management) identifies how much growth is expected to occur in Muskoka Lakes and where. Policies on growth management and **settlement area** boundary expansions are also contained within this part of the Plan.

Part D (Natural Heritage and Water Resources) establishes several objectives that support the long-term **ecological function** and biodiversity of **natural heritage features and areas** in Muskoka Lakes. Given the importance of the environment to the Muskoka Lakes, policies on natural heritage and water resources are at the beginning of this Plan.

Policies on **development** and **site alteration** within and adjacent to **natural heritage features and areas** are contained in this part of the Plan. In addition, there are specific policies on **significant wetlands** and **coastal wetlands**, the **habitat of endangered species and threatened species**, **significant wildlife habitat** and **significant areas of natural and scientific interest**. Policies on environmental impact studies are included within this part as well. There are also policies in this part on watercourses and **surface water features, development** and **site alteration** near **surface water features** and **ground water features** and stormwater management.

Part E (Waterfront Area Land Use Designation) contains extensive policies on the Waterfront Area designation, where most of the development in the Township is concentrated.

Part F (Tourist Accommodation) contains policies on tourist accommodation uses in the Township.

Part G (Minett Resort Village) contains policies on the Minett Resort Village (Note: these will be included when finalized).

Part H (Rural Land Use Designations) contains policies on the following mutually exclusive land use designations:

- a) Rural Area;
- b) Agricultural Area;
- c) Rural Industrial/Commercial Area; and,
- d) Local Community Area.

Part I (Urban Centre Land Use Designations) contains policies on a number of land use designations in the Port Carling and Bala Urban Centres.

Part J (Community Area Land Use Designations) contains policies on a number of land use designations in the five Community Areas (Foots Bay, Glen Orchard, Milford Bay, Windermere and Torrance).

Part K (Mineral Aggregate Resource Area) contains policies on the Mineral Aggregate Resource Area designation.

Part L (General Development Policies) contains policies on servicing, cultural heritage resources, transportation, natural and human made hazards, forestry, housing and home businesses. Policies on the subdivision of land by plan of subdivision/condominium description or part lot control and policies on land use compatibility, telecommunications towers, dark sky lighting and permitted uses on hydro corridor lands are also included within this part of the Plan.

Part M (Special Site Policies) contains policies that apply to specific properties or areas in the Township as per previously adopted Official Plan Amendments.

Part N (Implementation and Administration) contains a number of policies related to the administration and implementation of the Official Plan and identifies the tools under the Planning Act that are intended to be used by Muskoka Lakes to administer and implement the Official Plan.

In this regard, this part of the Plan contains policies on zoning by-law implementation, community planning permits and Community Improvement Plans. This part also contains policies on public participation and consultation and on what is required to determine when an application can be deemed complete in accordance with the Planning Act. In addition, this part of the Plan also contains a number of policies on how the Official Plan

shall be interpreted including the boundaries of the land use designations. Lastly, this part of the Plan includes definitions for defined terms that are **bolded** in this Plan for convenience purposes.

## **A6 SCHEDULES TO THE PLAN**

The following schedules, which are to be read in conjunction with the text of this document, constitute an operative part of the Muskoka Lakes Official Plan:

- a) Schedule A - Land Use Designations outside of the Urban Centres and Community Areas;
- b) Schedule B1 - Land Use Designations in Port Carling (Urban Centre);
- c) Schedule B2 - Land Use Designations in Bala (Urban Centre);
- d) Schedules C1 to C5 - Land Use Designations in the Community Areas (Foots Bay, Glen Orchard, Milford Bay, Windermere and Torrance);
- e) Schedule D - Special Site Policies

## **A7 APPENDICES TO THE PLAN**

The appendices listed below contain additional information that assists with the interpretation and implementation of this Plan. The appendices do not constitute an operative part of the Muskoka Lakes Official Plan, they are intended for information purposes and may be revised without an amendment to this Plan when new information becomes available:

- a) Appendix A - Major **Watersheds** in Muskoka Lakes;
- b) Appendix B1 - Port Carling Service Area Boundaries;
- c) Appendix B2 - Bala Service Area Boundaries;
- d) Appendix C - **Natural Heritage Features and Areas**;
- e) Appendix D - Water Resources;
- f) Appendix E - Resource Areas and Other Constraints;
- g) Appendix F - **Flooding Hazards**;

- h) Appendix G - Transportation and Scenic Corridors;
- i) Appendix H - Archaeological Potential; and
- j) Appendix I - Information Requirements/Guidelines for Docking Proposals in the WC1A4 Zone

## **A8 HOW TO READ THIS OFFICIAL PLAN**

- a) This Plan is to be read in its entirety. All relevant goals and objectives are to be considered when decisions are made, and all relevant policies shall be applied as appropriate. While specific policies sometimes refer to other policies, these cross-references do not take away from the need to read the Muskoka Lakes Official Plan as a whole.
- b) Since land use decisions have long-term impacts, they must be future oriented and connected to the overall vision. The vision and objectives presented in Sections B1 to B7 collectively articulate the desired future for the Township of Muskoka Lakes and are the foundation upon which the Muskoka Lakes Official Plan has been developed.
- c) The vision, strategic goals and objectives are not tests that need to be met or applied to individual properties or applications necessarily, rather they should be considered broadly when making policy and land use planning decisions.
- d) Parts C to N of this Plan contain a number of objectives and detailed policies. Objectives are intended to be more specific than the objectives in Sections B2 to B7 of this Plan and may be quantifiable. These objectives provide a framework to be considered in decision-making and a context for the specific policies of each Section.
- e) Policies are to be applied when making land use planning decisions. The choice of words used in the policy is deliberate and when a policy includes the word 'shall', it means the policy is a positive directive and is mandatory. When a policy includes the words 'shall not', the policy is a limitation or a prohibition, which again is mandatory. Other policies use enabling or supportive language, such as 'should, promote and encourage', which implies that best efforts should be made to implement the policy.
- f) All **development** is required to conform to the policies in this Plan.

- g) Terms that are **bolded** within this Plan are contained within Part N and are derived from the Provincial Policy Statement.
- h) Where numeric values are included in the Official Plan, minor deviations to those values will not require an amendment to this Plan unless the Plan states otherwise.

## PART B - VISION AND OBJECTIVES

### **B1 THE VISION**

The Township of Muskoka Lakes natural beauty, pristine environment, and close proximity to the urban populations of Ontario and the northern United States has contributed to its historic and contemporary role as an iconic cottaging, **recreation** and tourism destination recognized across the continent. The Township's small communities, waterfront and **rural areas** also provide an attractive lifestyle to its residents.

In the face of global change, the Township understands the need to take a leadership role in protecting the features that make our community unique so that future generations can also enjoy the Muskoka experience. Consultation with a variety of community members revealed the following clear themes, which have been the basis for setting the strategic goals for the Township:

- a) The Township of Muskoka Lakes is known for its natural beauty and must protect its environment from overdevelopment;
- b) There are opportunities to build a sustainable year-round economy that intertwines the natural beauty with the economy, through industries such as eco-tourism, research, and building a true knowledge economy;
- c) There is a need to address a significant and noticeable social and economic divide between the year-round and seasonal populations;
- d) There is a need for the Township to proactively advocate and secure broadband infrastructure to connect its residents and businesses.

On the basis of the above, the vision below was developed by Council for the Township Strategic Plan as well as this Plan:

“Where generations live and gather in a breathtaking natural environment, enjoying recreation, history, and small-town character. These will be protected and enhanced for future generations, while encouraging thriving communities.”

## **B2 GENERAL OBJECTIVES**

The general objectives in this section establish the basis for future land use planning decisions and should be read in conjunction with the other objectives in this section of the Plan and the objectives at the beginning of each section of this Plan. In this regard, it is the objective of the Township to:

- a) Ensure that a precautionary approach to the protection of **natural heritage features and areas** and lake system health be a key element of any Planning Act decision, with the focus being on the protection of the quality of the natural environment over the long term;
- b) Continue to identify, preserve, protect and enhance the **natural heritage features and areas** of the Muskoka **watershed** found within the Township, including water quality and to work with the District and adjacent municipalities on environmental management issues;
- c) Require the implementation of sustainable development practices and support resiliency and innovation in order to maximize resource and energy conservation;
- d) Preserve, protect, and promote the heritage and cultural features that make Muskoka Lakes unique;
- e) Protect and support the Township’s **rural areas**, so that they are sustained for future generations and serve as a legacy to all residents of the Township;
- f) Support a prosperous local economy by providing opportunities for economic development, and investment and diversification in community, agricultural, and **rural areas**, in a manner that fosters entrepreneurialism, competitiveness, and a positive and attractive business environment;
- g) Support the development of new resorts and the redevelopment of existing resorts, provided the resorts are planned to be commercial in nature at the outset and continue to operate as commercial uses in the future, so that resorts can continue to

- contribute to the local economy;
- h) Direct most forms of year-round residential development to the Urban Centres where full services are available, and to support the efficient use of land and **infrastructure** to meet the needs of present and future residents and businesses;
  - i) Protect and enhance the character of the Urban Centres and Community Areas and to maintain them as sustainable, diverse, livable, safe, healthy, thriving and attractive communities;
  - j) Recognize existing Core Areas in the Urban Centres as mixed-use, vibrant, and accessible places for living, entertainment, leisure, commerce and civic activities, and to support their **intensification** and revitalization;
  - k) Promote the preservation and appropriate reuse of historic resources, and celebrate and assist in the retention of Township's heritage, and the reinforcement of cultural identity;
  - l) Maintain a diverse and interconnected system of public spaces that feature convenient, and comfortable access, encourage safe and healthy environments, minimize hazards and attract and appropriately serve all components of the population;
  - m) Establish a more balanced and integrated transportation system that safely and efficiently accommodates various modes of transportation including walking, wheeling, cycling and vehicle traffic;
  - n) Ensure that the construction of all new **infrastructure**, or expansions as well as the replacement, and maintenance of existing **infrastructure**, occurs in a manner that is compatible with adjacent land uses and minimizes social and environmental impacts, including climate change, with consideration given to the long term maintenance, operational and financial consequences of the decision;
  - o) Work with the adjacent municipalities on matters of common interest, which includes growth management, economic development, transportation, **infrastructure, natural heritage features and areas** and water resources; and,
  - p) Require that local decision-making processes are transparent and accountable to the public through the provision of information, participatory tools, education, and an

open process.

## **B3 SUSTAINABLE DEVELOPMENT OBJECTIVES**

It is the intent of the Township that all development and redevelopment is carried out in a manner that furthers the goals and objectives of this Plan, and particularly those that deal with sustainable development and healthy communities. On this basis, it is the objective of this Plan to:

- a) Protect the natural environment as the foundation of sustainable development;
- b) Promote the development of sustainable and healthy communities that create and improve physical and social environments and expand community resources which enable people to mutually support each other in performing all the functions of life and in developing to their maximum potential, including:
  - i) Providing choices and opportunities for all residents of all ages, by providing a diverse range of housing types, transportation modes, employment options, and **recreation** or leisure activities, including opportunities for local food production; and
  - ii) Efficiently managing the natural and social resources of the community to achieve the optimal benefits for all residents of all ages;
- c) Recognize that the built environment plays a critical role in shaping the physical, psychological and social health of individuals and the communities they live within;
- d) Recognize that a number of factors, such as land use patterns, transportation networks, public spaces and natural systems can all promote increased physical activity, psychological well-being and healthier lifestyles for residents;
- e) Ensure the development of healthy and sustainable communities with an emphasis on the importance of design and **green infrastructure** in private and public developments;
- f) Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and **infrastructure** - that are adaptive to the **impacts of a changing climate**, which includes protecting against natural and human made hazards;

- g) Promote improved accessibility for persons with disabilities and the elderly;
- h) Coordinate and appropriately deliver social and community services to meet the needs of the population, including co-location or clustering of facilities in strategic locations to facilitate maximum access by residents and visitors; and,
- i) Promote public art to help create distinctive areas and people-places.

## **B4 HOUSING OBJECTIVES**

Obtaining attainable housing for year-round residents is a challenge in the Township. The housing objectives in this section establish the basis for future land use planning decisions affecting the provision of housing. In this regard, it is the objective of this Plan to meet current and future housing needs by:

- a) Ensuring that an adequate supply of land and housing choices are available for present and future residents of all ages, abilities, incomes and household sizes, and is located in areas near jobs, and essential goods and services;
- b) Maintaining at all times the ability to accommodate residential growth for a minimum of 15 years through **residential intensification** and **redevelopment** within the Urban Centres and, if necessary, lands which are **designated and available** for residential development to meet projected requirements of current and future residents, in consideration of the projections and in accordance with the applicable targets contained in this Plan;
- c) Maintaining at all times land in conjunction with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate **residential intensification** and **redevelopment**, and land in draft approved and registered plans/descriptions in consideration of the projections and in accordance with the applicable targets contained within this Plan;
- d) Assisting in the achievement of **residential intensification** and attainable housing by encouraging opportunities for mixed-use development in appropriate locations;
- e) Permitting the development of additional dwelling units (which are accessory to a primary dwelling unit on the same property) throughout the Township except in the Waterfront Area designation outside of the Urban Centres and where residential uses are otherwise prohibited by this Plan;

- f) Encouraging the use of surplus public lands for attainable housing;
- g) Encouraging the development of seniors housing, including residential and institutional retirement homes;
- h) Recognizing the need for housing for seasonal employees involved in the tourism and construction industries in particular and in other industries as required; and,
- i) Encouraging the provision of alternative forms of housing for **special needs** groups and housing for older persons and transitional housing.

## **B5 ECONOMIC DEVELOPMENT OBJECTIVES**

The Township is committed to supporting a strong local economy. The economic objectives in this section establish the basis for future land use planning decisions affecting economic development in the Urban Centres, Community Areas, the Rural Area and the Waterfront Area. In this regard, it is the objective of this Plan to improve the economic well-being and quality of life in the Township by:

- a) Recognizing that a clean and healthy environment and a strong economy are inextricably linked and that all economic development is to be undertaken in a manner that protects the features, functions, and interconnections of the natural environment that sustains what is Muskoka for future generations;
- b) Encouraging the growth, diversification and vitality of the economy, particularly the tourism and **recreation** sectors as principal components of the economic base and other emerging and innovative sectors that maintain the character of the Township and wider District;
- c) Providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- d) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future employers;
- e) Recognizing the economic impact of the second home population on the Township's economy, including jobs related to construction and development and the provision of

local goods and services for this population;

- f) Encouraging investment in the Township's tourism and **recreation** industries and supporting marketing efforts in order to continue attracting visitors from across the world to Muskoka Lakes;
- g) Supporting the creative economy, which includes arts, culture, entertainment and knowledge-based industries in a variety of locations throughout the Township;
- h) Encouraging the protection of cultural heritage resources in order to maintain and enhance economic development and tourism opportunities;
- i) Creating a positive policy and regulatory framework to support business investments, growing incomes and a growing tax base;
- j) Supporting the establishment of small and/or home-based businesses in residential, rural and waterfront settings; and,
- k) Supporting opportunities for the agricultural sector to protect, diversify and expand their operations through initiatives such as sustainable agricultural practices, promotion and encouragement of associated food processing and value added technology facilities, promotion of local food, and encouraging accessory bed and breakfast operations, roadside markets and related **agri-tourism uses**.

## **B6 TOURISM DEVELOPMENT OBJECTIVES**

The policies of this Plan are intended to recognize the importance of tourism to the economy by supporting the long-term viability and growth of existing and future tourism resources and destinations in Muskoka Lakes. On this basis, it is the objective of this Plan to:

- a) Continue to recognize the link between the natural environment and tourism economy, emphasizing the need to protect natural areas, features and functions as a means to ensure that the tourism sector remains viable;
- b) Promote the maintenance, expansion and upgrading of existing tourist-oriented uses and encourage the establishment of additional high quality attractions, facilities, accommodations, services, events and other tourism supportive uses;
- c) Strengthen, enhance, expand and diversify the tourism sector by encouraging the

upgrading and expansion of existing facilities or operations and the establishment of new uses;

- d) Encourage tourism related development and **redevelopment** that demonstrates sustainable economic, social, and environmental practices and in instances where such practices might be incompatible, protection of the environment shall take precedence;
- e) Recognize that a flexible approach to resort development is required in recognition that resorts are an integral component of the tourism industry that supports other tourism operations and creates general awareness of the area for newcomers (recognizing that the flexible approach mentioned does not apply in particular to policies on occupancy that apply to commercial resorts developed by way of Plan of Condominium or other form of shared accommodation resort (such as fractional or timeshare for example) outside of the Urban Centres);
- f) Support the rejuvenation and expansion of existing tourist commercial facilities to maintain and enhance the tourism potential of Muskoka and in support of this requirement, existing and new facilities should be designed and developed comprehensively to support the creation of a four season year-round market;
- g) Protect environmentally sensitive areas on tourism related properties and ensure that where development is permitted, its design and construction shall be done in a manner that limits site disturbance and protects natural features and functions, protects the tree canopy, and protects and enhances the natural features and their functions that contribute to the character of the Township;
- h) Ensure that the protection of the character of waterfront areas and the boating impacts of new and expanding tourist operations are key considerations when applications to establish new operations or expand existing properties are submitted;
- i) Ensure that existing and new accommodation facilities are commercial in nature, so that travellers and vacationers continue to visit the Township and contribute to the local economy;
- j) Recognize the role that cottaging and short term rentals play in the tourism economy and ensure that commercial tourist operations and short term rentals are

compatible with other recreational residential uses and vice versa;

- k) Encourage the development of year-round tourism opportunities; and
- l) Ensure that staff housing is provided on site as appropriate when resort **development** or **redevelopment** occurs.

## **B7 CLIMATE CHANGE**

### **B7.1 WHAT THIS PLAN REQUIRES**

When this Plan was adopted, the Township was working on a Climate Action Plan. Once finalized, an Amendment to this Plan that is prepared in consultation with the District and other stakeholders may be required to implement the land use planning recommendations made in the Climate Action Plan.

In the interim, and in consideration of the present and future consequences from changes in weather patterns including extreme weather events and increased climate variability has been a key element in the development of this Plan; while recognizing that more can be done. In this regard, this Plan:

- a) Requires that most of the new residential dwellings occupied on a year-round basis be directed to Port Carling and Bala where municipal services are present;
- b) Encourages additional **intensification** in the Urban Centres to maximize the use of land and **infrastructure** and limit the outward expansion of Urban Centres;
- c) Promotes compact built form within Urban Centres and efforts to limit the dispersal of new development and travel times between housing, employment, and amenities and services;
- d) Promotes development of and use of **green infrastructure** and low-impact development;
- e) Requires development in Urban Centres to be phased to ensure that the required **infrastructure** is developed in lock-step with development;
- f) Recognizes the important role the **natural heritage system** plays in mitigating the impacts of climate change by requiring the protection of certain features from development, requiring that Environmental Impact Studies be done to consider

- impacts and by requiring that a **natural heritage system** be developed as a future project to be initiated as an Amendment to this Plan;
- g) Requires protection of all **wetlands** in the Township, recognizing their role as a carbon sink and their ability to mitigate the impacts of flooding;
  - h) Requires that the cumulative impacts of development be a consideration when reviewing development applications;
  - i) Restricts **development** or **site alteration** in or near **sensitive surface water features** and **sensitive ground water features** such that these features and their related hydrological functions will be protected, improved or restored;
  - j) Requires stormwater management plans to support development applications and requires that stormwater best management practices be applied, including stormwater attenuation and re-use and low impact development;
  - k) Supports integrated **watershed** management planning and supports the efforts of the Muskoka Watershed Council, other levels of government and other interested groups and stakeholders;
  - l) Establishes enhanced lake system health policies for the Waterfront Area that exceed the minimum standards established by the Muskoka Official Plan;
  - m) Requires vegetative buffers across the entire water frontage be at least 15 metres (49.2 feet) in depth from the normal high water mark, except as otherwise permitted by the Plan, and discourages **site alteration** and promotes tree retention through controls on **site alteration** and lot coverage;
  - n) Requires Causation Studies when one or more of the water quality indicators identified in the Muskoka Official Plan is confirmed to be present;
  - o) Requires site plan control (or a Community Planning Permit if applicable) in more instances than in the past in waterfront areas, including for boathouses and larger expansions to existing boathouses and requires monitoring and reporting to confirm compliance with site plan agreements (or Community Planning Permit agreements, if applicable);
  - p) Identifies existing and anticipated hazards which may be compounded or aggravated by climate change, including susceptibility to impacts from extreme weather,

including flooding, heat waves, freeze-thaw cycles, wildfires, and storms;

- q) Requires that the implementing Zoning By-law or Community Planning Permit By-law include updated **flood plain** mapping to protect public health and safety and prevent property damage; and
- r) Requires the assessment of **infrastructure** risks and vulnerabilities and identifying strategies to address these challenges.

## **B7.2 CLIMATE CHANGE LENS**

The Township shall work toward the implementation of a “climate change lens” as the approval authority on Planning Act applications to maximize resiliency of ecosystems and communities, manage the risks associated with climate change and provide sustainable natural environmental services for future generations of residents and visitors to the Township of Muskoka Lakes. The climate change lens takes into account the following considerations:

- a) Reduction of greenhouse gas emissions;
- b) Improvement of air quality;
- c) Promotion of compact form;
- d) Efforts to limit the dispersal of the population and travel times between housing, employment, and amenities and services;
- e) Use of **green infrastructure**;
- f) Promotion of design to:
  - i) Maximize energy efficiency and conservation including consideration of the mitigating effects of vegetation; and
  - ii) Maximize opportunities for the use of **renewable energy systems**;
- g) Identification and mitigation of existing hazards which may be compounded or aggravated by climate change, including flood prone areas; and
- h) Identification of **natural heritage features and areas** that have become more sensitive to development pressures due to climate change.

### **B7.3 IMPLEMENTATION OF CLIMATE CHANGE LENS**

The implementation of the climate change lens may result in:

- a) Requiring environmental conservation measures, such as:
  - i) Improved **flood plain** mapping and increased restrictions for redevelopment of existing structures in **flood plains**;
  - ii) Increased setbacks for development adjacent to **wetlands**, lakes, rivers, headwater areas, ground water discharge areas;
  - iii) Retention and enhancement of natural vegetation;
  - iv) More stringent requirements for stormwater management, flood abatement, and
  - v) Provisions to increase the resilience of power and data grids.
- b) Establishing more stringent standards for built **infrastructure**; and
- c) Increased energy efficiency through:
  - i) The use of energy sources that reduce or avoid greenhouse gas emissions
  - ii) Use of passive solar design principles
  - iii) Use of net-zero design principles to reduce or eliminate energy demand by built **infrastructure**.

## PART C - GROWTH MANAGEMENT

### C1 OBJECTIVES

It is the objective of this Plan to:

- a) Reinforce the role of Port Carling and Bala as the two Urban Centres and the primary commercial centres in the Township;
- b) Manage growth in a sustainable way that will make the most efficient use of land, **infrastructure** and **public services facilities**;
- c) Strengthen the settlement structure of the Township as a composite of urban, rural and waterfront areas by focusing growth to Urban Centres and supporting appropriate development in the Community, Rural and Waterfront Areas, which maintains the character and integrity of each of these areas;
- d) Focus year-round residential development in the Urban Centres where full services are available and to support the efficient use of land and **infrastructure** to meet the needs of present and future residents and employers;
- e) Focus new seasonal residential development in the waterfront areas;
- f) Encourage the further **intensification** and use of the lands within the Urban Centres and the efficient use of lands in **designated growth areas**, as appropriate;
- g) Ensure that an adequate supply of land and housing choices are available for present and future residents;
- h) Ensure that all **infrastructure**, including stormwater management facilities and roads meet the needs of present and future residents and employers in an efficient, environmentally-sensitive, cost effective and timely manner with consideration given to the long term maintenance, operational and financial consequences of the decision;
- i) Ensure that consideration is given to the economics of providing services to the residents of the Township of Muskoka Lakes as part of the review of any **development** proposal to ensure that the development pattern is orderly, efficient and does not lead to inefficiencies or a decline in the level of municipal services;

- j) Ensure that all urban **development** is appropriately phased and in conjunction with required **infrastructure** improvements where appropriate;
- k) Ensure that hard and soft service needs are identified early in the planning process and then appropriately prioritized and delivered either before or at the same time as new **development**;
- l) Recognize Waterfront Areas as both a significant natural asset and as the location for the majority of the resource-based recreational development in Muskoka;
- m) Protect and support **rural areas** and large tracts of undeveloped lands, so that they are sustained for future generations, serve as a legacy to all residents of the Township and remain a benefit to the overall natural environment of the area; and
- n) Encourage the establishment of an optimal balance between residential and non-residential uses, including the promotion of mixed uses on individual parcels of land and within Urban Centres.

## **C2 FOCUS OF GROWTH**

- a) It is a policy of this Plan that a target of 70% of new dwellings occupied on a year-round basis be directed to the Urban Centres of Port Carling and Bala and that the vitality and regeneration of each Urban Centre be promoted. The limits of the two Urban Centres are shown on Schedules A, B1 and B2.
- b) The five Community Areas shall be a secondary focus of growth outside of the Urban Centres; however, growth and development in these Community Areas shall be limited to infilling and the minor rounding of existing development.
- c) The vast majority of new seasonal dwellings will be developed outside of **settlement areas** primarily located in the Waterfront Area designation.
- d) A target of 25% of new year-round residential development is to be accommodated as **intensification** within the built-up area of the two Urban Centres in the Township.
- e) In order to monitor and assist in implementing these policies, the Township shall annually review the type and location of new housing in the Township. If it is evident that the targets are not being met, the Township may amend this Plan to provide further direction on growth.

### C3 FORECASTS

- a) The growth management projections shown on **Table A** in this Plan are based on calculations undertaken as part of the 2019 District of Muskoka Growth Strategy.

Table A - Growth Forecasts			
	2021	2046	Projected Growth
Year-Round Population	6,640	6,960	320
Year-Round Housing Units	2,970	3,210	240
Seasonal Population	28,050	29,840	1,790
Seasonal Housing Units	7,420	7,920	500
Employment (jobs)	3,300	3,750	450

- b) The population, employment and dwelling projections contained within this section of the Plan are considered to be estimates based on current information and shall be used for growth and strategic asset management planning including **infrastructure** and **public service facilities**. These planning estimates shall be updated as required when new information becomes available and should not be considered as growth targets.

### C4 EFFECT OF POPULATION AND EMPLOYMENT GROWTH ON EXISTING PLANNING APPROVALS

The population, employment and dwelling projections set out in Section C3 of this Plan shall not have an impact on the ability of the Township to consider applications to develop lands that are within an Urban Centre or Community Area that existed on the date this Plan came into effect. Extensions to approvals shall be contingent on conformity to the relevant policies in this Plan.

## **C5 SETTLEMENT AREA BOUNDARY EXPANSIONS**

- a) The limits of the Urban Centres and Community Areas are shown on Schedules A, B1, B2 and C1 to C5 to this Plan.
- b) A boundary expansion to an Urban Centre or Community Area shall only occur through an Official Plan Amendment if additional population necessitating a boundary expansion has been allocated to the Township by the District through a **comprehensive review**.
- c) If a boundary expansion is required and in undertaking a **comprehensive review**, the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or adjustment.
- d) As part of a **comprehensive review** the physical constraints to development, including the cost to provide **infrastructure** as the result of those constraints shall be considered. Boundary adjustments may be considered to exchange lands within the boundary with limited development potential for lands currently outside the boundary that are more suited for development.

## PART D - NATURAL HERITAGE AND WATER RESOURCES



### **D1 NATURAL HERITAGE**

#### **D1.1 OBJECTIVES**

- a) It is an objective of this Plan that the diversity and connectivity of natural features in the Township, and the long-term **ecological function** and biodiversity of **natural heritage systems** be maintained, restored or, where possible, improved, recognizing linkages between and among **natural heritage features and areas, surface water features and ground water features.**

- b) Establish a resilient, interconnected **natural heritage system** that preserves and enhances natural features, **ecological functions** and native biodiversity, contributes to healthy **watersheds**, recognizes the important role the agricultural and rural landscape plays in the system, and maintains the unique natural landscape and geography of the Township for future generations;
- c) Identify and maintain linkages and related functions among **ground water features, hydrologic functions, natural heritage features and areas, and surface water** features including shoreline areas;
- d) Recognize the role and value of compatible and complementary agricultural and rural uses in and adjacent to the **natural heritage system** and recognize that flexible approaches to existing uses in the **natural heritage system** are required;
- e) Recognize the important role the **natural heritage system** plays in mitigating the impacts of climate change by protecting and enhancing **natural heritage features and areas, hydrologic features and ecological functions, and connections** within the system.
- f) Encourage the acquisition of land or easements over land that is the site of **natural heritage features and areas** and hydrologic features by public authorities or non-profit land trusts for conservation purposes;
- g) Ensure that **development and site alteration** applications proposed in or adjacent to **natural heritage features and areas** are properly assessed for potential **negative impacts** and that those potential **negative impacts** are eliminated or mitigated to the greatest extent possible;
- h) Prevent the introduction, planting and/or use of invasive non-native species to minimize their impact on the Township's biodiversity;
- i) Preserve biodiversity by protecting isolated populations of plant and wildlife species, species at the margins of their distributions, species at risk, and their associated habitats and preserving large areas of wilderness;
- j) Provide the tools to properly assess **development and site alteration** applications located in close proximity to **natural heritage features and areas**;
- k) Ensure that development is appropriately setback and buffered from **natural**

**heritage features and areas** and hydrologic features;

- l) Encourage and support the Province and other organizations in conducting evaluations of unevaluated **wetlands** within the Township; and,
- m) Provide opportunities, where appropriate, for passive outdoor recreational activities in the **natural heritage system** provided the features and **ecological functions** are not adversely impacted.

## D1.2 NATURAL HERITAGE FEATURES AND AREAS

The **natural heritage features and areas** dealt with by this Plan are below:

- a) Provincially **significant wetlands** and other **wetlands** which are shown on Appendix C;
- b) Areas of Natural and Scientific Interest which are shown on Appendix C;
- c) **Significant wildlife habitat**, which includes but is not limited to deer wintering and moose aquatic feeding habitat shown on Appendix C;
- d) **Habitat of endangered and threatened species**, as listed in Appendix A to the Muskoka Official Plan and as may be identified through further studies required by this Plan;
- e) **Fish habitat**, which is present throughout the Township and not shown on the Schedules to this Plan; and,
- f) Muskoka Heritage Areas and Sites which are shown on Appendix C, which may also be the site of some of the other **natural heritage features and areas** above.

## D1.3 POLICIES FOR INDIVIDUAL NATURAL HERITAGE FEATURES AND AREAS

### D1.3.1 WETLANDS

- a) **Wetlands** are important natural resources. The ecological, hydrological, social and economic benefits that can be attributed to **wetlands** are substantial. **Wetlands** maintain and improve water quality, help control flooding, provide habitat for **fish** and wildlife, provide conditions for a wide variety of vegetation (including rare species), and contribute to substantial social and economic benefits such as hunting,

fishing, wildlife viewing and appreciation of nature in general.

- b) Provincially **significant wetlands** have been identified through a specific evaluation that was confirmed by the Province of Ontario. Other **wetlands** have either been evaluated and found to not be a **significant wetland** and other **wetlands** remain unevaluated.
- c) **Development** or **site alteration** is not permitted in Provincially **significant wetlands**. Permitted uses in Provincially **significant wetlands** on Appendix C are limited to:
  - i) Passive uses connected with the conservation of water, soil, wildlife and other natural resources that do not require **site alteration**.
- d) Additional Provincially **significant wetlands** may be identified during the development review process or through other means, using the evaluation procedures established by the Province.
- e) **Development** or **site alteration** shall not be permitted within a non-Provincially **significant wetland** unless it has been demonstrated through an Environmental Impact Study that there will be no **negative impacts** on the natural features or their **ecological functions**.
- f) **Development** or **site alteration** shall not be permitted on lands within 120 metres (393.7 feet) of any Provincially **significant wetland** and 30 metres (98.4 feet) from any other **wetland** (otherwise known as **adjacent lands**) unless the **ecological function** of the **adjacent lands** has been evaluated and it has been demonstrated through an Environmental Impact Study that there will be no **negative impacts** on the natural features or on their **ecological functions**. Policies on Environmental Impact Studies, their contents and when they may be waived or scoped are contained in Section D1.4 of this Plan.
- g) The Township may require an evaluation of an unevaluated **wetland** to determine if it qualifies as a **significant wetland**.

### **D1.3.2 AREAS OF NATURAL AND SCIENTIFIC INTEREST**

- a) An **Area of Natural and Scientific Interest** (ANSI) is an area of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

- b) Certain **Areas of Natural and Scientific Interest** have been identified as Provincially **significant** by the Provincial Ministry with jurisdiction using evaluation procedures established by the Province, as amended from time to time and these are shown on Appendix C. Other **Areas of Natural and Scientific Interest** have not been identified as Provincially **significant** and are instead considered to be of regional significance and these are also shown on Appendix C.
- c) **Development** or **site alteration** shall not be permitted within an **Area of Natural and Scientific Interest** unless it has been demonstrated through an Environmental Impact Study that there will be no **negative impacts** on the **Area of Natural and Scientific Interest** or its **ecological functions**. Policies on Environmental Impact Studies, their contents and when they may be waived or scoped are contained in Section D1.4 of this Plan.
- d) **Development** or **site alteration** shall not be permitted on lands within 120 metres (393.7 feet) of a life science **Area of Natural and Scientific Interest** and within 50 metres (164 feet) of an earth science **Area of Natural and Scientific Interest** (otherwise known as **adjacent lands**) unless the **ecological function** of the **adjacent lands** has been evaluated through an Environmental Impact Study and it has been demonstrated that there will be no **negative impacts** on the **Area of Natural and Scientific Interest** or on their **ecological functions**. Policies on Environmental Impact Studies, their contents and when they may be waived or scoped are contained in Section D1.4 of this Plan.

### **D1.3.3 SIGNIFICANT WILDLIFE HABITAT**

- a) The provision of **significant wildlife habitat** is one of the primary **ecological functions** of **natural heritage features and areas**. The protection and management of **significant wildlife habitat** is fundamental to the maintenance of self-sustaining populations of wildlife and to biodiversity. The fragmentation of **significant wildlife habitat** through development impacts its function and may threaten the health of wildlife populations and overall biodiversity.
- b) There have been no comprehensive **significant wildlife habitat** assessments in the Township except for deer wintering and moose aquatic feeding habitat as shown on Appendix C to this Plan. With the exception of these habitats, **significant wildlife habitats** are typically diverse and extensive, such that comprehensive, Township

wide assessment is not feasible, particularly on privately owned lands.

- c) **Development** or **site alteration** shall not be permitted within **significant wildlife habitat** unless it has been demonstrated through an Environmental Impact Study that there will be no **negative impacts** on the **significant wildlife habitat** or its **ecological functions**. Policies on Environmental Impact Studies, their contents and when they may be waived or scoped are contained in Section D1.4 of this Plan.
- d) **Development** or **site alteration** shall not be permitted on lands within 120 metres (393.7 feet) of **significant wildlife habitat** (otherwise known as **adjacent lands**) unless the **ecological function** of the **adjacent lands** has been evaluated through and Environmental Impact Study and it has been demonstrated that there will be no **negative impacts** on the **significant wildlife habitat** or its **ecological functions**. Policies on Environmental Impact Studies, their contents and when they may be waived or scoped are contained in Section D1.4 of this Plan.
- e) Proponents of **development** or **site alteration** in areas that are potentially the site of **significant wildlife habitat** should consult Township, District and Provincial guidelines to help identify such habitat.
- f) In order to determine the presence of **significant wildlife habitat** and to assess the impacts that proposed activities may have on the **significant wildlife habitat**, a site assessment by a qualified professional may be required to be completed at the appropriate time of year and using accepted protocols.
- g) The assessment shall identify whether any **significant wildlife habitat** is present and whether the proposed activities will have any impact on the habitat. Should habitat be identified, the location of **development** and **site alteration** shall avoid the habitat and mitigation measures proposed that result in no **negative impacts** to the features or their **ecological functions**. The site assessment may be combined with a broader Environmental Impact Study.

#### **D1.3.4 HABITAT OF ENDANGERED SPECIES AND THREATENED SPECIES**

- a) **Development** or **site alteration** shall not be permitted in **habitat of endangered species and threatened species**, except in accordance with **provincial and federal requirements**. The **habitat of endangered species and threatened species** is subject

to the Endangered Species Act, 2007 (ESA). The protection of **habitat of endangered and threatened species** is necessary to minimize and prevent their loss from Ontario and to preserve biodiversity.

- b) At the time this Plan was prepared, the Engelmann's Quillwort Georgian and their associated territories were identified as 'habitat' as defined by the ESA and is shown as Regulated Habitat on Appendix C of this Plan. In this regard, the provisions of the ESA apply in these areas in accordance with subsection a).
- c) One component of the ESA is the establishment of a Species at Risk in Ontario (SARO) List that is prepared by the Province. This list is the product of multi-source reviews and assessments and identifies species that have been classified as being at risk by the Committee on the Status of Species at Risk in Ontario (COSSARO). The SARO list classifies species considered “at risk” in one of four categories, extirpated, endangered, threatened or special concern, depending on the degree of risk.
- d) Under the ESA, the Province is responsible for identifying **habitat of endangered species and threatened species** and approving general and regulated habitat, as well as giving technical advice on species at risk and their habitats. The Provincial Ministry with jurisdiction shall also determine if any approvals under the ESA are required.
- e) There is landscape level screening mapping of the majority of **habitat of endangered species and threatened species** in the Township of Muskoka Lakes, with more detailed mapping available in the Urban Centres. Comprehensive mapping suitable for use on a site-specific basis is not likely to occur because of the diverse and expansive nature of these habitats, the on-going updates to the SARO List by the Province and the extent of privately owned lands.
- f) Where the potential for **habitat of endangered species and threatened species** is identified, the Provincial Ministry with jurisdiction shall be contacted for technical advice and to delineate and confirm the presence of habitat.
- g) The Township recognizes that information regarding the locations of the **habitat of endangered species and threatened species** is incomplete and that the SARO list is being continually updated. The Township shall accept information regarding **habitat of endangered species and threatened species** from the Province, including

regulated habitat, as it becomes available and shall use this information to assist in screening all planning applications for potential development constraints.

- h) In order to determine the presence of **habitat of endangered species and threatened species** and to assess the impacts that proposed **development** or **site alteration** and activities may have on the **habitat of endangered species and threatened species**, a site assessment by a qualified professional is required to be completed at the appropriate time of year and using accepted protocols. The assessment shall identify whether the **habitat of endangered species and threatened species** is present and whether the proposed activities will have any impact on the **habitat of endangered species and threatened species**. The site assessment may be combined with a broader Environmental Impact Study. The Provincial Ministry with jurisdiction should be contacted for further direction regarding site specific proposals.
- i) At the time this Plan was prepared, the **endangered species and threatened species** listed in Appendix A to the Muskoka Official Plan are either known to occur or expected to occur in the Township of Muskoka Lakes.
- j) The ESA legislation, regulations and SARO list may be amended as appropriate as more information becomes available. Species listed within Appendix A to the Muskoka Official Plan should be used as a preliminary guideline and must be confirmed against the most updated legislation and regulations (e.g., ESA legislation, regulations and SARO list).

### **D1.3.5 FISH HABITAT**

- a) **Fish habitat** means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which **fish** depend directly or indirectly in order to carry out their life processes.
- b) The federal government is responsible for the protection of fisheries (including **fish habitat**) under the Fisheries Act.
- c) **Development** or **site alteration** shall not be permitted in **fish habitat** except in accordance with **provincial and federal requirements**.
- d) **Development** or **site alteration** shall not be permitted on lands within 120 metres (393.7 feet) of Type 1 **fish habitat** (otherwise known as **adjacent lands**) unless the **ecological function** of the **adjacent lands** has been evaluated and it has been

demonstrated through an Environmental Impact Study that there will be no **negative impacts** on the **fish habitat** or its **ecological functions**. Policies on Environmental Impact Studies, their contents and when they may be waived or scoped are contained in Section D1.4 of this Plan.

- e) There are three types of **fish habitat** in the Township, with each type having an impact on how applications for **development** and **site alteration** are considered:
  - i) Type 1 (Critical) Habitats are those, which have high productive capacity, are rare, highly sensitive to **development** or **site alteration**, or have a critical role in sustaining fisheries (e.g., spawning and nursery areas for some species, and ground water discharge areas).
  - ii) Type 2 (Important) Habitats are moderately sensitive to **development** or **site alteration** and although important to **fish** populations, are not considered critical (e.g., feeding areas and open water habitats of lakes).
  - iii) Unknown habitat refers to areas where no information currently exists. Until specific information is generated, these areas should be treated in the same manner as Type 1 Habitats.
- f) Type 1 habitats require the highest level of protection because of their specific sensitivity and importance to local **fish** populations. Type 2 habitats are less susceptible to development impacts. Unknown **fish habitat** includes areas where the type of **fish habitat** has not been determined and until a **fish habitat** inventory is conducted it should be assumed that the habitat present is Type 1.
- g) A **Fish Habitat** Assessment undertaken by a qualified professional at the appropriate time of year and using recognized protocols shall be required for **development** or **site alteration** within or adjacent to Type 1 and/or Unknown habitat. **Development** or **site alteration** may be exempted from this requirement provided that:
  - i) The **development** or **site alteration** satisfies **provincial and federal requirements** or has been specifically authorized by the appropriate approval authority; and
  - ii) Setback, vegetation buffer, stormwater management, and slope related policies of this Plan are met and the proposal is not for major development.
- h) To support the protection of **fish habitat**, a target setback of 20 metres (65.6 feet) for

new construction excluding shoreline or minor accessory structures will be required from cold water streams, with this target setback reduced to 15 metres (49.2 feet) from warm water streams.

- i) In order to ensure the protection of **fish habitat**, all new shoreline lots shall have sufficient areas for shoreline related structures and uses that are not within critical **fish habitat** areas.
- j) When considering the creation of new lots along the shoreline, the potential for establishing docks or other shoreline structures shall be considered to ensure that there is a reasonable private water access available in accordance with **provincial and federal requirements** and the policies of this Plan.

### **D1.3.6 MUSKOKA HERITAGE AREAS AND SITES**

- a) In the early 1990s, a field-based program to identify the most significant heritage areas and sites in Muskoka was undertaken. This was a joint initiative carried out in conjunction with the Province and the Muskoka Heritage Foundation. The program was science based and made use of a number of data sources including air photography, topographic maps, Ontario geological survey maps and local knowledge and information as well as extensive fieldwork. The network of heritage areas and sites could potentially form the basis of a regionally significant **natural heritage system**.
- b) As a consequence of this work, 6% of the land base of the District of Muskoka was identified as being within Muskoka Heritage Areas and Sites. 50% of this land area is made up of crown land, with the remainder being in private ownership. Muskoka Heritage Areas and Sites in the Township of Muskoka Lakes are shown on Appendix C.
- c) The heritage values considered at the time the Muskoka Heritage Areas and Sites were identified are below:
  - i) Distinctive/unusual landform features;
  - ii) Representative landform types;
  - iii) Regional hydrological system;
  - iv) Biotic representation;

- v) High diversity of species or communities;
  - vi) High quality/low disturbance;
  - vii) Habitat for rare species;
  - viii) Wildlife/**fish** concentrations;
  - ix) Large size or linkages;
  - x) Biogeographic significance; and
  - xi) Scenic value.
- d) Many of the Muskoka Heritage Areas and Sites may also include Provincially **significant wetlands**, other **wetlands**, **significant Areas of Natural and Scientific Interest**, **significant wildlife habitat**, **habitat of endangered species and threatened species** and/or **fish habitat**. **Development** or **site alteration** in those areas shall be subject to the specific policies related to those features in this Plan.
- e) For those components of the Muskoka Heritage Areas and Sites that have not been identified as Provincially **significant wetlands**, other **wetlands**, **significant Areas of Natural and Scientific Interest**, **significant wildlife habitat**, **habitat of endangered species and threatened species** and/or **fish habitat**, the Township shall require an Environmental Impact Study in accordance with Section D1.4. One of the purposes of the Environmental Impact Study will be to determine whether one or more of these **natural heritage features and areas** exists and/or to demonstrate if the proposed **development** or **site alteration**, inclusive of mitigation measures, would result in no **negative impacts** to the heritage values identified for which the area has been identified. If one or more of the above noted **natural heritage features and areas** is present, the relevant policies of this Plan apply.

## **D1.4 ENVIRONMENTAL IMPACT STUDIES**

- a) The limits of Provincially **significant wetlands** and the general limits of mapped **natural heritage features and areas** are shown on Appendix C.
- b) It is acknowledged that the mapped inventory may be incomplete or dated. In addition, the limits of the mapped **natural heritage features and areas** may change over time, along with their related **ecological functions**. Alternatively, the presence

of certain **natural heritage features and areas** may not be known or their significance not yet evaluated.

- c) On this basis and as a precautionary measure, an Environmental Impact Study (EIS) in accordance with the requirements of this Plan shall be required for all applications for **development** or **site alteration** within and adjacent to **natural heritage features and areas** and/or where **natural heritage features and areas** are known to exist through a site inspection or other available information, subject to sub-section d) below.
- d) The Township may scope or waive the requirement for an EIS to assess a **development** or **site alteration** proposal within or adjacent to **natural heritage features and areas** based on the type and anticipated sensitivity of features and potential for the proposed **development** or **site alteration** to impact the feature if:
  - i) The proposed **development** or **site alteration** is minor and is not anticipated to have a **negative impact** on the **natural heritage feature and area** or its **ecological functions**; or
  - ii) If the policies of this Plan provide an exception to the submission of an EIS related to the adjacent **natural heritage features and areas**.
- e) Information collected through the EIS process and any new information provided by qualified persons or agencies may be used to update the information on the schedules and appendices to this Plan in order to keep the information as current as possible.

#### **D1.4.1 PURPOSE OF AN ENVIRONMENTAL IMPACT STUDY**

- a) The purpose of an EIS is to provide a technical assessment of the potential environmental impacts of proposed **development** or **site alteration** and should:
  - i) Collect and evaluate the appropriate information in order to confirm the presence of mapped and assess the presence of unmapped **natural heritage features and areas** where present and identify the boundaries, attributes and functions of **natural heritage features and areas** and the associated **ecological** and **hydrological functions** that exist on the subject lands and/or **adjacent lands**;
  - ii) Undertake a comprehensive impact analysis in order to determine whether or

- not the proposed **development** or **site alteration** will have a **negative impact** on **natural heritage features and areas** and their **ecological functions**;
- iii) Where **development** or **site alteration** may be permitted in accordance with the other policies of this Plan, propose appropriate mitigation measures or revisions to the proposed **development** or **site alteration** to demonstrate that the proposed **development** or **site alteration** will not have a **negative impact** on **natural heritage features and areas** and their **ecological functions**;
  - iv) Clearly articulate any **negative impacts** that cannot be avoided or mitigated;
  - v) Where appropriate, recommend monitoring provisions to evaluate the long-term effectiveness of the identified mitigation measures; and
  - vi) Consider the **impacts of a changing climate**, cumulative and/or **watershed** impacts.
- b) An EIS may be a compilation of site assessments for various individual **natural heritage features and areas** provided that the cumulative impacts are assessed and the relationship between the features and areas are considered as a natural system.
  - c) Should the EIS support the proposal for new **development** or **site alteration** within the **adjacent lands**, a vegetation protection zone shall also be identified, which:
    - i) Is of sufficient width to protect the **natural heritage feature and area** and its functions from the impacts of the proposed change; and,
    - ii) Is established to achieve and be maintained as natural self-sustaining vegetation.
  - d) Where mitigation measures are recommended in an EIS, the Township must be satisfied that the measures can be implemented and monitored within the administrative capabilities of the Township. Where this cannot be done, the proponent of the **development** or **site alteration** shall be required to fund an independent third party to perform this function for the municipality. In addition, pre and post construction monitoring should be undertaken by the owner to demonstrate performance in protecting the feature, function or area identified in the EIS.

#### **D1.4.2 REQUIREMENT FOR APPROVAL**

- a) Before **development** or **site alteration** is approved in the area subject to the EIS, the

EIS shall demonstrate that the relevant policies of this Plan as well as all District requirements and **provincial and federal requirements** are met. The EIS shall also demonstrate that proposed **development or site alteration** will not have a **negative impact on natural heritage features and areas** and related **ecological functions**.

- b) EIS documents may be circulated to the District and/or Province or other authorities for technical advice. Where the EIS includes a review of species at risk habitat potential, the Provincial Ministry with jurisdiction shall be consulted and the Ministry may be circulated to ensure that the proposal is in accordance with **provincial and federal requirements**.
- c) Any EIS shall be prepared by a qualified professional using accepted protocols undertaken at the appropriate time of year. An EIS may be peer reviewed by the Township with the proponent paying the full cost of the peer review.

