

TOWNSHIP OF MUSKOKA LAKES OFFICIAL PLAN



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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

This Official Plan is intended to guide development on all lands within the Township of Muskoka Lakes.

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;
 - 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 Policy 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 section then includes a series of land use planning, housing, economic development, tourism, sustainable development and innovation and future technology policy 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 section.

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 section. 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 section as well. There are also policies in this section on watercourses and surface

water features, **development** and **site alteration** near **surface water features** and **groundwater 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 (Resort Commercial Development) contains policies on the development of new resorts and the redevelopment of existing resorts.

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 Hamlet 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, home businesses, short term rentals, sustainable development and climate change. 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 section.

Section M (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 section contains policies on zoning by-law implementation, community planning permits and Community Improvement Plans. This section 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 section of the Plan also contains a number of policies on how the Official Plan should be interpreted including the boundaries of the land use designations. Lastly, this section 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 B1A - Land Use Designations in Port Carling (Urban Centre);
- c) Schedule B2A - Land Use Designations in Bala (Urban Centre); and
- d) Schedules C1 to C5 - Land Use Designations in the Community Areas (Foots Bay, Glen Orchard, Milford, Windermere and Torrance).

A7 APPENDICES TO THE PLAN

The following appendices, which contain additional information that assists with the interpretation and implementation of this Plan, do not constitute an operative part of the Muskoka Lakes Official Plan:

- a) Appendix A - To be determined
- b) Appendix B1B - Port Carling Service Area Boundaries;
- c) Appendix B2B - Bala Service Area Boundaries;
- d) Appendix C - to be determined
- e) Appendix D1/D2 - Natural Heritage Features and Areas;
- f) Appendix E - Water Resources;
- g) Appendix F - Resource Areas and Other Constraints;
- h) Appendix G - Flooding Hazards;
- i) Appendix H - Transportation and Scenic Corridors; and
- j) Appendix I - Archaeological Potential.

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 policy 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 policy 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) Sections C to M of this Plan contain a number of objectives and detailed policies. Objectives are intended to be more specific than the policy 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. When a policy includes the words 'shall not', the policy is a limitation or a prohibition. 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 Section M 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 and should be addressed through Zoning By-law Amendments or Minor Variances.

PART B - VISION AND POLICY 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 POLICY OBJECTIVES

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

- a) Continue to preserve, protect and enhance the natural features of the Muskoka watershed found within the Township, including water quality;
- b) Require the implementation of sustainable development practices and support resiliency and innovation in order to maximize resource and energy conservation;
- c) Preserve, protect, and promote the heritage and cultural features that make Muskoka Lakes unique;
- d) Protect and support the Township's agricultural and rural areas, so that they are sustained for future generations and serve as a legacy to all residents of the Township;
- e) 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;
- f) 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;
- g) 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;
- h) 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;
- i) 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;
- j) 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;
- k) Establish a more balanced and integrated transportation system that safely and efficiently accommodates various modes of transportation including automobiles, trucks, cycling and walking;
- l) 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;

- m) 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,
- n) 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 POLICY 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) Encourage land use and development patterns that support the health and well-being of the people of the Township and contribute to a higher quality of life;
- 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;

- f) Recognize that healthy communities attract investment and labour, particularly for those working at home, in small spaces and in a collaborative setting;
- g) Adapt to and mitigate the impacts of climate change through the creation of resilient communities;
- h) Ensure that development and land use patterns consider the impacts of climate change;
- i) Promote improved accessibility for persons with disabilities and the elderly;
- j) Coordinate with other service providers, municipalities, government agencies, non-profit, and private partners to deliver, and where appropriate, to lead, healthy communities initiatives;
- k) Coordinate and appropriately deliver where possible 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,
- l) Promote public art to help create distinctive areas and people-places.

B4 HOUSING POLICY OBJECTIVES

Obtaining affordable and attainable housing for year-round residents is a challenge in the Township. The housing policy 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 in appropriate locations;

- f) Encouraging the use of surplus public lands for attainable and **affordable** housing only if the site is appropriate for such a use and located where the use would be compatible with adjacent uses;
- 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; and,
- i) Encouraging the provision of alternative forms of housing for **special needs** groups including housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons and transitional housing.

B5 ECONOMIC DEVELOPMENT POLICY OBJECTIVES

The Township is committed to supporting a strong local economy. The economic policy 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 activities.

B6 TOURISM DEVELOPMENT POLICY 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 destination 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) Facilitate the establishment of a competitive tourism business environment that is able to easily adapt to changing circumstances and priorities by ensuring that the policy framework permits the broadest range of accommodation facilities and tourist uses in appropriate locations;
- e) To 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 will take precedence;
- f) To 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's waterfront areas;

- g) To 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;
- h) Ensure that existing and new resorts are commercial in nature, so that travellers and vacationers continue to visit the Township and contribute to the local economy;
- i) Recognize the role that cottaging and short term rentals play in the tourism economy and ensure that commercial tourist operations are compatible with other recreational residential uses and vice versa;
- j) Encourage the development of year-round tourism opportunities; and
- k) Ensure that staff housing is provided on site when resort development or redevelopment occurs.