## **D1.5 NET GAIN**

- a) The Township supports enhancements to ecological health, natural features and/or **ecological functions** as a result of specific actions being undertaken by a landowner/developer or potentially, public authorities.
- b) The Township may require proponents of **development or site alteration** to consider how a net gain in area and/or **ecological function of natural heritage features and areas** can be achieved through:
  - i) Increases in the spatial extent of a feature;
  - ii) Increases in biological and habitat diversity;
  - iii) Enhancement of ecological system function;
  - iv) Enhancement of **wildlife habitat**;
  - v) Creation of **wetlands**, water systems or **woodlands**;
  - vi) Enhancement of riparian corridors;
  - vii) Enhancement of ground water recharge or discharge areas; and,
  - viii) Establishment or enhancement of linkages between **natural heritage features and areas**.

- c) It is recognized that net gain may not be easily achieved when forested sites are developed, which will result in tree loss. However, the policy requires that best efforts be achieved and it may be by improving other aspects of the natural environment, such as by improving infiltration into the ground and augmenting the **ecological function** of **wetland** areas that are nearby.

## **D1.6 ESTABLISHING A NATURAL HERITAGE SYSTEM**

### **D1.6.1 PROVINCIAL REQUIREMENTS**

It is not a requirement of the Provincial Policy Statement (2020) that a **natural heritage system** be identified in the Township, even though many of the elements of such a system have already been identified and protected in the Township by this Plan. However, in recognition of the importance of natural heritage to present and future generations, it is a policy of this Plan that a **natural heritage system** be established, in consultation with the District and other stakeholders, resulting in a future Official Plan Amendment to identify the system and incorporate appropriate policies.

### **D1.6.2 COMPONENTS OF NATURAL HERITAGE SYSTEM**

The following shall be components of the **natural heritage system**:

- a) The **natural heritage features and areas** that are the subject of Section D1.3;
- b) Lands in private ownership that are permanently protected from development;
- c) Linkage areas in accordance with Section D1.6.3;
- d) Enhancement areas in accordance with Section D1.6.4; and
- e) Buffer areas/vegetation protection zones.

### **D1.6.3 LINKAGES**

Linkages are intended to consist of natural self-sustaining vegetation and waterways that support the movement of target wildlife species between **natural heritage features and areas**. Once linkage areas have been identified through the development of the **natural heritage system**, future applications for **development** or **site alteration** within linkage areas shall be supported by an Environmental Impact Study that:

- a) Assesses the **ecological functions** of a linkage, including its vegetative, wildlife, riparian and/or landscape features or functions;
- b) Identifies appropriate boundaries/widths that permit the movement of wildlife between nearby **natural heritage features and areas**;
- c) Describes the **ecological functions** the linkage is intended to provide and identifies how these **ecological functions** can be maintained or enhanced within a **development** or **site alteration** proposal;
- d) Assesses the potential for compatible uses such as stormwater management ponds, passive recreational uses and trails within the linkage to determine how the intended **ecological functions** of the linkage can be maintained or enhanced;
- e) Assesses potential impacts on the linkage as a result of the **development** or **site alteration**; and,
- f) Makes recommendations on how to protect, enhance, or mitigate impacts on the linkage and its **ecological functions** through avoidance and planning, design and construction practices.

In a case where all or part of a linkage area is retained as per the above, the lands within the linkage area would be planted and left as natural self-sustaining vegetation. The linkage could also be designed to permit trails and other passive recreational purposes so long as the **ecological function** of the linkage was not impacted. Furthermore, other compatible land uses such as stormwater management ponds could be considered in portions of linkage areas if it can be demonstrated that the long-term **ecological function** of the linkage area would be retained.

#### **D1.6.4 ENHANCEMENT AREAS**

- a) Enhancement areas are intended to consist of natural self-sustaining vegetation and increase the ecological resilience and function of individual natural features or groups of natural features by:
  - i) Increasing the size of natural features;
  - ii) Connecting natural features and areas to create larger contiguous natural areas;
  - iii) Improving the shape of natural features to increase interior habitat conditions;

and

- iv) Including critical function zones and important catchment areas critical to sustaining **ecological functions**.
- b) Once enhancement areas have been identified through the development of the **natural heritage system**, future applications for **development** or **site alteration** within enhancement areas shall be supported by an Environmental Impact Study that:
- i) Assesses the ecological benefit of an enhancement to the nearby **natural heritage feature and area** (e.g., does it fill a gap, close in an indent, connect two separate features, etc.);
  - ii) Considers the most appropriate shape/extent of the enhancement area so that the **ecological functions** of the nearby **natural heritage feature and area** are enhanced;
  - iii) Considers how the function and spatial extent of the enhancement area can be incorporated into the design and layout of the proposed development; and
  - iv) Assesses the potential for compatible uses such as stormwater management facilities within the enhancement area to ensure that the intended **ecological function** of the enhancement area is achieved.
- c) In a case where all or part of an enhancement area is retained as per the above, the lands within the enhancement area would be planted and left as natural self-sustaining vegetation. The enhancement area could also be designed to include other compatible land uses such as stormwater management ponds if it can be demonstrated that the long-term **ecological function** of the enhancement area would be retained.

## **D1.7 GENERAL POLICIES**

### **D1.7.1 USE OF LANDS IN PRIVATE OWNERSHIP**

Where any land containing a **natural heritage feature and area** as identified on the schedules or appendices to this Plan is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

## **D1.7.2 CONSIDERATION OF CUMULATIVE IMPACTS**

- a) Considering cumulative effects from development is critical for ensuring long-term environmental health and resiliency and more broadly speaking on the capacity of the natural environment and system of lakes and rivers to accommodate development from both an environmental and social perspective.
- b) Multiple environmental stressors can impact environmental, social and economic systems (i.e., climate change, invasive species, habitat fragmentation, etc.) and are often dynamic and varying. Conversely, seemingly small, cumulative impacts of development can combine with other stressors to have significant negative consequences for ecosystems and environmental resilience, noise, air quality and social and economic systems over time.
- c) The consideration of cumulative impacts shall be required through the **development** or **site alteration** approval process when an EIS is required to be completed.
- d) Comprehensive natural heritage evaluations or other studies undertaken by the Federal and/or Provincial governments shall be encouraged to estimate cumulative impacts on an area or regional basis where the impacts are measurable.
- e) The Township shall work with the District of Muskoka to avail itself of any tools provided by the Province or other organizations or as developed in-house to measure and consider cumulative environmental and social impacts of development.
- f) Cumulative impacts shall be assessed on the base conditions that existed from the time the Township and/or District first requires impact studies to be completed. Where major **development** or **site alteration** applications are considered, the proponent may be required to provide an overview of previous studies related to development impacts on the same or adjacent feature, if such studies are available. Any assessment of impact must include a description of cumulative impacts that have occurred prior to the impact assessment being undertaken. The scope of this assessment shall reflect the scale and impact of the proposed **development** or **site alteration**.

## **D1.7.3 LAND SECUREMENT AND STEWARDSHIP**

- a) The Township promotes, in conjunction with other public agencies and through stewardship programs, the donation of privately owned lands to public agencies or

charitable organizations, or the transfer of the protection of the **ecological functions** and features on such lands to a public agency or charitable organization through a conservation easement agreement.

- b) The Township may work with the District and other public agencies and/or non-profit land trust organizations to develop and implement a land securement strategy that would result in the transfer of private lands with natural heritage attributes into public ownership. However, given the financial limitations of every level of government and consistent with the principle of land stewardship, this policy does not imply that **natural heritage features and areas** will be purchased by the Township or other public or non-profit agencies.
- c) Where feasible and appropriate, the Township shall consider opportunities to obtain, through dedication, lands with natural heritage attributes through the **development** or **site alteration** approval process.
- d) Arrangements for the conveyance of **natural heritage features and areas** into public ownership shall be undertaken before or concurrent with the approval of **development** applications through the **development** or **site alteration** approval process.
- e) The Township, in collaboration with the Province and the District, will provide advice and information on other land stewardship programs to landowners wishing to exercise good stewardship of lands within the **natural heritage system**.
- f) The Township encourages landowners to maintain, enhance or, wherever feasible, restore natural features on their property through measures including conservation easements and buffers.

#### **D1.7.4 OTHER USES**

Nothing in this Plan is intended to limit the ability of existing **agricultural uses** to continue in and adjacent to **natural heritage features and areas**. Legally existing forestry and cranberry production operations are also permitted to continue.

## D2 WATER RESOURCES

### D2.1 GENERAL POLICIES

- a) It is the intent of this Plan to recognize the importance of the **ecological function** of all watercourses and **surface water features**, and their associated **flood plains**, valleys and stream corridors. Watercourses and **surface water features** are generally shown on the Schedules and appendices to this Plan.
- b) The Township encourages the protection and regeneration of natural areas near watercourses and **surface water features** and the protection of headwater areas for maintaining natural hydrological processes within a **watershed** and maintaining resilience to climate change.
- c) In addition to requiring the protection of water quality for environmental reasons, protection is also required for recreational purposes and as a source of drinking water.

### D2.2 REQUIREMENTS FOR PLANNING AUTHORITIES

The Township shall protect, improve or restore the **quality and quantity of water** by:

- a) Using the **watershed** as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of **development**;
- b) Minimizing potential **negative impacts**, including cross-jurisdictional and cross-**watershed** impacts;
- c) Identifying water resource systems consisting of **ground water features, hydrologic functions, natural heritage features and areas**, and **surface water features** including shoreline areas, which are necessary for the ecological and hydrological integrity of the **watershed**;
- d) Maintaining linkages and related functions among **ground water features, hydrologic functions, natural heritage features and areas**, and **surface water features** including shoreline areas;
- e) Implementing necessary restrictions on **development** and **site alteration** to:

- i) Protect all municipal drinking water supplies and **designated vulnerable areas**; and,
- ii) Protect, improve or restore **vulnerable** surface and ground water, **sensitive surface water features** and **sensitive ground water features**, and their **hydrologic functions**;
- f) Planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
- g) Ensuring implementation of the lake system health and recreational water quality policies;
- h) Ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces for both new **development** and **redevelopment**; and
- i) Working with neighbouring municipalities to achieve the outcomes outlined in this section of the Plan.

## **D2.3 RESTRICTION ON DEVELOPMENT AND SITE ALTERATION**

- a) **Development** and **site alteration** shall be restricted in or near **sensitive surface water features** and **sensitive ground water features** such that these features and their related **hydrologic functions** will be protected, improved or restored.
- b) Mitigation measures and/or alternative development approaches shall be required in order to protect, improve or restore **sensitive surface water features**, **sensitive ground water features**, and their **hydrologic functions**.
- c) In addition to requiring the protection of water quality for environmental reasons, protection is also required for recreational purposes as well. Consideration of the activities resulting from the development such as increased human impact on the features shall be included in any assessment of impact.

## **D2.4 WATERSHED AND SUBWATERSHED PLANNING**

- a) This Plan supports the implementation of an advanced form of integrated **watershed** management in the Township, which is designed ultimately to drive all

aspects of environmental management and land-use planning. In this regard, the Township supports the efforts of the Muskoka Watershed Council and the case it has made for integrated **watershed** management in January 2020. Appendix A illustrates the major **watersheds** within the Township.

- b) Integrated **watershed** planning will inform:
- i) The development of an interactive hydrological model of the entire **watershed** covering both the landscape and the rivers and lakes;
  - ii) The identification and refinement of water resource systems;
  - iii) The protection, enhancement, or restoration of the **quality and quantity of water**;
  - iv) Planning for **infrastructure**.
  - v) **Watershed** planning typically includes:
  - vi) **Watershed** characterization;
  - vii) A water budget and conservation plan;
  - viii) Nutrient loading assessments;
  - ix) Assessment of climate change impacts and severe weather events;
  - x) Land and water use management objectives and strategies;
  - xi) Scenario modelling to evaluate the impacts of forecasted growth and servicing options, and mitigation measures including **watershed** management options;
  - xii) An environmental monitoring plan;
  - xiii) Requirements for the use of environmental best management practices, programs, and performance measures;
  - xiv) Establishing criteria for evaluating the protection of **quality and quantity of water**;
  - xv) The identification and protection of hydrologic features, areas, and functions and the inter-relationships between or among them;
  - xvi) Targets for the protection and restoration of riparian areas; and

- xvii) Adaptive management frameworks.
- c) A subwatershed plan, or its equivalent, shall be included as a requirement to inform the identification of the **natural heritage system** and the development of policies to protect the **natural heritage system** when completing major Secondary Plans or Comprehensive Development Plans. Such a subwatershed plan, or equivalent, shall:
  - i) Consider existing development and evaluate impacts of any potential or proposed land uses and development;
  - ii) Identify hydrologic features, areas, linkages, and functions;
  - iii) Identify a **natural heritage system, natural heritage features and areas** and related hydrologic functions; and
  - iv) Provide for protecting, improving, or restoring the **quality and quantity of water** within a subwatershed through adaptive management.
- d) The Township shall work in partnership with the District and other agencies to coordinate **watershed** planning initiatives and achieve **watershed** and subwatershed planning objectives. Such coordination should include the use of the Muskoka Watershed Council Report Card sub-watershed maps that identify the condition and stresses on a wide number of **natural heritage features and areas** and water resource features.
- e) All **development** decisions within Muskoka Lakes shall promote water conservation and support the efficient use of water resources on a **watershed** and subwatershed basis.

## **D2.5 STORMWATER MANAGEMENT**

### **D2.5.1 PLANNING FOR STORMWATER MANAGEMENT**

- a) Planning for stormwater management shall:
  - i) Minimize, or, where possible, prevent increases in contaminant loads;
  - ii) Minimize changes in water balance and erosion;
  - iii) Mitigate any increased risks to human health and safety and property damage;
  - iv) Maximize the extent and function of vegetative and pervious surfaces;

- v) Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development; and
- vi) Plan for the impacts of climate change in the design of stormwater facilities.
- b) In order to control flooding, ponding, erosion and sedimentation and to protect water quality and aquatic habitat or other natural habitat that depend on watercourses and other water bodies for their existence, stormwater management plans shall be required for any major **development** or at the discretion of the Township for any **development** proposal.
- c) All stormwater management facilities shall be designed and constructed to meet or exceed provincial requirements for stormwater management best practices.
- d) Where **development** is proposed adjacent to public infrastructure including a railway corridor and where drainage from the proposed **development** would impact the infrastructure, a stormwater management plan or report shall be reviewed and approved by the authority with jurisdiction and/or rail authority in accordance with its guidelines and requirements.

## **D2.5.2 GENERAL STORMWATER MANAGEMENT POLICIES**

Proposals for **development** or **redevelopment** should be designed based on a treatment train approach that addresses requirements for water quality, erosion control, flood control, thermal mitigation and water budget. Low Impact Development Best Management Practices such as bioswales/biofilters with underdrains, infiltration trenches, rain gardens and perforated pipes shall be encouraged in addition to wet end of pipe facilities to conserve water use and to manage stormwater on-site. In considering applications for major **development** that require the treatment of stormwater on site, the Township shall be satisfied that:

- a) New buildings are designed to collect rainwater for irrigation on site, and reduce excess stormwater runoff, which carries pollutants into natural waterways and ground water recharge areas, with these features allowing for the consideration of reduced sizes for stormwater management facilities;
- b) Stormwater management facilities are strategically located to take advantage of the existing topography and drainage patterns and to minimize their footprint;

- c) Stormwater management facilities are developed as naturalized facilities, and incorporate native planting to help support pollinator species, and enhance biodiversity;
- d) Stormwater management facilities are designed to support **natural heritage features and areas** in the **natural heritage system**;
- e) Rainwater harvesting systems, such as rain barrels and other simple cisterns, are installed where feasible to capture rainwater, which can be used for landscape irrigation, thereby reducing unnecessary use of potable water while maintaining the pre-development water balance;
- f) All buildings are designed for efficient water use using conventional methods, such as ultra-low flow fixtures and dual flush toilets and other innovative water saving measures like waterless urinals, and grey-water recycling systems;
- g) Landscaped areas are located and designed to maximize or optimize infiltration, filtration, absorption and detention and reduce phosphorus loading;
- h) The landscaping of public and private facilities utilizes drought tolerant native and non-invasive species that require minimal irrigation;
- i) Surface parking areas minimize the use of impervious surface materials, such as through the incorporation of permeable pavers and trenches to reduce run-off and promote opportunities for ground water infiltration; and,
- j) Rain gardens, complete with native plant species and soil media, are developed to detain, infiltrate and filter runoff discharge from roof leaders, and/or are integrated into surface parking areas where feasible.

## **D2.6 LAKE TROUT LAKES**

- a) Lakes that are classified as being “at capacity” for development by the Provincial Ministry with jurisdiction are listed in Appendix B to the Muskoka Official Plan. The lakes listed in Appendix B may change at any time as a consequence of decisions made by the Provincial Ministry with jurisdiction.
- b) The creation of new lots within 300 metres (984 feet) of at-capacity Lake Trout Lakes shall not be permitted except where:

- i) All new residential, commercial or industrial development is connected to a municipal sewage treatment facility;
  - ii) All new tile fields are set back at least 300 metres (984 feet) from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres (984 feet) to the lake;
  - iii) All new tile fields are located such that they would drain into the drainage basin of another waterbody that is not at capacity;
  - iv) To separate existing habitable dwellings, each on a lot capable of supporting a Class 4 sewage system, provided that the land use would not change; or
  - v) Where it is demonstrated through the submission of a site-specific soils investigation prepared by a qualified professional that there are undisturbed native soils over 3 metres (9.8 feet) in depth on the site and which meet Provincial requirements for chemical composition and hydrological conditions.
- c) Where lot creation or development is permitted subject to the above criteria, planning tools must require long-term monitoring and maintenance in accordance with specified conditions.
- d) Lake Trout Lakes that are not at capacity can accommodate additional development provided that the waterfront setbacks, vegetative buffers and limits to **site alteration** identified in this Plan are met. When considering development applications on Lake Trout Lakes or adjacent to cold water waterbodies, the Township may require an Environmental Impact Study with recommendations of measures that will need to be implemented through the development process to mitigate impacts on water quality and associated **fish habitat**.
- e) New lots shall not be permitted adjacent to watercourses that flow into Lake Trout Lakes listed in Appendix B to the Muskoka Official Plan unless the leaching bed can be located at least 100 metres (328 feet) from the top of bank of the watercourse.

## PART E - WATERFRONT AREA



### **E1 OBJECTIVES**

It is the objective of this Plan to:

- a) Protect the **ecological functions** of lakes, rivers, and shorelines;
- b) Ensure the protection of the exceptional visual characteristics of the lakes, rivers and shoreline areas and ensure that the natural landscape predominates the human built form in the Waterfront Area;
- c) Protect the integrity of the natural landscape including but not limited to tree cover, tree lines, natural vegetation, **natural heritage features and areas** and naturally exposed bedrock.
- d) Protect the natural environment, including **wetland** areas, shorelines and other

- water resources in order to protect the resilience and integrity of ecosystems;
- e) Make the Waterfront Area, which is a major recreation resource area, accessible to both public and private users in a manner that prevents over-crowding, over-use or unsafe conditions;
  - f) Encourage the maintenance of existing public accesses to the shoreline to allow for the use and enjoyment of waterbodies to those who do not own shoreline properties;
  - g) Consider the provision of new public accesses to the shoreline where appropriate;
  - h) Protect **fish** and wildlife populations and habitat in proximity to waterbodies;
  - i) Maintain and enhance a high standard of recreational water quality;
  - j) Support the development and redevelopment of recreational dwellings as appropriate;
  - k) Ensure that the character of new development is reflective of or compatible with existing development in the Waterfront Area;
  - l) Support appropriate economic development in the Waterfront Area;
  - m) Ensure the continued enjoyment of the recreational resource provided by the waterfront and,
  - n) Establish limits of growth where necessary to ensure that the **ecological functions** of the waterbodies are managed for long-term sustainability purposes.

## **E2 LOCATION**

- a) The approximate limits of the Waterfront Area are shown on Schedule A and are exclusive of lands designated as Urban Centre, Community Area, Local Agricultural Area or Rural Area. The exact limits of the Waterfront Area shall be determined by the Township taking into account the Zoning/Community Planning Permit By-law(s) that applies.
- b) The Waterfront Area generally includes those lands extending inland 150 metres (492 feet) from any lake greater than 8 hectares (19.8 acres) in area, and any major river, and/or any waterbody that is part of the District of Muskoka recreational water quality monitoring program. All islands shall also be included in the Waterfront Area

designation.

- c) Lands that physically, visually or functionally relate to the Waterfront Area, although extending beyond 150 metres (492 feet) from a lake and any lands bounded between a road and a waterbody where the road is located between 150 metres (492 feet) and 195 metres (650 feet) from the waterbody shall be deemed to be within the Waterfront Area. When determining whether lands physically or functionally relate to the Waterfront Area, the following guidelines shall be considered:
  - i) The boundary shall be extended beyond 150 metres (492 feet) from the waterbody to encompass a significant natural or built feature.
  - ii) Generally, small remnants of rural area surrounded by the waterfront designation shall be included in the Waterfront Area designation.
  - iii) For farms, open space and golf courses, the boundary shall be 150 metres (492 feet) from the waterbody.
  - iv) Portions of resort properties beyond 150 metres (492 feet) from the waterbody shall be included in the Waterfront Area designation.
- d) Lands that do not physically, visually or functionally relate to the Waterfront Area, although within 150 metres (492 feet) of a lake shall be deemed not to be within the Waterfront Area.
- e) Lands that form the bed of any waterbody defined above shall be considered part of the Waterfront Area designation except for those lands that are located within an Urban Centre, Community Area or the Minett Resort Village.

## **E3 PERMITTED USES**

Permitted uses within the Waterfront Area designation shall be limited to:

- a) Resource-based recreational uses including low density, single unit recreational dwellings;
- b) Year-round low density, single unit residential dwellings;
- c) Tourist commercial uses (e.g., resorts, institutional camps and attractions);
- d) Golf courses and other outdoor recreational uses;

- e) small-scale commercial uses that are appropriate in and provide services to the Waterfront Area (e.g., waterfront contractors, marinas, restaurants, art galleries, and conference spaces); and,
- f) Open space uses and waterfront landings.

## **E4 DEVELOPMENT POLICIES**

### **E4.1 WATERFRONT CHARACTER**

- a) Within the Waterfront Area designation, natural form and function shall be the predominant characteristic of the landscape.
- b) The maintenance of the shoreline of lakes and rivers is key to preserving the quality of the natural and cultural heritage of Muskoka within the Waterfront Area. Tree cover, vegetation and other **natural heritage features and areas** are encouraged to be retained to uphold the visual and environmental integrity and the exceptional character of the Waterfront Area.
- c) Natural landscape features such as watercourses, significant heights of land, rock faces or cliffs, waterfalls, rapids, beaches, vistas, panoramas, landmarks, tree-lined horizons and other similar features shall be conserved to the extent feasible. New development shall be located and designed to protect these characteristic features unless the development serves a greater long-term public interest.
- d) 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 forested shorelines with thin soils over the granite bedrock of the Precambrian shield. Built form includes mostly residential development interspersed with commercial development, primarily resorts and marinas. The Waterfront Area is the focus for **recreation**, relaxation, water supply, and support for **natural heritage features and areas**, among others. Where **development, site alteration** and construction and reconstruction on existing and new lots occurs in the Waterfront Area, it should enhance and protect those qualities that contribute to character.
- e) Natural form shall dominate the character of the Waterfront Area. Natural shorelines 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. The height of any structure should be appropriate to its setting and terrain, including slope, tree cover, setbacks, and architecture and not exceed the height of the tree canopy.

- f) Waterfront character evolves over time. Traditionally, tourist commercial and seasonal residential development has contributed to the character and economic viability of the Township of Muskoka Lakes. This development remains a part of the present character of the waterfront. Development shall be encouraged to maintain and improve the historic development of the waterfront. Resorts and marinas shall be encouraged to develop and expand in a manner that is compatible with the residential uses and natural character of the shoreline
- g) Where **development, site alteration** and construction and reconstruction on existing and new lots occurs in the Waterfront Area, it should complement the natural and built form and should enhance and protect those qualities that contribute to character. Architectural designs which soften the appearance of two storey structures are encouraged to minimize the prominence of structural development along the shoreline. Walkout lower levels will be permitted but shall be encouraged to be generally less than one half of the width of the dwelling.
- h) In order to ensure compatibility with existing development, new development, **site alteration** and construction and reconstruction on existing and new lots should have a physical character similar to or compatible with existing development in terms of scale, lot sizes, maximum building heights, and minimum setbacks.
- i) **Development** and construction and reconstruction on existing and new lots shall be located and designed to protect the character and prominence of public views and features including such areas as rock cliffs, waterfalls, rapids, and landmarks.
- j) The Township recognizes that different lakes have different characters. 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. Limiting density of buildings and structures in the Waterfront Area designation is important in protecting the character of the Waterfront Area. Many factors affect character in the Waterfront Area, 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.

- k) The Township encourages the development of Lake Plans as described in Section E8 to assist in defining the individual character of smaller lakes.
- l) No more than one dwelling and one sleeping cabin is permitted on a lot.

## **E4.2 PROTECTING LAKE SYSTEM HEALTH**

### **E4.2.1 CONTEXT**

Protecting the quality of the Township's lakes is a foundational policy in this Plan and a precautionary approach to **development, site alteration** and construction and reconstruction on existing and new lots is therefore established by this Plan, with all of the policies in this section designed to implement this approach.

### **E4.2.2 GENERAL POLICIES THAT APPLY TO ALL DEVELOPMENT**

- a) New lot creation, **development, site alteration** and construction and reconstruction (including additions and re-builds) on existing and new lots shall only be permitted in the Waterfront Area designation where it is determined that impacts on water quality can be managed, mitigated or effectively eliminated and where resiliency of a waterbody to other environmental stressors is promoted in accordance with the policies of this section.
- b) The policies below deal with vegetative buffers:
  - i) 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 of shoreline buffers is therefore required.
  - ii) Except as otherwise permitted in this Plan, the vegetative buffer shall stretch across the entire water frontage of existing lots and when new lots are being created, and be at least 15 metres (49.2 feet) in depth from the normal high water mark. Notwithstanding the above, the construction and reconstruction of shoreline structures, including docks and boathouses, may be permitted in the vegetative buffer, subject to the policies of this Plan and the provisions of the implementing Zoning By-law or Community Planning Permit By-law.

- iii) Where reconstruction is proposed on an existing lot or when new lots are created, the shoreline buffer as it exists shall be protected and should be improved to the extent feasible through ecological enhancement.
- iv) Outside of the vegetative buffer area set out in sub-section ii), a significant proportion of the existing vegetation shall be retained and augmented/enhanced as appropriate.
- c) On all lots, on-site phosphorus management and impact mitigation measures shall be required for leaching beds in circumstances where the proposed construction or reconstruction requires Site Plan Approval in accordance with Section N5 of this Plan (or a Community Planning Permit, if applicable). In this regard, the system shall incorporate soils that have a demonstrated ability to effectively retain phosphorus or equivalent septic abatement technologies, which may include the use of soils with appropriate elemental composition to bind phosphorus or pre-/post-treatment phosphorus controls.
- d) A minimum 30 metre setback from any shoreline shall be required for new leaching beds. Where this is not feasible, a lesser setback may be permitted subject to meeting the requirements of the Building Code and Section E4.2.2 c) applies in all cases, regardless of whether Site Plan Approval (or a Community Planning Permit, if applicable) is required.
- e) A minimum 20 metre setback from all shorelines on a lot shall be required for all construction and reconstruction, excluding shoreline structures, open decks and patios, trails, firepits and minor accessory structures, unless a greater setback is required by this Plan and/or in a Lake Plan. Notwithstanding the above, a lesser setback may be considered in circumstances:
  - i) Where sufficient lot depth is not available; and/or
  - ii) Terrain or soil conditions exist which make other locations on the lot more suitable.
- f) Notwithstanding the above, it is recognized that there are many existing buildings within the 20 metre (65.6 foot) setback area. Where reconstruction is proposed in these instances the implementing Zoning By-law or Community Planning Permit By-law shall include appropriate provisions to permit a limited amount of

reconstruction in this setback area, provided the existing setback is not further reduced. Where a further reduction in the setback is proposed through a planning process, any approval shall be conditional on demonstrating a net improvement to the ecological integrity of the property.

- g) Notwithstanding the above a 30 metre setback shall be required from all shorelines on a lot abutting a Lake Trout Lake listed in Appendix B to the Muskoka Official Plan for all construction, excluding shoreline structures, open decks and patios, trails, firepits and minor accessory structures.
- h) Where an existing lot has less than 61 metres (200 feet) of lot frontage and a lot area that is less than 0.4 hectares (1 acre), the use of such lot for large open space uses such as sports courts or other active recreational activity areas shall not be permitted and the parking of motor vehicles on such lots shall be limited.
- i) All Waterfront Areas shall, in addition to the policies of this Plan and the regulations of the implementing Zoning By-law or Community Planning Permit By-law, be subject to a Tree Conservation By-law and Site Alteration By-law.

### **E4.2.3 CAUSATION STUDIES**

#### **E4.2.3.1 CAUSATION STUDY TRIGGERS**

- a) A Causation Study is a study that investigates cause-and-effect relationships. The need to complete a Causation Study is triggered in accordance with Section C2.6.3 of the Muskoka Official Plan, as amended from time to time. The District is responsible for carrying out Causation Studies.
- b) Where the District is not prepared to undertake a Causation Study on a waterbody in the Township, the Township may undertake such a study and may partner with a Lake Association of other agency or party to expedite the completion of such a Study.
- c) The Township shall support and monitor scientific research, including promoting, conducting, co-ordinating and/or participating in scientific water quality research or pilot projects with partners such as Muskoka Watershed Council, the Province, Lake Associations, and universities/colleges.

#### **E4.2.3.2 AFFECTED WATERBODIES**

Schedule E2 of the Muskoka Official Plan identifies the waterbodies where one or more water quality indicator(s) has been confirmed.

#### **E4.2.3.3 LOT CREATION PROHIBITED UNTIL CAUSATION STUDY COMPLETED**

Until such time as a Causation Study is completed for the lakes listed on Schedule E2 of the Muskoka Official Plan, additional lot creation is not permitted. This prohibition on lot creation does not apply once a lake is removed from Schedule E2 of the Muskoka Official Plan in accordance with the Muskoka Official Plan.

#### **E4.2.3.4 CAUSATION STUDY REQUIREMENTS AND OUTCOMES**

- a) Causation Study requirements are set out in Section C2.6.6.1 c) and d) of the Muskoka Official Plan.
- b) Should a Causation Study determine that the primary cause of or principal contributor to the water quality indicator is related to existing development, uses and activities, new lot creation shall continue to be prohibited.
- c) In addition to the above, additional protection measures beyond what is already required by this Plan shall be developed to ensure that any additional construction and reconstruction on existing lots may proceed without negatively impacting water quality and to appropriately limit further development. Such policies may include the requirement for water quality impact assessments, ongoing monitoring, general development restrictions (e.g., increased setbacks beyond the minimum setback of 20 metres (65.6 feet), upstream development restrictions (i.e., on waterbodies and permanently flowing tributaries contributing to the studied waterbody), and/or remedial action planning.
- d) Should a Causation Study determine that the cause(s) of the water quality indicator is not related to existing development, uses and activities, restrictions on lot creation may be lifted, provided new lot creation is not otherwise prohibited by this Plan.

## E4.3 LAKE CATEGORIES

### E4.3.1 LAKES BY LAKE CATEGORY

Lakes within the Township are classified as per **Table B**:

<b>TABLE B - REGULATIONS BASED ON CATEGORY OF LAKE</b>			
<b>Category 1 Large lakes</b>	<b>Category 2 Medium sized lakes/rivers</b>	<b>Category 3 Small sized, low density or remote lakes</b>	
<ol style="list-style-type: none"> <li>1. Lake Joseph (incl. Joseph River, Little Lake Joseph)</li> <li>2. Lake Muskoka (incl. Indian River, Mirror Lake and Dark Lake)</li> <li>3. Lake Rosseau</li> </ol>	<ol style="list-style-type: none"> <li>1. Ada Lake</li> <li>2. Bass Lake</li> <li>3. Black Lake</li> <li>4. Brandy Lake</li> <li>5. Bruce Lake</li> <li>6. Butterfly Lake</li> <li>7. Camel Lake</li> <li>8. Clear Lake (aka Torrance Lake)</li> <li>9. Gullwing Lake</li> <li>10. Henshaw Lake</li> <li>11. Hessner’s Lake (aka Everness Lake)</li> <li>12. High Lake</li> <li>13. Hillman Lake</li> <li>14. Leonard Lake</li> <li>15. Little Long Lake (also known as Rutter Lake)</li> <li>16. Long Lake</li> <li>17. Medora Lake</li> <li>18. Moon River</li> <li>19. Nine Mile Lake</li> <li>20. Nutt Lake</li> <li>21. Ricketts Lake</li> <li>22. Severn River (includes Cain Lake and Lost Channel)</li> <li>23. Silver Lake</li> <li>24. Skeleton Lake</li> <li>25. Stewart Lake</li> <li>26. Thorne Lake</li> <li>27. Three Mile Lake</li> </ol>	<ol style="list-style-type: none"> <li>1. Barnes Lake</li> <li>2. Barrett Lake</li> <li>3. Bastedo Lake</li> <li>4. Bear Lake</li> <li>5. Beaton Lake</li> <li>6. Big Otter Lake</li> <li>7. Berry Lake</li> <li>8. Bogart Lake</li> <li>9. Bowers Marsh</li> <li>10. Brotherson Lake</li> <li>11. Bunn Lake</li> <li>12. Cardwell Lake (aka Long Lake)</li> <li>13. Cassidy Lake</li> <li>14. Clarkes Pond</li> <li>15. Concession Lake (Cardwell)</li> <li>16. Concession Lake (Medora)</li> <li>17. Cowan Lake</li> <li>18. Crowder Lake</li> <li>19. Duffy Lakes (E&amp;W)</li> <li>20. East Brophy Lake</li> <li>21. Eaton Lake</li> <li>22. Echo Lake</li> <li>23. Gagnon Lake</li> <li>24. Gaskills Lake</li> <li>25. Haggart Lake</li> <li>26. Haighton Lake</li> <li>27. Hardy Lake</li> <li>28. Hart Lake</li> <li>29. Harts Lake</li> <li>30. Island Lake</li> <li>31. L Lake</li> <li>32. Lambert's Lake</li> <li>33. Leech Lake (aka Porter Lake)</li> </ol>	<ol style="list-style-type: none"> <li>36. Little Otter Lake</li> <li>37. Lower Boleau Lake</li> <li>38. Marion Lake</li> <li>39. Mary Jane Lake</li> <li>40. McCaffery Lake</li> <li>41. Meadow Lake</li> <li>42. Mosquito Lake</li> <li>43. Mud Lake</li> <li>44. Narrow Lake</li> <li>45. Neilson Lake</li> <li>46. Neipage Lake</li> <li>47. O’Kane Lake</li> <li>48. Ottaway Lake</li> <li>49. Pennsylvania Lake</li> <li>50. Roderick Lake</li> <li>51. Round Lake</li> <li>52. Sawyer Lake</li> <li>53. Shaw Lake</li> <li>54. Speiran Lake</li> <li>55. St. Germaine Lake</li> <li>56. Stevenson Lake</li> <li>57. Swan Lake</li> <li>58. Tank Lake</li> <li>59. Tar Lake</li> <li>60. Thompson Lake</li> <li>61. Turtle Lake</li> <li>62. Unnamed Lake (Monck)</li> <li>63. Unnamed lake (Wood)</li> <li>64. Upper Boleau Lake</li> <li>65. Water Lily Lake</li> <li>66. Wier Lake</li> <li>67. Woodland Lake</li> <li>68. Woods Lake</li> </ol>

<b>TABLE B - REGULATIONS BASED ON CATEGORY OF LAKE</b>			
<b>Category 1 Large lakes</b>	<b>Category 2 Medium sized lakes/rivers</b>	<b>Category 3 Small sized, low density or remote lakes</b>	
		34. Lily Lake 35. Little Mosquito Lake	69. Young Lake (aka Trout Lake)
Note: If a lake is not listed on the above table, it shall automatically be considered a Category 3 lake			

### **E4.3.2 LOT COVERAGE BY LAKE CATEGORY**

- a) The maximum permitted lot coverages set out in **Table C** is the principal means to control density and the amount of disturbed area on a lot in the Waterfront Area and therefore strict compliance is required. Notwithstanding the above, a variation not exceeding 1/10 of the permitted lot coverage or a variation to recognize the coverage of existing lawful structures may be considered without an Official Plan Amendment provided Section N3 of this Plan is satisfied.
- b) For the purposes of this section, lot coverage is defined as the percentage of a lot or portion of a lot covered by buildings and structures with a roof. **Table C** below establishes the maximum lot coverage permitted on residential lots on lakes within Categories 1, 2 and 3:

<b>TABLE C - MAXIMUM LOT COVERAGE BASED ON CATEGORY OF LAKE</b>		
<b>Category</b>	<b>Maximum permitted lot coverage</b>	<b>Maximum permitted lot coverage within 60 metres (196.8 feet) of high water mark</b>
<b>Category 1</b>	<b>10%</b>	<b>10%</b>
<b>Category 2</b>	<b>8%</b>	<b>8%</b>
<b>Category 3</b>	<b>5%</b>	<b>5%</b>

### **E4.3.3 SPECIAL POLICIES FOR RESIDENTIAL LOTS ON CATEGORY 1 LAKES**

- a) Two storey boathouses are permitted (subject to the other policies on boathouses in this Plan) provided it is located on a lot with a minimum water frontage of 90 metres

- (300 feet), the structure is not located on an extremely narrow waterbody as defined by the implementing Zoning By-law or Community Planning Permit By-law and has an increased setback from the projected side lot line, or as may be measured in the implementing Zoning By-law or Community Planning Permit By-law.
- b) For one storey boathouses where the roof is a sundeck, an increased setback from the projected side lot line or as may be measured in the implementing Zoning By-law or Community Planning Permit By-law shall be required.
  - c) A two storey boathouse may include a second floor structure not exceeding the floor area permitted for a sleeping cabin and may include a covered deck up to 23 square metres (247.6 square feet).
  - d) The maximum width of shoreline structures shall be 25% of the lot frontage up to a maximum of 23 metres (75 feet), with boathouses subject to further restrictions.
  - e) The minimum lot area is 0.8 hectares (1.98 acres) and the minimum water frontage is 90 metres (295 feet), unless otherwise specified.

#### **E4.3.4 SPECIAL POLICIES FOR RESIDENTIAL LOTS ON CATEGORY 2 LAKES**

- a) Only one storey boathouses are permitted (subject to the other policies on boathouses in this Plan).
- b) For one storey boathouses where the roof is a sundeck, an increased setback from the projected side lot line or as may be measured in the implementing Zoning By-law or Community Planning Permit By-law shall be required.
- c) The maximum width of shoreline structures shall be 15% of the lot frontage up to a maximum of 15 metres (49.2 feet), with boathouses subject to further restrictions.
- d) The minimum lot area is 0.8 hectares (1.98 acres) and the minimum water frontage is 90 metres (295 feet), unless otherwise specified.

#### **E4.3.5 SPECIAL POLICIES FOR RESIDENTIAL LOTS ON CATEGORY 3 LAKES**

- a) Boathouses shall not be permitted.
- b) The maximum width of shoreline structures shall be 5% of the lot frontage up to a

maximum of 6 metres (19.6 feet).

- c) The maximum height of all main structures shall be 9 metres (29.5 feet).
- d) The maximum gross floor area of a dwelling shall be 345 square metres (3,713.5 square feet).
- e) The minimum lot area is 0.8 hectares (1.98 acres) and the minimum water frontage is 120 metres (393.7 feet).
- f) Notwithstanding the above, if a Category 3 lake is undeveloped, substantially larger lots with larger frontages shall be required and development potential shall be reduced to maintain a traditional remote cottaging experience as set out in the implementing Zoning By-law or Community Planning Permit By-law, which may establish a separate zone classification for these lakes. In addition, limited shoreline structures will be permitted and on smaller undeveloped lakes, the only permitted shoreline structures are a single dock.

#### **E4.3.6 CHANGING LAKE CATEGORY**

Factors that were considered in assigning lake categories include lake size, level of remoteness and accessibility and the extent, character and size of existing development around the lake. Changes in lake category shall be considered by way of Amendment to this Plan and must be supported by an analysis of the impacts of changing the lake category on development permissions and the character of the lake.

### **E4.4 LOT CREATION**

In addition to the other policies in this section, the following policies also apply as appropriate.

#### **E4.4.1 GENERAL LOT CREATION CONDITIONS**

- a) In addition to the other policies in Section E4.4 and other relevant sections in this Plan, lot creation on **individual on-site sewage services** shall only proceed where the following measures are implemented through a zoning by-law amendment, site plan control or Community Planning Permit, and/or other agreements registered on title:
  - i) Increased leaching bed and building setbacks greater than those identified in Sections E4.2.2 d) and e) are encouraged on all lots in consideration of site

topography, soil and vegetation conditions, stormwater management and construction mitigation, among other matters;

- ii) Site specific soils investigation in accordance with District of Muskoka and/or Township guidelines to determine the most appropriate location for **individual on-site sewage services** for maximum attenuation, including a review of soil conditions between the proposed leaching bed and the expected pathway of the subsurface nutrient flow to the ultimate receptor (waterbody);
  - iii) The use of **individual on-site sewage services** with soils that have a demonstrated ability to effectively retain phosphorus or equivalent septic abatement technologies, which may include the use of soils with appropriate elemental composition to bind phosphorus or pre/post-treatment phosphorus controls over the long-term; and
  - iv) Monitoring and reporting by the property owner to confirm long-term compliance with any registered site plan or Community Planning Permit, more specifically to ensure 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 for a period of no less than 10 years.
- b) The Township shall request site specific assessments undertaken by a qualified professional if technical expertise is required to apply the protection measures above on a site specific basis.

#### **E4.4.2 STEEP SLOPES**

- a) Steep slopes, as identified below, are measured over a horizontal distance inland of 45 metres from the shoreline for at least 100 metres (328 feet) along the shoreline.
- b) The following shall constitute minimum water frontage requirements for lot creation on portions of steep slopes on all lakes:
  - i) A water frontage of 90 metres (295 feet) on lands with slopes >20% and <40%;
  - ii) A water frontage of 120 metres (393.7 feet) on lands with slopes >40% and <60%; and,
  - iii) A water frontage of 150 metres (492 feet) on lands with slopes >60%.

### **E4.4.3 NARROW WATERBODIES**

- a) 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 (492 feet) for at least 100 metres (328 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 (328 feet).
- b) The following shall constitute minimum water frontage requirements for lot creation on portions of narrow waterbodies on all lakes:
  - i) If the area of narrowness is between 75 metres (246 feet) to 150 metres (492 feet) from shoreline to shoreline, the minimum water frontage is 120 metres (393.7 feet).
  - ii) If the area of narrowness is less than 75 metres (246 feet) from shoreline to shoreline on the majority of the frontage of the lot, no new lots shall be permitted.

### **E4.4.4 WATER ACCESS LOTS**

- a) The minimum lot size for water access lots, where sole access to the lot is by way of water access, shall be 1.0 hectare (2.47 acres) and the minimum water frontage shall be 120 metres (393.7 feet).
- b) New water access lots may be considered provided the proponent demonstrates for the purposes of providing mainland access that:
  - i) A satisfactory long term lease or a right to use arrangement as defined in subsection d) establishing the right to park on lands controlled by a marina operator, a private club or other similar business entity has been secured;
  - ii) A mainland lot, a boat slip in a Plan of Condominium, or shares, debentures or other similar ownership or participation rights in a corporation or other business entity establishing rights to park on mainland properties has been purchased, in which case it will be required that the existing lot/boat slip and the proposed lot be tied together such that one cannot be sold without the other;
  - iii) A permanent easement has been established for the purposes of providing

- access on a mainland lot;
- iv) An individual water access point is to be relied upon for access, provided a long term lease or a right to use arrangement as defined in sub-section d) is in place, in accordance with Section E4.8.2 of this Plan; or
  - v) A waterfront landing is to be relied upon for access, provided the waterfront landing is appropriately zoned and provided a long term lease or a right to use arrangement as defined in sub-section d) is in place, in accordance with Section E4.8.1 of this Plan.
- c) In all of the above cases, the Township will also require an agreement that indicates that:
- i) The owner of the new lot will not park vehicles or moor watercraft on municipal property as the principal means to access their property; and,
  - ii) Should circumstances change with respect to how access is secured in accordance with sub-section b), the owner is obligated to secure another access and location for vehicle parking in accordance with this section.
- d) Where a long term lease or a right to use arrangement is required, it shall be demonstrated to the satisfaction of the Township that the lease or a right to use arrangement provides suitable long term access to adequate docking and parking facilities and, in the case of a marina, a long term dryland contractual arrangement.
- e) In order to support long term access to those lots that do not have road access, the Township will support the creation of new and the retention of existing marinas and waterfront landings and their reasonable expansion, provided such expansion is appropriate and in conformity with Section E4.9 and the other relevant policies of this Plan.
- f) It is also a policy of this Plan that reliance on public roads for the parking of cars and trailers to provide access to water access lots will not be considered an acceptable solution.

#### **E4.4.5 DIVIDING LOTS FOR EXISTING USES**

- a) The division of two (2) or more legally existing uses on a property resulting in no more than one dwelling and one sleeping cabin per lot may be considered if the

resultant lots:

- i) Comply with the existing lot of record criteria, as defined in the implementing Zoning By-law or Community Planning Permit By-law;
  - ii) Meet all other applicable policies in this Plan; and
  - iii) Are of a size and frontage that is in general character with other lots in the general area.
- b) As a condition of approval, consideration shall be given to restricting development allowances permitted by the implementing Zoning By-law or Community Planning Permit By-law on the resultant lots based on their size, physical characteristics and nature of existing development.

#### **E4.4.6 NEW BACKLOT DEVELOPMENT**

- a) Where a public road passes through the Waterfront Area designation approximately parallel to a shoreline, not more than a single-tier of building lots shall be permitted between the shoreline and such road. Similarly, not more than a single-tier of building lots shall be permitted beyond such public road.
- b) Where a public road passes through the Rural Area designation just outside the Waterfront Area designation and runs approximately parallel to the shoreline, no more than a single tier of lots shall be permitted between the shoreline and the road.
- c) 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 providing private water supply to the lot or for other utilities as required.
- d) New residential back lots shall have a minimum lot frontage of 200 metres (656 feet) and a minimum lot area of 2.0 hectares (4.9 acres) and shall front on and gain access from a publicly owned and year-round maintained road.

#### **E4.5 EXISTING UNDERSIZED LOTS**

- a) The implementing Zoning By-law or Community Planning Permit By-law shall establish a minimum lot size that permits the erection of buildings and structures for permitted uses as of right.

- b) Proposals to permit the construction of buildings and structures on lots that do not meet the minimum requirements of the implementing Zoning By-law or Community Planning Permit By-law as per sub-section a) shall only be considered where:
  - i) The environmental and visual impacts of the proposal can be mitigated and the proposed construction and resultant **site alteration** would maintain the character of the development in the immediate area and in this regard, an Environmental Impact Study may be required to support the proposed development;
  - ii) The lot is of a sufficient size and condition to accommodate a septic system that meets current Building Code regulations (the use of holding tanks for sewage disposal purposes shall not be permitted); and,
  - iii) The size of buildings and structures permitted on the undersized lot shall be limited in proportion to the deficiency of lot area and frontage.
- c) The Township encourages the amalgamation of existing undersized lots with other existing lots in order to provide sufficient land area to accommodate development that is consistent with the policies of this Plan.
- d) The Township may use Interim Control By-laws and may consider deeming lots within plans of subdivision to no longer be separate lots or placing Holding Zones on lots in order to limit the development potential of existing undersized lots.

## **E4.6 ISLANDS LESS THAN 0.8 HECTARES**

- a) Undeveloped islands less than 0.8 hectares (1.97 acres) shall not be used 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. Notwithstanding the above, the construction of a dwelling and accessory uses on islands that are slightly less than 0.8 hectares (1.97 acres) in size may be permitted through an amendment to the implementing Zoning By-law or a Community Planning Permit and through this process, the following matters shall be considered:
  - i) The potential for retaining and enhancing tree cover;
  - ii) The protection of critical **fish** and **wildlife habitat**;
  - iii) The presence of adequate soil depth and the suitability of the site for a septic

system;

- iv) The nature and appropriateness of mainland access; and,
  - v) The potential for subdued visual impact through the appropriate location of building envelopes.
- b) The submission of an Environmental Impact Study shall be required to support development requiring a Zoning By-law amendment or a Community Planning Permit as per sub-section a).

## **E4.7 STEEP SLOPES**

- a) Steep slopes are generally measured over a horizontal distance inland of 45 metres (147.6 feet) from the shoreline for at least 100 metres (328 feet) along the shoreline.
- b) For lots with steep slopes >20% and <40%, existing vegetation shall be substantially retained on all slope faces of 20%, or greater. If vegetation cannot 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.
- c) For lots with steep slopes >40%, new construction is discouraged on steep slopes and in this regard, an Environmental Impact Study shall be required to support such development that considers the appropriateness of such development, addresses specific mitigation measures to address the visual and environmental integrity of such lands and proposes specific mitigation measures to reduce tree removal and blasting and visual impacts, among other matters.
- d) The amount of blasting required to reduce the natural slope to accommodate a dwelling and accessory uses will be limited through the consideration of Planning Act applications, such as site plan approval, a Community Planning Permit, if applicable, minor variance and re-zoning.

## **E4.8 MAINLAND WATERFRONT LANDINGS AND INDIVIDUAL WATER ACCESS POINTS**

### **E4.8.1 MAINLAND WATERFRONT LANDINGS**

- a) Mainland waterfront landings are properties that provide alternative long term access for three or more water access properties and/or a commercial property that cannot be accessed by road. They are not commercial operations and do not provide goods or services to the users. Mainland waterfront landings may include a dwelling utilized by a property manager if lot sizes are appropriate, and should include washroom and garbage facilities for the users.
- b) Mainland waterfront landings shall be designed and operated in a manner that is compatible with the use and character of the surrounding lands and waterbody. The Zoning By-law/Community Planning Permit (CPP) By-law shall establish regulations related to the scale and intensity of use of each landing. Issues related to lighting, stormwater management, vehicle and boat parking, and landscaping shall be addressed through a Community Planning Permit or site plan control.
- c) New or expanding mainland waterfront landings shall be considered based on the following:
  - i) The minimum lot area shall be 0.1 hectare (0.24 acres) and a maximum lot area of 1.2 hectares (2.9 acres);
  - ii) The minimum water frontage shall be 23 metres (75.4 feet);
  - iii) The maximum permitted dockage is 1 slip per 4 metres (13.1 feet) water frontage;
  - iv) Maximum vehicle parking is 2 spaces per boat slip and with a minimum front yard setback for the parking area of 15 metres (49.2 feet);
  - v) Provision of a sufficiently sized natural buffer to ensure compatibility with adjacent residential uses; and,
  - vi) The maximum disturbed area of the waterfront landing is 50% including parking and driveways.
- d) In considering the establishment of a new mainland waterfront landing, the

following shall be considered:

- i) The impact of the mainland waterfront landing on nearby properties and land uses;
  - ii) The impact of increased boating activity on the recreational carrying capacity of the waterbody;
  - iii) The impact of the mainland waterfront landing on **fish habitat**;
  - iv) The noise impacts of the mainland waterfront landing; and
  - v) The cumulative impact of landings, marinas and other access points on the recreational use of the waterbody and character of the waterfront community.
- e) Mainland waterfront landings should be dispersed throughout the Waterfront Area rather than being concentrated in an area in order to reduce the impacts of these uses on the immediate area and waterway.

#### **E4.8.2 INDIVIDUAL WATER ACCESS POINTS**

- a) Individual water access points provide access to up to two residential lots that cannot be accessed by road. They are not commercial operations and do not provide goods or services to the users. The use of a lot for an individual access point would be permitted as of right on residential properties in the implementing Zoning By-law or Community Planning Permit By-law.
- b) The implementing Zoning By-law or Community Planning Permit By-law shall, in addition to permitting individual water access points, require that a minimum of 2 parking spaces and 1 boat slip be provided per water access lot on a property that is used as an individual water access point.

#### **E4.9 MARINA DEVELOPMENT AND REDEVELOPMENT**

- a) Existing marinas are recognized for their importance in servicing the boating needs of waterfront residents, providing water access points for water access properties and employment for the residents of the Township.
- b) Full service marinas are encouraged to retain a wide range of services including the servicing and storing of boats, dockage, provision for fuelling and the sale of marine supplies.

- c) New marina development shall meet the following minimum requirements:
  - i) The minimum lot area shall be 0.8 hectares (1.9 acres);
  - ii) The minimum water frontage shall be 75 metres (246 feet);
  - iii) A sufficiently sized natural buffer to ensure compatibility with adjacent residential uses shall be provided;
  - iv) Sufficient parking and loading areas to provide for water access properties, including provisions for commercial uses and guest parking, shall be provided;
  - v) Adequate provision of garbage, recycling and washroom facilities shall be provided;
  - vi) Adequate stormwater management to provide treatment for quantity and quality shall be provided; and
  - vii) The establishment of new marinas in shallow bays and **wetlands** is not permitted.
- c) Marinas shall be encouraged to expand in a manner to provide additional boat storage thereby alleviating the pressure for docking facilities. Valet and taxi service in lieu of dock expansion is encouraged. Where boat storage facilities are proposed they shall be set back an appropriate distance from adjacent properties to minimize impacts.
- d) Parking and boat storage facilities shall be provided off-site wherever possible, away from the shoreline, well separated visually and functionally from the waterfront.
- e) A dry marina for the purpose of only storing boats, or self-serve boat storage, shall be encouraged to be located in the Rural Area designation, where proper visual mitigation measures can be achieved.
- f) Where a lot with a marina is of sufficient size, existing commercial uses such as a contractors yard or tourist accommodation use may be recognized as permitted uses in the implementing Zoning By-law or Community Planning Permit By-law.
- g) Staff quarters may be permitted as part of a marina operation provided the lot is of sufficient size, and the accommodation is located outside the floodplain.
- h) The downzoning of existing marinas is strongly discouraged because of the

important role they play in providing access to properties that do not have road access. Any application to rezone a marina to permit other uses may only be considered if there will continue to be an appropriate amount of docking for water access only properties provided, unless it can be demonstrated that there are sufficient docking facilities available elsewhere to serve water access only properties.

## **E4.10 WATERFRONT CONTRACTORS**

New waterfront contractors shall meet the following minimum lot and siting requirements and shall require site plan approval (or a Community Planning Permit, if applicable):

- a) A minimum lot area of 0.6 hectares (1.4 acres);
- b) A minimum water frontage of 90 metres (295 feet);
- c) A year-round maintained public road frontage;
- d) There shall be limited outside storage areas and parking areas associated with the commercial operation;
- e) The size and use of waterfront structures shall minimize the visual impact of use from the water and adjacent properties;
- f) The use shall be located within Waterfront Areas where the use can be operated in a manner that is compatible with the neighboring uses considering the intensity of the use, lighting, noise, vehicle and boating operations; and
- g) The use shall be 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.

## **E4.11 BOATING IMPACT STUDIES**

- a) Boat impact assessments shall be prerequisite for **development** or **redevelopment** where boating may be concentrated for the following situations:
  - i) The establishment of a new marina or waterfront landing accommodating more than eight (8) boats;
  - ii) A proposal to develop commercial docking or mooring facilities on a narrow

- waterbody;
- iii) The cumulative establishment of docking or mooring facilities from 2009, exceeding fifteen (15) or more boats; and/or
  - iv) 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.
- b) Boating impact assessments shall be designed to quantify and qualify the effect of the addition of boating activity on the use and enjoyment of the recreational waters in the Township. The following matters shall be addressed in completing a boating impact assessment:
- i) The location and number of nearby docking and mooring facilities for marinas, waterfront landings, resorts, boat launching sites, and other sites where boating may be concentrated;
  - ii) The historic level of boat traffic in the area in the period of time that these assessments have been required and the incremental change in boating traffic levels since that time;
  - iii) The expected frequency and distribution of marine traffic resulting from proposed use reported accidents, complaints or other occurrences related to boating in the area;
  - iv) The constraints and influences to navigation, safety, recreational uses, and environmental impact;
  - v) An analysis of the projected impact of the proposal on the recreational use of the water in relation to Recreational Carrying Capacity and the character of water use in the area; and,
  - vi) Mitigation methods to reduce any adverse impacts and how those may be implemented and enforced.

## **E4.12 PURPOSE OF SETBACKS IN WATERFRONT AREA**

- a) Front yard setbacks, as detailed in the implementing Zoning By-law or Community Planning Permit By-law, are established in recognition of:
  - i) Requirement of a shoreline vegetative buffer;

- ii) Minimizing the dominance of the built form on the natural environment;
  - iii) Maintenance of privacy and noise attenuation particularly on properties fronting onto a narrow waterbody;
  - iv) Maintenance of aesthetic qualities of the waterfront; and,
  - v) Protection of natural habitat and minimizing environmental impact in the foreshore area.
- b) Side yard setbacks shall be established in the implementing Zoning By-law or Community Planning Permit By-law in recognition of the following:
- i) 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;
  - ii) 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,
  - iii) Consideration may be given to alternatives where such setbacks are not possible due to terrain or other constraints.
- c) The Township shall review minimum yard and setback requirements when the implementing Zoning By-law is updated or a Community Planning Permit By-law is prepared to conform to this Plan to determine if they should be more restrictive in an effort to support the retention of vegetation on a lot and the maintenance of the character of Waterfront Areas, and to protect privacy and ensure compatibility.

## **E5 SITE ALTERATION**

- a) It is a policy of this Plan that **site alteration** be minimized relative to the size of the lot.
- b) It is recognized that this Plan strictly limits lot coverage in an effort to protect character and natural form, amongst other features, in the Waterfront Area. It is also recognized that development which does not contain a roof, such as sewage disposal systems, driveways, parking areas, sport courts, patios, sundecks, swimming

pools, etc. can also result in extensive site alteration and tree removal, which may negatively impact character, natural form and the environmental integrity of properties.

- c) In an effort to protect character, natural form and the environmental integrity of properties, the Township shall consider:
  - i) Establishing site alteration limits in a Site Alteration By-law; and
  - ii) Limiting the amount of site alteration when reviewing applications for **development** in the Waterfront Area.
- d) Major **site alteration** through blasting shall be discouraged when considering all applications for **development**.

## **E6 SITE PLAN CONTROL/COMMUNITY PLANNING PERMIT**

- a) In order to ensure no negative impacts on recreational water quality and the character of the Waterfront Area, the types of construction and reconstruction identified in Section N5 e) of this Plan shall be subject to Site Plan Control or a Community Planning Permit, if the lands are within a Community Planning Permit area.
- b) Where site plan control or a Community Planning Permit is required, the following matters shall be addressed to the satisfaction of the Township:
  - i) Appropriate location of buildings, structures and sewage disposal systems;
  - ii) Retention or restoration of a natural vegetative buffer to prevent erosion, siltation and nutrient migration;
  - iii) Protection and maintenance or establishment of native tree cover and vegetation on the lot as terrain and soil conditions permit;
  - iv) Appropriate location and construction of roads, driveways and pathways, including the use of permeable materials;
  - v) The use of appropriate soils for on-site sewage systems;
  - vi) Implementation of stormwater management and construction mitigation

techniques with an emphasis on lot level controls, low impact development practices and a treatment train approach to promote filtration, infiltration and detention, which may include proper re-contouring, discharging of roof leaders, use of soak away pits, other measures to promote infiltration, and silt fencing for temporary sediment control;

- vii) The establishment of dark sky compliant lighting on all structures with full cut-off fixtures being required in order to minimize light spillage into the surrounding environs, while maintaining safety;
  - viii) The minimization of **site alteration**; and
  - ix) Securities (if necessary and in the absence of a septic system re-inspection program) and processes to ensure implementation and long-term monitoring and compliance with site plan agreements (or a Community Planning Permit agreement, if applicable), if required.
- c) Monitoring and reporting by the property owner or an independent third party retained by the Township at the cost of the owner to confirm long-term compliance with any site plan agreement (or a Community Planning Permit agreement, if applicable), shall be required.
  - d) If the Township establishes a Community Planning Permit system in all or part of the Waterfront Area, all of the above shall be considered when reviewing an application for a permit under that system.

## **E7 RECREATIONAL CARRYING CAPACITY**

- a) Waterbodies function as public open space in Muskoka and they are affected by the amount of development around it. The intent of these policies is to ensure that the amenity provided by that open space continues to provide an excellent recreational experience in relation to the amount of development around and/or adjacent to it and that the waterbody remains safe and attractive.
- b) Recreational Carrying Capacity is defined as an estimate of the number of property owners and watercraft that can utilize the surface of a lake, bay or river while still enjoying the amenity provided by the waterbody. Recreational carrying capacity is a measure of social carrying capacity rather than environmental capacity and is

therefore intended to augment the lake system health policies of this Plan. However, it is recognized that the two factors are related. Recreational Carrying Capacity is one of a number of criteria to be considered when assessing applications for **development** in the Waterfront Areas and these include impacts on lake system health, the natural environment and waterfront character.

- c) The calculation of Recreational Carrying Capacity is derived based on the following formula:
- i) Net surface area is calculated by reducing the total waterbody surface area by the surface area within 30 metres (98.4 feet) of the shoreline.
  - ii) A density of one residential unit for every 1.6 hectares (3.95 acres) net waterbody surface area is then applied.
  - iii) Distinct bays having connections to a larger portion of a waterbody less than 300 metres (984 feet) wide are considered as a separate waterbody for the purposes of the capacity calculation. These areas may also be identified in Lake Plans as described in Section E8 of this Plan.
  - iv) The Moon River is also considered to be a separate waterbody for the purposes of the capacity calculation.
  - v) For the purposes of this model, all vacant lots are considered developable unless proven otherwise to the satisfaction of the Township.
  - vi) Tourist Commercial uses are assessed at one unit per boat slip utilized for recreational purposes, excluding boat slips used to meet commercial parking requirements.
  - vii) Public boat launches and waterfront landings are assessed based on one unit of capacity for every four parking spaces.
  - viii) The Recreational Carrying Capacity model does not apply to Lake Muskoka, Lake Joseph or Lake Rosseau due to the very high lake surface area to shoreline of those large lakes. However, consideration of the capacity of portions of those lakes may be applied in accordance with sub-section (iii) above.
  - ix) In addition to the above, the Recreational Carrying Capacity model does not apply to proposed development within the Urban Centres or Community Areas

or lakes where there are Federal Regulations that prohibit the use of motorized boats.

- d) On the basis of the application of the formula established in sub-section c), Recreational Carrying Capacity would be exceeded on the following waterbodies as shown on **Table D**:

<b>Table D: Waterbodies that Exceed Recreational Carrying Capacity</b>			
Ada Lake	Cain Lake	Lamberts Lake	Ricketts Lake
Barrett Lake	Camel Lake	Leech Lake (also known as Porter Lake)	Sawyer Lake
Bass Lake	Clear Lake	Leonard Lake	Shaw Lake
Bastedo Lake	Dark Lake	Little Long Lake (also known as Rutter Lake)	Silver Lake
Bear Lake	East Brophy Lake	Little Otter Lake	Speiran Lake
Beaton Lake	Gagnon Lake	Long Lake	Stevenson Lake
Big Otter Lake	Gaskills Lake	Marion Lake	Tank Lake
Black Lake	Harts Lake	Medora Lake	Tar Lake
Bowers Marsh	Henshaw Lake	Mirror Lake	Thompson Lake
Brandy Lake	Hesners Lake (also known as Everness Lake)	Mosquito Lake	Thorne Lake
Bruce Lake	High Lake	Neipage Lake	Three Mile Lake
Butterfly Lake	Hillman Lake	Nine Mile Lake	Turtle Lake
	L Lake	Nutt Lake (also known as Mud Lake)	Woods Lake

- e) Notwithstanding Section E7 c) viii) above, on Lake Muskoka, Lake Joseph or Lake Rosseau, Recreational Carrying Capacity may be considered for a portion of the lake that has a distinct character or community, such as a defined bay or channel, where that portion of the lake functions much like a separate waterbody.
- f) The creation of new lots is not permitted on a waterbody listed in Section E7 d) that exceeds the Recreational Carrying Capacity.
- g) A waterbody may be added to Table D or removed from Table D without requiring an Amendment to this Plan, provided the calculations are completed in accordance with Section E7 c) of this Plan.

## **E8 LAKE PLANS**

### **E8.1 INTRODUCTION**

- a) The Township supports the creation of Lake Plans and encourages them for all lakes.
- b) Lake Plans are intended to provide a greater level of detailed policies for specific lakes in the Township. Each Lake Plan is intended to reflect the individual character of a specific lake and are prepared by a ratepayer or property owner’s organization that represents a significant number of property owners within the lake and associated **watershed**. Lake Plans prepared for a number of smaller lakes that share common characteristics may also be considered by the Township.
- c) Land use aspects of such Lake Plans shall be incorporated in the Official Plan by way of an Official Plan Amendment when the Township is satisfied that a robust public consultation process has been followed throughout the preparation of the Lake Plan and the recommendations made in the Lake Plan are reasonable, appropriate and in the public interest. The land use policies incorporated into this Plan shall reflect policies developed through the Lake Plan process that are more specific than the policies in this Plan.
- d) The lake specific policies in this Plan shall be read in conjunction with the other policies of this Official Plan. Where there is a conflict, the most restrictive of all applicable policies of the Official Plan shall apply.

### **E8.2 CONTENTS OF LAKE PLANS**

- a) The following matters, amongst others, should be identified in the supporting documentation for a Lake Plan:
  - i) The lake **watershed**;
  - ii) Physical characteristics of the lake including surface area, depth, mainland shoreline, island shoreline;
  - iii) Distinct character areas and areas of cultural significance;
  - iv) Nature and type of boathouses on the lake;
  - v) The number of lots around the lake and the average setback of main buildings

- from the water's edge;
- vi) Location and nature of public access points;
  - vii) Locations of areas of steep slopes, narrow waterbodies, hazards to navigation;
  - viii) Topography, landscape, and shoreline features;
  - ix) **Wetlands** and identified **natural heritage features and areas** (i.e. **Areas of Natural and Scientific Interest**, Conservation Reserves, etc.) and locations of species of conservation concern (i.e. **habitat of endangered and threatened species**);
  - x) Water quality and the relationship to development capacity;
  - xi) Historical development and cultural heritage;
  - xii) Existing land use within the lake **watershed**;
  - xiii) Existing built form;
  - xiv) Development trends and issues;
  - xv) Recreational Carrying Capacity;
  - xvi) Open space, recreational areas, trails, Crown land;
  - xvii) Public access points;
  - xviii) Development potential and capacity; and,
  - xix) Specific policies and standards for development.
- b) In addition to land use policies, the Township encourages Lake Plans to include stewardship objectives and actions that will be implemented through the efforts of the organization preparing the Lake Plan. Stewardship objectives and actions should include education, communication, consultation and demonstration projects that encourage property owners to improve and enhance the natural conditions within the **watershed**, reduce the ecological impact of human activity and ensure the ability of waterfront residents to enjoy the peaceful, natural setting of the Muskoka waterfront.

## **E8.3 LAKE SPECIFIC DEVELOPMENT POLICIES**

The policies in this section incorporate development policies that have been informed by Lake Plans that have been completed in accordance with Section E8.2 a) and endorsed by the Township.

### **E8.3.1 THREE MILE LAKE**

Three Mile Lake is a relatively shallow lake that is highly developed (630 lots) and located in a **watershed** where agricultural activities co-exist with seasonal and permanent residences. Water quality issues are among the most serious in the Township. In addition to the other development policies in this Plan, the following policies shall apply to Three Mile Lake.

- a) When the Causation Study on the lake is completed and development is determined to be the primary cause of a water quality indicator, the District of Muskoka in consultation with the Township and the Lake Association will use the results of this Study to develop a Remedial Action Plan that shall include:
  - i) A determination of the cause of the water quality impairment measures required to mitigate the impairment;
  - ii) Notification and public input to address the situation;
  - iii) Educational requirements related to the issue;
  - iv) Proposed policy amendments required (if necessary) to address the situation; and
  - v) Future monitoring programs and early warning systems.
- b) Until such time as the Causation Study is completed and the resulting Remedial Action Plan is being implemented, if applicable, the following policies shall apply:
  - i) Further lot creation shall not be permitted on lands abutting Three Mile Lake, with the exception of technical severances, conservation blocks or easements or for the separation of legally existing uses onto two or more lots in accordance with Section E4.4.5 of this Plan; and
  - ii) Existing vacant lots of record shall only be developed where the lot meets the requirements of the implementing Zoning By-law or Community Planning Permit

By-law and if phosphorous reduction measures are utilized that will mitigate the impact of the sewage system on water quality.

- c) In order to protect the existing character of the shoreline, all development within the Waterfront Area is subject to Site Plan Control and the implementing Zoning By-law or Community Planning Permit By-law shall place the following limits on development within the Waterfront Area adjacent to Three Mile Lake:
- i) The minimum set-back from the high water level shall be 30 metres (98.4 feet).
  - ii) Notwithstanding the above, it is recognized that there are many existing buildings within the 30 metre (98.4 foot) setback area. In order to provide some flexibility for construction and reconstruction within this setback area, the implementing Zoning By-law or Community Planning Permit By-law shall include appropriate provisions to permit a limited amount of construction and reconstruction in this setback area. Where such construction or reconstruction is being considered through site plan approval (or a Community Planning Permit, if applicable) and/or minor variance or zoning processes, it shall be conditional on demonstrating a net improvement to the ecological integrity of the property.
  - iii) The maximum lot coverage, which is defined as the percentage of a lot or portion of a lot covered by buildings and structures with a roof, shall be no greater than 8% with the maximum permitted lot coverage within 60 metres (196.8 feet) of high water mark being 8% as well. The policies of Section E4.3.2 apply if there is a desire to increase this permitted lot coverage.
  - iv) The maximum width of shoreline structures, including docks and boathouses shall be 8.5 percent of the frontage, not exceeding 13 metres (42.6 feet).
  - v) Docks shall not exceed 15 metres (49.2 feet) in length, nor have an area of greater than 20 square metres (215.2 square feet). Longer docks may be permitted where it is necessary to achieve 4 metres (13.1 feet) of docking where the water depth is at least 0.5 metres (1.6 feet) deep.
  - vi) New dwellings shall not exceed 325 square metres (3,498 square feet) in gross floor area.

### **E8.3.2 SKELETON LAKE**

Skeleton Lake was created as an impact crater left after a meteorite fell to earth during the Paleozoic Era, 541 - 252 million years ago, forming a nearly perfect circular depression 3.6 kilometres in diameter with very steep sides plunging down to 70 metres (229.6 feet) depth. The lake is the fourth largest lake in Muskoka Lakes and has a number of unique features. It is very deep, has many stunning rock cliffs and has the clearest water in the Muskoka **watershed** due to a very low phosphorous concentration. The water from Skeleton Lake is the source of drinking water for approximately 500 residences. The lake is also inaccessible from other waterbodies and has a relatively low density of development with large expanses of undeveloped shoreline.

Protection of water quality in Skeleton Lake is critical to maintaining the character of the lake. Skeleton Lake has the lowest phosphorous concentration of any of the other major lakes in the **watershed** and has been described as being hyper-oligotrophic

In addition to the other development policies in this Plan, the following policies shall apply to Skeleton Lake.

- a) In order to preserve the low density character of shoreline development on Skeleton Lake the implementing Zoning By-law or Community Planning Permit By-law shall include the following:
  - i) Minimum lot frontage of 90 metres (295.2 feet) for new lots; and
  - ii) The maximum lot coverage, which is defined as the percentage of a lot or portion of a lot covered by buildings and structures with a roof, shall be no greater than 8% with the maximum permitted lot coverage within 60 metres (196.8 feet) of high water mark being 8% as well. The policies of Section E4.3.2 apply if there is a desire to increase this permitted lot coverage.
- b) In order to protect the water quality in the lake, and in recognition of Skeleton Lake being the source of drinking water source for many residents, the following uses shall not be permitted in the **watershed**:
  - i) Waste disposal sites;
  - ii) Commercial or industrial storage of fuels or chemicals, and

- iii) **Mineral aggregate operations.**
- c) There are at least four cliffs in excess of 30 metres (98.4 feet) high on the shoreline. These features are recognized as a Muskoka Heritage Area due to the unique geologic history and significant cultural landscapes. The features listed below shall not be developed and development in proximity to the identified features shall be designed to be compatible with the natural and visual characteristics of these features:
  - i) The Devil’s Face;
  - ii) Elephant Rock;
  - iii) Hogs Back;
  - iv) One Tree Island;
  - v) High Lake Portage; and
  - vi) The weir at Skeleton Lake outlet.
- d) **Wetlands** within the Lake’s **watershed** shall be protected from any **site alterations** including, without limitation, all incompatible land uses and development of such **wetlands**, and such **wetlands** shall be maintained in a natural state.

### **E8.3.3 LITTLE LONG LAKE**

Little Long Lake is a small waterbody that is 16 hectares (39.5 acres) in size, with a mean depth of only 4 metres (13.1 feet). A major physical feature of the lake is the 25 metre (84 feet) long x 2.75 metre (9 feet) tall beaver dam that sustains the very existence of the lake. With 62 per cent of the shoreline being Crown Land, there are currently 28 dwellings on the lake and six vacant lots, resulting in a unit/surface area ratio that is the highest in the Township. The high density of development on such a small water body with limited water exchange results in a high level of concern related to future building and development. The lake is a vulnerable closed-basin lake and is a very rare meromictic lake as the water does not naturally mix in the lake. The lake is therefore very sensitive to development.

In addition to the other development policies in this Plan, the following policies shall apply to Little Long Lake:

- a) Further lot creation shall not be permitted on lands abutting Little Long Lake, with the exception of technical severances, conservation blocks or easements or for the separation of legally existing uses onto two or more lots in accordance with Section E4.4.5 of this Plan. Owners of existing vacant lots of record are encouraged to merge those lots with existing lots of record to reduce the potential for new development.
- b) Every effort shall be made to ensure that the beaver dam that sustains the lake levels and the beaver population that maintains the dam shall be protected from activities that may result in the decline of the dam.
- c) Preserving natural shoreline vegetation, reducing light trespass, requiring phosphorous retention and/or removal for all septic systems as well as limiting building size will assist in this effort and shall be implemented through the **Site Alteration** By-law, Zoning and Site Plan control (or a Community Planning Permit, if applicable).
- d) In order to preserve the low density character of shoreline development on Little Long Lake the implementing Zoning By-law or Community Planning Permit By-law shall include the following:
  - i) The maximum length of docks shall be 13 metres (42.6 feet).
  - ii) Boathouses shall not be permitted.
- e) **Wetlands** within Little Long Lake's **watershed** shall be protected from any **site alterations** including, without limitation, all incompatible land uses and development of such **wetlands**, and such **wetlands** shall be maintained in a natural state.
- f) Where reconstruction of existing dwellings or new construction occurs, septic systems utilizing phosphorous removal technology shall be required as a condition of approval.

### **E8.3.4 LEONARD LAKE**

Leonard Lake is a mid-sized lake with a surface area of 195 hectares (481 acres). With the exception of a deep northern basin, it is shallow for a lake of its size, having a mean depth of only 6.8 metres (22.3 feet). It has a small **watershed** (390 hectares (963 acres)) and is

fed by springs and precipitation. With a lake water renewal rate of only 20% each year, water quality issues are slow to rectify. The lake is highly developed with 167 existing or potential dwellings representing approximately twice the Recreational Carrying Capacity development density of the lake. These physical factors make the lake sensitive to development. In addition to the other development policies in this Plan, the following policies shall apply to Leonard Lake:

- a) Further lot creation shall not be permitted on lands abutting Leonard Lake, with the exception of technical severances, conservation blocks or easements or for the separation of legally existing uses onto two or more lots in accordance with Section E4.4.5 of this Plan.
- b) Through the site plan control process required by this Plan in accordance with Section E6 of this Plan, (or a Community Planning Permit agreement, if applicable), the Township shall require an agreement to address matters such as the size of shoreline structures, ecological offsetting, construction mitigation, restoration of shoreline vegetation and maximum **site alteration**.
- c) In order to preserve the low density character of shoreline development on Leonard Lake, the maximum gross floor area for new dwellings shall be 325 square metres (3,498.2 square feet).
- d) The maximum lot coverage, which is defined as the percentage of a lot or portion of a lot covered by buildings and structures with a roof, shall be no greater than 8% with the maximum permitted lot coverage within 60 metres (196.8 feet) of high water mark being 8% as well. The policies of Section E4.3.2 apply if there is a desire to increase this permitted lot coverage.
- e) A minimum 30 metre (98.4 feet) setback from all shorelines on a lot shall be required, where possible, on vacant lots of record. This setback shall not apply to shoreline structures, open decks and patios, trails, firepits and minor accessory structures.
- f) A minimum 30 metre setback from any shoreline shall be required for new leaching beds. Where this is not feasible, a lesser setback may be permitted subject to meeting the requirements of the Building Code and Section E4.2.2 c) applies in all cases, regardless of whether Site Plan Approval (or a Community Planning Permit, if

applicable), is required.

- g) Single storey boathouses without sundecks will be permitted in the implementing Zoning By-law or Community Planning Permit By-law provided:
  - i) The lot has a lot frontage of 61 metres (200 feet) or greater;
  - ii) The maximum length of the boathouse is 9.1 metres (30 feet); and
  - iii) The boathouse is set back a minimum of 12 metres (39.3 feet) from side lot lines.
- h) New tourist commercial uses shall not be permitted in the Leonard Lake Waterfront Area due to the lake being significantly over its Recreational Carrying Capacity and lake character.
- i) When the Causation Study on the lake is completed and development is determined to be the primary cause of a water quality indicator, the District of Muskoka in consultation with the Township and the Lake Association will use the results of this Study to develop a Remedial Action Plan that shall include:
  - i) A determination of the cause of the water quality impairment measures required to mitigate the impairment;
  - ii) Notification and public input to address the situation;
  - iii) Educational requirements related to the issue;
  - iv) Proposed policy amendments required (if necessary) to address the situation; and
  - v) Future monitoring programs and early warning systems.
- j) **Wetlands** within Leonard Lake's **watershed** shall be protected from any **site alterations** including, without limitation, all incompatible land uses and development of such **wetlands**, and such **wetlands** shall be maintained in a natural state.
- k) Where reconstruction of existing dwellings or new construction occurs, septic systems utilizing phosphorous removal technology shall be required as a condition of approval.

### **E8.3.5 BRANDY LAKE**

Brandy Lake is considered a medium sized lake, having an area of about 116 hectares (286 acres). It is fed by a relatively large **watershed** relative to its surface area, having an area of approximately 4,000 hectares (about 15.4 square miles). The lake is also shallow, with a maximum depth of 8 metres. At the time of preparation of the Brandy Lake Plan (October 2021) there were 134 developed lots and 15 vacant lots on the lake, resulting in a surface area of 0.56 hectare/unit on the lake. These factors make the lake relatively sensitive to phosphorous and well over the target Recreational Carrying Capacity factor of 1.6 ha per dwelling unit.

In addition to the other policies in this Plan, the following policies shall apply to Brandy Lake:

- a) Further lot creation shall not be permitted on lands abutting Brandy Lake, with the exception of technical severances, conservation blocks or easements or for the separation of legally existing uses onto two or more lots in accordance with Section E4.4.5 of this Plan. Owners of existing vacant lots of record are encouraged to merge those lots with existing lots of record to reduce the potential for new development.
- b) Through the site plan control process required by this Plan in accordance with Section E6 of this Plan, (or a Community Planning Permit, if applicable), the Township shall require an agreement to address matters such as the size of shoreline structures, ecological offsetting, construction mitigation, restoration of shoreline vegetation and maximum **site alteration**.
- c) When the Causation Study on the lake is completed and development is determined to be the primary cause of a water quality indicator, the District of Muskoka in consultation with the Township and the Lake Association will use the results of this Study to develop a Remedial Action Plan that shall include:
  - i) A determination of the cause of the water quality impairment measures required to mitigate the impairment;
  - ii) Notification and public input to address the situation;
  - iii) Educational requirements related to the issue;

- iv) Proposed policy amendments required (if necessary) to address the situation;  
and
- v) Future monitoring programs and early warning systems.
- d) Applications for development within the Brandy Lake **watershed** should be assessed with respect to the potential impact on water quality in Brandy Lake through the completion of an Environmental Impact Study, when required in accordance with the policies of this Plan.
- e) Preservation and enhancement of natural vegetation within the shoreline buffer area shall be required as a condition of any development approval, where feasible.
- f) Where reconstruction of existing dwellings or new construction occurs, septic systems utilizing phosphorous removal technology shall be required as a condition of approval.

## **E9 SPECIAL POLICY FOR PORT SANDFIELD**

Port Sandfield is recognized as a commercial node in the Waterfront Area designation and acts as a continued focus of waterfront commercial use. Permitted uses include waterfront commercial uses, existing contractor's yard and the existing institutional and public open space uses. Development shall have regard for the following and shall be subject to site plan control (or a Community Planning Permit agreement, if applicable):

- 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



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access points shall be limited in number and designed in a manner that will minimize the danger to vehicular and pedestrian traffic.

## **PART F - COMMERCIAL ACCOMMODATION**

### **F1 INTENT OF THIS PLAN**

Muskoka Lakes has long been a premiere destination for tourists from around the world and visiting and staying in Muskoka Lakes in the many different types of commercial accommodations offered has become part of the Township's rich cultural heritage legacy. Given this history, the commercial accommodation sector has become a significant contributor to the economy of the Township and wider area. While it is recognized that the use of private seasonal cottages contributes significantly more to the economy than the commercial accommodation sector, it is the intent of this Plan to consider additional commercial accommodation uses provided:

- a) Accommodation uses such as hotels, motels, tent and trailer parks, cabin rental establishments and commercial resorts are planned from the outset and continue to be commercial in nature and available to the travelling public to continue attracting visitors to the area; and
- b) Accommodation uses in the form of short term rentals respect the residential character of the various rural, residential and waterfront areas in the Township.

### **F2 OBJECTIVES**

It is the objective of this Plan to:

- a) Support the continued commercial use of properties used for commercial accommodation uses;
- b) Encourage and support commercial accommodation uses that demonstrate sustainable economic, social, and environmental practices and in all instances where such practices might be incompatible, protection of the environment shall take precedence;
- c) Support the development of single-owner commercial resorts as a preferred form of commercial resort development and discourage commercial resorts outside of the Urban Centres that are developed by way of Plan of Condominium or some other form of shared accommodation resort (such as fractional or timeshare for example)

because of concerns about the enforceability of use restrictions and the potential for shared accommodation resorts to be used for residential instead of commercial purposes. In cases where such a resort is proposed, the approval and implementation processes shall be carefully managed to ensure that such a shared accommodation resort conforms to the definitions and use restrictions that apply to such commercial resorts in this Plan;

- d) Ensure that existing and new commercial resorts are commercial in nature at the outset and continue to operate as commercial uses in the future, so that travellers and vacationers continue to visit the Township and contribute to the local economy;
- e) Protect environmentally sensitive areas and ensure that where development is permitted, its design and construction shall be done in a manner that limits site disturbance and protects natural features and functions, protects the tree canopy, and protects and enhances the **natural heritage features and areas** and their functions that contribute to the character of the lands in the vicinity of the commercial accommodation use;
- f) Ensure that new commercial accommodation uses are appropriately located and developed in a manner that minimizes impacts on the environment and water quality and are designed to be sympathetic with the character of the surrounding area; and
- g) Retain existing and viable commercial accommodation uses to support the continued economic vitality of Muskoka Lakes, while being open to their conversion to residential use, provided the density and scale of the residential development is consistent with the character of the adjacent areas.

## **F3 COMMERCIAL RESORT DEVELOPMENT**

### **F3.1 CONTEXT**

- a) In 2020, there were 32 operating resorts in the Waterfront Area designation in the Township, with all but one fronting on the shoreline of a lake. The combined water frontage of the 31 operating resorts is about 5,900 metres (19,356 feet), which is a very small fraction of the total water frontage. Also in 2021, there were 20 properties in the Waterfront Area designation that were zoned to permit

commercial accommodation uses, but which were not operating. All but one of these 20 properties front on a lake and have a combined water frontage of 2,900 metres (9,514 feet).

- b) Commercial resorts are considered distinct from both residential developments (seasonal or permanent) in form and function, as well as other types of roofed commercial accommodation establishments such as hotels, motels, bed and breakfast operations and tent and trailer parks. In this regard, and for the purposes of this Plan, commercial resorts are defined as commercial establishments that:
- i) Provide roofed accommodations to the travelling & vacationing public and the general public that includes a range of services, facilities and/or resort-related amenities on-site such as restaurants and wellness activities within a vacation-oriented setting;
  - ii) Are professionally managed, with all resort commercial accommodation, rooms or units available to the travelling & vacationing public and the general public for reasonable periods of time and if the commercial resort is being developed by way of Plan of Condominium or some other form of shared accommodation resort (such as fractional or timeshare for example) only accommodation in the form of resort commercial accommodation units as defined in Section F3.3 is permitted, if the commercial resort is outside of an Urban Centre;
  - iii) Provide access to the travelling & vacationing public and the general public to a significant natural or human-made tourism asset; and
  - iv) Emphasize a recreation experience for the travelling & vacationing public and the general public.

### **F3.2 USES PERMITTED IN A COMMERCIAL RESORT**

- a) The principal permitted use in a commercial resort is the accommodation of visitors and guests in facilities such as lodges, resorts, hotels, cabins and lakefront villas. The use of a commercial resort for year-round or seasonal residential uses shall not be permitted.
- b) If a commercial resort outside of an Urban Centre is to be developed by way of Plan of Condominium or some other form of shared accommodation resort (such as

fractional or timeshare for example), only accommodation in the form of resort commercial accommodation units as defined in Section F3.3 is permitted.

- c) Secondary permitted uses include:
- i) Housekeeping, management and staff accommodations;
  - ii) Retail and service commercial uses that are functionally integrated into the commercial resort; and
  - iii) Uses that promote wellness activities and cultural and **recreation** opportunities and facilities such as a wellness centre (such as a spa), trails, plazas and public squares, public open private spaces, seating areas, beaches and sport facilities, and private leisure clubs that are recreational in nature.
- d) All rooms or units in a commercial resort are required to generate a turnover of occupants so that the commercial resort remains commercial in nature. If the commercial resort is a Plan of Condominium or other form of shared accommodation resort (such as fractional or timeshare for example), this shall occur through mandatory rental pools/programs, exchanges, timesharing, fractionalized ownerships or other similar means as stipulated in Section F3.3.
- e) Within an Urban Centre only, resort-related residential dwelling units and residential dwelling units (as defined in Section F3.3) may also be permitted subject to Section F3.4.4.
- f) The density of commercial resort development is controlled through the implementing Zoning By-law or Community Planning Permit By-law. Following the approval of this Plan, the Township shall review the implementing Zoning By-law to determine if changes in density are required and/or whether maximum unit sizes and/or equivalencies should be added to the implementing Zoning By-law to ensure that the units are designed for the general public.

## F3.3 DEFINITIONS AND USE RESTRICTIONS IN PLAN OF CONDOMINIUM OR OTHER SHARED ACCOMMODATION RESORTS (SUCH AS FRACTIONAL OR TIMESHARE)

### F3.3.1 DEFINITIONS

The following under-lined terms apply only in Section F of the Plan to commercial resorts that are developed by way of Plan of Condominium or other form of shared accommodation resort (such as fractional or timeshare for example):

- a) Residential dwelling unit means a room or suite of habitable rooms located within a building and operated as a household unit, used or intended to be used as a domicile by one or more persons that contains cooking, dining, living, sleeping and sanitary facilities exclusively for the use by the owner and/or persons designated by the owner on a primary or seasonal basis.
- b) Resort commercial accommodation unit means:
  - i) A unit without full kitchen amenities; or
  - ii) A self-contained unit in a standalone structure with its main access via a front door, that contains no more than 1 kitchen and 3 bedrooms; or
  - iii) A unit in structures with 2 or more units, with its main access via a private entrance from outside a building, or from a common hallway or stairway inside a building, that contains no more than 1 kitchen and 2 bedrooms.
- c) Resort-related residential dwelling unit means: a residential dwelling unit that forms part of a functionally integrated commercial resort entity.
- d) Travelling & vacationing public means: persons who seek overnight accommodation. Unit owners of property within a commercial resort, whether that property is a resort-related residential dwelling unit or a resort commercial accommodation unit are not considered members of the travelling & vacationing public while occupying their property within the commercial resort.
- e) Unit owner means: in the case of owners who are not individuals, shall include each person who owns an interest in the unit (whether through use of corporations,

partnerships, trusts or other entities owned or controlled by such persons). For the purposes of evaluating owner usage of their units in accordance with Section F3.3.2, Unit owner shall include the individual owner(s) and/or the individuals who own an interest in such property as described above and shall include their immediate family and guests.

### **F3.3.2 USE RESTRICTIONS OUTSIDE OF URBAN CENTRES**

- a) While the Township's preferred form of tenure for resorts is single ownership (that is, no ownership of individual units by unit owners), because of concerns about the enforceability of use restrictions and the potential for shared accommodation resorts developed by way of Plan of Condominium or other form of shared accommodation resort (such as fractional or timeshare for example) to be used for residential instead of commercial purposes, shared accommodation resorts may be considered by the Township outside of the Urban Centres, provided the shared accommodation resort conforms to the policies of this Plan and all resort commercial accommodation units generate a turnover of occupants through mandatory rental pools/programs, exchanges, timesharing, fractionalized ownerships or other similar means as stipulated in this section of the Plan.
- b) Where a commercial resort development includes condominium ownership, the units shall form part of an integrated commercial resort facility that is professionally managed and supplemented by a variety of on-site amenities, which shall not be granted exclusive use by or to unit owners.
- c) Commercial use and maintenance of the commercial components of a commercial resort development are set out in Sections F3.4.1 to F3.4.3 and shall be prescribed in greater detail in the implementing Zoning By-law and/or site plan (or a Community Planning Permit agreement, if applicable), and condominium agreements. The specific conditions of the provision for the use of a resort commercial accommodation unit by a unit owner shall be articulated in binding owner usage agreements signed by the unit owner and the commercial resort or the condominium corporation, as applicable, if the unit is owned individually. These conditions, together with appropriate monitoring, reporting and enforcement provisions, shall also be stipulated in the commercial resort's Conditions of Condominium Description with the District and/or the Condominium Agreement

with the Township, if a Plan of Condominium is proposed.

- d) To ensure that the use of the units remain commercial, the use restrictions in Sections F3.3.2 shall be implemented through a condominium agreement.
- e) Where a commercial resort that includes condominium units substantially ceases to carry on business, the following policies shall apply:
  - i) The owners of the condominium units shall, by way of centralized management, continue to operate the units as part of a tourist commercial resort, at a minimum using a centralized rental pool, in accordance with all agreements registered on title, including those that deal with occupancy of the units; and
  - ii) Conversion of the commercial resort use to residential use shall not be permitted.

#### **F3.3.2.1 COMMERCIAL RESORT IS OPEN YEAR-ROUND**

- a) The unit can be used by the unit owner for a maximum of 26 weeks per calendar year and a maximum of 26 weeks can be blocked-out by the unit owner in advance.
- b) The unit owner shall be entitled to use the unit for a maximum of 4 weeks during the months of July and August. These 4 weeks shall be taken in periods of at minimum 7 consecutive days. These 4 weeks must be reserved in advance through the on-site or central management systems. For the balance of July and August, the unit must be made available to rent via the commercial resort's mandatory rental program.
- c) The unit must be made available to rent via the commercial resort's mandatory rental program a minimum of 26 weeks per year, which includes the portions of July and August as per sub-section b).
- d) There is no minimum use of a unit by the unit owner and the unit can be in the commercial resort's mandatory rental program for the entire year.
- e) The unit owner may exceed the maximum 26 weeks per year occupancy up to a maximum of 39 weeks per year (subject to sub-section b)) where a reservation is not made more than seven days in advance and the unit has not already been reserved by the public. Such reservations shall not be made more than seven days in advance of the vacancy period and must not encroach upon nor compromise the integrity of

the subsequent regular rental period.

### **F3.3.2.2 COMMERCIAL RESORT IS NOT OPEN YEAR-ROUND**

- a) The unit can be used by the unit owner for no more than 50% of the weeks that the resort is open and this maximum number of weeks can be blocked-out by the unit owner in advance.
- b) The unit owner shall be entitled to use the unit for a maximum of 4 weeks during the months of July and August. These 4 weeks shall be taken in periods of at minimum 7 consecutive days. These 4 weeks must be reserved in advance through the on-site or central management systems. For the balance of July and August, the unit must be made available to rent via the resort's commercial mandatory rental program.
- c) The unit must be made available to rent via the commercial resort's mandatory rental program a minimum of 50% of the weeks that the resort is open, which includes the portions of July and August as per sub-section b).
- d) There is no minimum use of a unit by the unit owner and the unit can be in the commercial resort's mandatory rental program for the entire time the commercial resort is open.
- e) The unit owner may exceed the maximum 50% of the weeks that the resort is open, up to a maximum of 75% of the weeks the commercial resort is open (subject to sub-section b)) where a reservation is not made more than seven days in advance and the unit has not already been reserved by the public. Such reservations shall not be made more than seven days in advance of the vacancy period and must not encroach upon nor compromise the integrity of the subsequent regular rental period.

### **F3.3.2.3 ADDITIONAL REQUIREMENTS**

- a) All sales documents and agreements shall affirm that the unit is commercial in nature and cannot be occupied as a residence.
- b) Resort commercial accommodation units shall:
  - i) Provide users with access to all of the on-site facilities provided by the commercial resort, which may include a spa, restaurants, pools, tennis or other

courts, trails, golf, waterfront amenities including docks, swimming area, beach, access to a variety of boats, boathouse, meeting rooms, breakfast facilities, retail facilities, common areas and conference facilities;

- ii) Be operated by central management with a presence on-site;
- iii) Be supported by commercial resort facilities that are available to the general public and all guests on the property;
- iv) Have access to ongoing services (housekeeping, security, etc.);
- v) Have access to recreational programs associated with the amenities;
- vi) Be included in a permanent, compulsory rental program to ensure ongoing availability of the unit to the travelling & vacationing public at all times the commercial resort is open, and when the unit is not otherwise entitled to be occupied by the unit owner, if the unit is owned individually;
- vii) Not be accessible by the Unit Owner when the commercial resort is closed if the unit is owned individually; and
- viii) Participate in a mandatory furniture, fixtures and equipment (F,F&E) program administered by the condominium corporation imposing on Unit Owners an obligation to maintain, repair and replace the F,F&E in their units to a standard established by the commercial resort operator and unit owners are not entitled to provide their own F,F&E nor to make alterations to their units, in each case, if the unit is owned individually.

## **F3.4 NEW AND EXPANDING COMMERCIAL RESORTS**

### **F3.4.1 APPLICATION REQUIREMENTS**

- a) Any application to develop a new commercial resort outside of an Urban Centre shall require an Amendment to this Plan and shall be supported by evidence satisfactory to the Township that there is a need for additional commercial resort accommodation in the Township.
- b) Any application for an amendment to this Plan to establish a new commercial resort or to the implementing Zoning By-law or Community Planning Permit By-law to facilitate redevelopment or an expansion (if required) shall be supported by studies

that are based on predictable, measurable, objective effects on the natural environment and other matters as outlined below, with these studies and their scope being identified in advance and with regard to the scale of the proposed new commercial resort or expansion. Depending on the scale of the proposal, a Comprehensive Development Plan may be required in accordance with Section N12 of this Plan.

- c) Any application to develop a new commercial resort or expand or redevelop an existing commercial resort shall be supported by information that identifies proposed tenure arrangements.
- d) The studies required by this section shall address the anticipated impacts in the area affected by the proposal and in this regard, all applications shall be supported by information that address the impact of the operation of the proposal on:
  - i) The **natural heritage features and areas** and related **ecological functions** on the site and in the area;
  - ii) The quality of the water in the affected lake and the hydrological features that contribute to water quality and overall lake system health, including the ground water recharge and discharge functions on the site and in the immediate area;
  - iii) Existing topography and vegetation of the area, and the tree canopy in particular, when viewed from the water;
  - iv) Adjacent and nearby existing or planned land uses;
  - v) The **significant built heritage resources, protected heritage properties, significant cultural heritage landscapes** and **significant archaeological resources** on the site and in the area;
  - vi) The recreational carrying capacity of the lake, or if it is one of the larger lakes, on any defined areas having connections to a larger portion of a waterbody that is generally less than 300 metres (984.2 feet) wide;
  - vii) The transportation network in the area; and,
  - viii) Nearby wells used for drinking water purposes.
- e) New commercial resorts shall:

- i) Have a generous amount of open space;
- ii) Be permitted on mainland properties only;
- iii) Have a minimum lot area of 2.0 hectares (5 acres);
- iv) Have a minimum water frontage of 150 metres (500 feet); and
- v) Incorporate a natural buffer to ensure compatibility with adjacent residential uses.

### **F3.4.2 COMMERCIAL RESORT DEVELOPMENT REQUIREMENTS**

- a) These policies apply to new resorts and when existing commercial resorts are proposed to be expanded or redeveloped.
- b) To provide **recreation** experience, a variety of commercial resort-related amenities and services shall be available on-site. Such amenities and services must be available to guests and visitors and are required to be available to the general public where appropriate. In addition, these amenities must be tangible and include more than just the development of a beach, walking trails or similar passive features. The development of a reasonable number of amenities shall occur in the first phase as detailed in the implementing Zoning By-law or Community Planning Permit By-law. The applicability of sub-section b) to the expansion or redevelopment of existing commercial resorts shall be commensurate with the magnitude of the expansion or redevelopment.
- c) In-person management shall be available on-site in order to respond to complaints, deal with emergencies, and assist guests and visitors.
- d) To ensure a continued contribution to the local and regional economy, proponents shall demonstrate an ability for the commercial resort to generate a revenue stream from unit rentals that sustains the commercial component of the commercial resort such that it is viable, provides employment opportunities and sustains the provision of other goods and services by third parties in the area, all of which is intended to have a positive economic impact. The applicability of sub-section d) to the expansion or redevelopment of existing commercial resorts shall be commensurate with the magnitude of the expansion or redevelopment.
- e) All commercial resort development and redevelopment shall:

- i) Respect and be compatible with the surrounding environment;
  - ii) Not result in adverse impacts on the recreational carrying capacity and water quality of the lake as demonstrated through appropriate studies;
  - iii) Minimize disruption to, and on, existing topography and vegetation of the area when viewed from the water;
  - iv) Maintain, improve, and/or restore the health of existing natural amenities such as streams and **wetlands**, where these features exist;
  - v) Integrate sustainable development practices that maintain or enhance ecological and economic resiliency;
  - vi) Exhibit a high-quality built form that enhances pedestrian amenity;
  - vii) Locate parking and servicing areas or facilities to the side or rear of buildings and recreational areas to minimize disruption to waterfront access and views, and reduce conflicts with pedestrians;
  - viii) Incorporate landscaping that softens the impact of built form and utilizes native species where practical and appropriate; and
  - ix) Incorporate minimum 15-metre (49.2 feet) waterfront vegetative buffers and minimum 20-metre (65.6 feet) building setbacks to protect water quality and natural shoreline character, except in the Urban Centres and the Minett Resort Village where additional flexibility may be desirable.
- f) The architecture and characteristics of new major development or redevelopment shall:
- i) Limit height in proximity to the shoreline, while providing for a gradual increase as the distance from the shoreline increases, where appropriate;
  - ii) Be of a low-rise built form that in no case exceeds 14 metres (45.9 feet) (including mechanical equipment) and the existing tree canopy respects the character and scale of buildings of the past and is appropriate to its setting and terrain. Notwithstanding the above, greater heights may be considered in the Urban Centres and the Minett Resort Village;
  - iii) Be informed by a set of urban design and/or architectural design guidelines to be

- completed to the satisfaction of the Township;
- iv) Utilize dark sky lighting in accordance with Township by-laws to preserve the darkness of the night sky; and
  - v) Allow for the implementation of alternative standards for development where benefits to community character or the natural environment can be demonstrated, provided any negative impacts can be effectively mitigated.
- g) All new development shall front onto a publicly accessible road, which is maintained year-round, except where development occurs by condominium description. Notwithstanding the foregoing, all private condominium roads shall have access from a public year-round maintained road. Where condominium registration is utilized, roads shall be designed and constructed to Township standards and provide for emergency vehicular access to the satisfaction of the District and the Township.
- h) Strong linkages to the waterfront shall be developed and dockage shall be provided to accommodate transient visitors arriving by water, with such new dockage being supported, where requested by the Township, by a boat impact assessment study and recreational carrying capacity study completed to the satisfaction of the Township. As a general principle, the development of new docking facilities for the exclusive use of unit owners shall not be permitted.
- i) Staff housing on site shall be a condition of development for larger commercial resort developments. The amount of staff housing provided shall relate to the size and characteristics of the commercial resort and the length of time a commercial resort is open in a calendar year.
- j) The number of larger units at a commercial resort shall be minimized and most units shall be less than 80 square metres (861 square feet) in size so that they are designed and used by those persons seeking overnight accommodation.
- k) Various zoning categories in the implementing Zoning By-law or Community Planning Permit By-law shall take into account the general differences in commercial resorts and their densities.

### **F3.4.3 CONDITIONS OF APPROVAL**

If all of the criteria set out in Section F3.4.2 have been met to the satisfaction of the

Township, the policies of this section apply to the approval, as required.

- a) All commercial resort development or redevelopment shall only proceed on the basis of a Development Phasing Plan that has been approved by the Township with such a Development Phasing Plan being approved in conjunction with the Master Development Agreement required in subsection d) below before any development or redevelopment occurs. The need for a Development Phasing Plan may be waived for smaller proposals or for smaller proposals that are in single ownership.
- b) The intent of the Development Phasing Plan is to ensure that the relative timing and development of the component parts of the commercial resort support the planned function of the commercial resort as a commercial, tourist, and **recreation** focused area.
- c) The Development Phasing Plan shall for each phase identify the sequencing of the development of:
  - i) Guest rooms in lodges, resorts, hotels, cabins and/or lakefront villas;
  - ii) Resort-related uses and amenities;
  - iii) Resort commercial accommodation units, which shall only be developed when certain thresholds of resort-related uses have also been developed, to ensure that a reasonable amount of resort, commercial and tourism amenities are developed in each phase as appropriate to ensure the commercial resort is commercially viable and attractive to the travelling & vacationing public;
  - iv) Resort-related residential units and residential dwelling units, where permitted, and only in the Urban Centres;
  - v) Accommodation for employees of the commercial resort; and,
  - vi) **Infrastructure**, roads, public use areas and **public service facilities**.
- d) The Township will require as a condition of approval that all development occur in accordance with the provisions of a Master Development Agreement that shall be supported by the following to the satisfaction of the Township:
  - i) The Development Phasing Plan referred to in sub-section c);
  - ii) A Financial Impact Assessment that reviews the impacts of proposed

- development on the Township and the services it delivers, with such a study demonstrating minimal impacts on the Township's finances;
- iii) Urban design and architectural guidelines that are sufficiently detailed to provide guidance on the review of implementing site plan approval applications (or a Community Planning Permit, if applicable), with these guidelines dealing with architectural styles and forms, height, massing, materials as well as site plan elements such as access, public spaces and facilities and, landscaping and which deals with tree preservation and planting; and,
  - iv) Other matters deemed appropriate by the Township and the District as it relates to the services it provides in order to ensure identification and integration of uses, facilities and **infrastructure**.
- e) Terms of reference for all of the studies identified in sub-section d) shall be reviewed by the Township for completeness before they are initiated. The scope of the required studies shall reflect the scale and location of the proposal and the need for a Master Development Agreement may be waived for smaller proposals.
- f) All commercial resort development or redevelopment shall be subject to Site Plan Control (or a Community Planning Permit agreement, if applicable), and the following matters shall be addressed to the satisfaction of the Township:
- i) Appropriate location of buildings and structures;
  - ii) Retention or restoration of a natural vegetative buffer to prevent erosion, siltation and nutrient migration;
  - iii) Maintenance or establishment of native tree cover and vegetation as terrain and soil conditions permit;
  - iv) Appropriate location and construction of roads, driveways and pathways, including the use of permeable materials;
  - v) Implementation of stormwater management and construction mitigation techniques with an emphasis on lot level controls, low impact development practices and a treatment train approach to promote filtration, infiltration and detention, which may include proper re-contouring, discharging of roof leaders, use of soak away pits, other measures to promote infiltration, and silt fencing for

temporary sediment control;

- vi) The establishment of dark sky compliant lighting on all structures with full cut-off fixtures being required in order to minimize light spillage into the surrounding environs, while maintaining safety; and
- vii) Securities and processes to ensure implementation and long-term monitoring and compliance with site plan agreements (or a Community Planning Permit agreement, if applicable), if required.

### **F3.4.4 RESORT-RELATED RESIDENTIAL AND RESIDENTIAL DWELLING UNITS IN AN URBAN CENTRE**

- a) Resort-related residential dwelling units and residential dwelling units may be permitted in an Urban Centre only.
- b) In addition to the policies of Sections F3.4.1 and F3.4.2 above, and if resort-related residential dwelling units and/or residential dwelling units are proposed in an Urban Centre, the following policies apply:
  - i) All resort-related residential units and/or residential dwelling units will be parts of a legally and functionally integrated single resort entity.
  - ii) Given the need to ensure that commercial resort and tourism amenities are developed in the first phase and in subsequent phases of development the percentage of units that can be considered resort-related residential units and/or residential dwelling units shall be determined in the implementing Zoning By-law or Community Planning Permit By-law, with this percentage requiring a reasonable amount of commercial resort, commercial and tourism amenities in each phase as appropriate to ensure the commercial resort is commercially viable and attractive to the travelling & vacationing public.
  - iii) For those commercial resorts that front on a lake or river, the preferred location for the majority of the resort commercial accommodation units shall be adjacent to the shoreline in a cluster form, setback behind a communal waterfront area. Any proposed resort-related residential dwelling units and/or residential dwelling units should generally not be located adjacent to the shoreline and should be separated from the shoreline by resort commercial accommodation units unless such resort-related residential dwelling units and/or residential dwelling units are

part of a single building containing a mix of resort commercial accommodation units and resort-related residential dwelling units and/or residential dwelling units.

- iv) The actual number of resort commercial accommodation units as a percentage of the total number of units shall be determined on a case-by-case basis but shall not be less than 50% of the total number of units. As a general principle, larger commercial resorts should have a higher percentage of resort commercial accommodation units since many on-site commercial resort-related amenities depend on this turnover to be economically viable. The location of the commercial resort, type of management proposed, servicing arrangement, and scale and type of amenities will also be considered in the determination of an appropriate percentage.

### **F3.5 SERVICING**

- a) Commercial resorts within an Urban Centre shall be serviced by **municipal water services** and **municipal sewer services**. The full cost of installing **municipal sewage services** and **municipal water services** shall be the responsibility of the landowners installing such services.
- b) Commercial resort commercial uses and resort commercial accommodation units outside of the Urban Centres are to be serviced by a water system and a sewage collection and treatment system that is owned by a single owner. If a commercial resort is proposed to be developed by way of Plan of Condominium or other form of shared accommodation resort (such as fractional or timeshare for example) and such a development otherwise conforms to the policies of this Plan, such a proposal may be serviced by **private communal sewage services** and **private communal water services**, provided it is demonstrated that the use restrictions in Section F3.3.2 are to be implemented in a form that is satisfactory to both the District and the Township and all of the other policies of this Plan are met.
- c) Where **private communal sewage services** and **private communal water services** are proposed in accordance with sub-section b), the proposal shall proceed by condominium description or other form of tenure that is satisfactory to both the District and the Township and the District of Muskoka shall require as a condition of

approval, all matters of District interest to be addressed including the establishment of a reserve fund or its equivalent, implementation of financial controls, operation and maintenance safeguards, and reporting requirements.

- d) As a condition of approval of **private communal sewage services** and **private communal water services**, regular monitoring of these systems to the satisfaction of the District shall be required, with this monitoring designed to protect human health, water quality, and the natural environment. The full cost of this monitoring shall be the responsibility of the owner of the **private communal sewage services** and **private communal water services**.
- e) Commercial resorts on existing **private communal sewage services** and/or **private communal water services** are required to be connected to **municipal sewage services** and **municipal water services** when they are available.

### **F3.6 CONVERSION OF EXISTING RESORTS**

- a) It is a goal of this Plan to retain existing commercial resorts wherever possible. However, it is recognized that owners of resorts may wish convert existing resorts to an alternative use (non-commercial resort use) for one or a combination of the reasons below:
  - i) There is limited interest to continue operating the resort and the prospects of new ownership and/or management are limited;
  - ii) Increasing regulatory requirements have had, or are likely to have, an impact on the ability of the resort to be viable;
  - iii) Significant enhancements to the resort are required to compete in the marketplace; and/or,
  - iv) Occupancy levels have been declining.
- b) Applications to convert a resort to a non-commercial resort use shall only be supported by the Township where a satisfactory planning justification report is provided and one or more of the following circumstances applies:
  - i) Environmental, cultural heritage features, hazards or other constraints restrict further development or redevelopment of the property;

- ii) The provision of appropriate water and/or sewage disposal services to or on the property is not possible;
  - iii) The property does not have significant land holdings and/or shoreline frontage; and/or
  - iv) Only a portion of the property is proposed to be converted and that portion is not physically or functionally necessary for the ongoing operation of an existing resort or in the case of a vacant property, the removal would not restrict the future development of the lands as a resort commercial use.
- c) Where a report is required in Section F3.6 b), it shall demonstrate that:
- i) The existing use of the property as a resort is no longer viable as a commercial enterprise, with detailed reasons provided;
  - ii) The other uses that may be permitted as-of-right on the resort property are either not viable as a commercial enterprise and/or are not feasible from a technical perspective and/or not appropriate on the lands from a land use planning perspective;
  - iii) The enhancements required to make the resort commercially viable and/or which are required to ensure that the resort complies with all current regulations are not practical and/or are not feasible; and
  - iv) The loss of the commercial land base will not negatively impact the critical mass of tourism infrastructure in the Township.
- d) In addition to the above, it shall also be demonstrated that the proposed non-commercial resort use:
- i) Is appropriate for the site;
  - ii) Is compatible with the scale and density of adjacent development;
  - iii) Is less impactful on adjacent land uses and the environment than the resort; and,
  - iv) Shall include, as a component of the redevelopment, enhancements to the **natural heritage features and areas** and related **ecological functions** on the site and in the immediate area.
- e) Any application for conversion shall require the provision of public access to the

shoreline in some form, especially where the resort property is used to access other properties on a waterbody, except where site conditions render such access unfeasible or where sufficient public access to the waterbody is deemed by the Township to exist in other locations.

- f) Should conversion to residential uses be proposed, the form of the residential development proposed shall be compatible with the density and scale of adjacent shoreline development in the area with respect to the frontage of the lot on the water and shall not be reflective of the density afforded to resort commercial accommodations.

## **F4 SHORT TERM RENTALS**

- a) It is recognized that the sharing economy and short-term private cottage rentals also form an important and growing part of the tourism sector. While there are many positive benefits from this form of accommodation, certain negative aspects and an uneven application of regulations have also been identified as concerns by traditional tourism operators.
- b) The Township shall explore regulatory options for all short-term private cottage rentals through licensing, zoning by-laws or Community Planning Permit By-laws or other identified tools.

## **F5 SEASONAL TENT AND TRAILER PARKS**

The development of seasonal tent and trailer parks is encouraged in the Township as an alternative form of accommodation, provided they are not located in the Waterfront Area adjacent to Lake Joseph, Lake Rosseau and Lake Muskoka. Expansion to existing tent and trailer parks on these three lakes will require an amendment to the implementing Zoning By-law or a Community Planning Permit.

Any application for an amendment to the implementing Zoning By-law or a Community Planning Permit to establish a new seasonal tent and trailer park shall be supported by information that address the impact of the operation of the proposal on:

- a) The **natural heritage features and areas** and related **ecological functions** on the site and in the area;

- b) The quality of the water in the affected lake and the hydrological features that contribute to water quality and overall lake system health, including the ground water recharge and discharge functions on the site and in the immediate area;
- c) Existing topography and vegetation of the area, and the tree canopy in particular, when viewed from the water;
- d) Adjacent and nearby existing or planned land uses;
- e) The **significant built heritage resources, protected heritage properties, significant cultural heritage landscapes** and **significant archaeological resources** on the site and in the area;
- f) The recreational carrying capacity of the lake;
- g) The transportation network in the area; and,
- h) Nearby wells used for drinking water purposes.

## **F6 PRIVATE INSTITUTIONAL CAMPS**

The development and expansion of private institutional camps is encouraged in the Township. Any application for an amendment to the implementing Zoning By-law or a Community Planning Permit to establish a new private institutional camp shall be supported by information that address the impact of the operation of the proposal on:

- a) The **natural heritage features and areas** and related **ecological functions** on the site and in the area;
- b) The quality of the water in the affected lake and the hydrological features that contribute to water quality and overall lake system health, including the ground water recharge and discharge functions on the site and in the immediate area;
- c) Existing topography and vegetation of the area, and the tree canopy in particular, when viewed from the water;
- d) Adjacent and nearby existing or planned land uses;
- e) The **significant built heritage resources, protected heritage properties, significant cultural heritage landscapes** and **significant archaeological resources** on the site and in the area;



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- f) The recreational carrying capacity of the lake;
- g) The transportation network in the area; and,
- h) Nearby wells used for drinking water purposes.



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## **PART G - MINETT RESORT VILLAGE**

NOTE: This section will be included in the future through a separate Official Plan Amendment process.

## PART H - RURAL AREA LAND USE DESIGNATIONS

### H1 OBJECTIVES

It is the objective of this Plan to:

- a) Recognize the **rural area** as generally comprised of a mix of resource-related activities, limited low density residential uses, and other small scale or space-extensive developments;
- b) Preserve the character of the **rural area** and large tracts of undeveloped lands for environmental protection, to limit human intrusion into interior habitat and wilderness areas and for aesthetic purposes;
- c) Limit **development** to avoid fragmentation of forests and **natural heritage features and areas** and related **ecological functions**, to limit impacts on the accessibility or viability of renewable and non-renewable resources, and to discourage strip development that detracts from the rural function and character;
- d) To retain and enhance the visual integrity of the natural landscape and to preserve the rural character of the Township;
- e) Encourage the establishment of sustainable and diversified tourism opportunities;
- f) Promote the development of commercial, recreational and industrial uses that are appropriate for the **rural area** and are sustainable on **individual on-site sewage** and **individual on-site water services**;
- g) Promote a diverse, innovative and strong rural economy by enhancing the area's capacity to contribute to the economy of the Township through the provision of goods and services, including agricultural, arts and cultural products, the sustainable management or use of resources, and tourism;
- h) Encourage the establishment and retention of contracting and service businesses that support the second home industry and the seasonal population;
- i) Promote a diverse, innovative and economically strong creative economy by

enhancing its capacity to contribute to the economy of the Township; and,

- j) Provide for limited year-round residential uses, including attainable housing, on lands that are not constrained or protected for their resource or natural heritage value in relation to the amount of year-round residential growth to occur within Urban Centres and Community Areas.

## **H2 LAND USE DESIGNATIONS**

### **H2.1 RURAL AREA**

#### **H2.1.1 PERMITTED USES**

The following uses are permitted on lands designated Rural Area as shown on Schedule A:

- a) **Agri-tourism uses;**
- b) **Agricultural uses;**
- c) **Agriculture-related uses;**
- d) Aquaculture;
- e) Bed and breakfast establishments and country inns;
- f) Conservation uses and forestry;
- g) Dryland marinas;
- h) Eco-tourism uses that leverage historical, cultural and natural assets;
- i) Home occupations and home industries;
- j) Hunt camps;
- k) Kennels;
- l) Land extensive commercial uses such as garden centres;
- m) Open space uses;
- n) Resort commercial uses;
- o) Seasonal farm market sales of local produce and goods primarily produced on the premises;

- p) Seasonal tent and trailer parks;
- q) Short term special events, subject to satisfying the provisions of a special events licensing by-law passed pursuant to the Municipal Act;
- r) Single detached dwellings and additional dwelling units;
- s) Small-scale art galleries and exhibition space;
- t) Small-scale commercial, industrial and institutional uses;
- u) Small-scale conference facilities and learning centres;
- v) Small-scale restaurant and entertainment venues;
- w) **Special needs** housing; and
- x) Wineries and breweries.

### **H2.1.2 DEVELOPMENT POLICIES**

- a) New residential lot creation shall consider:
  - i) Protection of natural and cultural heritage features and linkages between them;
  - ii) Avoidance of further fragmentation of large, intact features and natural spaces;
  - iii) Protection of areas with resource extraction potential and existing operations;
  - iv) Protection of areas with agricultural potential and existing operations, including compliance with the **minimum distance separation formula**;
  - v) Fiscal impacts on the short and long-term provision of hard and soft services;
  - vi) Appropriate access to employment, schools, community facilities, services and amenities;
  - vii) Avoidance of impacts on Scenic Corridors as shown on Schedule A and Appendix G; and
  - viii) Avoidance of natural and human-made hazards.
- b) The minimum lot area should be no smaller than 2.0 hectares (4.9 acres) with 150 metres (492 feet) of frontage. Larger lots shall be required in order to protect environmental and/or topographic features and avoid fragmentation of **natural heritage features and areas** or actively used agricultural lands.

- c) Within Scenic Corridors identified on Schedule A and Appendix G new lots shall only be permitted where it can be demonstrated that the development of the lot can be adequately buffered so as to mitigate the impact on the Scenic Corridor. Where new lots are created in these areas a natural vegetative buffer with a minimum depth of 30 metres (98.4 feet) from the Scenic Corridor shall be required.
- d) Within Residential Clusters shown on Schedule A, new lots may be as small as 1.0 hectare (2.5 acres) with 99 metres (325 feet) frontage provided that the Township is satisfied that there is no threat of cross contamination of **individual on-site sewage services** and **individual on-site water services** on existing lots.
- e) In all cases, rural lots should be of sufficient size to accommodate the use proposed, related structural requirements and **individual on-site sewage services** and **individual on-site water services**. In addition, rural lots should be sized and designed where appropriate to facilitate resource management practices or environmental, human-made or other influences, including soil, terrain and water quality constraints, among others.
- f) New lots shall front on and gain access from a publicly owned and year-round maintained road.
- g) New lots for residential purposes shall not be permitted in any location that would result in the need to extend or improve the existing level of municipal services such as road maintenance, including snowplowing, school bussing, waste collection or emergency services.
- h) Proposed access points for new lots shall meet standards for safety established by the road authority having jurisdiction on the roadway without resulting in changes to road operations such as reduced speed limits, warning signs or roadworks to improve traffic safety.
- i) Estate residential **development** of 20 lots or less may be considered by way of Official Plan Amendment, with consideration given in particular to Section H2.1.2 a) and the policies of the Muskoka Official Plan.
- j) Dryland marinas in the Rural Area designation shall have a minimum lot frontage of 91 metres (300 feet), or a minimum lot frontage of 150 metres (492 feet) if fronting on a District Road and a minimum lot area of 2.0 hectares (5 acres). All open storage

and storage buildings shall be located a minimum of 30 metres (100 feet) from the road. A vegetative buffer shall be maintained to screen such storage and retain the rural character of the area.

### **H2.1.3 RURAL/WATERFRONT INTERFACE**

- a) The Rural/Waterfront Interface is defined as that portion of the Rural Area designation that abuts and is visually congruent with the Waterfront Area designation. Where land is included in the Rural/Waterfront interface, these policies shall apply in addition to any other applicable policies in this Plan. Where there is a conflict, the more restrictive policies shall apply.
- b) No residential (such as rural or estate) **development** shall be permitted in the Rural/Waterfront Interface at a density greater than or to a lower standard than the standards established for Waterfront backlots.
- c) No resource based commercial or industrial use or activity (including rural contractor's yards) shall be permitted within the Rural/Waterfront Interface without a zoning by-law amendment or a Community Planning Permit and proper operational and management practices being established as a condition precedent to such amendment by legal agreement or other by-law and no other commercial, industrial, or agricultural development shall be permitted.
- d) Rural lands which abut large tourist commercial developments have potential for development as support facilities for the existing development. Uses incompatible with a tourist commercial operation shall not be permitted on such lands.

### **H2.1.4 HARDY LAKE FRINGE AREA**

- a) Hardy Lake Provincial Park is a large, day use park in the southern part of the Rural Area. The area abutting Hardy Lake Provincial Park that has public road access, as is shown on Schedule A, and is designated as a Special Policy Area.
- b) The Township recognizes the potential for service and tourist commercial development to locate in the area adjacent to Hardy Lake Provincial Park. The area around the park upon which support services could be developed should be protected for future development.
- c) Development which would be incompatible with the Provincial Park or with the

adjacent Deer Lake Complex heritage area shall not be allowed.

- d) Only the following uses shall be allowed in the Hardy Lake Fringe area:
  - i) Single detached residential units;
  - ii) Service commercial uses (e.g. convenience store, outfitters outlet); and
  - iii) Tourist commercial uses.

## **H2.2 LOCAL AGRICULTURAL AREA**

### **H2.2.1 PERMITTED USES**

The following uses are permitted on lands designated Local Agricultural Area as shown on Schedule A:

- a) **Agri-tourism uses;**
- b) **Agricultural uses;**
- c) **Agriculture-related uses,** which may include small-scale food processing activities and distribution centres;
- d) Bed and breakfast establishments and country inns;
- e) Conservation uses and forestry;
- f) Eco-tourism uses that leverage historical, cultural and natural assets;
- g) Home occupations and home industries;
- h) Housing for staff working on a commercial farm;
- i) Seasonal farm market sales of local produce and goods primarily produced on the premises;
- j) Short term special events subject to satisfying the provisions of a special events licensing by-law passed pursuant to the Municipal Act;
- k) Single detached dwellings and additional dwelling units;
- l) Small scale commercial or industrial uses serving the agricultural and broader community;
- m) Small-scale art galleries and exhibition space;

- n) **Special needs** housing; and
- o) Wineries and breweries.

## **H2.2.2 DEVELOPMENT POLICIES**

- a) **Agricultural uses** include the production of any commodity that is raised, grown, cultivated or nurtured for future use by humans or animals.
- b) Productive agricultural lands shall be protected for agricultural purposes. While climate change may present problems, it may also present opportunities for diversified agricultural uses in the Township. Resilience to climate change requires preserving agricultural options for the future.
- c) The Township supports the expansion of the local food network in Muskoka. Development within or in proximity to Agricultural Areas shall not be permitted where it potentially limits the expansion of agricultural operations. The Minimum Separation Distance formula shall be applied to all proposed lots and changes in land use that is in proximity to Agricultural Areas.
- d) One lot for residential purposes may be created for each 20 hectares (49.3 acres) of land held which is designated as Local Agricultural Area, provided that the lot created is located on land that has no agricultural potential and in a location where its development will comply with the **minimum distance separation formula** and not interfere with an existing agricultural operation. The size of a lot created under this policy shall generally have between 0.6 (1.48 acres) and 1.0 hectares (2.47 acres) of area and a frontage of 60 (196 feet) to 100 metres (328 feet) to protect the function of the agricultural area. On District Roads, the minimum lot frontage shall be in accordance with the Muskoka Official Plan and whether it is a Class A, B or C Roadway in accordance with that Plan.
- e) New residential lot creation shall also conform with Section H2.1.2 a), c), d), f), g) and h).

## **H2.3 RURAL INDUSTRIAL/COMMERCIAL AREA**

### **H2.3.1 PERMITTED USES**

The following uses are permitted on lands designated Rural Industrial/Commercial Area as shown on Schedule A:

- a) Land extensive commercial uses (e.g. garden centres);
- b) Light industrial uses (e.g. contractor’s yards, marinas, small scale manufacturing and warehousing);
- c) Boat construction, salvage, storage and repair establishments;
- d) Service industries that deliver goods and services rather than service customers on-site; and
- e) Accessory uses include retail and a dwelling unit.

## **H2.3.2 DEVELOPMENT POLICIES**

- a) Natural vegetative buffers shall be provided in the front and side yards of all lots.
- b) Lighting shall be designed to prevent light trespass into undeveloped areas and adjacent lands and shall be dark-sky compliant.
- c) Open storage and waste facilities shall be located behind buildings or otherwise hidden from view through natural vegetation and/or fencing.
- d) Management of stormwater shall require both quality and quantity control that will ensure no increase in quantity or decrease in quality off-site.
- e) Parking areas are encouraged to use permeable materials where appropriate, except where those materials do not meet the requirements of fire protection or shipping and receiving. Vegetative breaks within large parking areas shall be required as a condition of site plan approval (or a Community Planning Permit, if applicable).
- f) New lots shall be sized to accommodate the proposed use and appropriate private waste water and water supply and otherwise conform with Section H2.1.2 a), c), d), f), g) and h).

## **H2.4 LOCAL COMMUNITY AREAS**

### **H2.4.1 DESCRIPTION**

Local Community Areas are areas of historical development that are important to the Township and which are often the site of a local landmark of place of interest. They consist of a small cluster of residential development with existing commercial and/or institutional uses and include Bent River, Ullswater, Ufford, Three Mile Lake Corners, Deebank, Walkers

Point/Barlochan and Raymond. These Local Community Areas are not considered to be **settlement areas**.

## **H2.4.2 PERMITTED USES**

The following uses are permitted on lands designated Local Community Area as shown on Schedule A:

- a) Bed and breakfast establishments and country inns;
- b) Conservation uses;
- c) Dryland marinas;
- d) Eco-tourism uses that leverage historical, cultural and natural assets;
- e) Home occupations and home industries;
- f) Open space uses;
- g) Seasonal farm market sales of local produce and goods;
- h) Single detached dwellings and additional dwelling units;
- i) Small-scale art galleries and exhibition space;
- j) Small-scale commercial, industrial and institutional uses; and
- k) **Special needs** housing.

## **H2.4.3 DEVELOPMENT POLICIES**

- a) Within Walkers Point/Barlochan, enhanced non-residential permissions will be considered through an update to the implementing Zoning By-law or in a Community Planning Permit By-law, in recognition of the size and role Walkers Point/Barlochan plays in the larger community.
- b) Appropriate signage and landscaping should be placed at entrances to the Local Community Areas in recognition of the rich cultural history of these Local Community Areas.
- c) Limited lot creation shall be permitted by consent subject to conforming to Section H2.1.2 a), c), d), f), g) and h). New lots shall not be less than 0.5 hectare (1.2 acres) and with 60 metres (196 feet) of frontage. Larger frontages will be required on

District Roads. Smaller lots may be permitted through infilling where the Township is satisfied that there is no threat of cross contamination of **individual on-site sewage services** and **individual on-site water services** on existing lots.

- d) Setbacks shall be consistent with the general character of the existing development in the Local Community Area.
- e) Development or redevelopment of service or neighbourhood commercial uses are to be in character with the existing Local Community Area and at a scale that is appropriate to the existing development.
- f) Dryland marinas in Local Community Areas shall have a minimum lot frontage of 91 metres (300 feet) or 150 metres (492 feet) if fronting on a District Road and a minimum lot area of 2.0 hectares (5 acres). All open storage and storage buildings shall be located a minimum of 30 metres (100 feet) from the road. A vegetative buffer shall be maintained to screen such storage and retain the rural character of the area.

#### **H2.4.4 OBJECTIVES FOR WALKER'S POINT/BARLOCHAN**

It is the objective of this Plan to:

- a) Maintain, identify, enhance, and celebrate the distinctive character, identity, and the rich heritage of the Walker's Point/Barlochan Local Community Area;
- b) Encourage, maintain, and support the development of parks, trails, gardens, and various forms of water access on Township owned lands in the Walker's Point/Barlochan Local Community Area; and
- c) Encourage, maintain, and support the development of heritage, memorial, and archived sites and dedications on Township owned lands in the Walker's Point/Barlochan Local Community Area.

## PART I - URBAN CENTRE LAND USE DESIGNATIONS



### **I1 OBJECTIVES AND EXCELLENCE IN COMMUNITY LIVING**

#### **I1.1 OBJECTIVES**

It is the objective of this Plan to:

- a) Support the efficient use of land and **infrastructure** in Urban Centres to meet the needs of present and future residents and businesses;
- b) Support increases in density in new development areas to maximize the use of

- infrastructure** and minimize the amount of land required for new development, provided the character of each of the Urban Centres is respected;
- c) Support and foster the unique characteristics of the Urban Centres by ensuring that new development:
    - i) Reflects the existing small town character of the two Urban Centres;
    - ii) Is compatible with the surrounding built environment;
    - iii) Protects existing neighbourhoods and subdivisions; and,
  - d) Conserves **cultural heritage landscapes** and **built heritage resources**;
  - e) Ensure that an adequate supply of land and housing choices are available in the Urban Centres for present and future residents of all ages, abilities, incomes and household sizes;
  - f) Require a high standard of design for all new development and redevelopment, to foster a sense of pride and belonging among residents, contribute to the overall desirability and quality of place of Muskoka Lakes, create gateways, landmarks, and focal points, and bring people and activities together.
  - g) Support development that combines commercial, residential and other land uses to facilitate the more efficient use of urban land and the establishment of a pedestrian environment;
  - h) Encourage commercial development that will provide the fullest range of goods and services possible, at appropriate locations, to meet the needs of residents, employees and businesses;
  - i) Support the development of food retailers, mobile food vendors and farmers' markets;
  - j) Provide for more live-work opportunities by promoting residential uses in proximity to compatible forms of development, employment uses, institutional uses, recreational facilities and parks;
  - k) Promote a variety of complementary and compatible land uses including attainable housing, **special needs** and transitional housing, community facilities, schools, small-scale commercial uses and recreational open space areas; and

- l) Encourage the establishment and maintenance of a system of public open spaces, parkland, and recreational facilities that meets the needs of present and future residents.

## **11.2 EXCELLENCE IN COMMUNITY LIVING**

It is the intent of this Plan to support excellence in community living based on the application of the following principles that result in:

- a) A well balanced community in terms of an appropriate mix and distribution of residential densities and complementary uses;
- b) The promotion of excellence in civic design in both the public and private realm;
- c) An interconnected system of open spaces, including recreational areas and **natural features and areas**;
- d) A range of recreational and community facilities that facilitate shared use where practical;
- e) Streets that provide for pedestrian, cycling and other active modes of transportation to help create more healthy and complete communities;
- f) An attractive built form of appropriate building heights, massing, setbacks, streetscapes, gateways and architectural treatments; and,
- g) Practical and cost effective innovations to support the development of a sustainable community that encourages the application of low impact development, alternative energy sources and energy conservation, water conservation, and the restoration, linkage and enhancement of natural features where appropriate.

## **12 URBAN DESIGN**

### **12.1 PRINCIPLES**

Good urban design results in the building of quality places and contributes to the economic vitality and health of a community, and to vibrant and successful public spaces. It requires collaboration between the private and public sector on the delivery of excellence and innovation in the planning, design and construction of new developments in the Township.

The physical layout and design of the Urban Centres, particularly in new neighbourhoods and the Core Areas will be defined by the pattern and design of development established by streets, the public realm and private open spaces. A network of streets will provide access and connectivity for pedestrians and cyclists in addition to vehicles. A public realm consisting of streets and boulevards, open spaces and parkland, will provide places of shared use and a place for community interaction. Together, the street network and the public realm will organize the built form and open space elements that define the urban form and character of the Urban Centres.

## **12.2 POLICY OBJECTIVES**

To achieve and sustain a well-designed and harmonious built form within the Urban Centres, it is the intent of this Plan to:

- a) Maintain and enhance the two Urban Centres as diverse, livable, safe, thriving and attractive places to live, work and play;
- b) Maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development;
- c) Encourage the development of neighbourhoods which are: age-friendly, compact, provide for an integrated network of pedestrian-oriented streets, pathways and cycling facilities, and provide an appropriate mix of housing types, community facilities, commercial and service uses, and open spaces for all people, regardless of ages and/or ability;
- d) Establish the Township as a leader in design excellence, and as a destination for the latest approaches and standards for community character enhancement, linkages to the natural environment, and sustainable design and construction;
- e) Continually improve the visual appeal, form and function of the built form through the formulation and application of design and building standards that reflect the goals and policies of this Plan;
- f) Celebrate and enhance the unique built, cultural and natural character of the Urban Centres in the planning and building of development within existing and future development areas;

- g) Encourage urban design standards in historic core areas that reflect local heritage, character and streetscape;
- h) Address and achieve a high degree of compatibility and integration between new and existing development;
- i) Identify and apply the best available approaches and standards for the design and construction of sites and buildings including incorporation of sustainable and energy efficient materials;
- j) Prioritize a human scale within the public realm, including street rights-of-way, and in how buildings are massed and address the street;
- k) Ensure that the design of the public and private realm is safe and barrier-free for persons of all ages and abilities consistent with the Ontarians with Disabilities Act;
- l) Enhance the character, prominence and function of gateways into communities, and important focal areas including Core Areas; and,
- m) Utilize a full range of statutory tools available under the Planning Act, and other best practices and partnership opportunities to achieve of design excellence through the planning and development approval process.

## **12.3 POLICIES**

All policies of this section shall apply to the review of, and decisions on, applications made under the Planning Act.

### **12.3.1 PUBLIC REALM**

#### **12.3.1.1 GOVERNMENT BUILDINGS AND PUBLIC SERVICE FACILITIES**

- a) Township buildings, including ancillary facilities such as outbuildings and parking areas, shall incorporate a high standard of design and construction with an emphasis on enhancing community character and sustainability.
- b) Buildings and facilities by other levels of government and related agencies, located within the Township, are encouraged to incorporate a high standard of design and building integrity in consultation with the Township.
- c) Significant new construction of public buildings or facilities shall include a public art

component, to improve visual appeal and to provide amenity to the public.

- d) All buildings and facilities shall be made barrier-free to persons of all ages and abilities, through the incorporation of such elements as, but not limited to, level surfaces, ramps, and elevators, and audio and tactile directional aids. Public Wi-Fi shall also be provided where practical.
- e) The Township supports and encourages lands, buildings and structures to be utilized to their fullest potential for the provision of programs and services, provided or subsidized, by a government or other body, such as social assistance, **recreation**, police and fire protection, health and educational programs or cultural services. When and where available these uses are encouraged to co-locate within 'Community Hubs'.
- f) Community Hubs are intended to make services accessible and timely, foster community identity and integrated service delivery. It is also intended that the use and development of public properties will increase local service capacity.
- g) Community Hubs may offer school-community partnerships, respond to local service or recreational needs, provide more efficient and sustainable services, provide improved access to services and provide a positive social return on the investment to the community.
- h) The maintenance and of adaptive reuse of existing public facilities and spaces is encouraged to meet the needs of the Township and optimize the long-term investment of public investment.

### **12.3.1.2 STREETS AND STREETSCAPING**

- a) Road surfaces, including the width and design of travel lanes, shall respect the predominant character and function of the surrounding area.
- b) Streets in each Urban Centre are designed to create a sense of identity for a particular community through the treatment of architectural features, built form, site layout, orientation, landscaping, lighting and signage.
- c) Streetscapes along major roads should complement the functional requirements of a street hierarchy and the length and orientation of blocks, by integrating appropriate and consistent treatments for each street and block type including

standards for sidewalks, pedestrian crossings, lighting, landscaping and street furniture.

- d) “Soft” or “green” landscaping treatments, including the planting of native tree and plant species, shall be maximized to the extent possible within rights-of-way.
- e) Sidewalks or equivalent pathways, where provided, shall be designed to maximize connections, constructed to meet the needs of persons of all ages and abilities and be barrier-free for all people regardless of physical and mental ability, consistent with the Ontarians with Disabilities Act.
- f) Street signage, way finding, street furniture and transit shelters shall be provided within rights-of-way in a manner that addresses and enhances the local context, and that meets the needs of persons of all ages and abilities.
- g) Gateway features, such as public art or distinct light standards and other facilities, shall be established at strategic locations to mark entry points into important parts of the Urban Centre including heritage and main street areas.

### **12.3.1.3 SERVICES AND UTILITIES**

- a) Utilities are encouraged to be located underground in a common trench, to enhance the visual appeal of the public realm, especially in heritage areas and main streets.
- b) The aesthetics of existing overhead transmission wires and related housing shall be enhanced to the extent possible, up to and including the incorporation of public art into poles and boxes.
- c) Heating, cooling and ventilation housings and outlets, including gas meters and central air conditioners, shall be sited and adequately screened to enhance aesthetic appeal.

### **12.3.2 PRIVATE REALM**

#### **12.3.2.1 RESIDENTIAL SITE AND BUILDING DESIGN**

- a) Building height and massing shall correspond to the specific site characteristics and contribute to the overall context of the neighbourhood.
- b) The design of buildings shall enhance adjacent or abutting development, streetscapes and parks and open spaces, where appropriate, and exhibit

architectural diversity and best practices in sustainable development.

- c) Reverse frontages are prohibited for new low-density residential development.
- d) Sites shall provide for the safe and convenient access of pedestrians and vehicles, directly from the street right-of-way including sidewalks where present.
- e) The massing and exterior design of new and renovated dwellings should relate to, and enhance, the character of adjacent properties and the broader community.
- f) Exterior building materials should incorporate the predominant colour pallets and textures of adjacent properties, and be especially sensitive to heritage buildings and sites.
- g) Garages of residential dwellings should be setback from the front wall of the building or provided at the rear of the dwelling.
- h) New mid-rise residential development that has a maximum height of 4 storeys and 14 metres may be permitted provided it:
  - i) Is compatible with adjacent residential neighbourhoods;
  - ii) Will not cause traffic hazards or an unacceptable level of congestion on surrounding roads;
  - iii) Is located in proximity to **public service facilities**, such as parks, schools and open spaces;
  - iv) Is located on a site that has adequate land area to incorporate the building, on-site parking, an outdoor amenity area, and appropriate buffering such as setbacks, landscaping and fencing to ensure the compatibility of the use with adjacent properties;
  - v) Takes advantage, where appropriate, of the topography and natural vegetation of the site and area in minimizing the impacts of mid-rise buildings on adjacent land uses; and,
  - vi) Is demonstrated that the potential shadow impacts associated with mid-rise buildings will be at an acceptable level on adjacent properties.

### **12.3.2.2 NON-RESIDENTIAL SITE AND BUILDING DESIGN**

- a) Buildings shall be oriented to the street so that the main building entrance faces the

public street, to enhance the physical and functional relationship to the public realm.

- b) Sites shall provide for the safe and convenient access of pedestrians and vehicles, directly from the street right-of-way including sidewalks where present.
- c) Retail and service commercial uses within mixed-use buildings shall be located on the lower floors and close to the street to maximize exposure and access.
- d) Significant new building construction or **site alteration** may require the incorporation of public art.
- e) Buildings proposed for sites that are at the end of view corridor shall be subject to special treatment to maximize visual appeal, up to and including site-specific considerations for massing, exterior materials, and landscaping.
- f) Signage, as permitted under the Township’s Sign By-law, shall be sized and designed in a manner that does not dominate the overall character of the site or building, and that is respectful and complementary to community character.
- g) Outdoor storage, where permitted, shall be screened from public view through architectural elements, planting strips, berms or a combination thereof.

### **12.3.2.3 PARKING**

- a) Surface parking between the front of the building and public street shall be minimized to the extent possible, and well landscaped.
- b) Parking facilities should include clearly marked, illuminated and, if possible, separated pedestrian walkways to and from the associated building or site.
- c) Surface parking lots should include sufficient landscaped areas or islands to interrupt paved surfaces to provide aesthetic appeal and to mitigate water runoff and heat island effects.
- d) Underground or decked parking is encouraged, especially on smaller sites where multiple dwellings and/or commercial units are permitted.

### **12.3.2.4 PARKING IN THE CORE COMMERCIAL AREAS**

- a) Parking in the Core Commercial Area shall be comprised of a combination of private and if available and/or planned, public parking facilities.

- b) The provision of adequate and convenient off-street parking is recognized as a necessity in the promotion and enhancement of the Core Commercial areas. To this end Council shall encourage the coordination of existing parking facilities including the linkage of driveways and lanes for parking purposes. To the extent possible, new parking facilities shall be coordinated and linked with existing parking facilities.
- c) The Township may reduce or eliminate vehicular parking requirements in the Core Commercial areas where shared parking is possible (on multiple properties and/or via on-street parking).
- d) The Township may consider a cash-in-lieu of parking by-law to exempt or partially exempt development/redevelopment from vehicle parking requirements where it is determined that public parking facilities can accommodate the demand.
- e) The Township may consider updating the parking provisions of the implementing Zoning By-law or in a Community Planning Permit By-law to not require additional on-site parking in circumstances where there is a change from one use to another within the confines of an existing building.

### **12.3.2.5 LANDSCAPING**

- a) The Township shall require that landscaping be an integral component of all new development on vacant lots and the redevelopment of existing uses. In this regard:
  - i) Existing mature trees and established vegetation should be retained and enhanced to improve the visual appearance of the site and to minimize the impacts of the development on adjacent uses;
  - ii) Continuous, highly visible, well-articulated and landscaped connections between buildings should be provided to establish appropriate pedestrian linkages between the sidewalk and building entrances;
  - iii) Large expanses of surface parking should be broken up with landscaping to soften the visual impact of parking, while ensuring that appropriate locations for the storing of snow are protected as required;
  - iv) All landscape materials proposed are selected for their aesthetic, ecological, disease and season-tolerance and maintenance characteristics; and,
  - v) Hard and soft landscaping should be used for the spaces between new and

existing parking areas that are close to the street to enhance the streetscape, as well as provide a buffering function when on-site parking is placed close to the public road or in side yards.

- b) It is recognized that the provision of additional landscaping may not be feasible when lots are redeveloped and/or when existing uses are expanded, particularly if the landscaping potentially limits the amount of development that could occur and/or is not feasible given building and parking area location. In these cases, the focus of the Township shall be on the enhancement of the streetscape by the addition of landscaping between the building and the public road and the parking areas adjacent to the public road.

#### **12.3.2.6 MAINTAINING COMMUNITY CHARACTER**

The Township may, for any proposal requiring a Planning Act approval, require the applicant to restore or enhance the building façade in order to maintain the architectural character and identity in accordance with the following guidelines:

- a) Original architectural details and features should be restored.
- b) Where an existing building lacks significant architectural detail or a new building is to be built on a vacant lot, the façade should be representative of or consistent with adjacent architectural styles.
- c) Building materials that are not in keeping with the architectural character of the Core Commercial area shall be discouraged.
- d) Traditional signage that is front-lit is preferred over fluorescent sign boxes.
- e) The façade should incorporate broad window treatments at street level to maintain an open, pedestrian friendly environment.
- f) No outside storage shall be permitted. The location of waste disposal areas shall be controlled through the implementing Zoning By-law or Community Planning Permit By-law to minimize their visual impact.
- g) The outdoor display and sales of goods and materials associated with retail uses is encouraged to improve the vibrancy of the Core Commercial areas.

### 12.3.3 NEW DEVELOPMENT IN DESIGNATED GROWTH AREAS

For the purposes of this Plan, **designated growth areas** are undeveloped areas located outside of the built up areas, but which have not been fully developed. In cases where major **development** is proposed in a **designated growth area**, it should be demonstrated that:

- a) The proposed **development** will serve as a logical extension to the existing built up area, is compact and has a mix of uses (if appropriate) to allow for the efficient use of land, **infrastructure** and **public service facilities**;
- b) Opportunities for infilling and **intensification** within the existing urban serviced boundaries have been considered, through an update to the Township's implementing Zoning By-law or in a Community Planning Permit By-law, which shall identify opportunities for **intensification**;
- c) The proposal will contribute to the availability of a range of housing choices (e.g., density, form, and price) in the **designated growth area** as a whole, subject to servicing constraints;
- d) All of the other **infrastructure** and **public service facilities** required to service the **development** is available or to be provided, with such **infrastructure** and **public service facilities** being used as efficiently as possible; and
- e) Access is provided in a manner that supports the provision of **essential emergency services, active transportation**, efficient transportation patterns, and/or linkages with adjacent existing or planned development, and shall generally include more than one access point.

## 13 LONG TERM VISION FOR BALA AND PORT CARLING

### 13.1 BALA

- a) The boundaries of Bala reflect the terrain features of the community as well as its traditional development pattern.
- b) Infilling within the existing community shall be required to fully utilize serviced land areas. Residential conversions and smaller lot infilling shall be allowed provided

adequate servicing can be provided.

- c) Private and public development and redevelopment activities should enhance pedestrian access throughout Bala. An integrated walkway system throughout the core area of Bala should be developed, linking the waterfront areas with the parks and open space system as well as the core commercial area.
- d) Improved access to the commercial core of Bala from the water by way of increased dockage, access points to the water and linkages along the water is encouraged.
- e) The area along River Street is recognized as having potential for commercial development on a small scale with access by both road and water.
- f) The focus of Bala shall continue to be within the commercial core, primarily Bala Falls Road and Highway 169 from Bala Falls Road to Maple Street. Retail commercial, in particular, shall be encouraged within this area. Apart from infilling, growth of the Commercial Core is anticipated on the east side of Highway 169 between Gordon Street and Burgess Avenue.
- g) Tourist Commercial Establishments shall be encouraged to upgrade and expand.
- h) Continued commercial and industrial growth north along the north side of Highway 169 is envisioned in the foreseeable future. It is anticipated that the land uses in this area shall not reduce the focus of the Commercial Core Area as the focus of the Urban Centre.
- i) Medium density residential development is permitted and encouraged in Bala.
- j) There are properties within Bala which front onto a navigable waterway where new lot division of properties do not require frontage on a year round publicly maintained road. These properties are located on:
  - i) Sutton Drive;
  - ii) Ridge Road;
  - iii) Walker Street (Manor Road); and
  - iv) Highway 169 (east of Windsor Park).
- k) Council shall endeavour to complete a detailed waterfront plan which shall account for:

- i) Access to the water;
  - ii) Mooring facilities for boats;
  - iii) Potential connections and linkages of properties for pedestrian travel along Lake Muskoka;
  - iv) Accentuate the falls and the immediate Commercial Core as the focal point for Bala;
  - v) Detail possible acquisition, dedication, or lease of waterfront lands; and,
  - vi) Maintenance of historical features/buildings.
- l) Located adjacent to Lots 12 and 13, Concession B, are two areas identified in the Natural Heritage Evaluation of Muskoka as the Gaunt Bay and Upper Moon River A.C.P.F. (Atlantic Coastal Plain Flora). Development adjacent to these areas shall occur in such a manner as to minimize the impact on the values of the heritage area. An Environmental Impact Study may be required in order to specifically define the limits of the A.C.P.F. and to demonstrate that the proposed development will not negatively affect the A.C.P.F. The report should be prepared by a qualified biologist and should address, amongst other matters, the effects of shoreline alteration and the need to preserve the natural shoreline vegetation.
- m) Commercial uses other than resort commercial uses, consistent with the uses permitted in the Core Commercial designation, shall be permitted on lands located in Lot 33, Concession VII (Bala) known as Cranberry House. Vegetation retention shall be used to reduce the impact of redevelopment on neighbouring properties.

## **13.2 PORT CARLING**

The following policies are specific to Port Carling:

- a) The character of Port Carling is linked to its relationship with the Indian River. The preservation and continued development of the locks and the park in the centre of Port Carling is critical to maintaining that link between the urban area and the waterfront. Efforts to integrate this facility with the community are encouraged.
- b) Improved access to Port Carling from the water by way of increased dockage, access points to the water and linkages along the water is encouraged.

- c) As part of development and redevelopment activities, a shoreline pedestrian walkway system should be developed. As an initial phase, the sections from West Street to the Locks, and from the Locks to Greene Slate Inn should be included. In addition, the Township should work with residents to develop a waterfront trail system from Hanna Park to the Locks.
- d) The focus of Port Carling shall continue to be the commercial core along District Road #118 from midway between West Street and Ferndale Road (District Road #27) to Bailey Street. Retail commercial, in particular, shall be encouraged within this area. Apart from infilling, the growth within the Commercial Core is anticipated between the Locks and Bailey Street.
- e) The compact development of the Commercial Core shall encourage pedestrian travel.
- f) It is anticipated that the major growth areas in Port Carling, apart from infilling, shall be in Lot 29, Concession III (Medora) for residential; and Lots 29 and 30, Concession V (Medora) and Lots 28, 29 and 30, Concession VI (Medora) for residential / resort commercial.
- g) For the lands described as Part of Lot 6 and Part of Lots 7 and 8, Plan 1, (Port Carling), Parts 1 to 6, 9, 10, 14, 18, 19, 21, and 22, Plan 35R-18319, identified as the Edenvale Inn, the following policies shall apply:
  - i) Permitted Uses are: tourist resort, hotel and motel any of which can include food and beverage facilities.
  - ii) All development shall proceed on municipal water and sewer services. Any necessary upgrading shall be provided at the cost of the proponent.
  - iii) All automobile parking shall be provided on the street side of the proposed building at a size which will adequately service the building.
  - iv) Access points shall be limited in number and designed in a manner that minimizes hazards to pedestrian and motor traffic in the immediate area.
  - v) Automobile parking areas at grade shall be adequately landscaped and screened from residential and institutional uses where appropriate.
  - vi) The maximum allowable density shall not exceed 50 units per acre.

- h) For the lands described as Lot 6 and Part of Lots 7 and 8, Plan 1, (Port Carling), Parts 7, 8, 11 to 13, 15 to 17, 20, Plan 35R-18319, the following policies shall apply:
  - i) The subject lands shall be permitted to contain entirely residential units, in accordance with the implementing Zoning By-law or Community Planning Permit By-law;
  - ii) Adequate access for emergency vehicles must be maintained at all times;
  - iii) All lighting shall be directed inwards on the property and be Dark Sky friendly;
  - iv) Sufficient parking shall be provided on the property as required and detailed in the implementing Zoning By-law or Community Planning Permit By-law; and
  - v) Any significant redevelopment of the property shall require the use of site plan control (or a Community Planning Permit agreement, if applicable).
- i) There are properties within Port Carling which front onto a navigable waterway where the division of these lots do not require frontage on a year round publicly maintained road. These properties are located on:
  - i) West Street;
  - ii) Bailey Street;
  - iii) Harris Street; and
  - iv) McMullen Drive.
- j) Council shall endeavour to complete a detailed waterfront plan which shall account for:
  - i) Access to the water;
  - ii) Mooring facilities for boats;
  - iii) Potential connections and linkages of properties for pedestrian travel along the shore of the Indian River;
  - iv) Accentuate the locks and the immediate Commercial Core as the focal point for Port Carling;
  - v) Detail possible acquisition, dedication, or lease of waterfront lands; and,
  - vi) Maintenance of historical features / buildings.

- k) Council shall complete a Parking Plan for Port Carling. This will detail, among other things the parking areas to be improved, the need for parking, and alternative parking areas. Until such time that a plan is complete, greater encouragement to utilize existing parking facilities should be provided. Short term parking should be encouraged. Appropriate areas for overnight parking and employee parking should be identified.
- l) The Township may use the cash-in-lieu of parking provisions of the Planning Act, particularly in the area between Bailey Street and the bridge on Joseph Street, to ensure the adequate provision of parking in appropriate locations.
- m) The entrance to Port Carling from Highway 118 to the east shall be preserved with its current mix of residential and resort commercial uses. Highway commercial uses along this corridor are not permitted.
- n) Resort commercial uses in Port Carling have evolved as inns rather than as large resorts, and function as integral parts of the community. The redevelopment and intensification of these resorts is encouraged.
- o) A golf course and associated medium density residential uses shall be recognized as permitted uses in the Open Space designation on Lots 27, 28 and 29, Concession 7, Medora. The development of any new golf courses is not permitted unless accessory to a resort commercial use.
- p) Additional land in Lot 32 and 33, Concession 2 and 3 and Part Lot 32 and 33, Concession 2 and 3, in the former Township of Medora, are included within the boundary of Port Carling to meet an identified need for residential and resort commercially designated land.

## **I4 LAND USE DESIGNATIONS**

### **I4.1 URBAN RESIDENTIAL**

#### **I4.1.1 PERMITTED USES**

The following uses are permitted on lands designated Urban Residential as shown on Schedules B1 and B2:

- a) All forms of residential dwellings (low density, medium density and high density),

including additional residential units and rooming houses;

- b) Artisan establishments;
- c) Day nurseries;
- d) Home occupations;
- e) Long term care facilities and retirement homes;
- f) Open space uses;
- g) Places of worship and other institutional uses;
- h) Public and private schools;
- i) **Public service facilities;**
- j) Recreational and/or cultural facilities;
- k) and,
- l) **Special needs** housing.

## **I4.1.2 DEVELOPMENT POLICIES**

### **I4.1.2.1 LOW DENSITY**

Where low density development is proposed in the Urban Residential designation, the following policies apply:

- a) Permitted uses are single and semi-detached dwellings.
- b) The implementing Zoning By-law or Community Planning Permit By-law shall specify minimum lot frontage and area requirements.

### **I4.1.2.2 MEDIUM DENSITY**

Where medium density development is proposed in the Urban Residential designation, the following policies apply:

- a) Medium density residential development generally consists of townhouses and low-rise apartment buildings.
- b) The implementing Zoning By-law or Community Planning Permit By-law shall specify minimum lot frontage and area requirements.

- c) Medium density residential development should be:
  - i) Encouraged to locate where direct access to a major public road is available and pedestrian linkages can be established;
  - ii) Located in close proximity to public open space, or alternatively provide adequate on-site outdoor recreational facilities;
  - iii) Located in close proximity to commercial facilities; and
  - iv) Encourage to locate in close proximity to institutional uses/facilities.
- d) Medium density residential development shall not exceed 40 units per gross hectare.
- e) No single structure in a medium density residential development shall exceed 12 units.
- f) Medium density residential uses may be permitted on shoreline property in close proximity to the Core Commercial areas.

#### **14.1.2.3 HIGH DENSITY**

Where high density development is proposed in the Urban Residential designation, the following policies apply:

- a) High density residential development generally consists of low profile walk-up apartments or condominiums, or similar kinds of multiple dwelling units.
- b) The implementing Zoning By-law or Community Planning Permit By-law shall establish lot area and lot frontage requirements.
- c) High density residential development shall only be permitted on full municipal services.
- d) High density residential development shall have regard for the following:
  - i) Encouraged to locate where direct access to a major public road is available, and/or public transportation is available and where pedestrian linkages can be established;
  - ii) Sites that are well suited to a low building coverage and higher density because of the physical attributes of the site;

- iii) Proximity of other high density uses;
  - iv) Impact on overall traffic network;
  - v) Located in close proximity to public open space, or alternatively provide adequate on-site outdoor recreational facilities;
  - vi) Compatibility with adjacent land uses;
  - vii) Located in close proximity to commercial services; and
  - viii) Encouraged to locate in close proximity to institutional uses/facilities such as schools.
- e) High density residential development shall not exceed 70 units per gross hectare.
  - f) High density residential uses shall not be permitted along the waterfront.
  - g) The permitted height of any high density structure shall be appropriate to the intensity of the development and shall not exceed the tree canopy.

## **14.2 CORE COMMERCIAL**

### **14.2.1 PERMITTED USES**

Lands designated Core Commercial are intended to function as the primary retail and service commercial centre as well as the focus for administrative, cultural and recreational activity for the community. The following uses are permitted on lands designated Core Commercial as shown on Schedules B1 and B2:

- a) Business offices;
- b) Clinics and health care facilities;
- c) Entertainment establishments;
- d) EV charging stations;
- e) Funeral homes;
- f) Hotels and motels;
- g) Long term care facilities and retirement homes;
- h) Open space uses;

- i) Personal service uses;
- j) Places of worship and other institutional uses;
- k) Private and commercial schools;
- l) Recreational facilities (sports and fitness centres);
- m) Restaurants and take-out restaurants;
- n) Retail and service commercial uses; and,
- o) Townhouse and apartment dwellings and other forms of residential accommodation, including rooming houses (subject to Section L7.6 of this Plan).

## **14.2.2 DEVELOPMENT POLICIES**

### **14.2.2.1 RESIDENTIAL BUILDINGS**

Where a new residential building is proposed in a Core Commercial area, the Township shall be satisfied that:

- a) The proposed use will enhance the Core Commercial Area;
- b) Parking areas for the use are not located at the front of the building;
- c) The portion of the main floor fronting on the street is planned and used for non-residential uses if other buildings on the same side of the street and in the general area are used primarily or partially for commercial uses; and,
- d) The building is designed to complement adjacent buildings.

### **14.2.2.2 MINIMUM AND MAXIMUM HEIGHT**

- a) The minimum height for new buildings shall be two functional storeys within 15 metres (49.2 feet) of a major road and the maximum height for new buildings is three storeys.
- b) Greater heights (up to four storeys) may be permitted provided that they are setback from the street or tiered in height to minimize their visual and shadowing impact on streets and public areas.

### **14.2.2.3 GENERAL DEVELOPMENT CRITERIA**

- a) The implementing Zoning By-law or Community Planning Permit By-law shall

establish lot area and lot frontage requirements.

- b) In considering an application for development in the Core Commercial designation, the Township must be satisfied that:
- i) Adequate on-site parking facilities are provided for the development with such parking being provided in locations that are compatible with surrounding land uses;
  - ii) Shared driveways and interconnected sites shall be considered prior to the creation of new vehicular access to major streets;
  - iii) The development shall have minimal impacts on adjacent properties in relation to grading, drainage, access and circulation, and privacy;
  - iv) Any loading and storage facilities that are provided are located and buffered so as to minimize disruption and the enjoyment of neighbouring residential properties;
  - v) Vehicular access points to multiple uses on the lot are coordinated and consolidated
  - vi) New buildings are designed to present their principal building facades with an appropriate building design that faces the public road;
  - vii) New buildings on corner lots are located in close proximity to the public road rights of way and are designed and located to emphasize their important presence by employing appropriate strategies for major landscape treatments as well as building massing and articulation that emphasize the corner condition;
  - viii) The majority of the first storey wall of buildings located along public roads where a strong pedestrian environment is encouraged are the site of openings;
  - ix) Site and building services and utilities such as waste storage facilities, loading, air handling equipment, hydro and telephone transformers and switching gears and metering equipment, are located away and/or screened from public roads and adjacent residential areas or other **sensitive land uses**, in order to buffer their visual and operational effects;
  - x) Waste storage areas are integrated into the principal building on the lot and where waste storage areas are external to the principal building, they are

enclosed and not face a public road; and

Where lots abut the shoreline, buildings will be encouraged to have an orientation to both the street and the shoreline.

#### **14.2.2.4 PUBLIC REALM**

Decisions affecting the public realm can have a positive impact on the built form and liveability of the Core Commercial areas. Public and private sector developments and initiatives shall contribute to the revitalization of the streetscape and public realm of the Core Commercial areas. On the basis of the above, the policies in the following sub-sections apply.

- a) To establish a sense of place and location in Muskoka Lakes that is unique, a distinctive public realm along each main street shall be created that has the effect of attracting new development and reducing the impact of the motor vehicle on the character of the area. In order to implement this intent, special pavement treatments, unique street furniture and signage, among other elements shall be established along the street.
- b) On-street parking shall be permitted wherever possible on the main streets in the Core Commercial areas. The amount and location of parking permitted on side streets shall be explored provided the location of the parking is appropriate for the character of the adjacent residential neighbourhoods.
- c) Patios for restaurants on the main streets are encouraged in appropriate locations and with consideration for minimizing impacts on adjacent residential uses. Encroachments for such spaces into the municipal right-of-way may be considered provided the scale and extent of the patio area is appropriate for the character of the streetscape, pedestrian movement is not impeded and provision of municipal services is not impacted.
- d) In order to provide the basis for the continuing upgrading of the public realm, the Township shall prepare a public realm sustainable design element plan that shall, when completed, assist in the review of development applications. Sustainable design elements include trees, shrubs, hedges, planting and other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling

containers and bicycle parking facilities.

#### **14.2.2.5 PARKS AND OPEN SPACE**

- a) It is anticipated that additional development within the Core Commercial areas will place increasing pressure on existing parks and open space areas. The provision of new parks and open spaces is an important factor in creating successful Core Commercial areas.
- b) The acquisition of parks and open space in the Core Commercial areas shall take full advantage of the provisions of the Planning Act, ensuring that the appropriate amount of public parkland is conveyed to the Township or in the absence of land, cash in lieu of parkland is secured.
- c) Notwithstanding the above, the Township recognizes that the parks and open space system may include certain private open space elements such as private gardens and grounds, private amenity outdoor spaces and open spaces associated with **infrastructure**, squares, courtyards and passageways, plazas and rooftop gardens.
- d) As a condition of approval, the Township may require that new development be designed to incorporate private open spaces that contribute to the open space network within the Core Commercial areas by:
  - i) Including connections and through-routes and features such as widened sidewalks, courtyards, plazas and places for informal community uses, where appropriate;
  - ii) Reinforcing the existing open space character or initiating a strong open space concept that can be built upon in the future;
  - iii) Providing outdoor amenity spaces for the use of occupants of the development;
  - iv) Including features that serve a number of functions, providing for year-round use and are adaptable to new uses;
  - v) Using durable materials and elements of interest such as special landscape features of public art; and,
  - vi) Providing for a maintenance and management regime that is covered by the development.

## **14.3 HIGHWAY COMMERCIAL**

### **14.3.1 PERMITTED USES**

Lands designated Highway Commercial are intended to provide commercial services and facilities to the travelling public or to accommodate commercial activities which may not be conveniently located in Core Commercial areas, which require extensive land areas for buildings, parking and storage areas. The following uses are permitted on lands designated Highway Commercial as shown on Schedules B1 and B2.

- a) Automotive and marine sales and service establishments;
- b) Building supply centres;
- c) Business offices;
- d) Clinics and health care facilities;
- e) Contractor's yards;
- f) Entertainment establishments;
- g) EV charging stations;
- h) Funeral homes;
- i) Garden centres;
- j) Gas stations;
- k) Hotels and motels;
- l) Marina, docking and associated storage facilities;
- m) Open space uses;
- n) Parking and storage areas;
- o) Personal service uses;
- p) Private and commercial schools;
- q) **Public service facilities;**
- r) Recreational facilities (sports and fitness centres);
- s) Recreational vehicle centres;

- t) Restaurants and take-out restaurants; and,
- u) Retail and service commercial uses.

### **14.3.2 DEVELOPMENT POLICIES**

- a) The implementing Zoning By-law or Community Planning Permit By-law shall establish lot area and lot frontage requirements.
- b) It is the intent of this Plan that development within contiguous components of the Highway Commercial designation be comprehensively planned to ensure that servicing and access can be adequately addressed. In this regard the establishment of new Highway Commercial uses shall be planned in conjunction with other uses to consolidate required access onto arterial roadways.
- c) All new development shall be subject to Site Plan Control (or a Community Planning Permit agreement, if applicable). Prior to considering such an application, Council shall be satisfied that:
  - i) The proposed use is compatible with adjacent properties;
  - ii) Adequate parking and loading facilities are provided on the site;
  - iii) Where uses are proposed at the entrance points to Bala and Port Carling, such uses are designed to provide or maintain a desirable gateway to the community;
  - iv) New or redeveloping uses incorporate landscaping to enhance the site and surrounding area;
  - v) Outdoor storage areas are substantially screened from view from passing traffic;
  - vi) Parking areas are oriented to the rear or side of the lot so the primary building can be brought closer to the road;
  - vii) The number of individual access points are minimized through the use of shared access whenever possible;
  - viii) Adequate provision for pedestrian access and connections to the active transportation network are provided; and,
  - ix) Where a proposed use abuts or is in proximity to an existing residential use, fencing, landscaping, berming or a combination of these design elements shall be utilized to ensure that there is adequate screening between the uses.

## 14.4 INSTITUTIONAL

### 14.4.1 PERMITTED USES

The following uses are permitted on lands designated Institutional as shown on Schedules B1 and B2:

- a) Community centres and areas;
- d) Day nurseries;
- e) EV charging stations;
- f) Hospitals;
- g) Long-term care facilities;
- h) Open space uses;
- i) Places of worship and other institutional uses; and
- j) **Public service facilities.**

### 14.4.2 DEVELOPMENT POLICIES

- a) The implementing Zoning By-law or Community Planning Permit By-law shall establish lot area and lot frontage requirements.
- b) Before considering an application for development in the Institutional Area designation, Council shall be satisfied that:
  - i) The development will not cause any traffic hazards or an unacceptable level of congestion on surrounding roads;
  - ii) The site is large enough to accommodate the building, landscaping, on-site parking and appropriate buffering; and,
  - iii) The development is compatible with adjacent properties.
- c) **Public service facilities** are permitted within the Institutional designation, and shall be planned in coordination with land use planning and in consideration of the following:
  - i) **Public service facilities** and public services should be co-located in community

hubs and integrated to promote cost-effectiveness;

- ii) Priority should be given to maintaining and adapting existing **public service facilities** and spaces as community hubs to meet the needs of the community and optimize the long term viability of public investments;
- iii) Existing **public service facilities** that are located in or near strategic growth areas and are easily accessible by active transportation shall be the preferred location for community hubs;
- iv) The Township shall collaborate and consult with service planning, funding, and delivery sectors to facilitate the co-ordination and planning of community hubs and other **public service facilities**; and,
- v) New **public service facilities**, including hospitals and schools, shall be located within Bala and Port Carling and preference should be given to sites that are easily accessible by active transportation, which may be set out in an Active Transportation Plan.

## **I4.5 INDUSTRIAL**

### **I4.5.1 PERMITTED USES**

The primary use of land in areas designated Industrial shall be for light industrial uses generally related to serving the surrounding community. The following uses are permitted on lands designated Industrial as shown on Schedules B1 and B2:

- a) Ancillary retail stores selling products manufactured on the premises provided they occupy only a limited amount of the gross floor area of a building or unit where the product is manufactured, and are clearly accessory and incidental to the main/primary use;
- b) Building supply yards;
- c) Contractor's yards;
- d) Manufacturing, assembly, processing and/or fabrication;
- e) Marina, docking and associated storage facilities;
- f) Open space uses;

- g) Printing and associated service establishments;
- h) Repair activities;
- i) Service industries;
- j) Small light assembly operations;
- k) Storage, warehousing and distribution uses; and,
- l) Wholesaling establishments.

#### **14.5.2 DEVELOPMENT POLICIES**

- a) The implementing Zoning By-law or Community Planning Permit By-law shall establish lot area and lot frontage requirements.
- b) It is not the intent of this Plan to affect the normal business practices of existing employment uses. However, when lands are proposed to be developed or redeveloped, the Township must be satisfied that:
  - i) Adequate on-site parking facilities are provided for the development with such parking being provided in locations that are compatible with surrounding land uses;
  - ii) The development will have minimal impacts on adjacent properties in relation to grading, drainage, access and circulation, and privacy;
  - iii) Any loading and storage facilities that are provided are buffered so as to minimize disruption and the enjoyment of neighbouring residential properties, if located nearby;
  - iv) Vehicular access points to multiple uses on the lot are coordinated and consolidated;
  - v) The lot has sufficient lot frontage, depth and area for the siting of proposed development;
  - vi) New buildings are designed to present their principal building facades with an appropriate building design that faces the public road;
  - vii) Display areas are designed to make a positive contribution to the streetscape and the overall site development;

- viii) All lighting shall be internally oriented so as not to cause glare on adjacent properties or public roads;
  - ix) Site and building services and utilities such as waste storage facilities, loading, air handling equipment, hydro and telephone transformers and switching gears and metering equipment, are located and/or screened from public roads and adjacent residential areas or other **sensitive land uses**, in order to buffer their visual and operational effects;
  - x) Employment land development is flexible and adaptable in terms of street patterns and building design and siting to allow for redevelopment and employment intensification; and
  - xi) Industry on private services be limited to existing approved sites;
- c) Outdoor storage may be permitted in the Industrial designation, subject to the following:
- i) Outdoor storage shall be completely enclosed by a screen fence no less than 2 metres (6.5 feet) high;
  - ii) Outdoor storage shall only be permitted in a rear yard;
  - iii) Outdoor storage is only permitted as an accessory use to a permitted industrial use located on the same property;
  - iv) Outdoor storage shall consist of no more than 15% of the lot area but may be greater where the storage represents finished goods awaiting distribution;
  - v) No outdoor storage shall be located closer than 20 metres (65.6 feet) to a public street; and
  - vi) No open storage shall exceed 3 metres (9.8 feet) in height.

### **14.5.3 EMPLOYMENT CONVERSIONS**

- a) Proposals to convert lands within the Industrial designation to another land use designation shall be reviewed through a **comprehensive review** since lands within the Industrial designation are considered to be **employment areas**.
- b) In considering a request to remove lands from an **employment area** through an amendment to this Plan, it shall be demonstrated through the **comprehensive**

**review** that:

- i) There is a need for the conversion;
- ii) The lands are not required over the long-term for the employment purposes for which they are designated; and
- iii) The proposed use is consistent with the relevant policies of the Provincial Policy Statement and this Plan.

#### **I4.5.4 SENSITIVE LAND USES**

- a) In order to protect the function of lands within an **employment area** and the viability of the principal uses which these areas are intended to accommodate, it is the intent of this Plan that new **sensitive land uses** which may have an impact on existing and future industrial uses be carefully planned to minimize their impacts.
- b) A **sensitive land use** is any land use that through its routine and normal operation could restrict or prevent the routine and normal operation of a nearby permitted industrial or other employment uses on lands within an **employment area**.
- c) In a circumstance where a **sensitive land use** is proposed to be added as a permitted use through an amendment to this Plan and/or the implementing Zoning/Community Planning Permit By-law, an assessment of the compatibility of the proposal shall be required.
- d) In this regard, the proponent of the **sensitive land use** is responsible for evaluating the implications of the industrial or other employment uses that exist or are planned on nearby lands on the **sensitive land use**, including land use compatibility.

### **I4.6 MIXED USE**

#### **I4.6.1 PERMITTED USES**

Lands designated as Mixed Use Areas are intended to provide opportunities for affordable housing, **intensification**, and commercial activities in proximity to the core commercial area. The following uses are permitted on lands designated Mixed Use as shown on Schedules B1 and B2.

- a) All forms of residential dwellings except single detached and semi-detached dwellings;

- b) Automotive and marine sales and service establishments;
- c) Bed and breakfast establishments;
- d) Business offices;
- e) Clinics and health care facilities;
- f) Entertainment establishments;
- g) EV charging stations;
- h) Garden centres;
- i) Hotels and motels,
- j) Long term care facilities and retirement homes;
- k) Marina, docking and associated storage facilities;
- l) Open space uses;
- m) Personal service uses;
- n) Places of worship and other institutional uses;
- o) Private and commercial schools;
- p) **Public service facilities;**
- q) Recreational facilities (sports and fitness centres);
- r) Recreational vehicle centres;
- s) Restaurants;
- t) Retail and service commercial uses; and,
- u) **Special needs** housing and rooming houses.

#### **14.6.2 DEVELOPMENT POLICIES**

- a) The implementing Zoning By-law or Community Planning Permit By-law shall establish lot area and lot frontage requirements.
- b) It is the intent of this Plan that non-residential uses are integrated with residential uses in the Mixed Use Area designation and that single purpose commercial areas not be established as a consequence.

- c) Within Mixed Use Areas not identified above, an appropriate mix of uses shall be planned to ensure over the long term the development of both residential and non-residential uses in close proximity.
- d) The minimum height for new buildings shall generally be two functional storeys and the maximum height for new buildings is three storeys.
- e) It is the intent of this Plan that non-residential uses be established first, followed by residential uses and in this regard, a phasing plan shall be required. All medium density uses shall conform with the policies that apply to medium density development as set out in Section I4.1 of this Plan.

## **I4.7 RESORT COMMERCIAL**

The policies of Section F apply to lands designated Resort Commercial as shown on Schedules B1 and B2.

## **I4.8 ENVIRONMENTAL PROTECTION**

Lands designated Environmental Protection on Schedules B1 and B2 are subject to Part D of this Plan.

## **I4.9 OPEN SPACE**

Permitted uses on lands designated Open Space on Schedules B1 and B2 include golf courses and public and private parks subject to the implementing Zoning By-law or Community Planning Permit By-law.

# **I5 PORT CARLING EXPANSION AREA**

## **I5.1 LOCATION**

Additional land in Lot 32 and 33, Concession 2 and 3 and Part Lot 32 and 33, Concession 2 and 3, in the former Township of Medora, are included within the boundary of Port Carling to meet an identified need for residential and resort commercially designated land. The policies of this section apply when **municipal sewage services** and **municipal water services** are extended to the lands.

## 15.2 RESORT COMMERCIAL

For the lands described as Part Lot 32 and 33, Concessions 2 and 3, Medora (Anderson) designated as “Resort Commercial” and “Environmental Protection”, on Schedule B1 development shall proceed in accordance with all applicable policies of this Plan except that only one accessory dwelling is permitted. In addition, where an extension of water and sewer services is required to service development, the developer shall finance such an extension. **Development** or **site alteration** shall not be permitted until an Environmental Impact Study (EIS) has demonstrated that the proposed development will not negatively impact the features and **ecological functions** of a **wetland** located on the subject lands.

## 15.3 RESIDENTIAL (SOUTH EAST MIRROR LAKE)

For the lands described as Part Lot 32, Concession 2, Medora (South East Mirror Lake) designated as “Residential (South East Mirror Lake)” on Schedule B1, development shall proceed in accordance with all applicable policies of this Plan. In addition, the following policies shall apply:

- a) Only single detached dwelling units shall be permitted.
- b) In order to protect the character of the shoreline area on these lands, only Low Density residential development in accordance with Section 15.1 shall be permitted within the first 60 metres (196.8 feet) beyond the shoreline area to the satisfaction of the Township.
- c) Lots abutting the shoreline shall have a minimum frontage of 30 metres (98.4 feet) and shall be subject to Section E4.2.2 of this Plan, as applicable.
- d) All new development shall be on municipal sewer and water services.
- e) The retention of natural vegetation along the shoreline shall be encouraged to protect and preserve the littoral zone. The role of natural vegetated shorelines in buffering water bodies from erosion, siltation and nutrient migration adjacent to the sensitive littoral zone is critical to the protection of water quality. The frontage of a lot will be maintained in natural state to a minimum of 75% natural shoreline and a depth of 20 metres (66 feet), shoreline setback area, where new lots are being created and where vacant lands are being developed.

- f) This shoreline setback area will be retained or restored to a natural state using a mix of native trees and shrubs to effect and maintain a vegetative buffer which in addition to protecting the littoral zone, minimizes the visual impact of development from the water.

## **15.4 RESIDENTIAL (FORMER GLENWOOD TRAILER PARK)**

For the lands described as Part Lot 32 and 33, Concession 2 Medora (Former Glenwood Trailer Park) identified as 'Port Carling Expansion Area Land Uses' on Schedule B1, development shall proceed in accordance with all applicable policies of this Plan. In addition, the policies of this section shall apply.

### **15.4.1 PERMITTED USES**

- a) Residential uses shall predominate.
- b) Limited neighbourhood Commercial uses (such as a convenience store, personal service shop, club house with accessory food service) are also permitted. Such neighbourhood commercial uses shall be located with direct access to the main access road, shall be designed to be compatible with the surrounding residential neighbourhood and shall be limited in size to a maximum of 465 square metres (5,005 square feet) of gross floor area. Any Neighbourhood Commercial use located in the Low Density area shall be restricted in size to 116 square metres (1,248.6 square feet).
- c) The residential unit and boat storage building existing as of October 26th, 2010 may be retained and incorporated into the development.

### **15.4.2 SERVICING**

- a) All development shall be serviced by municipal sewer and water.
- b) Where an extension of water and sewer services is required to service development, the developer shall finance such an extension.

### **15.4.3 ROAD ACCESS**

- a) At least one public road, maintained year round, shall be provided and financed by the developer.

- b) Other roads which connect to the main access road and which provide access to a limited amount of development as determined by the Township may be owned and maintained by a condominium corporation.
- c) The rights afforded by existing rights-of-way shall be recognized and addressed in the development of these lands, including any road construction. Access shall continue to be provided to existing lots.

#### **15.4.4 DENSITY**

- a) In order to protect the character of this area within the Port Carling Urban Centre, the following hierarchy of residential densities has been identified on Schedule B1.
  - i) Low Density - the maximum density shall be limited to 15 units per gross hectare.
  - ii) Medium Density - the maximum density shall be limited to 20 units per gross hectare.
  - iii) High Density - the maximum density shall be limited to 30 units per gross hectare.

#### **15.4.5 RANGE OF HOUSING**

- a) A range of types of housing is permitted and encouraged. A minimum of 25% of the units shall be attainable as defined by the District of Muskoka.
- b) Maximum unit sizes may be imposed in an implementing Zoning By-law or Community Planning Permit By-law.

#### **15.4.6 SHORELINE OPEN SPACE**

- a) The lands designated Shoreline Open Space as shown hatched on Schedule B1 shall be re-naturalized to attain a target of 75% natural shoreline along the width of the natural shoreline.
- b) No new development, including roads, shall occur within 30 metres (98.4 feet) of navigable waterway.
- c) The Shoreline Open Space area shall be retained in one ownership as a block or common element created by a plan of subdivision or condominium description. A portion or all of the lands in this area may be transferred to public ownership.

- d) Notwithstanding sub-section b) within the Shoreline Open Space area, only meandering pathways or access points to the shoreline, minor structures such as gazebos of limited size, benches and a pumphouse are permitted. Pervious material on pathways shall be preferable.

#### **15.4.7 DOCKAGE**

- a) The total area of dockage shall not exceed that which existed on October 26th, 2010.
- b) Within narrow water bodies, the length of docks shall be limited to what existed on October 26th, 2010.
- c) Outside of narrow water bodies, provided that the total area of dockage does not exceed that which existed on October 26th, 2010, it may be reconfigured and rebuilt in compliance with Township regulations.
- d) No boathouses/boatports are permitted.

#### **15.4.8 SITE DESIGN**

- a) All lands shall be subject to site plan control (or a Community Planning Permit agreement, if applicable).
- b) Development in the low and medium density areas shall be low profile in nature and shall be sympathetic to the natural landscape and character of the area.
- c) No new development except minor structures shall occur within the 15 metres of a side lot line forming part of the perimeter of the property ownership of the former Glenwood Trailer Park holding as on October 26th, 2010, save and except for the main access road.
- d) Minimum setbacks shall be established in the implementing Zoning By-law or Community Planning Permit By-law for development near or adjacent to the rights-of-way.

#### **15.4.9 KNOLL AREA**

The knoll area, as shown cross-hatched on Schedule B1, is a rock promontory located on the northwest portion of the former Glenwood Trailer Park property that contains steep slopes and mature trees and any development in this area shall be sympathetic to its

character. The following principles shall guide development on the knoll:

- a) Built form shall be low profile in nature;
- b) Development shall be restricted to single detached dwellings;
- c) Natural vegetation on slope faces shall be preserved and no development shall be permitted in the area designated as Open Space and shown cross hatched on Schedule B1;
- d) Development will fit into and respect the natural character of the area. Natural form and contours should be preserved by ensuring that **site alteration** and tree cutting is kept to a minimum;
- e) Natural infiltration, storm water management and construction mitigation techniques shall be used;
- f) The Township's **Site Alteration** and Tree Cutting Bylaws shall apply to any development including roads on this portion of the property; and
- g) On October 15, 2014, the Ontario Municipal Board through its decision on Case No. PL130936, rezoned the top of the knoll as Knoll Open Space (OS5), in light of the then-Council's interest in preserving the prominent hill as a public park. If a future Council chooses not to assume this area as parkland at the time of subdivision or condominium approval, the zoning of this area shall revert to the Community Residential Holding (R7-H) Zone.

#### **15.4.10 PHASING**

- a) Development shall proceed in phases.
- b) Water and sewer servicing capacity allocation shall be in accordance with an Allocation Strategy approved by the District and the Township.
- c) The first phase of development shall contain the main access road that is publicly owned and maintained year round.

#### **15.4.11 PARKLAND DEDICATION**

- a) The Township shall consider appropriate lands as part of a parkland dedication under the Planning Act.

- b) Any public land shall be accessed by a year round, publicly maintained road.

## **16 DEVELOPMENT IN SHORELINE AREAS**

The policies below apply to residential development in shoreline areas within the Urban Centres:

- a) Public access to and from the water shall be preserved and improved. These access points shall only be used for recreation purposes and short term uses and should not provide access and parking for cottage residents accessing properties for long term stays.
- b) Shoreline development shall occur on lots larger than lots without water frontage. Where the shoreline development in the Urban Centre is in proximity to shoreline development in the Waterfront Area designation the lot frontages shall be increased to be more compatible with those in the Waterfront Area designation.
- c) Development impacting shoreline areas will be compatible both in scale and architectural style with the existing character of development in the Urban Centre. The density of development on a lot with water frontage in a residential designation shall be less than permitted on lots without waterfront frontage.
- d) On all lots, on-site phosphorus management and impact mitigation measures shall be required for leaching beds in circumstances where **municipal sewage services** are not provided and the proposed construction or reconstruction requires Site Plan Approval or a Community Planning Permit in accordance with Section N5 of this Plan. In this regard, the system shall incorporate soils that have a demonstrated ability to effectively retain phosphorus or equivalent septic abatement technologies, which may include the use of soils with appropriate elemental composition to bind phosphorus or pre-/post-treatment phosphorus controls.
- e) A minimum 30 metre setback from any shoreline shall be required for new leaching beds in circumstances where **municipal sewage services** are not provided. Where this is not feasible, a lesser setback may be permitted subject to meeting the requirements of the Building Code and Section 16 d) applies in all cases, regardless of whether Site Plan Approval (or a Community Planning Permit agreement, if applicable), is required.

- f) A minimum 20 metre setback from all shorelines on a lot shall be required for all construction and reconstruction, excluding shoreline structures, open decks and patios, trails, firepits and minor accessory structures, unless a greater setback is required by this Plan. Notwithstanding the above, a lesser setback may be considered in circumstances;
  - i) Where sufficient lot depth is not available;
  - ii) Terrain or soil conditions exist which make other locations on the lot more suitable and/or
  - iii) A net improvement over the existing situation is achieved.
- g) Notwithstanding the above, it is recognized that there are many existing buildings within the 20 metre (65.6 foot) setback area. Where reconstruction is proposed in these instances the implementing Zoning By-law or Community Planning Permit By-law shall include appropriate provisions to permit a limited amount of reconstruction in this setback area, provided the existing setback is not further reduced. Where a further reduction in the setback is proposed through a planning process, any approval shall be conditional on demonstrating a net improvement to the ecological integrity of the property.
- h) The policies below deal with vegetative buffers:
  - i) 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 of shoreline buffers is therefore required.
  - ii) Except as otherwise permitted in this Plan, the vegetative buffer shall stretch across the entire water frontage of existing lots and when new lots are being created and be at least 15 metres (49.2 feet) in depth from the normal high water mark. Notwithstanding the above, the construction and reconstruction of shoreline structures, including docks and boathouses, may be permitted in the vegetative buffer, subject to the policies of this Plan and the provisions of the implementing Zoning By-law or Community Planning Permit By-law.
  - iii) Where reconstruction is proposed on an existing lot or when new lots are created, the shoreline buffer as it exists shall be protected and should be

improved to the extent feasible through ecological enhancement.

- iv) Outside of the vegetative buffer area set out in sub-section ii), a significant proportion of the existing vegetation shall be retained and augmented/enhanced as appropriate.

## PART J - COMMUNITY AREA LAND USE DESIGNATIONS

### J1 OBJECTIVES

It is the objective of this Plan to:

- a) Recognize the role of Community Areas as service nodes for the Rural and Waterfront Areas;
- b) To maintain and enhance the distinctive character, identity and rich heritage of the Community Areas;
- c) To promote the efficient use of existing and planned **infrastructure** and **public service facilities**;
- d) To encourage the development of small-scale commercial uses that support the local residents and the general area;
- e) To provide opportunities for small-scale and home based employment uses to provide jobs for local residents, and which are appropriate in a Community Area;
- f) To promote the diversification of the economic base through the provision of goods and services, including value-added products and the sustainable management or use of resources that are appropriate for Community Areas;
- g) To encourage the development of attainable housing, where such housing can be appropriately serviced; and,
- h) To provide opportunities for sustainable and diversified tourism, including the leveraging of historical, cultural and natural assets.

### J2 GENERAL POLICIES

- a) Permitted uses within the Community Areas shall be subject to meeting servicing and other requirements as set out in this Plan. In general, growth in Community Areas shall be limited to infill and minor rounding out of existing development including attainable housing and shall be restricted to uses that are sustainable on **individual on-site sewage services** and **individual on-site water services**. Where more than

three lots are proposed, Council may require the completion of a Settlement Capability Study to confirm that existing and proposed private services can continue to operate in a sustainable manner without concern for cross-contamination.

- b) All new **development** shall be appropriate to the **infrastructure** which is planned or available, to avoid the need for unjustified and/or uneconomical expansion of this **infrastructure** and/or the provision of municipal water and sewer services.
- c) New development shall be compatible with the existing uses and scale of the uses and built form within the Community Area and adjacent areas within the Waterfront Area designation and the natural environment. For each community it is important to recognize the distinct character and to ensure that future development is compatible with and enhances the existing character to foster a sense of place in each Community.
- d) New developments that assist Community Areas to become more complete including providing a greater range of goods and services, **housing options** including attainable housing and local employment shall be encouraged.
- e) The Township shall encourage new development and redevelopment of buildings in the Community Areas in a manner which is consistent with the existing architectural style and by using natural exterior finishes and facades, and avoiding materials such as concrete block.
- f) Public access to and from the water shall be preserved and improved. These access points shall only be used for recreation purposes and short term uses.
- g) On all lots, on-site phosphorus management and impact mitigation measures shall be required for leaching beds where the proposed construction or reconstruction requires Site Plan Approval or a Community Planning Permit in accordance with Section N5 of this Plan. In this regard, the system shall incorporate soils that have a demonstrated ability to effectively retain phosphorus or equivalent septic abatement technologies, which may include the use of soils with appropriate elemental composition to bind phosphorus or pre-/post-treatment phosphorus controls.
- h) A minimum 30 metre setback from any shoreline shall be required for new leaching beds. Where this is not feasible, a lesser setback may be permitted subject to meeting the requirements of the Building Code and Section I6 g) applies in all cases,

regardless of whether Site Plan Approval (or a Community Planning Permit agreement, if applicable), is required.

- i) A minimum 20 metre setback from all shorelines on a lot shall be required for all construction and reconstruction, excluding shoreline structures, open decks and patios, trails, firepits and minor accessory structures, unless a greater setback is required by this Plan. Notwithstanding the above, a lesser setback may be considered in circumstances;
  - i) Where sufficient lot depth is not available;
  - ii) Terrain or soil conditions exist which make other locations on the lot more suitable and/or
  - iii) A net improvement over the existing situation is achieved.
- j) Notwithstanding the above, it is recognized that there are many existing buildings within the 20 metre (65.6 foot) setback area. Where reconstruction is proposed in these instances the implementing Zoning By-law or Community Planning Permit By-law shall include appropriate provisions to permit a limited amount of reconstruction in this setback area, provided the existing setback is not further reduced. Where a further reduction in the setback is proposed through a planning process, any approval shall be conditional on demonstrating a net improvement to the ecological integrity of the property.
- k) The policies below deal with vegetative buffers:
  - i) 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 of shoreline buffers is therefore required.
  - ii) Except as otherwise permitted in this Plan, the vegetative buffer shall stretch across the entire water frontage of existing lots and when new lots are being created and be at least 15 metres (49.2 feet) in depth from the normal high water mark. Notwithstanding the above, the construction and reconstruction of shoreline structures, including docks and boathouses, may be permitted in the vegetative buffer, subject to the policies of this Plan and the provisions of the implementing Zoning By-law or Community Planning Permit By-law.

- iii) Where reconstruction is proposed on an existing lot or when new lots are created, the shoreline buffer as it exists shall be protected and should be improved to the extent feasible through ecological enhancement.
- iv) Outside of the vegetative buffer area set out in sub-section ii), a significant proportion of the existing vegetation shall be retained and augmented/enhanced as appropriate.

## **J3 BOUNDARIES OF COMMUNITY AREAS**

The boundaries of the Community Areas are shown on Schedules C1 to C5 to this Plan. The Community Areas in Muskoka Lakes are:

- a) Foot's Bay;
- b) Glen Orchard;
- c) Milford Bay;
- d) Torrance; and
- e) Windermere.

## **J4 LAND USE DESIGNATIONS**

### **J4.1 COMMUNITY RESIDENTIAL**

#### **J4.1.1 PERMITTED USES**

The following uses are permitted on lands designated Community Residential as shown on Schedules C1 to C5:

- a) Home businesses;
- b) Residential dwellings and additional dwelling units;
- c) Rooming houses utilizing three bedrooms or less;
- d) Small scale commercial and industrial uses;
- e) Small scale institutional and open space uses that service the Community and surrounding Rural Areas;

- f) **Special needs** housing; and
- g) Where Communities abut Waterfront Areas, commercial and industrial uses that service the Waterfront Areas, including commercial tourist operations.

#### **J4.1.2 DEVELOPMENT POLICIES**

- a) Residential development within the communities shall be limited to low density residential uses that can be serviced by private individual sewage disposal and water supply systems.
- b) Low density residential uses consist of single detached residential dwellings semi-detached and duplex dwellings including secondary or accessory dwelling units provided appropriate servicing is available.
- c) Residential development shall proceed primarily as infilling through the consent process, or through building on existing vacant lots.
- d) Residential development shall not occur in areas where neighbouring uses are deemed to be incompatible unless adequate buffering in the form of increased yards and vegetative buffers, screens or fences can remove potential for conflict.
- e) Lots in the communities shall be of sufficient size to provide for sustainable on-site private servicing on the proposed lot and other existing lots in the Community. Where conditions permit, lots shall have a minimum frontage of 45 metres (147.6 feet) and a lot area of 0.4 hectares (0.98 acres). Where lots front on a District road or Provincial Highway the frontage requirements of those agencies shall be met.
- f) Where residential development occurs on the waterfront within a Community Area, the policies of Sections E4 to E7 of this Plan apply.

#### **J4.1.3 SPECIFIC POLICIES FOR FOOT'S BAY**

- a) The boundaries of Foot's Bay have been established to incorporate the community features and include sufficient land for projected growth for the planning period covered by these policies.
- b) Foot's Bay functions as an access and service point for water access property owners. This function is recognized and supported.
- c) To enhance its function as an access and service point, additional waterfront land

should, over the long term, be designated for commercial use.

- d) Development of additional recreational facilities including a community waterfront recreation area and additional marinas is encouraged.
- e) To relieve congestion in the waterfront area, the Township shall encourage the creation of off-street parking.

#### **J4.1.4 SPECIFIC POLICIES FOR GLEN ORCHARD**

- a) The boundaries of Glen Orchard have been established to incorporate the community features and include sufficient land for projected growth for the planning period covered by these policies.
- b) Glen Orchard is an area of various residential, commercial, institutional and industrial uses that provide services to the surrounding area.
- c) Highway 169 creates a barrier within the community that should be addressed through the development of pedestrian linkages.
- d) Glen Orchard should be promoted as a residential community in recognition of the presence of a large school in the community.
- e) Notwithstanding any policy to the contrary, existing maple syrup production uses are permitted at 3965 Muskoka Road 169.

#### **J4.1.5 SPECIFIC POLICIES FOR MILFORD BAY**

- a) The boundaries of Milford Bay have been established to incorporate the community features and include sufficient land for projected growth for the planning period covered by these policies.
- b) The character of Milford Bay is defined by the mix of service and resort commercial, small scale industrial, institutional and residential land uses. This character is appropriate and shall be retained and promoted.
- c) Milford Bay's function as a residential community should be supported through the provision of additional residential opportunities.
- d) A focus for retail commercial activities is required in Milford Bay. Several nodes, including the corner of Milford Bay Road and Beaumaris Road, on the Butter and Egg Road, at the north end of the community where there is a resort commercial focus,

and the vicinity of Bay Cliff Park would be appropriate. The flexibility of permitted uses in these areas is encouraged.

- e) A system of pedestrian linkages providing internal community linkages and linkages with the waterfront is encouraged. The focus for these linkages should be the open space areas, particularly the publicly owned shoreline areas.
- f) Milford Bay supports a number of small scale cottage industries. These uses are appropriate in the community and should be supported with provision made for buffering of adjacent land use. Zoning or Community Planning Permit By-law provisions should be implemented to control these uses.
- g) A traditional resort commercial operation on the property in Lots 26 and 27, Concession X and XI is appropriate. Any redevelopment of this property would require a rezoning, supported by a comprehensive planning review.
- h) Lots 26 and 27, Concession IX contains a former resort property (Roseneath). Any redevelopment of this property would require a rezoning, supported by a comprehensive planning review.
- i) Milford Bay's traditional link with the waterfront should be promoted through provision of additional public recreation and water access facilities. This will allow access to the community by water and land.
- j) Significant natural features, including the Huckleberry Rock Cut at Highway 118 and rock outcrops facing Lake Muskoka on the municipally owned lands, shall be preserved. Other municipally owned lands in the vicinity shall generally be considered for future residential development.

#### **J4.1.6 SPECIFIC POLICIES FOR TORRANCE**

- a) The boundaries of Torrance have been established to incorporate the community features and include sufficient land for projected growth for the planning period covered by these policies.
- b) The character of Torrance as a residential community providing services to the surrounding area is appropriate and should be encouraged.
- c) The community's current role as a location for support services for the surrounding waterfront community should be supported by encouraging home industries and

commercial activities.

- d) The potential for commercial development associated with the opening of Hardy Lake Provincial Park is recognized and should be supported.
- e) Potential for commercial development exists in the area between East Bay Road and the rail line.
- f) There is a potential for the redevelopment of large land holdings in Torrance.
- g) Careful consideration should be given to proposed uses to ensure compatibility with the Community.
- h) Development on the lands described as Part Lot 23, Concession 8, former Township of Wood (Clear Lake Village Resort), more particularly described as Parts 1 and 4, 35R-5955 shall be limited to 20 accommodation or housekeeping units and shall proceed in accordance with all other applicable policies in this Plan.
- i) Amenities on the lands noted above shall include a swimming pool in an effort to reduce the intensity of use of the associated waterfront parcel described as Lot 18, Plan 7, former Township of Wood. A portion of the associated waterfront lands shall be revegetated to reduce visual and water quality impacts. No additional shoreline structures shall be permitted on the associated waterfront property.

#### **J4.1.7 SPECIFIC POLICIES FOR WINDERMERE**

- a) The boundaries of Windermere have been established to incorporate the community features and include sufficient land for projected growth for the planning period covered by these policies.
- b) The character of the community as a resort and residential centre is recognized and encouraged.
- c) Industrial uses are not permitted in Windermere.
- d) The function of the community should be improved by encouraging additional retail uses in the community core.
- e) Pedestrian linkages should be encouraged throughout the community.
- f) The existing uses located on the private roads should be recognized and limited infill allowed subject to the other policies of this Plan.

- g) Redevelopment of central Windermere will enhance the existing Windermere House in both services provided (i.e.; retail shops and studios) and character of the buildings and property.

## **J4.2 COMMUNITY CORE**

### **J4.2.1 PERMITTED USES**

The following uses are permitted on lands designated Community Core as shown on Schedules C1 to C5:

- a) Automotive and marine sales and service establishments;
- b) Bed and breakfast establishments;
- c) Business offices;
- d) EV charging stations;
- e) Garden centres;
- f) Gas stations;
- g) Hotels and motels;
- h) Marina, docking and associated storage facilities;
- i) Open space uses;
- j) Parking and storage areas;
- k) Personal service uses;
- l) **Public service facilities;**
- m) Recreational vehicle centres;
- n) Residential dwellings, including additional residential units;
- o) **Special needs** housing;
- p) Restaurants and take-out restaurants; and,
- q) Retail and service commercial uses.

#### **J4.2.2 DEVELOPMENT POLICIES**

- a) The implementing Zoning By-law or Community Planning Permit By-law shall establish lot area and lot frontage requirements.
- b) Commercial uses shall be developed at a scale appropriate to service the community and surrounding area.
- c) Where Community Areas are in proximity to the Waterfront, the commercial uses permitted include uses that provide goods and services to the neighbouring waterfront uses or tourist commercial uses and the relevant policies of Section E4.2.2 shall apply to commercial developments in the shoreline area.
- d) Where commercial uses provide goods and services to the Waterfront residential uses in the area, adequate docking and parking facilities shall be provided to accommodate those uses. Parking and boat storage facilities shall be provided off-site, well separated visually and functionally from the shoreline.
- e) Waterfront commercial uses in Communities, with the exception of existing marinas, shall ensure that the water frontage is maintained as open space for a distance of 15 metres (49.2 feet) from the shoreline.
- f) Existing commercial and light industrial uses may change over time to adapt to changing market conditions. Where new commercial lands are proposed within the designation the uses shall be subject to an amendment to the implementing Zoning By-law or Community Planning Permit By-law and Site Plan approval (or a Community Planning Permit agreement, if applicable).
- g) Commercial uses shall be designed to be compatible with adjacent non-commercial uses, Spatial separations, screens and buffers may be used to ensure compatibility. Open storage shall not be permitted in the Community Areas.
- h) Ancillary residential uses including temporary lodging facilities to accommodate seasonal staff accessory to commercial or light industrial uses shall be permitted on the same lot or in proximity to the use that they serve.
- i) Vehicular access points (driveways) shall be limited in number and designed in a manner that will minimize danger to vehicular and pedestrian traffic. Wherever possible, parking areas shall be internally connected with clear pedestrian and

cycling routes.

- j) The buildings containing commercial uses shall be so designed, and lighting and signs so arranged, as to blend in with the desired character of adjacent uses.

## **J4.3 COMMUNITY INSTITUTIONAL**

### **J4.3.1 PERMITTED USES**

The following uses are permitted on lands designated Community Institutional as shown on Schedules C1 to C5:

- a) Community centres, libraries and other public buildings and uses;
- b) Government offices and works facilities;
- c) Places of worship and other institutional uses;
- d) Public parks and open space.
- e) Schools; and,
- f) Service clubs and not-for-profit community organizations.

### **J4.3.2 DEVELOPMENT POLICIES**

- a) The implementing Zoning By-law or Community Planning Permit By-law shall establish lot area and lot frontage requirements.
- b) Institutional uses shall be of a scale to service the Community and surrounding **rural areas**.
- c) Institutional uses of an industrial nature such as works yards shall be buffered from **sensitive land uses** in accordance with this Plan.
- d) The Township encourages the multi-use of institutional uses wherever possible.
- e) Redevelopment of Community Institutional uses for **affordable** housing shall not require an amendment to this Plan.

## **J4.4 COMMUNITY OPEN SPACE**

### **J4.4.1 PERMITTED USES**

The following uses are permitted on lands designated Community Open Space as shown on

Schedules C1 to C5:

- a) Parks, trails and recreational facilities;
- b) Existing golf courses; and
- c) Conservation and preservation of natural environment and cultural heritage sites.

#### **J4.4.2 DEVELOPMENT POLICIES**

- a) The implementing Zoning By-law or Community Planning Permit By-law shall establish lot area and lot frontage requirements.
- b) Wherever possible the Township shall acquire lands at the waterfront to provide public open space through the development process. The Township shall consider cash in lieu of parkland and shall consider the utilization of the funds to acquire public lands adjacent to the waterfront.
- c) Within Community Areas a system of open space shall be established with trails, sidewalks or boardwalks linking the open space system to trails within and outside of the Communities.
- d) Improvements to Community Open Space areas, such as naturalization, landscape enhancement or improved facilities may be considered as part of ecological offsetting and community benefits related to developments in the Community.

### **J4.5 COMMUNITY EMPLOYMENT**

#### **J4.5.1 PERMITTED USES**

The following uses are permitted on lands designated Community Employment as shown on Schedules C1 to C5:

- a) Ancillary retail stores selling products manufactured on the premises provided they occupy only a limited amount of the gross floor area of a building or unit where the product is manufactured, and are clearly accessory and incidental to the main/primary use;
- b) Building supply yards;
- c) Contractor's yards;

- d) Manufacturing, assembly, processing and/or fabrication;
- e) Marina, docking and associated storage facilities;
- f) Open space uses;
- g) Repair activities;
- h) Service industries;
- i) Small light assembly operations;
- j) Storage, warehousing and distribution uses; and,
- k) Wholesaling establishments.

#### **J4.5.2 DEVELOPMENT POLICIES**

- a) The implementing Zoning By-law or Community Planning Permit By-law shall establish lot area and lot frontage requirements.
- b) It is not the intent of this Plan to affect the normal business practices of existing employment uses. However, when lands are proposed to be developed or redeveloped, the Township must be satisfied that:
  - i) Adequate on-site parking facilities are provided for the development with such parking being provided in locations that are compatible with surrounding land uses;
  - ii) The development will have minimal impacts on adjacent properties in relation to grading, drainage, access and circulation, and privacy;
  - iii) Any loading and storage facilities that are provided are buffered so as to minimize disruption and the enjoyment of neighbouring residential properties, if located nearby;
  - iv) Vehicular access points to multiple uses on the lot are coordinated and consolidated;
  - v) The lot has sufficient lot frontage, depth and area for the siting of proposed development;
  - vi) Display areas are designed to make a positive contribution to the streetscape and the overall site development;

- vii) All lighting shall be internally oriented so as not to cause glare on adjacent properties or public roads;
- viii) Site and building services and utilities such as waste storage facilities, loading, air handling equipment, hydro and telephone transformers and switching gears and metering equipment, are located and/or screened from public roads and adjacent residential areas or other **sensitive land uses**, in order to buffer their visual and operational effects; and
- ix) No outdoor storage shall be located closer than 20 metres (65.6 feet) to a public street.

## **J4.6 ENVIRONMENTAL PROTECTION**

Lands designated Environmental Protection are subject to Part D of this Plan.

## PART K - MINERAL AGGREGATE RESOURCE AREA

### **K1 OBJECTIVES**

It is the objective of this Plan to:

- a) Prohibit the location of new **mineral aggregate operations** near lakes;
- b) Ensure that extraction is carried out in a manner that minimizes negative social, economic and environmental impacts;
- c) Ensure that as much of the **mineral aggregate resources** as is realistically possible is made available as physically close to market as possible;
- d) Recognize existing **mineral aggregate operations** and protect them from activities that would preclude or hinder their continued use or expansion;
- e) Protect known **deposits of mineral aggregate resources** for potential future extraction while recognizing that aggregate resources are readily available throughout much of the Township;
- f) Encourage **mineral aggregate resource conservation**, including through the use of accessory aggregate recycling facilities within operations, wherever feasible; and,
- g) Support the final and progressive rehabilitation to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate **negative impacts** to the extent possible.

### **K2 LOCATION**

- a) Pits and quarries licensed under the Mineral Aggregate Resources Act are designated Mineral Aggregate Resource Area and shown on Schedule A. The development of a new **mineral aggregate operation** or the expansion of an existing **mineral aggregate operation** shall require an Amendment to this Plan.
- b) Known **deposits of mineral aggregate resources** are shown on Appendix E of this Plan as sand and gravel resource areas of secondary significance as identified by the Province. The boundaries of these areas are considered to be approximate. The

identification of these deposits on Appendix E does not imply support by the Township for any license application under the Aggregate Resources Act in these areas or for any application to establish a **mineral aggregate operation** through an Area Municipal Planning Act process.

- c) There is potential for **deposits of mineral aggregate resources** to exist outside of the areas mapped on Appendix E.
- d) This Plan does not identify the location of bedrock resource areas on Appendix E because Muskoka is underlain by Precambrian gneissic rock that exhibits wide variations in lithology and aggregate quality.

## **K3 PROTECTION OF LONG TERM RESOURCE SUPPLY**

### **K3.1 DEMONSTRATION OF NEED**

- a) Demonstration of need for **mineral aggregate resources**, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of **mineral aggregate resources** locally or elsewhere.
- b) Notwithstanding the above, the nature of the resource that is proposed to be extracted, such as dimensional stone that is a non-essential decorative and/or architectural stone, or for another purpose that is not **infrastructure**-related should be a consideration in determining the appropriateness of the location proposed and whether there is a requirement to demonstrate need.

### **K3.2 MINERAL AGGREGATE OPERATIONS**

- a) **Mineral aggregate operations** shall be protected from **development** and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.
- b) Existing **mineral aggregate operations** shall be permitted to continue without the need for Official Plan, Zoning By-law or Community Planning Permit amendment under the Planning Act. When a license for extraction or operation ceases to exist, Section K3.3.1 of this Plan continues to apply.

- c) When **development** is proposed within 300 metres (984.2 feet) of a pit and 500 metres (1,640.4 feet) from a quarry, the Township shall require a land use compatibility assessment to determine conformity with this section of the Plan.
- d) Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

### **K3.3 DEPOSITS OF MINERAL AGGREGATE RESOURCES**

#### **K3.3.1 DEVELOPMENT IN MINERAL AGGREGATE RESOURCE AREAS**

In known **deposits of mineral aggregate resources** and on **adjacent lands**, **development** and activities that would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if the following criteria are met and an assessment addresses the matters included in Section H1.2.3.3.3 of the Muskoka Official Plan to the satisfaction of the Township:

- a) Resource use would not be feasible; or
- b) The proposed land use or development serves a greater long-term public interest; and,
- c) Issues of public health, public safety and environmental impact are addressed.

#### **K3.3.2 EXEMPTIONS TO SECTION K3.3.1**

The following **development** is exempted from Section K3.3.1:

- a) Any form of **development** within Urban Centres, Community Areas and Local Community Areas;
- b) The adjustment of a lot line for legal or technical reasons;
- c) The separation of existing non-resource uses on the land;
- d) The re-zoning of land for the development or expansion of a commercial, industrial or recreational use in the Rural Area or Waterfront Area designations provided an amendment to this Plan is not required and provided the use does not include the establishment of dwelling units or accommodation units;

- e) The development of any type of **agricultural use**;
- f) The expansion of a legal non-conforming use, provided such an expansion meets all of the other tests in this Plan; and,
- g) Any application for minor variance, regardless of location.

## **K4 APPLICATION REQUIREMENTS**

New **mineral aggregate operations** shall be limited to areas farther than 2 kilometres from the Waterfront Area because of the potential negative environmental, social and/or economic impacts (visual and otherwise) related to the Township's lakes and rivers. More specifically, there are concerns about the impact of **mineral aggregate operations** on water quality, the environment, human health and safety, and the general character of the Waterfront Area, including but not limited to noise, dust, fine particulate matter, vibration, and increased traffic.

Any Amendment to this Plan to establish a new mineral aggregate operation shall demonstrate that these concerns are minimized to the greatest extent possible and fully mitigated to the satisfaction of the Township.

Where a proposed **mineral aggregate operation** is within 500 metres of a watercourse that flows into a waterbody that is part of the District of Muskoka recreational water quality monitoring program, the applicant shall demonstrate how run-off and water used in the operation and processing shall be returned to the environment with a water quality that matches conditions in the watercourse existing prior to the **mineral aggregate operation**.

In addition, new **mineral aggregate operations** shall be located in close proximity (less than 10 km) to a Provincial highway, along available haul routes, to minimize traffic, noise and safety impacts on the Waterfront and Rural areas, as well as adverse impacts on community character, to the greatest extent possible and in a manner that is fully mitigated to the satisfaction of the Township.

Any application for an amendment to this Plan to establish or expand a **mineral aggregate operation** shall be supported by studies that are based on predictable, measurable, objective effects on people and the environment, with these studies and their scope being identified in advance and with regard to the scale of the proposed new operation or

expansion.

Such studies shall be based on Provincial standards, regulations and guidelines, where they exist and shall consider and identify methods of addressing the anticipated impacts in the area affected by the **mineral aggregate operation**. In this regard, all applications shall be supported by information that addresses:

- a) The impact of the operation of the **mineral aggregate operation** on:
  - i) The **natural heritage features and areas** and related **ecological functions** on the site and in the area;
  - ii) Adjacent and nearby existing or planned land uses;
  - iii) **Agricultural uses**;
  - iv) The **quality and quantity of water**;
  - v) The **significant built heritage resources, protected heritage properties, significant cultural heritage landscapes** and **significant archaeological resources** on the site and in the area;
  - vi) The ground water recharge and discharge functions on the site and in the immediate area;
  - vii) **Surface water features** in the area; and,
  - viii) Nearby wells used for drinking water purposes.
- b) The effect of the additional truck traffic on the ability of the proposed haul route to function as a safe and efficient haul route;
- c) The suitability of the proposed haul routes including the effect of the increased truck traffic on surrounding communities and rural land uses;
- d) The impact of the noise, odour, dust and vibration generated by the proposed operation or expansion on adjacent land uses and the need for enhanced setbacks from conflicting land uses;
- e) How the impacts from the proposed **mineral aggregate operation** or expansion on adjacent uses will be mitigated in order to lessen those impacts;
- f) The ability of the site to contain all components of the **mineral aggregate operation**;

- g) How the site will be progressively rehabilitated to accommodate subsequent land uses after the extraction is completed, to promote land use compatibility, to recognize the interim nature of extraction and to mitigate impacts to the extent possible as required under the Aggregate Resources Act. Final rehabilitation shall take surrounding land uses and approved land use designations into consideration and the lands shall be re-zoned to a use satisfactory to the Township.

## **K5 GENERAL POLICIES**

- a) Increased setbacks, screening and separations shall be used in areas in close proximity to aggregate operations and along major haul routes to prevent conflicts.
- b) Due to the potential environmental impacts peat extraction operations shall proceed by zoning by-law amendment or a Community Planning Permit to address impacts. If it is determined by the Township that adverse impacts would be associated with the operation then the use will not be permitted. Prior to peat extraction proceeding in a **wetland**, a **wetland** evaluation shall be undertaken. Where the **wetland** has been identified as a Provincially **significant wetland**, the extraction of peat will be prohibited.

## **K6 WAYSIDE PITS AND QUARRIES**

Temporary **wayside pits and quarries, portable asphalt plants and portable concrete plants** used on public authority contracts shall be permitted, without the need for an Official Plan, Zoning By-law or Community Planning Permit amendment under the Planning Act in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

## PART L - GENERAL DEVELOPMENT POLICIES

### L1 SERVICING

#### L1.1 GENERAL POLICIES

- a) Planning for **sewage and water services** shall:
- i) Direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of:
    - 1. Existing or planned and approved **municipal sewage services** and **municipal water services**; and
    - 2. **Individual on-site sewage services** and **individual on-site water services** where **municipal sewage services** and **municipal water services** are not available.
  - ii) Ensure that these systems are provided in a manner that:
    - 1. Can be sustained by the water resources upon which such services rely;
    - 2. Is feasible, financially viable and complies with all regulatory requirements;
    - 3. Protects human health and the natural environment and;
    - 4. Considers the **impacts of a changing climate** in the design of sewage and water **infrastructure**.
  - iii) Promote water conservation and water use efficiency;
  - iv) Integrate servicing and land use considerations at all stages of the planning process;
  - v) Encourage development which optimizes the use of existing services before **infrastructure** is extended; and
  - vi) Be in accordance with the servicing hierarchy outlined through Sections L1.2 to L1.5 of this Plan.
- b) **Infrastructure** corridors (existing and proposed) that have been or will be identified through an Environmental Assessment process shall be protected to support

growth.

## L1.2 MUNICIPAL SEWAGE SERVICES AND MUNICIPAL WATER SERVICES

- a) **Municipal sewage services** and **municipal water services** are the preferred form of servicing for Urban Centres. **Intensification** and **redevelopment** within Urban Centres on existing **municipal sewage services**, stormwater services and **municipal water services** should be promoted, wherever feasible.
- b) For each Urban Centre, the Urban Service Area inclusive of Full Service, Single Service and Future Service Areas is shown on Appendices B1 and B2.
- c) Special development projects that benefit the community and are in the public interest, such as social or **affordable** housing, community, education or public medical facilities (e.g., hospital) which are proposed in the Future Service Area and require the extension of **municipal sewage services** and/or **municipal water services** may be considered in accordance with the Muskoka Official Plan.
- d) It is the intent of this Plan that Single and Future Service Areas shall ultimately be provided with full municipal services over time. Until that occurs, **individual on-site sewage services**, **individual on-site water services** or **partial services** may be permitted to allow for infilling and minor rounding out of existing development in accordance with the policies of this Plan provided that site conditions are suitable for the long-term provision of such services with no **negative impacts**.
- e) The extension of **municipal sewage services** and/or **municipal water services** beyond the boundary of an Urban Centre shall only be considered by Amendment to this Plan and the Muskoka Official Plan to:
  - i) Address failed private **individual on-site sewage services**, **individual on-site water services** and/or public health concerns;
  - ii) Facilitate installation for works that have been determined to be in the public interest; or
  - iii) Support the development of needed large-scale **public service facilities**, such as hospitals, but only if other options are determined too not be feasible.
- f) Where municipal services are required to service a vacant land or common element

condominium description and where such services will provide service to more than one lot, unit or parcel of tied land, they shall be owned, operated and maintained by the District of Muskoka.

### **L1.3 PARTIAL SERVICES**

**Development on partial services** shall only be permitted in an Urban Centre in accordance with Section L1.2 d) of this Plan and where they are necessary to address failed **individual on-site sewage services** and **individual on-site water services** in an existing Single Service Area as shown on Appendices B1 and B2 or to service an existing lot of record abutting a Single Service Area where the other municipal service is not immediately available or required to support the use.

### **L1.4 INDIVIDUAL ON-SITE SEWAGE SERVICES AND INDIVIDUAL ON-SITE WATER SERVICES**

- a) Where **municipal sewage services** and **municipal water services** are not reasonably available, **individual on-site sewage services** and **individual on-site water services** may be used provided that:
- i) Site conditions are suitable for the long-term provision of such services with no **negative impacts**; and
  - ii) Such services do not generally provide service on more than one legally conveyable lot, parcel of tied land (POTL) or vacant land unit in accordance with the following:
    - 1. In a Community Area, these services may only be used for infilling and minor rounding out of existing development; and
    - 2. In an Urban Centre, these services shall only be used where the development represents limited infill in an established built-up area or development of an existing vacant lot of record where municipal services are not immediately available or available in the foreseeable future;
  - iii) In both Urban Centres and Community Areas, **individual on-site sewage services** and **individual on-site water services** shall only be permitted where development represents a low intensity use(s) and no immediate or foreseeable

supply, health or environmental issue would be created or further compounded;  
and

- iv) For all development where potable water is to be provided by ground water sources, a hydrogeological assessment shall be required where:
1. **Individual on-site water services** and **individual on-site sewage services** are proposed for more than five lots or units, where all or some of the lots are less than 1.0 hectare (2.4 acres) in area; or
  2. Any use is proposed which would generate an effluent flow of greater than 5,000 litres per day;
  3. Any use is proposed in areas of known or suspected water shortage or water quality concerns; or
  4. Any development is proposed on a lot less than 1.0 hectare (2.4 acres) in area where cumulative impacts of **individual on-site sewage services** and **individual on-site water services** in the area are deemed of significant concern.
- b) Where **individual on-site sewage services** and/or **individual on-site water services** are proposed within a Single or Future Service Area for municipal services, the private services shall be designed and installed in a manner that facilitates future connection to municipal services.
- c) New lot creation in any land use designation on **individual on-site sewage services** and **individual on-site water services** may be considered where it has been demonstrated that sufficient capacity for hauled sewage is available.

## **L1.5 PRIVATE COMMUNAL SERVICES**

Private **communal sewage services** and **private communal water services** proposed to service residential **development** shall require an Amendment to this Plan.

## **L1.6 DEVELOPMENT ADJACENT TO MUNICIPAL SANITARY SEWAGE DISPOSAL FACILITIES**

- a) **Development** adjacent to municipal sanitary sewage disposal facilities including

sewage lagoons shall be discouraged. Where such **development** is proposed it shall be limited to passive **recreation** and open space uses.

- b) Unless more restrictive setbacks are specified in Provincial legislation or policy, setbacks from municipal sanitary sewage disposal facilities are detailed in **Table E** and shall be measured from the footprint of the facility with a reasonable future expansion considered.

Table E: Setbacks from Components of Municipal Sewage System	
Facility	Minimum Setback
Non-residential uses adjacent to municipal sewage treatment plant	150 metres
Residential uses adjacent to municipal sewage treatment plant	200 metres
All uses from waste stabilization pond	400 metres
All uses from hauled sewage lagoon	400 metres

- c) Where a change in land use is proposed adjacent to any municipal sanitary sewage disposal facility the onus shall be on the proponent to demonstrate that the use is not sensitive to odour. Where necessary, separation distances and other mitigative measures, potentially including warning clauses registered on title, shall be required to adequately address any compatibility concerns.

## **L1.7 ALL OTHER MUNICIPAL INTAKES, WELLS AND OUTFALLS**

**Development** within 1,000 metres (3,280.8 feet) of a municipal water supply intake, well or municipal sanitary sewage outfall shown on Appendix D is not permitted unless the District of Muskoka is satisfied that the proposal will have no detrimental impact on sourced water, or the municipal servicing system, or human health and safety. Where necessary, the proponent shall provide sufficient data to demonstrate no impact.

## **L2 SCENIC RESOURCES**

- a) Muskoka Lakes’ scenic beauty is one of the major foundations of its attraction for

residents, cottagers, and tourists alike, and is closely tied to its continuing economic health. In recognition of this importance, the identification of landscapes of outstanding scenic value has been included as part of the Muskoka Heritage Areas Program (Muskoka Scenic Evaluation 1992).

- b) There are numerous scenic vistas and areas throughout the Township which contribute to the natural character of the Township. These scenic areas are not identified on the schedules or appendices to this Plan; however; Scenic Corridors are shown on Schedule A and Appendix G. Both scenic areas and scenic corridors are considered as cultural landscapes. These areas include significant cliffs and rock faces, waterfalls, rapids, landmark buildings, open countryside of fields and woodlot landscapes and vistas of the undeveloped landscape.
- c) Scenic Areas will be identified by the Township through a future Official Plan Amendment and such areas are expected to be areas that provide a view of outstanding natural features or cultural landscapes of the Township. The predominant use of land in these areas shall be restricted to uses that do not block or detract from the view. Where buildings are constructed in the area they shall be sited, buffered and designed so as to have the least impact or disruption of the visual character of the area. **Development** in Scenic Areas shall be subject to Site Plan Control (or a Community Planning Permit agreement, if applicable).
- d) Scenic Corridors are scenic roadway routes through the Township that add to the attraction of the area as a tourist destination. **Development** along these routes shall be situated and setback to minimize the visual impact of the development along the route. Larger lot frontages shall be required for new lots. Buildings and structures shall be appropriately designed and situated to blend with the natural environments and vegetative buffers shall be required.
- e) **Development** shall be located and designed so as to protect the character and prominence of Scenic Areas and Scenic Corridors. Where **development** is proposed in such areas, consideration shall be given to the dedication or acquisition of such lands or conservation easements for the purposes of conservation, public access, trails, and/or portages. Signs, and other visual intrusions such as telecommunication towers and hydro-electric infrastructure shall be discouraged.

## L3 CULTURAL HERITAGE RESOURCES

### L3.1 TYPES OF CULTURAL HERITAGE RESOURCES

The cultural heritage resources of the Township generally include:

- a) **Built heritage resources** which means one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community;
- b) **Cultural heritage landscapes** are a defined geographical area of heritage significance that has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or part; and,
- c) **Archaeological resources** such as artifacts, archeological sites, and marine archeological sites.

### L3.2 OBJECTIVES

It is the objective of this Plan that the Township participate in the conservation of cultural heritage resources by:

- a) Preserving and building upon the cultural heritage and traditions of the Township;
- b) Conserving and mitigating impacts to all **protected heritage properties, significant cultural heritage landscapes** and **significant archaeological resources** when undertaking public works; and,
- c) Respecting the heritage resources recognized or designated by federal and provincial agencies.

### L3.3 BUILT HERITAGE

#### L3.3.1 EVALUATION CRITERIA

- a) Evaluation criteria for assessing the heritage significance of Cultural Heritage Resources shall be developed by the Township in consultation with the heritage

advisory committee. Heritage significance refers to the aesthetic, historic, scientific, cultural, social or spiritual importance or significance of a resource for past, present or future generations.

- b) The significance of a cultural heritage resource is embodied in its **heritage attributes** and other character defining elements including: materials, forms, location, spatial configurations, uses and cultural associations or meanings. The identification and evaluation of Cultural Heritage Resources shall be based on the criteria outlined in Ontario Regulation 9/06 issued under the Ontario Heritage Act and shall include one or more of the following core values:
  - i) Aesthetic, design or physical value;
  - ii) Historical or associative value; and/or
  - iii) Contextual value.
- c) Once a property has been designated by by-law in accordance with the Ontario Heritage Act, it is then considered to be a **protected heritage property** as defined by this Plan.

### **L3.3.2 REGISTER OF CULTURAL HERITAGE RESOURCES**

- a) The Township shall compile a Register of Cultural Heritage Resources that includes designated heritage resources and may also include those listed as being of significant cultural heritage value or interest including **built heritage resources, cultural heritage landscapes**, heritage conservation districts, areas with cultural heritage character and heritage cemeteries.
- b) Heritage resources identified through this inventory and study process, in consultation with the heritage advisory committee, may be designated in accordance with Part IV or Part V of the Ontario Heritage Act to help ensure effective protection, maintenance, conservation and restoration.
- c) Properties identified on the Heritage Register shall be **conserved** and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time.
- d) The Township may require the listing or designation of lands under the Heritage Act as a condition of development approval.

### L3.3.3 CONSERVING HERITAGE RESOURCES

- a) **Significant built heritage resources** and **significant cultural heritage landscapes** shall be **conserved**.
- b) The Township shall not permit **development** or **site alteration** on **adjacent lands** to a **protected heritage property** except where the proposed **development** or **site alteration** has been evaluated and it has been demonstrated that the **heritage attributes** of the **protected heritage property** shall be **conserved**.
- c) Adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted by the Official Plan land use designation, consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.
- d) Heritage resources shall be protected and **conserved** in accordance with best available cultural resource management protocols including, but not limited to the Standards and Guidelines for the Conservation of Historic Places in Canada and the Ministry of Culture’s Eight Guiding Principles in the Conservation of Built Heritage Properties.
- e) **Development** applications in areas where buildings and sites are listed as worthy of conservation under the Ontario Heritage Act shall be circulated to the heritage advisory committee for review and comment.
- f) The Township may request the owner of any property listed as worthy of conservation to consent to designation under the Ontario Heritage Act as a condition of Official Plan Amendment, rezoning, or Site Plan Approval (or a Community Planning Permit agreement, if applicable).
- g) Commemoration of lost historical sites is encouraged whenever a new **development, redevelopment**, or public work is undertaken in the vicinity of historical sites. This shall include sites where historical events occurred, important buildings or landscape features have disappeared, or where cultural activities have taken place. Interpretation of existing properties on the Heritage Register is also encouraged.
- h) In the event that demolition, salvage, dismantling, relocation, or irrevocable damage to a **built heritage resource** or **cultural heritage landscape** is found to be necessary as determined by Council, thorough archival documentation shall be required to be

undertaken by the proponent and made available to the Township for archival purposes. This documentation shall be prepared by a qualified person and include the following as specified by the Township: architectural measured drawing, land use history, photographs, maps and other available material about the cultural heritage resources in its surrounding context.

### **L3.3.4 HERITAGE IMPACT ASSESSMENTS**

- a) A Heritage Impact Assessment, prepared by a qualified heritage conservation professional, shall be required for any **development** proposal that has the potential to impact a cultural heritage resource to demonstrate that its **heritage attributes** are not adversely affected.
- b) The scope of the mitigation measures and/or alternative development approaches shall be required as part of the approval conditions to ameliorate any potential adverse impacts that may be caused to the cultural heritage resource and its **heritage attributes**.
- c) A Heritage Impact Assessment may be required for any proposed alteration work or **development** activities involving or adjacent to heritage resources to ensure that there will be no adverse impacts caused to the resources and their **heritage attributes**. Mitigation measures shall be imposed as a condition of approval of such applications.
- d) Where **development** or **redevelopment** takes place, the Township may require developers, through subdivision and/or site plan agreements (or a Community Planning Permit agreement, if applicable), to incorporate listed heritage buildings or sites. All options for on-site retention of designated heritage properties shall be exhausted prior to consideration being given to relocation. The following alternatives shall be given due consideration in order of priority:
  - i) On-site retention in the original use and integration with the surrounding or new development;
  - ii) On-site retention in an adaptive re-use;
  - iii) Relocation to another site within the same development;
  - iv) Relocation to another sympathetic site within the Township.

- e) Site plan control (or a Community Planning Permit agreement, if applicable), shall be utilized by the Township to ensure that conceptual design and massing of development or redevelopment projects are compatible with adjacent listed heritage buildings and/or sites.

### **L3.4 CULTURAL HERITAGE LANDSCAPES**

- a) The Township shall identify and maintain an inventory of **cultural heritage landscapes** as part of the Township's Register of Cultural Heritage Resources to ensure that they are accorded with the same attention and protection as the other types of cultural heritage resources.
- b) **Significant cultural heritage landscapes** may be designated under either Part IV or Part V of the Ontario Heritage Act, as appropriate.
- c) Owing to the spatial characteristics of some **cultural heritage landscapes** that may span across several geographical and political jurisdictions, the Township shall cooperate with neighbouring municipalities, other levels of government and the private sector in managing and conserving these resources.

### **L3.5 HERITAGE CEMETERIES**

- a) All cemeteries of cultural heritage significance may be designated under Part IV or V of the Ontario Heritage Act, including vegetation and landscape of historic, aesthetic and contextual values to ensure effective protection and preservation.
- b) The Township shall restore and maintain all Township-owned heritage cemeteries and encourage owners of private heritage cemeteries to maintain and improve their properties.
- c) Standards and design guidelines for heritage cemetery preservation shall be developed including the design of appropriate fencing, signage and commemorative plaquing.
- d) The heritage integrity of cemeteries shall be given careful consideration at all times. Impacts and encroachments shall be assessed and mitigated and relocation of human remains shall be avoided.
- e) Archaeological and Heritage Impact Assessments, prepared by qualified heritage conservation professionals, shall be required for land use planning activities and

**development** proposals on lands adjacent to cemeteries. Appropriate mitigation measures may include permanent “no disturbance” buffer zones, appropriate fencing and/or alternative development approaches, as well as temporary protection measures during construction and other activities, as part of the approval conditions to ameliorate any potential adverse impacts that may be caused.

### **L3.6 HERITAGE CONSERVATION DISTRICTS**

The general principles and process for the administration of a Heritage Conservation District shall be outlined in a Heritage Conservation District Plan. Such a Heritage Conservation District Plan shall:

- a) Delineate boundaries of the designated area and reasons for the designation;
- b) List cultural heritage resources;
- c) Prescribe policies, conservation and design guidelines, and other pertinent material relating to the sound and prudent management of the district's unique character;
- d) Be adopted by the Council after consultation with affected property owners and other interested agencies as considered appropriate; and,
- e) Be administered by municipal review of heritage permit applications for changes and alterations to individual buildings and structures within the designated district.

### **L3.7 ARCHAEOLOGICAL RESOURCES**

#### **L3.7.1 SIGNIFICANT ARCHAEOLOGICAL RESOURCES**

The Township shall generally require archaeological assessments and the preservation or excavation of **significant archaeological resources** in accordance with Provincial requirements and in accordance with the following policies:

- a) A review of the location and significance of **archaeological resources** shall be undertaken when major **development** is proposed within areas identified as “moderate, high, very high or specific” **areas of archaeological potential** or where a known archaeological site has been identified on or adjacent to the subject lands or waterway. Lands that are considered as "moderate to high or high to very high" **areas of archaeological potential** are shown on Appendix H to this Plan. **Areas of**

**archaeological potential** or known sites are not shown due to the sensitivity of this information with respect to the location of **significant archaeological resources**.

- b) The requirement for an archaeological assessment may be waived for **redevelopment** where a site has been substantially disturbed.
- c) Archaeological assessment reports are to be conducted by licensed archaeologists and are to be in compliance with guidelines set out by the Provincial Ministry with jurisdiction, as well as licensing requirements referenced under the Ontario Heritage Act.
- d) The Township views the preservation of archaeological sites in an intact condition as the preferred means for the mitigation of impacts to archaeological sites. Archaeological excavation as a means for the mitigation of impacts shall only be considered when it is demonstrated that preservation is not possible.
- e) Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the Ontario Heritage Act.
- f) Prior to approval of **development** or **site alteration** on lands containing **significant archaeological resources**, a plan for the protection and/or management of these resources shall be developed, in cooperation with the Township in accordance with Provincial legislation and guidelines.
- g) The Township may conserve the integrity of **archaeological resources** by adopting Zoning/Community Planning Permit By-laws under the Planning Act, to prohibit land uses on sites where an identified **significant archaeological resource** or an **area of archaeological potential** exists and/or may acquire such sites as part of the **development** process.
- h) The Township may acquire archaeological sites for their long-term protection as a condition of development, or through other means as appropriate.

### **L3.7.2 MARINE ARCHAEOLOGICAL RESOURCES**

- a) The Township shall, prior to approving a **development** proposal where there is high archaeological potential for marine archaeological resources, with information on this potential being sourced from the Province, require a marine archaeological survey to be conducted by a licensed marine archaeologist to the satisfaction of the

approval authority and the Provincial Ministry with jurisdiction, pursuant to the Ontario Heritage Act.

- b) Any marine archaeological resource that is identified shall be reported to the Provincial Ministry with jurisdiction immediately. The Ministry shall determine whether the resource shall be left in situ or may be removed, through excavation, by licensed marine archaeologists under the direction of the Provincial Ministry with jurisdiction.
- c) In considering applications for major waterfront development with a substantial potential of disturbing marine archaeological resources, the Township shall ensure that cultural heritage resources both on shore and in the water are not adversely affected. In this regard, the Township shall require satisfactory assessments and/or measures to mitigate any negative impacts on significant cultural heritage resources.

### **L3.8 CONSULTATION WITH INDIGENOUS COMMUNITIES**

In the spirit of reconciliation, the Township wishes to acknowledge the enduring the relationship between Indigenous Peoples and the territories they traditionally occupied. The Township recognizes and deeply appreciates the historic connection they have to this place - both the land and the water. In this regard, the Township commits to learn, to educate, to honour sacred places and to take actions toward real Truth and Reconciliation that will be reflected in the Township's consultation practices. In this regard, the following shall apply:

- a) The Township shall work to ensure that consultation with the appropriate indigenous community(ies) occurs as appropriate and as required for applications and decisions made under the Planning Act and the Condominium Act and in accordance with protocols established by Indigenous groups.
- b) The Township shall ensure that all of the following policies are implemented as part of the land use planning process prior to decisions are made so that the appropriate indigenous community(ies):
  - i) Receive Notice and be circulated on any comprehensive update to this Official Plan undertaken as per the Planning Act or any new Official Plan document created under the Planning Act;

- ii) Are consulted on any proposed **developments** where areas of indigenous community interest and/or Native Values and/or the potential for aboriginal artifacts to be encountered have been identified;
  - iii) Are consulted prior to the Township's adoption of a site specific Official Plan Amendment where a Stage 2 Archaeological Assessment has shown the potential for indigenous community artifacts to be encountered;
  - iv) Are notified of burial sites or remains considered to be of potential indigenous community origin discovered through the **development** process;
  - v) Are consulted on any archaeological studies related to proposed **developments** where areas of interest by indigenous communities have been identified; and
  - vi) Are consulted and provided the opportunity for input on any Stage 2 Archaeological Assessment Report that indicates areas of historical interest or presence of important historical artifacts.
- c) To further implement the above policies, the Township shall work with the District of Muskoka, other Area Municipalities and individual Indigenous communities on the development of consultation protocols.

### **L3.9 MUNICIPAL PUBLIC WORKS AND HERITAGE CONSERVATION**

- a) The Township shall make every effort to conserve and protect known cultural heritage resources and **areas of archaeological potential** when undertaking municipal public works, such as roads, bridges and other **infrastructure** projects, carried out under the Municipal class Environmental Assessment (EA) process.
- b) The Township shall require heritage impact assessments and/or archaeological assessments, along with satisfactory measures to mitigate any negative impacts affecting identified cultural heritage resources.
- c) The Township encourages utility companies to place equipment and devices in locations that do not detract from the visual character of cultural heritage resources and do not have a negative impact on the cultural integrity of those resources.

### L3.10 ACCESSIBILITY AND HERITAGE CONSERVATION

- a) In attaining its goal for establishing a barrier-free environment to municipally owned property, the Township shall endeavor to provide access solutions in a manner that respects the cultural heritage value or interest of a **protected heritage property**.
- b) The Township recognizes that standardized designs may not always suffice and that each heritage property will require unique accessibility plans to ensure that alterations do not adversely affect the **heritage attributes**.

## L4 NATURAL AND HUMAN-MADE HAZARDS

### L4.1 OBJECTIVES

It is the objective of this Plan to:

- a) Minimize potential costs, social disruption, and risks to public health from natural and human-made hazards;
- b) Ensure that the potential impacts of climate change are considered as it relates to increasing the risk associated with natural hazards; and
- c) Ensure that **development** is directed away from natural hazards where there is an unacceptable risk to public health or safety or of property damage and not create or aggravate existing hazards.

### L4.2 NATURAL HAZARDS

#### L4.2.1 WHERE DEVELOPMENT SHALL GENERALLY BE DIRECTED

Development shall generally be directed to areas outside of:

- a) **Hazardous lands** adjacent to **river, stream and small inland lake systems** which are impacted by **flooding hazards** and/or **erosion hazards**, ice related damage, or areas at risk for wildland fire; and,
- b) **Hazardous sites**.

#### L4.2.2 DESCRIPTION OF HAZARDOUS LANDS

- a) **Hazardous lands** are lands that could be unsafe for development due to naturally

occurring processes.

- b) Along **river, stream and small inland lake systems**, this means the land, including that covered by water, to the furthest landward limit of the **flooding hazard** or **erosion hazard** limits. For the purposes of this policy, all of the lakes in the Township are considered to be small inland lake systems.

#### **L4.2.3 DESCRIPTION OF HAZARDOUS SITES**

A **hazardous site** is property or lands that could be unsafe for **development** and **site alteration** due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils).

#### **L4.2.4 DEVELOPMENT AND SITE ALTERATION**

- a) **Development** or **site alteration** shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of **flooding hazards** and/or **erosion hazards**, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and a **floodway** regardless of whether the area of inundation contains high points of land not subject to flooding.
- b) Notwithstanding sub-section a), **development** or **site alteration** may be permitted in certain areas associated with the **flooding hazard** along **river, stream and small inland lake systems**:
  - i) In those exceptional situations where a **Special Policy Area** has been approved. The designation of a **Special Policy Area**, and any change or modification to the official plan policies, land use designations or boundaries applying to **Special Policy Area** lands, must be approved by the Ministers of the Provincial Ministries with jurisdiction prior to the approval authority approving such changes or modifications;
  - ii) Where the development is limited to uses that by their nature must locate within the **floodway**, including docks and boathouses, flood and/or erosion control works or minor additions or passive non-structural uses that do not affect flood flows. New **individual on-site sewage services, individual on-site water services, private communal sewage services** or **private communal water services** shall

not be permitted in the **floodway**;

- iii) Where a two-zone concept is applied, **development** or **site alteration** may be permitted in the **flood fringe**, subject to appropriate floodproofing to the **flooding hazard** elevation or another **flooding hazard** standard approved by the Provincial Ministry with jurisdiction;
- iv) Where development is permitted in areas where the effects and risk to public safety are minor and could be mitigated in accordance with provincial standards, the following criteria shall be demonstrated:
  - 1. Development or **site alteration** are carried out in accordance with flood proofing, protection works and access standards;
  - 2. Safe entrance and egress are available during times of flooding or other emergencies;
  - 3. New hazards are not created nor existing hazards compounded; and
  - 4. No adverse environmental impacts would result.

#### **L4.2.5 USE PROHIBITIONS**

**Development** shall not be permitted to locate in **hazardous lands** and **hazardous sites** where the use is:

- a) An **institutional use** including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) An **essential emergency service** such as that provided by fire, police and ambulance stations and electrical substations; or
- c) Uses associated with the disposal, manufacture, treatment or storage of **hazardous substances**.

#### **L4.2.6 WILDLAND FIRES**

- a) **Development** shall generally be directed to areas outside of lands that are unsafe for **development** due to the presence of **hazardous forest types for wildland fire**.
- b) **Development** may be permitted in lands with **hazardous forests types for wildland**

**fire** where the risk is mitigated in accordance with **wildland fire assessment and mitigation standards** and that mitigation does not adversely impact **natural heritage features and areas** or **ecological functions**.

- c) The Township may request an assessment undertaken by a qualified professional during the appropriate time of year and using accepted protocols to determine the wildland fire risk and required mitigation measures where **development** is proposed in areas identified as Extreme, High and Needs Evaluation identified on Appendix D to the Muskoka Official Plan or in other areas where the potential for wildland fire risk is unknown or has been identified through other documentation and/or site inspection.

## L4.3 HUMAN-MADE HAZARDS

### L4.3.1 PROHIBITION ON NEW DEVELOPMENT

- a) **Development** on, abutting or adjacent to lands affected by **mine hazards**, former **mineral mining operations**, or former **mineral aggregate operations** may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.
- b) The Township shall consult with and circulate the Provincial Ministries with jurisdiction for **development** applications within one kilometre of former **mineral mining operations** (i.e. abandoned mines) as shown on Schedule E1 to the Muskoka Official Plan. The Township shall utilize information made available by the Province and other sources to determine if human-made hazards are present on or adjacent to **development** applications.
- c) As new information becomes available, updated mapping provided by the Province shall be relied upon to assist in determining the locations of human-made hazards.

### L4.3.2 CONTAMINANTS IN LAND OR WATER

Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no **adverse effects**.

### **L4.3.3 CONTAMINATED LANDS**

The **development** or **redevelopment** of potentially contaminated sites, including **brownfield sites**, shall be assessed and remediated in a manner consistent with the Environmental Protection Act and relevant regulations, and the relevant Provincial Ministry with jurisdiction's guidelines and procedures.

### **L4.3.4 DEVELOPMENT ADJACENT TO EXISTING OPERATING OR NON-OPERATING WASTE DISPOSAL SITES**

- a) Existing operating and identified non-operating waste disposal sites are shown on Appendix C of the Muskoka Official Plan. The District of Muskoka, the Township and relevant stakeholders, including Provincial ministries as necessary, shall work collaboratively in identifying an inventory of non-operating waste disposal sites for the purposes of implementing this policy.
- b) No new development shall be permitted within 30 metres (98.4 feet) of an operating or identified non-operating waste disposal site. This setback may be reduced to 20 metres (65.6 feet) where it has been demonstrated that landfill-generated gases are the only potential off-site impact to adjacent lands.
- c) The development of new uses or new or enlarged buildings or structures within 500 metres (1,640.2 feet) or other potential influence area distance as determined by the Province, District and/or the Township to existing operating and identified non-operating waste disposal sites may be permitted, provided an assessment is completed to determine:
  - i) Whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors from the adjacent land use;
  - ii) Whether human health will be adversely affected by ground and surface water contamination or gas migration; and
  - iii) That there are no other environmental or human health and safety issues associated with the site that would make the lands unsuitable for development.
- d) While an assessment shall be required for all new development or land use changes within a potential influence area to evaluate the presence and impact of any **adverse effects** or risks to health and safety and to identify any mitigation or

remedial measures required, there are some situations where an assessment may not be required or could be scoped through consultation with the Provincial Ministry with jurisdiction the District and/or the Township.

- e) The assessment required in sub-section c) is intended to address these matters and other items outlined in the applicable Provincial guideline.
- f) No use shall be made of land or land covered by water that has been used for the disposal of waste within a period of twenty-five years from the year that such land ceased to be used for such purposes unless the approval of the Provincial Ministry with jurisdiction has been granted.

## **L5 FORESTRY**

- a) The Township encourages the Provincial Ministry with jurisdiction to develop and promote reforestation programs to ensure the continued long term production of wood fibre, while achieving environmental goals such as erosion control, land reclamation, habitat protection, climate change mitigation and resiliency and water recharge.
- b) Landowners are encouraged to recognize the importance and value of forest resources as a source of wood and non-wood products as well as for their **wildlife habitat, recreation**, aesthetic, carbon sequestration, environmental and intrinsic values. In this regard, landowners are encouraged to:
  - i) Manage forest resources in accordance with proper forest management practices in consultation with the Provincial Ministry with jurisdiction as appropriate;
  - ii) Manage forest resources for their potential for carbon sequestration with economic value;
  - iii) Retain existing tree cover and large tracts of un-fragmented forested land;
  - iv) Maintain and establish tree and shrub cover as appropriate, and in hazardous areas such as steep slopes, major drainage swales, shorelines and flood prone areas, in order to reduce runoff rates and minimize soil erosion;
  - v) Retain and establish windbreaks to reduce wind erosion and reduce energy consumption in rural buildings;

- vi) Reforest unproductive cleared **rural lands** as appropriate using species native to Muskoka;
- vii) Efficiently harvest and use trees that must be removed to accommodate the placement of buildings, structures and roads;
- viii) Consider the selection of species that will be appropriate for climate pattern changes resulting from climate change; and
- ix) Monitor and take action to eradicate or prevent the spread of invasive species through programs offered through the various levels of government and other agencies.

## **L6 TOWNSHIP ROADS AND ACTIVE TRANSPORTATION**

This section applies to Township roads and the local active transportation network. Policies on District roads are included in the Muskoka Official Plan.

### **L6.1 OBJECTIVES**

It is the objective of this Plan to:

- a) Ensure that Township roads continue to be effective corridors for the movement of people and goods in and throughout the Township;
- b) Promote cycling and walking as energy efficient, affordable and accessible forms of travel;
- c) Ensure that appropriate right-of-way widths for all existing and proposed Township roads are provided in accordance with the Planning Act;
- d) Ensure that the number of entrances onto the Township road system are kept to a minimum and that only those entrances that comply with standards established by the Township are permitted;
- e) Encourage the use of alternative development standards for roads, where appropriate;
- f) Encourage the development of a walking and cycling trail system that is accessible to

the public utilizing trails, paths, streets and other public open spaces;

- g) Support the protection of existing rail lines, promote and protect local rail heritage, and encourage the protection of abandoned railway rights-of-way for public uses such as trails and cycling paths; and,
- h) Encourage the establishment of complete streets to plan, design, and maintain streets so they are safe for all users of all ages and abilities and accommodate all anticipated users, including pedestrians, cyclists and motorists.

## **L6.2 RIGHT-OF-WAY WIDTHS AND ROAD WIDENINGS**

- a) The minimum right-of-way width for all Township roads is 20 metres (65.6 feet).
- b) The right-of-way width for any public road may allow for the placement of travel lanes, turning lanes, utilities, **infrastructure**, sidewalks, paths, bicycle lanes, medians, streetscaping and landscaped boulevards, where appropriate.
- c) The Township may, without the need for an amendment to the Official Plan, require the dedication of lands to be used for daylight triangles, to provide sufficient sight distances and turning lanes to provide safe and appropriate access where major traffic generators intersect.
- d) Where additional land is required for intersection improvements, such land shall be dedicated wherever possible, in the course of approving plans of subdivision or condominium, consents or site plan agreements (or a Community Planning Permit agreement, if applicable), without amendment to this Plan.
- e) As a condition of a **development** approval, land for road widenings shall be conveyed at no expense to the Township in accordance with the provisions of the Planning Act. As a general principle, required road widenings shall be taken equally from both sides of the right-of-way. Unequal road widenings may be considered where:
  - i) The area is the site of a topographic feature which is difficult to overcome or costly to develop for road purposes; and/or,
  - ii) The location of an identified cultural heritage resource limits design options; and/or,

- iii) The presence of a **natural heritage feature and area** limits design options; and/or,
- iv) The location of mature trees contributes to the character of an area.
- f) Notwithstanding the policies set out in this Plan, the Township recognizes that the reconstruction of roads to approved minimum standards in some existing developed areas may not be appropriate from:
  - i) A right-of-way acquisition; or
  - ii) Community design perspective, or
  - iii) Economically or physically feasible.
- g) Any attempt to reconstruct such roads to minimize deficiencies shall only be undertaken after a study to determine a right-of-way which will result in a streetscape which minimizes impacts on abutting properties and is appropriate to the character of the area, while serving anticipated traffic volumes. No amendment to the Plan shall be required to implement such a modification to the right-of-way.

### **L6.3 TOWNSHIP ROAD DESIGN STANDARDS**

- a) Development adjacent to or impacting on Township Roads is subject to the Township roads policies and entrance standards.
- b) No **development** or **redevelopment** of lands shall be approved in close proximity to a Township Road that is scheduled for improvement until this improvement has been sufficiently designed to determine the land required for such improvement.
- c) The use of continuous streets is encouraged and the number of cul-de-sacs should be limited where the land can be effectively serviced by the continued extension of the road system.

### **L6.4 PEDESTRIAN AND CYCLING ROUTES AND FACILITIES**

- a) In order to plan for and encourage walking and cycling throughout the Township, it is the objective of the Township to:
  - i) Consider the provision of safe and convenient walking routes, cycling routes and bicycle parking in the review of all **development** applications;

- ii) Require that parking for bicycles be provided in highly visible and lighted areas;
  - iii) Require the provision of sidewalks in the Urban Centres and Community Areas where appropriate;
  - iv) Investigate and provide for bicycle lanes wherever possible in the construction or reconstruction of roads and bridges;
  - v) Sidewalks or equivalent pathways, where provided shall be designed and constructed to be barrier-free for all people regardless of ability, consistent with the Accessibility for Ontarians With Disabilities Act;
  - vi) Ensure that lands for bicycle/pedestrian paths are included with the land requirements for roads;
  - vii) Ensure that the rights and privacy of adjacent property owners are factored into the design process for pedestrian and cycling routes; and,
  - viii) Ensure that all pedestrian and cycling routes are designed to meet or exceed Regional and/or industry design standards.
- b) The Township shall develop an Active Transportation Plan that aims to identify ways to connect the Township's existing trails with key destinations and provide opportunities for multiple modes of travel on Township roads.

## **L6.5 TRAILS**

The Township recognizes that the establishment of trail systems, in addition to conservation lands, parkland and other open space areas greatly enhance the quality of life for residents of the Township. On this basis, the Township supports and encourages the:

- a) The establishment of trails that are aesthetically pleasing, multi-purpose, multi-season and which appeal to all ages and skill levels;
- b) The formation of partnerships with the public, non-profit and/or private sectors in the provision and operation of trails, where a benefit to a community can be achieved; and,
- c) The acquisition of lands that can be used for Township-wide and local trails systems wherever possible.

## **L6.6 ROAD ACCESS**

- a) Lot creation and development shall be accessed by a publicly owned and year round publicly maintained road, unless permitted by this section of the Plan.
- b) In no case shall the division of land result in land becoming land locked or unusable.

### **L6.6.1 ROAD ACCESS WITHIN WATERFRONT AREA DESIGNATION**

- a) Lot creation and development may be considered for proposals with the following access provisions within the Waterfront Area designation and where the requirements of Section L6.6.2 are fulfilled through the site plan control process (or a Community Planning Permit agreement, if applicable), to the satisfaction of the Township:
  - i) A maintained public road;
  - ii) 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;
  - iii) 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,
  - iv) On islands or mainland areas where water access only is available provided that adequate long term parking and docking facilities in close proximity to the subject lot(s) are secured to the satisfaction of the Township in accordance with Section E4.4.4 of this Plan, if a new lot is proposed.
- b) Notwithstanding sub-section a) i), ii) and iii) the creation of private roads in a Plan of Condominium is permitted.

### **L6.6.2 LOT CREATION AND DEVELOPMENT REQUIREMENTS**

The following criteria must be satisfied before lot creation and development may occur in accordance with L6.6.1 subsections i) through iv) above:

- a) The use on the lot must be permitted by the implementing Zoning By-law or Community Planning Permit By-law;

- b) The lot and all buildings and structures on the lot shall comply with the implementing Zoning By-law or Community Planning Permit By-law;
- c) The appropriate approvals are obtained for sewage disposal and a potable water supply is available;
- d) The division of land shall not result in land becoming land locked or unusable;
- e) The property owner, at their own expense, enters into a Site Plan Agreement (or a Community Planning Permit agreement, if applicable), with the Township that indicates that:
  - i) The owner acknowledges and agrees that the lot in question does not front on an improved public road;
  - ii) The owner acknowledges and agrees that the Township does not or is not required to maintain or snowplow the said road or street;
  - iii) The owner acknowledges and agrees that the Township will not take over or assume an unopened, unassumed or private road or street as a Township public road or street unless it has been built according to municipal standards then in force;
  - iv) The owner acknowledges and agrees that the Township is not liable for any injuries, losses or damages as a consequence of the Township issuing a building permit; and,
  - v) The Site Plan Agreement (or a Community Planning Permit agreement, if applicable), shall, at the expense of the owner, be registered against the lands.

### **L6.6.3 ROAD ACCESS OUTSIDE OF WATERFRONT AREA DESIGNATION**

- a) The creation of new lots and the use of existing lots that do not have frontage on a publicly owned and year round publicly maintained road are permitted for conservation uses, resource based uses or hunt camps and minor buildings associated with these uses.
- b) If development and/or construction in accordance with sub-section a) occurs, there is no obligation on the part of the Township to extend Township roads and/or

maintain roads that are currently not maintained to access the use.

#### **L6.6.4 ASSUMPTION OF PRIVATE ROADS**

The Township discourages the assumption of private roads for public road purposes. However, if Township Council deems it advisable to assume any private road or portion thereof, particularly in an Urban Centre, the following conditions shall apply to such assumption:

- a) **Conduct Survey** - The Township may require the subject lands to be surveyed by a registered Ontario Land Surveyor. The Surveyor shall prepare a plan, suitable for registration, showing the land to be acquired for public road purposes. The advice of a Professional Engineer may be required to verify that a public road, acceptable to current municipal standards, can be provided on the lands to be acquired. A minimum right-of-way width of 20 metres (65.6 feet) shall normally be required.
- b) **Obtain Title** - The Municipality shall be granted title, free and clear of all encumbrances to the satisfaction of the Municipal Solicitor, to those lands required for public road purposes as shown on the survey plan. If any affected landowner refuses to grant such title, the Township may refuse to assume the private road.
- c) **Recover Cost of Improvements** - If any reconstruction or other improvements to a private road are required to permit said road to be acquired by the Township, the Township shall obtain appropriate agreements wherein the affected landowners agree to reimburse the Township for the costs of the improvement. Alternatively, where a number of landowners are involved, the Township may proceed by way of local improvement by-laws.

#### **L6.7 OPENING AND ASSUMPTION OF PUBLIC ROAD ALLOWANCES**

- a) If the Township deems it advisable to open and improve any portion of a road allowance to permit its use for motor vehicle traffic, the following conditions shall apply:
  - i) **Payment for Improvements** - The Township may obtain appropriate agreements from owners having lands abutting that portion of the road allowance to be improved wherein the affected landowners may be required to carry out, at their

sole expense, all improvements on the road allowance required to provide a road which is acceptable to the Township. Such agreements may also require the affected landowners to post financial securities to ensure the proper and timely completion of the work. The Township may utilize local improvement by-laws instead of agreements if a number of landowners are involved.

- ii) Enact By-laws - Once all necessary improvements have been accepted by the Township, Township Council shall enact the necessary by-law to open the newly improved portion of the road allowance for public vehicular traffic.
- b) Nothing in this section shall limit the ability of the Township to open, improve or maintain any roadway as part of its capital works program(s).

## **L6.8 ORIGINAL SHORE ROAD ALLOWANCES AND ROAD ALLOWANCES THAT LEAD TO THE WATER**

The closure and conveyance of original road allowances that lead to the water is not permitted in accordance with policies established by Council. The closure and conveyance of original shore road allowances may be permitted subject to policies established by Council.

## **L6.9 BRACEBRIDGE NORTH TRANSPORTATION CORRIDOR**

The Bracebridge North Transportation Corridor is a future District Road that will be partly located in the Township. The future road corridor is shown on Schedule A. The Township shall prevent **development** within this corridor in order to protect the lands for a future right of way.

## **L7 HOUSING**

### **L7.1 ATTAINABLE HOUSING**

- a) Attainable housing is defined as:
  - i) Adequate in condition, requiring no major repairs;
  - ii) Appropriate in size for the makeup of the household;

- iii) Affordable as defined in the Provincial Policy Statement, by the Canada Mortgage and Housing Corporation (CMHC), and/or through District of Muskoka **affordable** housing programs; and
  - iv) Accessible both physically for the individuals living in the house and located in areas where common services, amenities, transportation, and employment opportunities are available.
- b) As part of ensuring attainable housing is available, the Township supports the provision of housing which is **affordable to low and moderate-income households**. In this regard, the overall target is 25% of new residential dwelling units to be attainable as defined in this Plan. This target is intended to apply on aggregate across the Township, but not necessarily to each individual site-specific **development** proposal. Though attainable housing is encouraged in all land use designations, Urban Centres and Community Areas provide the most appropriate locations to meet the criteria of attainability listed above.
- c) Creative and innovative approaches to the provision of attainable housing may also be considered, including alternative development standards and forms of housing, provided that other objectives of this Plan can be achieved. In this regard, alternative development standards may include reduced minimum lot frontage requirements, higher permitted lot coverage, lower minimum landscaped area, reduced parking standards and others.
- d) The Township, when implementing this Plan through an update of the implementing Zoning By-law or preparation of a Community Planning Permit By-law, shall identify the standards that may be impediments to the development of attainable housing and make a determination on whether they should be changed to support more attainable housing. Standards to be reviewed, amongst others, include minimum lot frontage, minimum setbacks from lot lines, maximum lot coverage, minimum landscaped area, minimum gross floor area and required parking.
- e) Lands within the Urban Centres shall be pre-zoned to permit **intensification** and infill where appropriate and priority **intensification** areas shall be identified.
- f) Surplus Township-owned land and/or buildings should be considered for the provision of housing required to meet the social, health and well-being requirements

of current and future residents, including attainable housing.

## **L7.2 DEVELOPMENT FORM IN DESIGNATED GROWTH AREAS**

- a) The minimum average density target for new **development in designated growth areas** in the Urban Centres shall be 17 units per net hectare (i.e. per hectare of developable land, excluding **natural heritage features and areas, hazardous lands, and infrastructure** such as roads, stormwater management ponds, etc.).
- b) The target in sub-section a) above applies primarily to lands that are not within an existing draft approved or registered plan of subdivision/condominium description. However, as draft approved plans/descriptions are reviewed for possible extension, increases in the average density shall be encouraged in an effort to achieve the target.
- c) In order to provide additional flexibility for new development, consideration shall be given in the implementing Zoning By-law or Community Planning Permit By-law to reducing minimum lot frontage requirements for single-detached and semi-detached dwellings.
- d) The overall housing mix target in the two urban centres is 80% low density, 15% medium density and 5% high density. These targets apply primarily to lands that are outside of an existing draft approved or registered plan of subdivision/condominium description. However, as draft approved plans/descriptions are reviewed for possible extension, diversifying the housing mix shall be encouraged in an effort to achieve the targets.

## **L7.3 ADDITIONAL DWELLING UNITS**

- a) In any land use designation where residential uses are permitted (except the Waterfront Area designation), up to two additional dwelling units may be permitted on a lot that is also the site of a single detached, semi-detached or townhouse dwelling, provided it:
  - i) Meets the relevant requirements of the Township, and the Ontario Building Code and Fire Code;
  - ii) Can be adequately serviced with water and sewage treatment;

- iii) Has a floor area that is less than the floor area of the principal dwelling;
  - iv) Is supported by adequate parking facilities in accordance with the Planning Act which does not permit municipalities to require more than one parking space per additional dwelling unit; and,
  - v) Is not located in a dwelling that is in a **flood plain**, or in an area of the site that is a **hazardous site** and/or **hazardous lands**.
- b) In addition to the above, no more than one additional dwelling unit is permitted in an accessory building. Within the Urban Centres, the Township shall permit up to two additional residential units in the primary dwelling (three units in total) provided an additional residential unit is not located within an accessory building when the implementing Zoning By-law is updated or a Community Planning Permit By-law is prepared.
- c) The implementing Zoning By-law or Community Planning Permit By-law may include regulations for additional dwellings including but not limited to minimum separation from the primary dwelling, maximum height and maximum gross floor area.

## **L7.4 GARDEN SUITES**

- a) A garden suite is a single-unit detached accessory residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be temporary and portable.
- b) With the exception of the Waterfront Area, garden suites may be permitted on the same lot as an existing single detached, semi-detached or townhouse dwelling in any land use designation where such uses are permitted provided adequate **municipal sewage services** and **municipal water services** are available, and if such services are not available, it is demonstrated that adequate **individual on-site sewage services** and **individual on-site water services** are available.
- c) An agreement between the applicant/property owner and the Township may be required, which addresses issues related to installation, maintenance, removal and occupancy and financial securities among other matters.
- d) Garden suites may be permitted on a temporary basis not to exceed 20 years. The time period authorizing the temporary use may be extended by by-law to grant

further periods of not more than three years.

## **L7.5 SPECIAL NEEDS HOUSING**

- a) The Township recognizes the need for **special needs** housing in the community to support a mix of housing that fosters community integration, access to services and amenities, and the well-being of all residents including those with **special needs**.
- b) **Special needs** housing shall be permitted in any land use designation that permits residential uses.

## **L7.6 ROOMING HOUSES**

- a) Small rooming houses utilizing three bedrooms or less shall be permitted in all zones which permit residential dwellings. Notwithstanding the above, small rooming houses are not permitted in the Waterfront Area.
- b) Large rooming houses (exceeding three bedrooms) shall be permitted in all zones in an Urban Centre of Community Area which permit residential dwellings subject to locational criteria detailed in an implementing Zoning By-law or Community Planning Permit By-law consisting of, but not necessarily limited to:
  - i) Maximum gross floor area of 275 square metres (2,960 square feet);
  - ii) Maximum of five bedrooms;
  - iii) Minimum number of parking spaces;
  - iv) Minimum landscaped area; and,
  - v) increased / enhanced setbacks from property lines.
- c) All large rooming houses shall be subject to site plan control (or a Community Planning Permit agreement, if applicable).
- d) A Licensing By-law passed pursuant to the Municipal Act may address safety concerns for neighbours and users of these residences. The matters to be addressed in this licensing By-law include, but are not necessarily limited to:
  - i) Fire;
  - ii) Property Standards;

- iii) Electrical;
- iv) Building Code;
- v) Health;
- vi) Fencing; and
- vii) Regular inspections.

## **L7.7 SIZE OF DWELLINGS**

- a) The minimum size of a dwelling unit shall be as set out in the Ontario Building Code.
- b) The maximum gross floor area of a dwelling in the Township shall be 696 square metres (7,491.7 square feet), unless otherwise specified.

## **L8 HOME BUSINESSES**

- a) Home businesses are permitted in accordance with the following criteria:
  - i) The use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
  - ii) The use is clearly secondary to the primary residential use in terms of floor space utilization and is compatible with surrounding uses;
  - iii) The character of the dwelling as a private residence is preserved;
  - iv) Adequate on-site parking facilities are provided for the use, in addition to the parking required for the principal residential use on the property, and such parking is provided in locations compatible with surrounding land uses;
  - v) The use will not cause a traffic hazard; and,
  - vi) The signage advertising the use is to be designed and located in accordance with the Township's sign by-law.
- b) The Implementing Zoning By-law or Community Planning Permit By-law shall provide further details on the appropriate performance standards for home businesses.

## L9 PROMOTING SUSTAINABLE DEVELOPMENT AND HEALTHY COMMUNITIES

- a) It is the intent of the Township to continuously require that **development** and **redevelopment** be carried out in a manner that furthers the goals and objectives of this Plan, and particularly those that deal with sustainable development and healthy communities.
- b) In addition to the above, the Township shall also consider developing and implementing a range of appropriate mechanisms and tools to promote and facilitate new **development** and **redevelopment** that addresses the sustainability objectives and policies of this Plan.

### L9.1 GENERAL POLICIES

- a) It is the intent of the Township to require that **development** be carried out in a manner that furthers the goals and objectives of this Plan, and particularly those that deal with sustainable development and healthy communities.
- b) On this basis, the Township shall apply the policies of this section to **development** applications.
- c) In addition to the above, the Township shall also consider developing and implementing a range of appropriate mechanisms and tools to promote and facilitate new development that addresses the sustainability objectives and policies of this Plan including but not limited to those outlined in Sections L9.2 to L9.5.
- d) The Township shall review permissions for increased mixing of uses and shared work spaces through an update to the implementing Zoning By-law or through the preparation of a Community Planning Permit By-law.

### L9.2 HEALTH IMPACT ASSESSMENTS

- a) This Plan recognizes that there is a relationship between land use, **infrastructure** and public health that affects the vitality and resilience of the community. Elements such as built form, community design, road and trail networks, open spaces, the public realm, the **natural heritage system** and **infrastructure** shape citizens' physical and psychological well-being.

- b) To support a health promoting, age-friendly community, the Township may require a human Health Impact Assessment in support of **development** applications for larger **developments** that shall address how:
- i) Physical activity and pedestrian mobility are addressed in project designs that are safe and convenient for persons using all modes of travel regardless of age or ability;
  - ii) The potential health impacts or risks of proposals are mitigated and potential benefits are maximized;
  - iii) Access to the natural spaces is maximized;
  - iv) Marginalized or vulnerable parts of the population may be affected differently in comparison to the broader target population;
  - v) Societal and economic risk factors such as income, employment, housing and food security, to name a few, are considered; and,
  - vi) Equitable access to services such as health, transportation and leisure are maximized for all demographic groups.

### **L9.3 PERFORMANCE CHECKLISTS**

- a) The Township shall consider the adoption of a set of performance measures to guide and monitor **development** approvals in accordance with this Plan.
- b) To assist in the implementation of these performance measures, the adoption and use of performance checklists should be considered based on a series of theme areas which may include, but are not limited to, energy use, land use, natural heritage, transportation and active transportation, built form, air quality, **green infrastructure**, community building, cultural resources, materials and waste, and public spaces.
- c) Such performance checklists are intended to:
- i) Connect day-to-day decision making with achievement of the Township's vision;
  - ii) Provide detail on key criteria intended to promote best practice solutions;
  - iii) Challenge stakeholders to provide new and better solutions;

- iv) Create consistency by ensuring that each **development** application is assessed using the same evaluation tool;
- v) Elevate standards through continuous assessment and improvement; and,
- vi) Present a consistent, transparent and clear assessment of how proposals are evaluated, modified and approved.

## **L9.4 GREEN DEVELOPMENT STANDARDS**

Green development standards are intended to recognize the importance of and support sustainable site and building design in both the public and private realms. It is a policy of this Plan to:

- a) Encourage the development of green development standards, in consultation with the development industry, to ensure the sustainability goals and policies of this Plan are addressed through **development** applications;
- b) Encourage all new municipal buildings and projects to meet the minimum standards necessary to satisfy the applicable required elements outlined in the green development standards;
- c) Ensure that green development standards include, but are not limited to, the following:
  - i) Minimum standards for energy efficient building design to achieve reduced energy consumption and demand;
  - ii) Minimum standards for water conservation in all buildings, and landscaping and maintenance;
  - iii) Green building material requirements to promote durability and reduce the heat island effect;
  - iv) Requirements for Dark Sky compliant practices for exterior lighting;
  - v) Requirements for waste reduction, reuse and recycling in the construction process;
  - vi) Requirements for the application of stormwater management at the site level to maximize infiltration , filtration, absorption and detention and reduce

phosphorus loading;

- vii) Recommendations and standards for the installation of on-site **renewable energy systems**, where practicable; and
- viii) Recommendations and standards for the installation of community gardens, edible landscaping and roof top gardens (green roofs).

## **L9.5 SUSTAINABLE DESIGN AND DEVELOPMENT**

- a) The following shall be considered by the Township in the review of applications for **development** where permitted by the Planning Act:
  - i) The orientation of buildings should maximize passive solar gain in consideration of site vegetation;
  - ii) Interior and exterior building materials should be sourced from renewable and sustainable sources;
  - iii) Exterior building materials should have thermal properties that effectively manage heat and glare throughout all seasons;
  - iv) Buildings should be designed, constructed and fitted to maximize energy efficiency;
  - v) The design of buildings and sites shall accommodate the separation and collection of organic waste for compost, dry recyclables such as plastic and paper, and waste;
  - vi) Permeable surfaces or “softscaping” should be maximized in landscaping, walkway, driveway and parking areas to maximize water infiltration, filtration, absorption and detention, and minimize heat island effects;
  - vii) Native grass, flower, tree and other plant species are encouraged in landscaping areas to minimize water consumption, insect infestation, and invasive species;
  - viii) Green roofs, incorporating soil beds and plantings, are encouraged where appropriate and feasible;
  - ix) Exterior and interior lighting should be energy efficient and mitigated to the extent possible to minimize light pollution;

- x) Large windows should include design treatments that prevent bird collisions; and
  - xi) Facilities such as bicycle loops and lockers are encouraged to be located outside buildings to support active transportation.
- b) Following the approval of this Plan the Township may develop Sustainable Design Guidelines, including a checklist that would be required to be submitted with any application for development.

## **L10 COMMUNICATION TOWERS**

- a) The Township supports the development of broadband communication facilities to the entire Township and recognizes that the approval authority for communication towers is the Federal government. As a result, the policies of this section shall be considered by the Federal government when making decisions on communication towers.
- b) Co-location of services on existing towers is preferred over the development of new towers to minimize the number of towers in the Township. However, the installation of new telecommunication towers is supported provided the carrier can demonstrate a lack of coverage for the area intended to be serviced, as well as provides documentation that all other options for co-location within the carrier's search area have been explored and are not considered to be viable.
- c) Telecommunication towers should be located in a manner which minimizes their overall impact on the community. Towers should avoid locations that are visually prominent and areas that have historic or cultural significance. Towers that have lighting associated with them should be avoided to minimize visual intrusions and impacts on the rural and natural character of the Township.
- d) All new towers shall be set back a minimum of 30 metres (98.4 feet) from public roads and waterbodies.
- e) The Township will support the use of smaller mono pine towers that do not require lighting rather than taller structures requiring lighting for aviation safety.
- f) Advertising on telecommunication towers shall not be permitted.
- g) Public consultation on proposed towers may be required in accordance with the Township's corporate policy on telecommunication towers.

- h) The siting of new communication towers shall consider the following:
  - i) Impact on aeronautical navigation;
  - ii) Distance from significant nearby structures or land uses to the proposed tower;
  - iii) The impacts of ‘ghosting’;
  - iv) The impacts of distortion of radiation patterns;
  - v) The potential malfunction of electronic devices and appliances;
  - vi) The impacts of lighting;
  - vii) Impacts on prominent views and vistas; and
  - viii) Impact on natural areas including **natural heritage features and areas**.
- i) Buffering or screening of communication towers shall be encouraged. Setbacks from **sensitive land uses**, such as residential, shall be considered.

## **L11 SUBDIVISION OF LAND**

### **L11.1 LAND DIVISION BY PLAN OF SUBDIVISION/CONDOMINIUM DESCRIPTION**

#### **L11.1.1 WHEN REQUIRED**

Lot creation by plan of subdivision or condominium description is generally required if:

- a) The extension of an existing road or the development of a new road is required to access the proposed lots;
- b) The extension of **municipal water** and/or **sewer services** is required to service the lands;
- c) There is a need to ensure that the entire land holding or area is developed in an orderly and efficient manner;
- d) When more than five lots including the retained lands are being created and/or the owner is retaining sufficient lands for the **development** of additional lots in accordance with the land use designation in this Plan; and/or
- e) It is desirable for the **development** to proceed in phases over a longer time period.

## **L11.1.2 SUBDIVISION AND CONDOMINIUM REVIEW CONSIDERATIONS**

In considering a plan of subdivision or condominium description 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 the following matters shall be considered:

- a) The effect of **development** of the proposed subdivision on matters of provincial interest as referred to in Section 2 of the Planning Act;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) All matters and criteria outlined in Section 51(24) of the Planning Act;
- d) How the proposed **development** addresses climate change mitigation, adaptation and resiliency considerations including but not limited to:
  - i) The reduction of greenhouse gas emissions;
  - ii) The improvement of air quality;
  - iii) Promotion of compact development form;
  - iv) The promotion of **green infrastructure**;
  - v) Design of stormwater management facilities in accordance with Provincial, District or Township Area guidelines;
  - vi) The promotion of design and orientation that maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and maximizes opportunities for the use of **renewable energy systems**; and
  - vii) Township subdivision or condominium design guidelines.

## **L11.1.3 CONDITIONS OF APPROVAL AND AGREEMENTS**

- a) Where necessary to address Provincial, District of Muskoka or Township interests, the approval authority shall require that the applicant(s) enter into appropriate agreements with the District of Muskoka, the Township, or other parties which shall be registered against the title of the subject lands and which may include such matters as services, financial requirements, District and Township roads, stormwater

management facilities, disposal of solid waste, dedication of land for public uses, and other requirements to implement the provisions of this Plan.

- b) The approval authority may impose such conditions to the approval of a consent, plan of subdivision/condominium description as in the opinion of the approval authority are reasonable, having regard to the nature of the **development** proposed in accordance with the Planning Act.
- c) The Township or approval authority, or both, may enter into agreements imposed as a condition to the approval of a plan of subdivision, condominium description or consent or through the use of a holding symbol in the case of a Zoning amendment or Community Planning Permit By-law and the agreements may be registered against the land to which it applies and the municipality or the approval authority, as the case may be, is entitled to enforce the provisions of it against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land.

#### **L11.1.4 SUBDIVISION/CONDOMINIUM DESIGN AND SUSTAINABLE DEVELOPMENT**

The following shall be considered when reviewing the design and recommending approval of subdivision and condominium **developments**, however it is recognized that smaller-scale proposals may not be able to achieve all criteria:

- a) New streets should be designed to create inter-connected and permeable development blocks, to promote the movement of people and vehicles in a variety of patterns and modes;
- b) Landform alteration including the levelling of hills and crossings of watercourses should be avoided to the extent possible, to encourage a built fabric that is harmonious with the natural landscape;
- c) New plans of subdivision should contain a mix of lot sizes and building designs to create a streetscape that has visual appeal and interest;
- d) New streets and development blocks should be designed to preserve or create views and vistas to natural areas and other important features;
- e) The configuration of lot patterns should maximize passive solar gain in consideration of site vegetation;

- f) Parks should be located to provide a high degree of access and to optimize connections to the natural landscape;
- g) If proposed as part of an application, public institutions such as libraries and schools should be prominently located on major streets, to enhance convenient access by walking, cycling, transit and driving; and
- h) Stormwater management and retention facilities, including ponds and swales, should be naturalized and incorporated into the overall fabric of the community to the extent possible, through the use of low impact development techniques.

## **L11.2 NEW LOTS BY CONSENT**

### **L11.2.1 GENERAL CRITERIA**

Provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot(s). Prior to issuing provisional consent for a new lot for any purpose, the approval authority shall be satisfied that the lot(s) to be retained and the lot(s) to be severed:

- a) Conforms with the relevant policies of this Plan and the Muskoka Official Plan;
- b) Fronts on and will be directly accessed by a public road that is maintained on a year-round basis unless otherwise permitted in the Plan;
- c) Will not cause a traffic hazard;
- d) Has adequate size and frontage for the proposed use in accordance with the implementing Zoning By-law or Community Planning Permit By-law;
- e) Can be serviced with an appropriate water supply and means of sewage disposal, and if the lands are in an Urban Centre, there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within **municipal sewage services** and **municipal water services** in accordance with relevant Muskoka Official Plan policies;
- f) Will not have a negative impact on the drainage patterns in the area;
- g) Will not restrict the use of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;

- h) Will not have a **negative impact** on **natural heritage feature and areas** and related **ecological functions**; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;
- i) Will not have a negative impact on the **quality and quantity of water** available for other uses in the area;
- j) Will not have an **adverse effect** on natural hazard processes such as flooding and erosion;
- k) Is large enough to support the construction of buildings, structures, septic systems and wells; and,
- l) Can be supported based on the application of the criteria set out in Section 51 (24) of the Planning Act, as amended.

### **L11.2.2 BOUNDARY ADJUSTMENTS**

- a) A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created.
- b) In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

### **L11.2.3 TECHNICAL SEVERANCES**

The creation of new lots to correct a situation where two or more lots have merged on title may be permitted, provided the approval authority is satisfied that the merging of the lots was unintentional and was not merged as a requirement of a previous planning approval and provided that the new lot:

- a) Was once a separate conveyable lot in accordance with the Planning Act;
- b) Is generally of the same shape and size as the lot which once existed as a separate conveyable lot;
- c) Can be adequately serviced by on-site sewage and water systems; and
- d) There is no public interest served by maintaining the property as a single conveyable parcel.

## L11.2.4 LOTS FOR UTILITIES

The creation of new lots for public utilities, communication utilities and water and sewer **infrastructure** may be permitted provided:

- a) The area of the proposed lot is minimized and reflects what is required for the use; and,
- b) The implementing Zoning By-law or Community Planning Permit, as a condition of Provisional Consent, only permits uses that are related to the utility on the lot.

## L12 DARK SKIES

- a) The night sky is increasingly contaminated by glow from artificial lighting, affecting the aesthetic quality of the night sky and the natural ecological systems in the area. One way to protect these areas is through the establishment of Dark Sky Preserves. In this regard, there is one such preserve in Muskoka Lakes known as the Torrance Barrens Dark-Sky Preserve. The 1,900 hectare (4,695 acre) Torrance Barrens Conservation Reserve was designated as such by the Province of Ontario in 1997 and is managed by the Province.
- b) In order to preserve the Torrance Barrens Dark-Sky Preserve, **development** proposed within four kilometres of the Torrance Barrens Dark-Sky Preserve shall be supported by detailed lighting plans that demonstrates how the proposed lighting will be shielded to prevent glare and how the lighting will be directed downwards.
- c) In addition to the above, all new construction and major renovation projects in the Township that require **development** approval shall be required to provide exterior lighting that:
  - i) Minimizes or avoids light trespass, glare, clutter and skyglow;
  - ii) Shall be of minimal intensity, be of a minimally intrusive colour, and used only when needed;
  - iii) Shall be designed to direct downwards rather than outwards;
  - iv) Shall not interfere with water navigation; and
  - v) Does not include the use of exterior floodlights, unless absolutely necessary.

- d) In the case of major **development** a detailed lighting plan shall be required.
- e) In addition to the policies of this section, the Township has an outdoor illumination by-law to ensure responsible lighting, light pollution mitigation and conservation of the dark sky environment.

## **L13 RELEASE OF CROWN LAND**

The release of Crown land, other than lands under water, for private development is discouraged, particularly in the Waterfront Area. Should the Province dispose of Crown land for private development, such land should not be further divided unless it is to alleviate problems associated with existing development and no more than one single unit dwelling should be permitted on those lands as of right. Crown Land is shown on Schedule A for information purposes.

## **L14 ELECTRIC VEHICLE INFRASTRUCTURE**

Where electric vehicle charging infrastructure for public use is proposed to be located on Township property, the Township shall be satisfied that:

- a) The proposed location is within close proximity to area businesses;
- b) There is a suitable power supply located nearby;
- c) The proposed installation is of the highest current standards in technology;
- d) Parking related issues can be monitored and controlled; and
- e) There is an agreement between the parties that is to satisfaction of the Township.

## **L15 SHORELINE STRUCTURES**

### **L15.1 GENERAL POLICIES**

- a) Prior to any construction or development on shorelines, necessary approvals shall be obtained from the appropriate authority.
- b) Shoreline structures most commonly include docks and boathouses. Filling, dredging, and shoreline alteration is discouraged unless a net benefit to the environment can be justified. Any approved artificial increase in water frontage or lot area shall not confer additional development rights.

- c) 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:
  - i) Critical **fish habitat** and **wildlife habitat**;
  - ii) The natural flow of water;
  - iii) Swimming and the safe navigation of watercraft;
  - iv) Potential damage from flood and ice;
  - v) Privacy; and,
  - vi) Other shoreline, resource development, and environmental policies.
- d) Shoreline structures shall not impede the safe operation of watercraft or immediate view of surrounding properties, as defined by the extension of property lines onto the water.
- e) The primary use of docks is for the docking and berthing of boats as well as access to the lake for swimming.

## **L15.2 MAXIMUM SIZE OF SHORELINE STRUCTURES**

- a) In addition to those policies in Section E4.3 of this Plan, the maximum cumulative width of shoreline structures, including all docks, on Category 1 Lakes shall be the lesser of 25 percent or 23 metres (75.4 feet) of the lot's water frontage, with the exception of the following:
  - i) In order to maintain lake character, lesser widths shall be permitted on Category 2 and 3 lakes in accordance with the implementing Zoning By-law or Community Planning Permit By-law, with the exception of those properties located within an Urban Centre or Community Area;
  - ii) Waterfront landings, waterfront contractors, and resort properties, which shall be limited to 25%;
  - iii) Marinas which shall be limited to 75%; and,
  - iv) Large residential properties with severance potential, as determined by the Township, which shall generally be limited to the percentage implemented

through the implementing Zoning By-law or Community Planning Permit By-law per minimum water frontage on potential lots.

- b) Two storey boathouses in shoreline areas within the Urban Centres and Community Areas are permitted (subject to the other policies on boathouses in this Plan) provided it is located on a lot with a minimum water frontage of 90 metres (300 feet) on a Category 1 Lake as classified per Table B, the structure is not located on an extremely narrow waterbody as defined by the implementing Zoning By-law or Community Planning Permit By-law, and has an increased setback from the projected side lot line, or as may be measured in the implementing Zoning By-law or Community Planning Permit By-law. The second storey shall not exceed the floor area permitted for a sleeping cabin and may include a covered deck up to 23 square metres (247.6 square feet). Boathouses in shoreline areas within the Urban Centres and Community Areas are not permitted on Category 3 Lakes as classified per Table B.

### **L15.3 FLOOD HAZARDS AND SHORELINE STRUCTURES**

- a) The District of Muskoka has completed **flood plain** mapping and this mapping shall be implemented in the Township's implementing Zoning By-law or Community Planning Permit By-law in accordance with Section L4 of this Plan. This mapping should be referenced when considering any development or **site alteration** adjacent to a shoreline of a lake or watercourse. New habitable buildings are not permitted in the **flood plain** in accordance with Section L4 of this Plan; however, the replacement of existing habitable buildings and/or their minor expansion may be permitted in accordance with regulations established in the implementing Zoning By-law or Community Planning Permit By-law.
- b) Docks and boathouses, by their nature, are located in the **flood plain**. New structures and additions to existing docks and boathouses shall be designed to withstand flooding and associated ice hazards.
- c) The bottom floor of a boathouse is intended be used predominantly for the storage of boats and other recreational equipment. The implementing Zoning By-law or Community Planning Permit By-law may permit limited recreational use floor area on the bottom floor of a boathouse provided it is utilized predominantly for the

storage of boats and other recreational equipment together with areas that are open to the water below. No cooking facilities or areas for sleeping will be permitted as a component of the recreational floor area on the bottom floor of a boathouse.

- d) Where the use of the second storey of a boathouse for habitable use is proposed, it shall be demonstrated that the site has safe access that is appropriate for the nature of the use and the natural hazard.
- e) The storage of hazardous materials, including fuel, solvents, paint and sewage shall not be permitted in boathouses during the typical flooding season. These provisions shall be included in Site Plan Agreements (or a Community Planning Permit agreement, if applicable), when required for new boathouses or expansions to existing boathouses.
- f) The implementing Zoning By-law or Community Planning Permit By-law shall also include provisions that require updated provisions on the minimum elevation of certain openings, the second storey and the base of the stairs accessing the second storey of boathouses.
- g) The Township shall prepare guidance material on how to build and alter boathouses and other structures in a manner that is supportive of lake system health and which limits property damage during flooding events.

## **PART M - SPECIAL SITE POLICIES**

Notwithstanding any other policy in this Plan, the following policies apply to specific properties or areas as shown on Schedule D to this Plan.

### **M1 SPECIAL SITE POLICY AREA 1 - PART OF LOT 14, CONCESSION VI (TOWNSHIP OF WATT)**

In accordance with former OPA 16 (adopted on February 28, 1994), a mineral aggregate operation is permitted in accordance with Part K of this Plan on lands shown as being subject to Special Site Policy Area 1 on Schedule D.

### **M2 SPECIAL SITE POLICY AREA 2 - THE LAKE JOSEPH CLUB, PINELANDS RESORT AND FERNDALE RESORT**

In accordance with former OPA 26 (approved by the Ontario Municipal Board on January 26, 2001), the maximum cumulative width of shoreline structures shall be 25 percent except in the case of applications for shoreline structures adjacent to the lands subject to Special Site Policy Area 2 as shown on Schedule D where the applications shall fulfill the information requirements and be consistent with the guidelines set out in Appendix I to this Plan as part of a site plan agreement.

### **M3 SPECIAL SITE POLICY AREA 3 - PART LOTS 25, 26, 30 AND 31, CONCESSION A (TOWNSHIP OF WATT)**

In accordance with former OPA 27, residential uses and open spaces uses/golf course are permitted on lands subject to Special Site Policy Area 3 as shown on Schedule D. The following policies apply to the lands subject to Special Site Policy Area 3:

#### **A. GENERAL POLICIES**

- a) The entire development shall retain a minimum of 50% of the tree cover over the

entire property.

- b) Stormwater management in conjunction with the golf course, shall be implemented both during and after construction. The design and construction shall be completed to the satisfaction of the Township.
- c) All roads within the residential development shall be privately owned and maintained. Adequate access for emergency vehicles must be maintained at all times.
- d) All lighting shall be directed inwards on the property.
- e) The entrances onto the Old Parry Sound Road must be completed to the satisfaction of the Township. Upgrading of the road may be required.

## **B. DEVELOPMENT FORM**

- a) The residential development shall be clustered and not strung along the entire course and Old Parry Sound Road. Where it may be considered linear it will be confined to interior location so its visual impacts are minimized.
- b) The residential development shall consist of single detached dwellings. Buildings shall be low profile and be a maximum of two storeys in height.
- c) All buildings and structures shall be architecturally designed so as to be compatible with the surrounding natural features and provide a positive visual impression.

## **C. DENSITY/OWNERSHIP**

- a) The maximum number of units permitted shall be 60 units ( gross density equivalent of 25 units per 100 acres). Notwithstanding this maximum, the results of servicing reports for water supply and sewage disposal may reduce the number of units permitted.
- b) The development may proceed by way of vacant land condominium ownership or by plan of subdivision. If the development proceeds on these basis, the minimum lot/ unit area shall be 0. 4ha ( or one ( 1) acre).

## **D. SERVICING**

- a) The development shall proceed on the basis of private individual wells and sanitary

sewage disposal systems.

- b) Prior to development proceeding, a satisfactory hydrogeological assessment shall be submitted which indicates:
  - i) that a sufficient groundwater resource, in terms of quantity and quality, is available to service the proposed development;
  - ii) that there is minimal danger of cross contamination from sanitary sewage disposal systems; and;
  - iii) there is no significant draw- down of groundwater levels beyond the boundaries of the property.
- c) The hydrogeological assessment shall include the water requirements of and the potential impacts of both the residential and golf course components of the development.
- d) The development shall proceed in phases and be subject to an agreement respecting a groundwater- monitoring program. The program shall require that monitoring wells be established in each phase to evaluate post development conditions and include measures to rectify any impact which may occur. Prior to a subsequent phase proceeding, the monitoring program shall confirm that the previous has not significantly impacted the groundwater resource.

## **E. NATURAL HERITAGE**

- a) A portion of the property is located within Beaumont Bay Carbonates Heritage Area as identified in the Natural Heritage Evaluation of Muskoka (1994).
- b) Design of the development shall have regard for the significant features within this Heritage Area which included the rich and diverse mature forest stand.
- c) Any findings of the Environmental Impact Study and associated peer review shall be incorporated into the development design, where possible.

## **D. IMPLEMENTATION**

- a) The lands subject to this amendment shall be subject to site plan control.
- b) In consideration of site plan approval, regard shall be had for location of building envelopes, septic tile fields, wells, drainage, slopes, driveways, vegetation to be

retained, and re-plantings.

- c) The developer shall be responsible for all damage to the Township road during construction of the development.

## **M4 SPECIAL SITE POLICY AREA 4 - PART OF LOT 23, CONCESSION 1 (TOWNSHIP OF MEDORA)**

In accordance with former OPA 32 (Adopted on July 23, 2003), the maximum number of lots to be created on the original parcel is not to exceed six (6) in number on the lands subject to Special Site Policy Area 4 on Schedule D. These lands shall be subject to the following development/design policies:

- a) A minimum 75-foot wide natural buffer area abutting or on the front of all lots shall be established and maintained. The buffer area shall consist of naturally occurring native tree species and shall cover the entire frontage of each of the proposed lots save and except for a maximum 25-foot wide road/accessway to each lot and easements that may be required for utilities. It is recognized that the northerly lot would have an additional corridor to recognize the existing snowmobile trail located thereon.
- b) A photographic record of existing vegetation in the front yard of the original land parcel is required to be lodged with the Township upon adoption of former OPA 32 and passage of the Zoning By-law amendment by the Township. The existing natural buffer on the original parcel is not to be disturbed in any significant manner prior to individual site plan agreements being filed for individually severed lots.
- c) The number of road/accessways to each lot is to be limited to one (1) which is to be established in accordance with Township policy related to same, and abutting lots are encouraged to be developed using a singular joint/shared access way to Eveleigh Road.
- d) All commercial/ industrial signage on each of the properties is to be in accordance with a municipal sign by-law and in accordance with the provisions of an implementing site plan agreement.
- e) An implementing site plan agreement will address on site lighting and require, among other matters, that all external lighting be directed inward of the site and

generally be of the low intensity variety.

- f) Wells for the provision of potable water are required to be developed in the rear yard area of the lots.
- g) An implementing site plan agreement is to require the production of a stormwater management plan for the proposed development on the lots that would maintain post development flows at pre development flow levels, said report being to the satisfaction of the Township.
- h) All permitted uses utilizing private water and septic systems shall be restricted as follows: uses shall utilize water for domestic type uses only and not part of any processing procedure; and, uses shall be low effluent producing.
- i) All properties shall be subject to site plan control. Appropriate agreements shall be used to implement all requirements.
- j) Such agreements will notify property owners that: Commercial/industrial truck traffic is to be accommodated via Highway 118 rather than District Road #26, and that road signs paid for by the original developer to a standard required by the municipality be posted on the Eveleigh road allowance to such effect, and that no consents to sever shall be given until such signs are posted.

## **M5 SPECIAL SITE POLICY AREA 5 - PART OF LOTS 28 AND 29, CONCESSION 3 (PORT CARLING)**

In accordance with former OPA 35 (Adopted on July 13, 2005) the following policies apply to lands included within Special Site Policy Area 5 shown on Schedule D:

- a) The permitted uses shall not conflict with those in the Core of Port Carling.
- b) The lands subject to this amendment shall be subject to site plan control.
- c) Prior to any development, a thorough soil investigation report must be completed. Recommendations provided shall be implemented through site plan control.
- d) Buffering of any future development from the adjacent lands is required along with appropriate landscaping to blend the development in as best as possible with the surrounding environment. Landscaping shall be completed to the satisfaction of the Township.

- e) The built form and architecture shall be designed so as to be compatible with the surrounding natural features, in character with the area and Muskoka, and provide a positive visual impression.
- f) Stormwater management in conjunction with development shall be implemented both during and after construction. The design and construction shall be completed to the satisfaction of the Township.
- g) Adequate access for emergency vehicles must be maintained at all times.
- h) All lighting shall be directed inwards on the property and be Dark Sky friendly. This will be detailed in a site plan agreement.
- i) The entrance onto Foreman Road must be completed to the satisfaction of the Township and District. Upgrading of the road may be required.
- j) Development may proceed on the basis of private individual wells and sanitary sewage disposal systems to the satisfaction of the Township, until such time as municipal services become available, upon which development shall be connected to municipal services.

## **M6 SPECIAL SITE POLICY AREA 6 - LOTS 11 AND 12, CONCESSION G (TOWNSHIP OF MEDORA)**

In accordance with former OPA 36 (Approved by the Ontario Municipal Board on February 9, 2007) the lands subject to Special Site Policy Area 6 as shown on Schedule D may be used for a commercial resort.

This resort may consist of not more than 32 accommodation units, a clubhouse of not more than 279 square metres (3,000 square feet) of gross floor area, and other accessory uses. The gross floor area of all buildings shall not exceed 4,200 square metres (45,000 square feet). The minimum setback from the high water mark shall be primarily devoted to a natural undisturbed buffer. The accommodation units and the clubhouse shall be set back from the high water mark substantially more than the minimum. The sewage system servicing the resort shall use treatment technology that will reduce phosphorus loading to Medora Lake to as close to zero as is technically possible.

## **M7 SPECIAL SITE POLICY AREA 7 - PART OF LOTS 11 AND 12, CONCESSION 8 (TOWNSHIP OF WATT)**

In accordance with former OPA 43 (Adopted on March 10, 2010), the lands subject to Special Site Policy Area 7 on Schedule D may be sub-divided into two lots subject to the following policies:

- a) The lands subject to this amendment shall be permitted to contain one single detached residential dwelling and accessory structures per lot, in accordance with the implementing Zoning By-law.
- b) A minimum 45 metre (150 foot) setback from the shoreline shall be required for buildings and structures located on the new vacant lot.
- c) Each lot will be serviced by a private individual sewage disposal system.
- d) The sewage disposal system for the new vacant lot shall be located a minimum of 59 metres (193 feet) from the high water mark.
- e) The required front yard setback shall be maintained as a natural shoreline buffer.
- f) Within the natural shoreline buffer, an access path to the shoreline, which is no more than 3.0 metres (10 feet) in width shall be permitted. The access path to the shoreline shall meander and be constructed of permeable surfaces (i.e. clean gravel, mulch).
- g) Stormwater management and construction mitigation, in the form of silt fencing and straw bales, shall be implemented and maintained in good working order to the satisfaction of the Township along the downgradient edge of the building and septic envelopes and along the access path to the shoreline prior to development and site alteration.
- h) Any imported soils used in the construction of the private individual sewage system must have a high absorption capability to retain phosphorus (i.e. in the order of 500 mg phosphorus/kg soil).
- i) All water habitat features, including woody debris and cobble are to be left in their current location in the near shore area.

- j) Shoreline structures shall be located within the constraint-free reach of the shoreline.
- k) All lighting shall be directed inwards on the property and be Dark Sky friendly.
- l) Monitoring of the natural shoreline buffer and stormwater treatment/erosion control measures on the new vacant lot shall be initiated prior to any site alteration or construction commencing. To ensure that the natural shoreline buffer is monitored, implementing agreements shall require the owner to provide monitoring documentation to the satisfaction of the Township of Muskoka Lakes. This monitoring shall continue until construction is complete and an occupancy permit is issued and on an annual basis.

## **M8 SPECIAL SITE POLICY AREA 8 - PART OF LOT 15, CONCESSIONS 8 AND 9 (TOWNSHIP OF WATT)**

In accordance with former OPA 44 (Adopted on May 16, 2011) the lands subject to Special Site Policy Area 8 on Schedule D may be sub-divided into two lots subject to the following policies:

- a) The lands subject to this policy shall be permitted to contain one single detached residential dwelling and accessory structures per lot, in accordance with the implementing Zoning By-law.
- b) A minimum 30 metre (100 foot) setback from the shoreline shall be required for buildings and structures located on the new vacant lot.
- c) Each lot will be serviced by a private individual sewage disposal system.
- d) The sewage disposal system for the new vacant lot shall be located a minimum of 40 metres (130 feet) from the high water mark.
- e) The required front yard setback shall be maintained as a natural shoreline buffer.
- f) Vegetation in the natural shoreline buffer shall be entirely retained with the only exception being an access path from the dwelling to the docking facility. The pathway shall be no more than 3.0 metres (10 feet) in width. The access path to the shoreline shall meander and be constructed of permeable surfaces (i.e. clean gravel, mulch).

- g) Any new pathway, parking or driveway surfaces shall be constructed using only permeable materials (i.e. wood chips, pea gravel, etc.) that allow for infiltration of stormwater and prevent channelization. Surfaces should be graded to drain away from the shoreline and, where possible, into areas with deep soils and dense vegetation.
- h) Stormwater management and construction mitigation, in the form of silt fencing and straw bales, shall be implemented and maintained in good working order to the satisfaction of the Township along the downgradient edge of the building and septic envelopes and along the access path to the shoreline prior to development and site alteration. The silt fence shall be constructed of heavy material and solid posts to ensure its integrity, and should be properly trenched-in to maintain its integrity during weather events. Straw bales shall be stockpiled on site to be prepared for potential breaches in the sediment and erosion control works.
- i) Final development plans of the dwelling shall include rooftop leaders upslope of the proposed dwelling and incorporate the use of infiltration chambers or rain gardens to collect stormwater from any rooftops as an additional method to decrease any potential impact to the surrounding natural features.
- j) Any imported soils used in the construction of the private individual sewage system must have a high absorption capability to retain phosphorus (i.e. in the order of 500 mg phosphorus/kg soil).
- k) When a docking facility is designed, the Department of Fisheries and Oceans (DFO) Operational Statement for Dock and Boathouse Construction shall be reviewed.
- l) All water habitat features, including woody debris and cobble are to be left in their current location in the near shore area.
- m) Shoreline structures shall be located within the constraint-free stretch of the shoreline.
- n) All lighting shall be directed inwards on the property and be Dark Sky friendly.
- o) Monitoring of the natural shoreline buffer and stormwater treatment/erosion control measures on the new vacant lot shall be initiated prior to any site alteration or construction commencing. To ensure that the natural shoreline buffer is monitored, implementing agreements shall require the owner to provide monitoring

documentation, including dated photographs of the shoreline area, to the satisfaction of the Township of Muskoka Lakes. This monitoring shall continue until 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".

## **M9 SPECIAL SITE POLICY AREA 9 - PART OF LOTS 16, 17 AND 18, CONCESSION 1 (TOWNSHIP OF WOOD)**

In accordance with former OPA 47, a residential use accessory to a resource based use (aquaculture, forestry, agriculture) may be permitted on the lands subject to Special Site Policy Area 9 shown on Schedule D subject to the following:

- a) A bona-fide resource based use is present on the property;
- b) The accessory residential use is necessary to provide for the security of the product of the resource based use;
- c) The minimum lot area is 75 hectares;
- d) The minimum lot frontage is 500 metres, which may be on a seasonally maintained municipal road allowance (with private winter maintenance);
- e) The accessory residential use is located a maximum of 200 metres from the seasonally maintained road;
- f) An agreement is entered into respecting:
  - i) the limited provision of services, especially roadway maintenance;
  - ii) the criteria under which a bona-fide resource based use is operating on the property; and,
  - iii) The discontinuation of the accessory residential use upon discontinuation of the resource based use.
- g) The agreement entered into will require the proponent to assume all costs and risks of the limited provision of services; and,
- h) A site specific Zoning By-law Amendment shall provide for the accessory residential use and provide for appropriate development standards and that

access to emergency services may be limited.

## **M10 SPECIAL SITE POLICY AREA 10 - PART OF LOTS 18 AND 19, CONCESSION 10 (TOWNSHIP OF MONCK)**

In accordance with former OPA 51, the lands subject to Special Site Policy Area 10 shown on Schedule D may be sub-divided into a total of 5 waterfront residential lots. Any future severance application that would result in the creation of a new waterfront residential lot shall be accompanied by an Environmental Impact Study to the satisfaction of the Township.

All recommendations of the Environmental Impact Study and Water Quality Impact Assessment (dated December 19, 2017), Addendum (dated August 3, 2018), and Response Letter for Peer Review (dated August 22, 2018) thereto, prepared by Palmer Environmental Consulting Group Inc., shall be implemented for each of the five lots through a combination of a Consent Agreement, Zoning By-law Amendment and Site Plan Control.

## **M11 SPECIAL SITE POLICY AREA 11 - PART OF LOT 28, CONCESSION 1 (PORT CARLING)**

In accordance with former OPA 31 (Adopted on May 28, 2003), frontage for permitted uses on a year round publicly maintained road is not required on the lands subject to Special Site Policy Area 11 as shown on Schedule D. In addition, multiple residential development may be permitted up to a density of 15 units per acre.

## **PART N - IMPLEMENTATION AND ADMINISTRATION**

### **N1 OFFICIAL PLAN ADMINISTRATION**

- a) It is the intent of this Plan to serve as the basis for managing growth and physical change in Muskoka Lakes until 2046.
- b) Any amendment to this Plan shall conform to the overall intent of the Plan as set out in the vision, guiding principles and objectives of this Plan.
- c) The Plan may be altered to correct errors in the text, format, numbering or schedules without an amendment to this Plan provided the alterations do not change the effect of the policies of the Plan.
- d) Any changes to road alignments shall not require an amendment to the Plan.
- e) Muskoka Lakes Council, following the adoption of this Plan, shall determine the need to revise the Plan in whole or in part in consultation with prescribed public bodies and hold a special meeting of Council that is open to the public, at intervals of not more than every ten years.
- f) In considering the need for revisions, the Township shall also consider Section 26 of the Planning Act, that requires that Official Plans to be revised as necessary to ensure that it:
  - i) Has regard to the matters of Provincial interest listed in section 2 of the Planning Act; and
  - ii) Is consistent with policy statements issued under subsection 3 (1) of the Planning Act.

### **N2 ZONING BY-LAW**

- a) Once this Official Plan is approved and in effect, no zoning by-law can be passed by Council that does not conform with this Plan.
- b) In order to ensure that the Official Plan is implemented appropriately, an update to the Township's Comprehensive Zoning By-law must be prepared to implement this

Plan. The intent of the new by-law shall be to effectively control and regulate development in accordance with the intent of this Official Plan.

- c) It is not the intent of this Plan to zone all lands in accordance with the land use designations until such time as the policies of this Plan can be met. However, lands may be pre-zoned in accordance with the land use designations provided that Council is satisfied that it will further the goals and policy objectives, and other relevant objectives and policies of this Plan.
- d) Uses that do not conform to this Plan may be recognized in the Comprehensive Zoning By-law in a circumstance where it would be in the public interest to do so.
- e) The passage of a Zoning By-law that permits a use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location may be considered by the Township subject to the provisions of the Planning Act and its Regulations.
- f) When a prescribed condition is imposed in accordance with sub-section e):
  - i) The Township may require an owner of land to which the by-law applies to enter into an agreement with the municipality relating to the condition;
  - ii) The agreement may be registered against the land to which it applies; and
  - iii) The Township may enforce the agreement against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land.

### **N3 CHANGING ZONE STANDARDS**

- a) It is recognized that there may be a need to consider minor variances or zoning by-law amendments to permit the expansion and/or the redevelopment of existing structures, or to recognize situations of non-compliance with the implementing Zoning By-law. In addition, there may be circumstances where the application of certain zone provisions are not practical due to terrain or other constraints. In considering minor variances or amendments to the Zoning Bylaw, Council shall consider, among others, the following matters (as applicable to location of the subject lands):
  - i) Cumulative impact on such matters as the environmental, visual/aesthetics, and

- lake character;
- ii) The current situation with respect to lot coverage and amenity area coverage;
  - iii) Impact of decisions on future **development** in the Township, in terms of setting a negative precedent;
  - iv) Habitable vs. non-habitable space;
  - v) Setback from the lake;
  - vi) Size of building not in compliance with by-law (subject to the application);
  - vii) Whether the structure contains walls (i.e. boatports, carports);
  - viii) Buffering from lake;
  - ix) Buffering from neighbouring properties;
  - x) Terrain and possible building locations;
  - xi) Location of buildings on neighbouring properties;
  - xii) Visual impact; and
  - xiii) Impact on the natural shoreline.
- b) In addition to the criteria established by the Planning Act for minor variances, Council shall also consider as appropriate whether:
- i) All reasonable alternatives have been explored with respect to the nature of the proposed **development** to determine if the one proposed has the least impact on the natural environment and the character of the shoreline area;
  - ii) All impacts on the natural environment and landscape will be minimized and mitigated to the maximum extent possible;
  - iii) A reasonable vegetation protection zone adjacent to the shoreline shall be protected and/or enhanced, wherever possible;
  - iv) The number of small-scale structures is minimized;
  - v) Every effort has been made to minimize the loss of mature and healthy trees on the site;
  - vi) All enhancement opportunities have been explored that would have the effect of

- minimizing the footprint of development on the shoreline lot; and
- vii) The precedent setting nature of the variance is considered with respect to cumulative impacts.
- c) In considering applications for re-zoning and minor variance, the potential impact of similar approvals will be considered. The cumulative impact of amendments on this and other lands will be considered to have greater weight than site specific considerations.

## **N4 COMMUNITY PLANNING PERMITS**

- a) The Township may consider the development of a Community Planning Permit System (CPPS), formerly known as the Development Permit System, if deemed appropriate and if it is demonstrated that the achievement of the policies of this Plan can be more easily attained if such a system was in place. Where this Plan requires implementation through a Zoning By-law, implementation of this Plan shall also occur as applicable through a Community Planning Permit By-law and/or a Community Planning Permit if a Community Planning Permit By-law applies instead.
- b) If a CPPS is proposed for all or part of the Township, an Amendment to this Plan shall be required to:
- i) Identify the Community Planning Permit Area;
  - ii) Set out the scope of any delegation and authority and limitations;
  - iii) For each Community Planning Permit Area, describe the municipality's goals, objectives and policies in proposing a CPPS;
  - iv) Set out types of conditions that may be included in the Community Planning Permit By-law;
  - v) Set out types of criteria that may be included in the Community Planning Permit By-law for evaluating discretionary uses and variations;
  - vi) Identify additional information and material requirements for a CPPS application;
  - vii) Exempt any class of development or use of land from the complete information and material requirements; and,
  - viii) Include policies related to the provision of specified facilities, services or matters

in exchange for a specified density or height of development or increases in density or height.

## **N5 SITE PLAN CONTROL**

- a) The use of site plan control is encouraged to implement the policies and provisions of this Plan and to coordinate and enhance the physical development of the Township.
- b) All lands within the Township of Muskoka Lakes shall be designated as a site plan control area.
- c) All of the lands within the site plan control area are subject to the site plan control provisions of the Planning Act, and may be subject to site plan control by-laws. The site plan control provisions of the Planning Act may be used with respect to all uses or designations within this Plan.
- d) Within the Waterfront Area and in shoreline areas within the Urban Centres and Community Areas, Site Plan approval shall be required for:
  - i) New dwellings;
  - ii) Additions to existing dwellings and buildings that exceed a minimum size as set out in the Township's Site Plan Control By-law;
  - iii) The relocation of an existing dwelling to another location on the lot;
  - iv) New sleeping cabins;
  - v) New boathouses and expansions to existing boathouses that exceed a minimum size as set out in the Township's Site Plan Control By-law;
  - vi) The addition of habitable floor area in the second storey of a boathouse; and
  - vii) New accessory buildings that exceed a minimum size as set out in the Township's Site Plan Control By-law.
- e) Outside of the Waterfront Area, Site Plan approval shall be required for:
  - i) New commercial and industrial buildings that meet certain size thresholds;
  - ii) Additions to existing commercial and industrial buildings if the expansion proposes to increase the floor area by more than 25%;

- iii) Townhouse and apartment developments; and,
- iv) New and expanding commercial resorts.
- f) Where a commercial property is undergoing significant redevelopment or increased development (e.g. removal and replacement of over 1/4 of the existing buildings or an increase in gross floor area of over 1/4 of that which is existing) which does not require an amendment to the Official Plan and implementing Zoning By-law or Community Planning Permit By-law, council may require that the public be notified of the proposal in a manner similar to a zoning by-law amendment.
- g) In accordance with the provisions of the Planning Act, landowners may be required to enter into a site plan agreement, and provide any or all of the requirements as set out in the Planning Act to the satisfaction of, and at no expense to the Township, including any appropriate conditions of approval.
- h) Where appropriate, securities shall be held by the Township, until the necessary works are completed. Securities may be required for storm drainage works, stormwater management works (including sediment control), landscaping, paving of parking areas. Upon satisfactory completion of the works, the security shall be returned. In the case of a shoreline vegetative buffer, a holdback of some or all of the securities may be retained by the Township to ensure survival of the buffer and/or tree plantings for a period not to exceed five years.
- i) In accordance with the provisions of the Planning Act, where a proposed **development** is subject to site plan control, the dedication of a road widening may be required along the frontage and flankage of the **development** as a condition of site plan approval. Such dedication shall be granted to the appropriate approval authority free of all charges and encumbrances.

## **N6 COMMUNITY IMPROVEMENT PLANS**

A Community Improvement Plan has already been adopted for Port Carling and Bala. The Township may identify a future Community Improvement Plan Area in consideration of the following objectives:

- a) To encourage the efficient provision and maintenance of physical **infrastructure** including stormwater management, **public service facilities** to serve present and

future needs on a local scale;

- b) To promote opportunities for economic development and community investment-readiness and job creation;
- c) To promote diversification of the economic base and employment opportunities in **rural areas** through goods and services, including agricultural, arts and cultural products and the sustainable management or use of resources;
- d) To provide opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- e) To assist in the provision of an appropriate range and mix of housing types and densities, including attainable housing, required to meet projected requirements of current and future residents of the Township, including the provision of attainable housing;
- f) To retain and provide for the expansion of existing businesses;
- g) To ensure the maintenance and renewal of older housing stock;
- h) To foster **redevelopment**, reuse and/or maintenance of existing **brownfield sites** and/or current industrial sites;
- i) To maintain and enhance the vitality and viability of the Urban Centres and Community Areas;
- j) To encourage a sense of place and community, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including **built heritage resources** and **cultural heritage landscapes**;
- k) To provide opportunities to support local food production, and promoting the sustainability of agri-food and agri-product businesses;
- l) To promote energy efficiency and sound environmental design; and
- m) To provide for **infrastructure** or building improvements to address or mitigate the impacts of climate change.

## **N7 TEMPORARY USE BY-LAWS**

### **N7.1 PURPOSE OF A TEMPORARY USE BY-LAW**

Council may pass by-laws permitting the temporary use of lands, buildings or structures, which may not conform to this Plan, subject to the criteria contained in Section N7.2. These temporary uses may be authorized for a specific time period up to three years and should be applied where it is considered inappropriate by the Township to permit the proposed use on a permanent or continuing basis and where alternatives such as relocation are not practical. A garden suite may be permitted on a property for up to 20 years. Subsequent by-laws granting extensions of up to three years may be passed. However, once the by-law has lapsed, the use must cease or otherwise shall be viewed as contravening the implementing Zoning By-law.

### **N7.2 CRITERIA**

Prior to the approval of a temporary use Zoning By-law, Council shall be satisfied that:

- a) The proposed use is in general conformity with the use permissions in the land use designation in this Plan that applies;
- b) The proposed use is of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use;
- c) The proposed use will not prejudice the long term intent of or the orderly development contemplated by the provisions and land use designations contained in this Plan;
- d) The proposed use is compatible with adjacent land uses and the character of the surrounding neighbourhood;
- e) The proposed use will not require the extension or expansion of existing municipal services;
- f) The proposed use will not cause traffic hazards or an unacceptable level of congestion on surrounding roads;

- g) Parking facilities required by the proposed use shall be provided entirely on-site; and,
- h) The proposed use shall be beneficial to the neighbourhood or the community as a whole.

## **N8 HOLDING PROVISIONS**

Council may pass a Zoning By-law that identifies a use of land, but prohibits the actual **development** of the land until a later date when identified conditions have been met. These conditions are set out in the policies applying to the land use designations in this Plan. The objective of utilizing a Holding Provision is to ensure that:

- a) The appropriate phasing of **development** or **redevelopment** occurs;
- b) **Development** does not proceed until community services and facilities such as water and wastewater services, stormwater management and utilities are available to service the development;
- c) **Development** does not proceed until adequate transportation facilities and/or access arrangements are available; and,
- d) Agreements respecting the design of the proposed **development** and/or the services that are to be provided by the Township and/or the District are entered into.

During the interim period, when the Holding Zone is in place, uses permitted on the affected lands are limited to existing uses only.

## **N9 NON-CONFORMING USES**

### **N9.1 INTENT OF THE OFFICIAL PLAN**

- a) As a general rule, existing uses that do not conform with the designations and policies of this Plan should gradually be phased out so that the affected land use may change to a use that is in conformity with the Official Plan and the intent of the implementing Zoning By-law or Community Planning Permit By-law.
- b) Uses that were legally existing at the date of the adoption of this Plan, and which do not conform to the designations and policies of this Plan, may be recognized in the implementing Zoning By-law or Community Planning Permit By-law.

- c) In some instances, it may also be appropriate and practical to allow the replacement, extension or enlargement of non-conforming uses in order to avoid unnecessary hardship. Council shall, therefore, have regard for the following principles:
  - i) The feasibility of acquiring the property for holding, sale, lease or development by the Township for a more appropriate permitted use; and,
  - ii) The possibility of relocating the non-conforming use to another site.
- d) If the property cannot be acquired or a building relocated, Council may, without an amendment to this Plan, consider passing a Zoning By-law Amendment or grant a Community Planning Permit pursuant to the Planning Act to allow for an extension to a non-conforming use in accordance with Section N9.2. The Committee of Adjustment may also consider such a request in accordance with Section N9.2.

## **N9.2 CRITERIA**

In considering a request to expand a legal non-conforming use, Council or the Committee of Adjustment shall be satisfied that:

- a) The size of the expansion or enlargement of the established use is in proportion to the size of the use as it existed before the date of the enactment of the implementing Zoning By-law or Community Planning Permit By-law;
- b) The proposed expansion is compatible with the character of the surrounding area in relation to noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation;
- c) The proposed expansion will not prejudice the long term intent of or the orderly development contemplated by the provisions and designations contained in this Plan;
- d) Site planning and design will minimize the impact of the proposed expansion on neighbouring conforming uses and includes, where appropriate, measures such as fencing, landscaping, and setbacks through the use of Site Plan Control (or a Community Planning Permit agreement, if applicable);
- e) An undesirable precedent will not be established by the approval of the application;

and,

- f) Adequate water and wastewater servicing is available.

## **N10 NON-COMPLYING BUILDINGS**

- a) When considering alterations/additions to non-complying structures which require a by-law exemption/variance, the structure shall be brought into compliance with the implementing Zoning By-law or Community Planning Permit By-law as much as possible without requiring major site alterations, provided the impacts are minor.
- b) In considering applications, the potential impact of similar approvals will be considered. The cumulative impact of amendments on this and other lands will be considered to have greater weight than site specific considerations

## **N11 COMPLETE APPLICATIONS**

### **N11.1 MINIMUM SUBMISSIONS REQUIREMENTS**

The minimum submissions requirements for an Official Plan Amendment and Zoning By-law amendment, which are both the responsibility of Township Council to make decisions on, are set out in the Planning Act and associated Regulations.

### **N11.2 SUPPLEMENTAL SUBMISSION REQUIREMENTS**

- a) This section lists the studies, plans or items that may be required to support an application for Official Plan Amendment and Zoning By-law amendment. Supplemental submission requirements for an application for plan of subdivision/condominium description, which are the responsibility of the District of Muskoka, are found in the Muskoka Official Plan. Studies should satisfy the requirements of both tiers of government and all agencies.
- b) The determination of which studies, plans or items are required shall be made at the pre-consultation phase, as set out in Section N11.3 of this Plan. Regard should also be had to Section N11.4 of this Plan, which provides some flexibility to the Township in the consideration of the types of studies, plans or items required to support an application.
- c) The following may be required to support a complete application for an Official Plan

Amendment and Zoning By-law amendment:

- i) Land Use Planning Report;
- ii) A Consultation Strategy;
- iii) Market Impact Study;
- iv) Environmental Impact Study;
- v) Environmental Site Assessment;
- vi) Scoped Species at Risk Assessment;
- vii) Sustainability Report;
- viii) Health Impact Assessment;
- ix) Performance Checklists;
- x) Master Servicing Plan;
- xi) Stormwater Management Report;
- xii) Functional Servicing Report or Servicing Options Study;
- xiii) Water and wastewater modelling;
- xiv) Noise/Vibration Study;
- xv) Hydrogeological Assessment;
- xvi) Traffic Impact Assessment;
- xvii) Archaeological Assessment;
- xviii) Heritage Impact Assessment;
- xix) Land Use Compatibility Assessment;
- xx) Financial Impact Assessment;
- xxi) Geotechnical Study;
- xxii) Site Evaluation Report;
- xxiii) Wildland Fire Hazard Risk Assessment Report;
- xxiv) Site Assessment for Lands on or Adjacent to Waste Disposal Sites;

- xxv) Fisheries Impact Assessment;
- xxvi) Flooding and Erosion Assessment;
- xxvii) Boating Impact Study;
- xxviii) Blasting Impact Assessment and,
- xxix) Any other studies required by the approval authority that are not reflected in the above list.

### **N11.3 PRE-CONSULTATION**

- a) Prior to the submission of an application for an Official Plan Amendment and Zoning By-law amendment, applicants are required to meet with the Township and relevant agencies to determine what studies, plans and items are required to support an application in accordance with this section of the Plan.
- b) The details of the pre-consultation process are set out in a by-law passed by the Township of Muskoka Lakes pursuant to the Planning Act.
- c) The intent of the pre-consultation process shall be to determine the scale and scope of any required study, plan or item with this scale and scope being dependent on the size of the proposal, site-specific circumstances and/or physical attributes, and its relationship to adjacent land uses and/or physical attributes and the type(s) of planning approval(s) required.

### **N11.4 FLEXIBILITY**

While it is the intent of this Plan to require the studies, plans and items listed above in support of the applications listed above, this section should not be interpreted as being all-inclusive. On this basis, the specific requirements for a particular application may be modified depending on the scale of the proposal, its location, relationship to other land uses, site specific considerations, and whether the proposal implements other planning approvals that may have been obtained prior to the consideration of the specific application.

### **N11.5 REVIEW OF SUPPORTING STUDIES**

- a) Qualified professionals retained by and at the expense of the proponent shall carry

out all studies required by the approval authority in accordance with this section.

- b) The Township shall review such studies as part of the consideration of **development** applications. However, there may be circumstances where the expertise to review technical reports is not available and in cases like these, the Township as the approval authority shall require peer reviews of the studies by an appropriate public agency or by a professional consultant retained by the Township at the proponent's expense. Alternatively, a qualified professional retained by the Township at the expense of the proponent may carry out studies in a municipally directed approach.

## **N12 COMPREHENSIVE DEVELOPMENT PLANS**

- a) When an application for major **development** is proposed, the Township may require the proponent to prepare a Comprehensive Development Plan (CDP) that deals with environmental, water quality and servicing issues in an integrated manner.
- b) The determination of what is considered major **development** rests with the Township and shall be based on the context of each site; however, new tourist commercial development such as new marinas and new resorts and other forms of accommodation that propose more than 20 or more accommodation units would be considered major **development**.
- c) Prior to initiation of a CDP, a Terms of Reference that outlines a work plan shall be prepared to the satisfaction of the Township, in consultation with relevant public agencies.
- d) The study area boundaries for the CDP may be required to extend beyond the boundaries of the **development** application site, in order to properly identify the existing functions and the extent of impact related to the **natural heritage features and areas** within the context of its subwatershed or catchment area.
- e) Any documents or reports associated with the CDP shall be prepared in consultation with the relevant public agencies, and shall be available for review by the general public.
- f) The CDP shall be undertaken by qualified professionals, and conducted in a manner consistent with an ecosystem functions approach to planning, involving a rigorous analysis of the environmental functions of the **natural heritage system** and water

resource system, and the interrelationships among these functions.

- g) Where a CDP is also required by the District of Muskoka, the Township and the District shall coordinate the requirements of the Plan to ensure that there is no duplication of effort. In cases such as these, the Township CDP may have a narrower scope.
- h) A CDP shall at a minimum include the following:
  - i) An inventory of all **natural heritage features and areas** and ecosystem functions on the site and on adjacent and nearby sites, including ground water resources;
  - ii) Proposed measures to improve **natural heritage features and areas** and ecosystem functions;
  - iii) The proposed approach to development as informed by the evaluation of features and functions to be maintained and/or enhanced, and additional **infrastructure** requirements;
  - iv) An assessment of impacts on **natural heritage features and areas** and ecosystem functions, including cumulative impacts from development;
  - v) Proposed environmental management techniques and measures to mitigate anticipated impacts;
  - vi) An assessment of impacts on natural hazards, including cumulative impacts of development and proposed mitigation or remediation measures;
  - vii) Recommendations for long-term management, monitoring requirements and contingency plans for the identified environmental features and functions, and
  - viii) A statement on overall conformity with the environmental policies of the Muskoka Official Plan and this Plan.

## **N13 PARKLAND**

### **N13.1 OBJECTIVES**

It is the objective of this Plan to:

- a) Establish and maintain a system of public open space, parkland and recreational that meets the needs of present and future residents;

- b) Enhance existing parkland areas wherever possible to respond to changing public needs and preferences;
- c) Ensure that appropriate amounts and types of parkland are acquired by the Township through the **development** process;
- d) Encourage the dedication and donation of **natural heritage features and areas** into public ownership to ensure their continued protection;
- e) Protect and enhance the public open space and parkland areas in a manner that is consistent with the other objectives of this Plan, while accommodating appropriate levels of public use;
- f) Coordinate with other public and private agencies in the provision of open space, recreational and cultural facilities; and,
- g) Encourage the development of a walking and cycling trail system within the open space system that is accessible to the public utilizing trails, paths, streets and other public open spaces.

### **N13.2 DEDICATION OF PARKLAND**

- a) The Township shall require parkland dedication from **development/ redevelopment** and on plans of subdivision in accordance with the Planning Act.
- b) Cash-in-lieu of parkland may be required where:
  - i) The application of the rate of parkland dedication would render the remaining portion of the site unsuitable or impractical for development;
  - ii) Existing municipal parkland is available in sufficient quantity and quality to accommodate further development in a particular area; and/or,
  - iii) More suitable parcels of land are available for municipal park purposes in other locations.

### **N13.3 PARKLAND DEVELOPMENT POLICIES**

All public parkland shall:

- a) Have as much street frontage as possible, with a minimum of 50 percent of their perimeter as street frontage, and be open to view on as many sides as possible to

- maximize visibility from adjacent streets and promote safety;
- b) Maximize public safety through park block size, visibility, configuration and location of park fixtures and facilities;
  - c) Have direct and safe pedestrian access from adjacent residential areas where appropriate;
  - d) Be designed to minimize any potential negative impacts on adjacent residential areas through the use of such measures as planting, fencing and the provision of appropriate access, parking and buffers to active recreational facilities;
  - e) Incorporate and improve **natural heritage features and areas** wherever possible when designing parkland;
  - f) Be integrated into the fabric of the adjacent neighbourhood by promoting open space or walkway linkages to adjacent facilities, neighbourhoods and natural features; and
  - g) Be connected, wherever possible, to trail systems, cycling routes, walkways, natural heritage corridors, utility or hydro corridors and drainage systems.

## **N14 PUBLIC PARTICIPATION AND CONSULTATION**

- a) It is a policy of this Plan that public participation be an integral component of many land use planning processes where the Township of Muskoka Lakes is the approval authority. Where public consultation is required under the Planning Act, the Township of Muskoka Lakes shall be satisfied that:
  - i) Adequate public notice in accordance with the Planning Act has been given;
  - ii) Enough information to enable reasonable understanding of the nature of the proposal and its impacts is available prior to any public meeting including at minimum the preliminary results of any peer reviews of supporting documentation
  - iii) All public and agency comments have been assessed and analyzed by staff; and,
  - iv) Their decision will appropriately balance the overall public interest against the private interest expressed in the application.

- b) The Township shall use a variety of communication methods to seek input on planning matters and to provide information to the public. Depending on the issues, and in accordance with the Planning Act and associated regulations, the Township shall choose the most appropriate method of communication, which may include any or all of the following:
- i) personal service or prepaid first class mail;
  - ii) e-mail;
  - iii) public notice signs;
  - iv) surveys, electronic or mail-out;
  - v) neighbourhood open houses and/or public information centres;
  - vi) neighbourhood working groups or focus groups;
  - vii) information meetings;
  - viii) statutory public meetings;
  - ix) Township website or internet engagement platforms;
  - x) electronically circulated newspaper; and/or
  - xi) any other methods as deemed necessary by the Township and as established by amendment to this Plan.
- c) Regulations to the Planning Act require applicants to provide, as part of a complete application to the approval authority, a strategy for consulting with the public.
- d) The Township may develop more detailed public consultation strategy guidelines for proponents to implement to policies in this Plan.

## **N15 INTERPRETATION**

### **N15.1 GENERAL**

This Plan is a statement of policy. It is intended as a guide to Township Council on land use planning decisions, however, some flexibility in interpretation may be permitted provided that the general intent is maintained.

## **N15.2 ACCESSORY USES**

Accessory uses that are customarily incidental and subordinate to and exclusively devoted to a principal use permitted in a land use designation by this Plan are also permitted.

## **N15.3 MEASURING LOT FRONTAGE**

Where minimum lot frontages are established in this Plan, the measurement of lot frontage shall be in accordance with the provisions of the implementing Zoning By-law or Community Planning Permit By-law, as may be amended from time to time.

## **N15.4 INTERPRETATION OF LAND USE DESIGNATION BOUNDARIES AND NUMERICAL VALUES**

- a) The boundaries of the Urban Centres and Community Areas identified on Schedules A, B1, B2 and C1 to C5 of this Plan are considered to be firm boundaries. An amendment to this Plan shall be required for an expansion to an Urban Centre or a Community Area.
- b) It is recognized that the boundaries of the **natural heritage features and areas** shown on Appendix C may be imprecise and subject to change without the need for an amendment to this Plan.
- c) Where numerical quantities are identified in this Plan, such quantities shall be interpreted as guidelines and minor variances to specific requirements may be permitted provided that the intent of the Plan is maintained, unless the Plan states otherwise.
- d) Where this Plan refers to a “lot”, such policies shall also apply to a unit within a vacant land condominium description or a Parcel of Tied Land (POTL) as applicable.
- e) The use of imperial measurements in this Plan is for information purposes and the metric measurements shall prevail.

## **N15.5 LEGISLATION**

Where this Plan makes reference to a Provincial Act, an Ontario Regulation, the Provincial Policy Statement, the Muskoka Official Plan, municipal by-law, or any other legislative or guideline document, such reference shall include any subsequent amendments or

replacements.

## **N15.6 DEFINITIONS**

A number of terms in this Plan are defined if they are shown in **bold** and these definitions are below.

**Adjacent lands:** means

For the purposes of Sections D1.3.1 f), D1.3.2 d), D1.3.3 d) and D1.3.5 d) of this Plan, those lands contiguous to a specific **natural heritage feature and area** where it is likely that **development** or **site alteration** would have a **negative impact** on the feature or area. The extent of the **adjacent lands** may be recommended by the Province or based on municipal approaches which achieve the same objectives;

For the purposes of Section K3.3.1 of this Plan, those lands contiguous to lands on the surface of known **petroleum resources, mineral deposits, or deposits of mineral aggregate resources** where it is likely that **development** would constrain future access to the resources. The extent of the **adjacent lands** may be recommended by the Province; and

For the purposes of Section L3.3.3 b) of this Plan, those lands contiguous to a **protected heritage property** or as otherwise defined in the municipal official plan.

**Adverse effects:** means as defined in the Environmental Protection Act, means one or more of:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) Injury or damage to property or plant or animal life;
- c) Harm or material discomfort to any person;
- d) An **adverse effect** on the health of any person;
- e) Impairment of the safety of any person;
- f) Rendering any property or plant or animal life unfit for human use;
- g) Loss of enjoyment of normal use of property; and

h) Interference with normal conduct of business.

**Affordable:** means:

In the case of ownership housing, the least expensive of:

- a) Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for **low and moderate income households**; or
- b) Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the **regional market area**;

In the case of rental housing, the least expensive of:

- a) A unit for which the rent does not exceed 30 percent of gross annual household income for **low and moderate income households**; or
- b) A unit for which the rent is at or below the average market rent of a unit in the **regional market area**.

**Agricultural uses:** means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and **fish**; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agri-tourism uses:** means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

**Agriculture-related uses:** means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

**Archaeological resources:** includes artifacts, archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such

resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

**Areas of archaeological potential:** means areas with the likelihood to contain **archaeological resources**. Criteria to identify archaeological potential are established by the Province. The Ontario Heritage Act requires archaeological potential to be confirmed by a licensed archaeologist.

**Areas of natural and scientific interest (ANSI):** means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

**Brownfield sites:** means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

**Built heritage resource:** means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. **Built heritage resources** are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.

**Comprehensive rehabilitation:** means rehabilitation of land from which **mineral aggregate resources** have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of **mineral aggregate operations**.

**Comprehensive review:** means

For the purposes of Section C5 of this Plan, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:

- a) Is based on a review of population and employment projections and which reflect projections and allocations by the District of Muskoka; considers alternative

directions for growth or development; and determines how best to accommodate the development while protecting provincial interests;

- b) Utilizes opportunities to accommodate projected growth or development through **intensification** and **redevelopment**; and consider physical constraints to accommodating the proposed **development** within existing **settlement area** boundaries;
- c) Is integrated with planning for **infrastructure** and **public service facilities**, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
- d) Confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed development;
- e) Confirms that **sewage and water services** can be provided in accordance with Section L1 of this Plan; and
- f) Considers cross-jurisdictional issues.

In undertaking a **comprehensive review** the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary or **development** proposal.

**Conserved:** means the identification, protection, management and use of **built heritage resources, cultural heritage landscapes** and **archaeological resources** in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

**Cultural heritage landscape:** means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. **Cultural heritage**

**landscapes** may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

**Deposits of mineral aggregate resources:** means an area of identified **mineral aggregate resources**, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

**Designated and available:** means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g. secondary plans) are required before **development** applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be **designated and available** for the purposes of this definition.

**Designated growth areas:** means lands within **settlement areas** designated in an official plan for growth over the long-term planning horizon provided in Section A4 but which have not yet been fully developed. **Designated growth areas** include lands which are **designated and available** for residential growth in accordance with Section 12.3.3 as well as lands required for employment and other uses.

**Development:** means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include:

- a) Activities that create or maintain **infrastructure** authorized under an environmental assessment process;
- b) Works subject to the Drainage Act; or
- c) For the purposes of Section 2.1.4 (a) of the Provincial Policy Statement underground or surface mining of **minerals** or advanced exploration on mining lands in **significant areas of mineral potential** in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to Section 2.1.5 (a) of the Provincial Policy Statement.

**Dynamic beach hazard:** means areas of inherently unstable accumulations of shoreline sediments along **large inland lakes**, as identified by provincial standards, as amended from time to time. The **dynamic beach hazard** limit consists of the **flooding hazard** limit plus a dynamic beach allowance.

**Ecological function:** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

**Employment area:** means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

**Endangered species:** means a species that is classified as “Endangered Species” on the Species at Risk in Ontario List, as updated and amended from time to time.

**Erosion hazard:** means the loss of land, due to human or natural processes, that poses a threat to life and property. The **erosion hazard** limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**Essential emergency service:** means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

**Fish:** means fish, which as defined in the Fisheries Act, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

**Fish habitat:** as defined in the Fisheries Act, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which **fish** depend directly or indirectly in order to carry out their life processes.

**Flood fringe:** for **river, stream and small inland lake systems**, means the outer portion of the **flood plain** between the **floodway** and the **flooding hazard** limit. Depths and velocities of flooding are generally less severe in the **flood fringe** than those experienced in the

**floodway.**

**Flood plain:** for **river, stream and small inland lake systems**, means the area, usually low lands adjoining a watercourse, which has been or may be subject to **flooding hazards**.

**Flooding hazard:** means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shorelines of **large inland lakes**, the **flooding hazard** limit is based on the **one hundred year flood** level plus an allowance for **wave uprush** and **other water-related hazards**;
- b) Along **river, stream and small inland lake systems**, the **flooding hazard** limit is the greater of:
  - i) The flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific **watershed** and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over **watersheds** in the general area;
  - ii) The **one hundred year flood**; and
  - iii) A flood which is greater than i) or ii) which was actually experienced in a particular **watershed** or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry;

except where the use of the **one hundred year flood** or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific **watershed** (where the past history of flooding supports the lowering of the standard).

**Floodproofing standard:** means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate **flooding hazards, wave uprush** and **other water-related hazards** along the shorelines of **large inland lakes**, and **flooding hazards** along **river, stream and small inland lake systems**.

**Floodway:** for river, stream and small inland lake systems, means the portion of the **flood plain** where **development** and **site alteration** would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the **floodway** is the entire contiguous **flood plain**.

Where the **two zone concept** is applied, the **floodway** is the contiguous inner portion of the **flood plain**, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the **two zone concept** applies, the outer portion of the **flood plain** is called the **flood fringe**.

**Green infrastructure:** means natural and human-made elements that provide **ecological** and hydrological **functions** and processes. **Green infrastructure** can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

**Ground water feature:** means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

**Habitat of endangered species and threatened species:** means habitat within the meaning of Section 2 of the Endangered Species Act, 2007.

**Hazardous forest types for wildland fire:** means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources and Forestry, as amended from time to time.

**Hazardous lands:** means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of **large inland lakes**, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the **flooding hazard**, **erosion hazard** or **dynamic beach hazard** limits. Along **river, stream and small inland lake systems**, this means the land, including that covered by water, to the furthest landward limit of the **flooding hazard** or **erosion hazard** limits.

**Hazardous sites:** means property or lands that could be unsafe for **development** and **site alteration** due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

**Hazardous substances:** means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

**Heritage attributes:** means the principal features or elements that contribute to a **protected heritage property's** cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a **protected heritage property**).

**High quality:** means primary and secondary sand and gravel resources and bedrock resources as defined in the Aggregate Resource Inventory Papers (ARIP).

**Housing options:** means a range of housing types such as, but not limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi-residential buildings. The term can also refer to a variety of housing arrangements and forms such as, but not limited to life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, **affordable** housing, housing for people with **special needs**, and housing related to employment, institutional or educational uses.

**Hydrologic function:** means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

**Impacts of a changing climate:** means the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.

**Individual on-site sewage services:** means sewage systems, as defined in O. Reg. 332/12

under the Building Code Act, 1992, that are owned, operated and managed by the owner of the property upon which the system is located.

**Individual on-site water services:** means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

**Infrastructure:** means physical structures (facilities and corridors) that form the foundation for development. **Infrastructure** includes: sewage and water systems, septage treatment systems, stormwater management systems, **waste management systems**, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**Institutional use:** for the purposes of Section L4.2.5 of this Plan, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

**Intensification:** means the development of a property, site or area at a higher density than currently exists through:

- a) **Redevelopment**, including the reuse of **brownfield sites**;
- b) The development of vacant and/or underutilized lots within previously developed areas;
- c) Infill development; and
- d) The expansion or conversion of existing buildings.

**Large inland lakes:** means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

**Low and moderate income households:** means

- a) In the case of ownership housing, households with incomes in the lowest 60 percent

of the income distribution for the **regional market area**; or

- b) In the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the **regional market area**.

**Major facilities:** means facilities which may require separation from **sensitive land uses**, including but not limited to airports, manufacturing uses, transportation **infrastructure** and corridors, **rail facilities, marine facilities**, sewage treatment facilities, **waste management systems**, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

**Marine facilities:** means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future **marine facilities**.

**Mine hazard:** means any feature of a mine as defined under the Mining Act, or any related disturbance of the ground that has not been rehabilitated.

**Minerals:** means metallic **minerals** and non-metallic **minerals** as herein defined, but does not include **mineral aggregate resources** or **petroleum resources**.

Metallic **minerals** means those **minerals** from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic **minerals** means those **minerals** that are of value for intrinsic properties of the **minerals** themselves and not as a source of metal. They are generally synonymous with industrial **minerals** (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

**Mineral aggregate operation:** means

- a) Lands under license or permit, other than for **wayside pits and quarries**, issued in accordance with the Aggregate Resources Act; and,
- b) Associated facilities used in extraction, transport, beneficiation, processing or recycling of **mineral aggregate resources** and derived products such as asphalt and concrete, or the production of secondary related products.

**Mineral aggregate resources:** means gravel, sand, clay, earth, shale, stone, limestone,

dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

**Mineral aggregate resource conservation:** means

- a) The recovery and recycling of manufactured materials derived from **mineral** aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- b) The wise use of mineral aggregates including utilization or extraction of on-site **mineral aggregate resources** prior to development occurring.

**Mineral deposits:** means areas of identified **minerals** that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

**Mineral mining operation:** means mining operations and associated facilities, or, past producing mines with remaining **mineral** development potential that have not been permanently rehabilitated to another use.

**Minimum distance separation formulae:** means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Municipal sewage services:** means a sewage works within the meaning of section 1 of the Ontario Water Resources Act that is owned or operated by a municipality, including centralized and decentralized systems.

**Municipal water services:** means a municipal drinking-water system within the meaning of section 2 of the Safe Drinking Water Act, 2002 including centralized and decentralized systems.

**Natural heritage features and areas:** means features and areas, including **significant wetlands, habitat of endangered species and threatened species, significant wildlife**

**habitat, and significant areas of natural and scientific interest**, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Natural heritage system:** means a system made up of **natural heritage features and areas**, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include **natural heritage features and areas**, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support **hydrologic functions**, and working landscapes that enable **ecological functions** to continue. The Province has a recommended approach for identifying **natural heritage systems**, but municipal approaches that achieve or exceed the same objective may also be used.

**Negative impacts:** means

- a) In regard to Section D2.2.b) of this Plan, potential risks to human health and safety and degradation to the **quality and quantity of water, sensitive surface water features and sensitive ground water features**, and their related **hydrologic functions**, due to single, multiple or successive **development**. **Negative impacts** should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- b) In regard to Section L1.2 d) and L1.4 a) i) of this Plan, degradation to the **quality and quantity of water, sensitive surface water features and sensitive ground water features**, and their related **hydrologic functions**, due to single, multiple or successive **development** or **site alteration** activities;
- c) In regard to **fish habitat**, any permanent alteration to, or destruction of **fish habitat**, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and
- d) In regard to other **natural heritage features and areas**, degradation that threatens the health and integrity of the natural features or **ecological functions** for which an area is identified due to single, multiple or successive **development** or **site alteration** activities.

**Normal farm practices:** means a practice, as defined in the Farming and Food Production Protection Act, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, 2002 and regulations made under that Act.

**Oil, gas and salt hazards:** means any feature of a well or work as defined under the Oil, Gas and Salt Resources Act, or any related disturbance of the ground that has not been rehabilitated.

**On-farm diversified uses:** means uses that are secondary to the principal agricultural use of the property, and are limited in area. **On-farm diversified uses** include, but are not limited to, home occupations, home industries, **agri-tourism uses**, and uses that produce value-added agricultural products.

**One hundred year flood:** for **river, stream and small inland lake systems**, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

**One hundred year flood level:** means for **large inland lakes**, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the **one hundred year flood** level is based on the highest known water level and wind setups.

**Other water-related hazards:** means water-associated phenomena other than **flooding hazards** and **wave uprush** which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

**Partial services:** means

- a) **Municipal sewage services** or **private communal sewage services** and **individual on-site water services**; or
- b) **Municipal water services** or **private communal water services** and **individual on-**

**site sewage services.**

**Petroleum resource operations:** means oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas and other hydrocarbons.

**Petroleum resources:** means oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

**Portable asphalt plant:** means a facility

- a) With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) Which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**Portable concrete plant:** means a building or structure

- a) With equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) Which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

**Private communal sewage services:** means a sewage works within the meaning of section 1 of the Ontario Water Resources Act that serves six or more lots or private residences and is not owned by a municipality.

**Private communal water services:** means a non-municipal drinking-water system within the meaning of section 2 of the Safe Drinking Water Act, 2002 that serves six or more lots or private residences.

**Protected heritage property:** means property designated under Parts IV, V or VI of the

Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

**Provincial and federal requirements:** means

- a) In regard to Section D1.3.5 c) of this Plan, legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including **fish** and **fish habitat**), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and
- b) In regard to Section D1.3.4 a) of this Plan, legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.

**Public service facilities:** means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, **recreation**, police and fire protection, health and educational programs, long-term care services and cultural services. **Public service facilities** do not include **infrastructure**.

**Quality and quantity of water:** is measured by indicators associated with **hydrologic function** such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

**Rail facilities:** means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future **rail facilities**.

**Recreation:** means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

**Redevelopment:** means the creation of new units, uses or lots on previously developed land, including **brownfield sites** including the reconstruction and expansion of existing

buildings and structures.

**Regional market area:** refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the **regional market area**. However, where a **regional market area** extends significantly beyond these boundaries, then the **regional market area** may be based on the larger market area. Where **regional market areas** are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

**Renewable energy source:** means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

**Renewable energy system:** means a system that generates electricity, heat and/or cooling from a **renewable energy source**.

**Residential intensification:** means **intensification** of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) **Redevelopment**, including the redevelopment of **brownfield sites**;
- b) The development of vacant or underutilized lots within previously developed areas;
- c) Infill development;
- d) Development and introduction of new **housing options** within previously developed areas;
- e) The conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- f) The conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses and other **housing options**.

**River, stream and small inland lake systems:** means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

**Rural areas:** means a system of lands within municipalities that may include rural **settlement areas, rural lands, prime agricultural areas, natural heritage features and areas,** and resource areas.

**Rural lands:** means lands which are located outside **settlement areas** and which are outside **prime agricultural areas.**

**Sensitive:** in regard to **surface water features** and **ground water features,** means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

**Sensitive land uses:** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more **adverse effects** from contaminant discharges generated by a nearby **major facility.** **Sensitive land uses** may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

**Settlement areas:** means Urban Centres and Community Areas in the Township of Muskoka Lakes that are:

- a) Built up areas where development is concentrated and which have a mix of land uses; and
- b) Lands which have been designated in an official plan for development over the long-term planning horizon provided for in Section A4 of this Plan.

**Sewage and water services:** includes **municipal sewage services** and **municipal water services, private communal sewage services** and **private communal water services, individual on-site sewage services** and **individual on-site water services,** and **partial services.**

**Significant:** means

- a) In regard to **wetlands, coastal wetlands** and **areas of natural and scientific interest,** an area identified as provincially **significant** by the Ontario Ministry of Natural Resources and Forestry using evaluation features established by the Province, as

amended from time to time;

- b) In regard to other features and areas in Sections D1.3.3 and D1.3.5 of this Plan, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or **natural heritage system**;
- c) In regard to **mineral** potential, an area identified as provincially **significant** through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and
- d) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

Criteria for determining significance for the resources identified in sections b) and c) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some **significant** resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

**Site alteration:** means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

**Special needs:** means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of **special needs** housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

**Special Policy Area:** means an area within a community that has historically existed in the **flood plain** and where site-specific policies, approved by both the Ministers of Natural Resources and Forestry and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the

significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning **development**. The criteria and procedures for approval are established by the Province.

A **Special Policy Area** is not intended to allow for new or intensified **development** and **site alteration**, if a community has feasible opportunities for **development** outside the **flood plain**.

**Surface water feature:** means water-related features on the earth’s surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, **wetlands**, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

**Threatened species:** means a species that is classified as “Threatened Species” on the Species at Risk in Ontario List, as updated and amended from time to time.

**Two zone concept:** means an approach to **flood plain** management where the **flood plain** is differentiated in two parts: the **floodway** and the **flood fringe**.

**Valleylands:** means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

**Vulnerable:** means surface and/or ground water that can be easily changed or impacted.

**Waste management system:** means sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

**Watershed:** means an area that is drained by a river and its tributaries.

**Wave uprush:** means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of **wave uprush** is the point of furthest landward rush of water onto the shoreline.

**Wayside pits and quarries:** means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

**Wetlands:** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of **wetlands** are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit **wetland** characteristics are not considered to be **wetlands** for the purposes of this definition.

**Wildland fire assessment and mitigation standards:** means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources and Forestry to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, **infrastructure** and property from wildland fire.

**Wildlife habitat:** means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific **wildlife habitats** of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

**Woodlands:** means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of **wildlife habitat**, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. **Woodlands** include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. **Woodlands** may be delineated according to the Forestry Act definition or the Province’s Ecological Land Classification system definition for “forest.”