B7 INNOVATION AND FUTURE TECHNOLOGIES POLICY OBJECTIVES

Part of planning for sustainability today means preparing for the seamless integration of the technologies and systems of tomorrow. Everyday renewable energy technologies become smaller, more affordable and more efficient. On the basis of the above, it is the objective of this Plan that:

- a) Where possible, the consideration for the integration of future technologies and infrastructure be part of community planning and design;
- b) Charging stations, which supply electricity for electric vehicles, be encouraged in new developments and parking lots and be incorporated into the design of high density development and mixed use buildings, as well as small and large-format commercial buildings and institutional buildings; and,
- c) All ground oriented developments be encouraged to install a 240v electrical connection in all garages to facilitate the installation of car chargers at a later date and that all Part 3 and Part 9 buildings be encouraged to provide EV charging within associated parking areas.

PART C - GROWTH MANAGEMENT

C1 GROWTH MANAGEMENT OBJECTIVES

It is the objective of this Plan to:

- a) Reinforce the role of Port Carling and Bala as the two Urban Centres in the Township;
- b) Reinforce the role of Port Carling and Bala as the primary commercial centres of the Township;
- c) Manage growth in a sustainable way that will make the most efficient use of land, **infrastructure**, public services and facilities;
- d) 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;
- e) Focus year-round residential and employment growth 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;
- f) Focus resource-based recreational and seasonal residential development in the waterfront areas;
- g) 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;
- h) Ensure that an adequate supply of land and housing choices are available for present and future residents;
- i) 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;
- j) 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;
- k) Ensure that all urban **development** is appropriately phased and in conjunction with required

infrastructure improvements where appropriate;

- l) 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**;
- m) Recognize Waterfront Areas as both a significant natural asset and as the location for the majority of the resource-based recreational development in Muskoka;
- n) Protect and support **rural areas**, so that they are sustained for future generations, protect large tracts of undeveloped lands and serve as a legacy to all residents of the Township and remain a benefit to the overall natural environment of the area; and
- o) 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) The two Urban Centres (Port Carling and Bala) shall be the focus of growth in the Township and their vitality and regeneration shall be promoted. The limits of the two Urban Centres are shown on Schedules A, B1A and B2A.
- 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 will be limited to infilling and the minor rounding of existing development.
- c) The vast majority of seasonal population and dwelling growth will occur outside of **settlement areas** as resource-based recreational uses primarily located in the Waterfront Area designation.
- d) A minimum of 10% 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. The built-up areas in Port Carling and Bala is shown on Appendices B1B and B2B of this Plan (built up area not yet shown in current draft mapping).

C3 FORECASTS

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

- c) The Township's population (year-round) is forecasted to increase from 6,640 in 2021 to 6,960 in 2046 as directed by the District's 2019 Growth Strategy.
- d) The number of year-round dwellings is projected to increase by 420 between 2021 and 2046.
- e) No less than 70% of expected new year-round dwellings will be directed to the Urban Centres of Port Carling and Bala.
- f) The Township's seasonal population is forecasted to increase from 28,050 in 2021 to 29,840 in 2046 as directed by the 2019 Growth Strategy.
- g) The number of seasonal dwellings is projected to increase by 500 between 2021 and 2046.
- h) Employment growth of 450 new jobs is expected in the Township between 2021 and 2046.

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, B1A, B2A and C1 to C5 to this Plan.
- b) A boundary expansion to an Urban Centre or Community Area may 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** applications proposed in or adjacent to **natural heritage features and areas** are properly assessed for potential impacts and that those potential impacts are eliminated or mitigated to the greatest extent possible;
- h) Discourage 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 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 IN AREAS

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

- a) Provincially **significant wetlands** are shown on Appendix D1/D2;
- b) **Areas of Natural and Scientific Interest** which are shown on Appendix D1/D2;
- c) **Significant wildlife habitat**, which includes but is not limited to deer wintering and moose aquatic feeding habitat shown on Appendix D1/D2;
- d) **Fish habitat**, which is present throughout the Township and not shown on the Schedules to this Plan; and,
- e) Muskoka Heritage Areas and Sites which are shown on Appendix D1/D2, 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 not been evaluated.

- c) **Development** and **site alteration** is not permitted in Provincially **significant wetlands**. Permitted uses in the Environmental Protection Area designation are limited to:
 - i) Forestry in the form of reforestation and regeneration, and excluding commercial logging and managed woodlots; and,
 - ii) Uses connected with the conservation of water, soil, wildlife and other natural resources.
- 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** and **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** and **site alteration** shall not be permitted on lands within 30 metres of any **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 a 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. Other **Areas of Natural and Scientific Interest** have not been identified as Provincially **significant** and are instead considered to be of regional significance.
- c) **Development** and **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** and **site alteration** shall not be permitted on lands within 120 metres of a life science

Area of Natural and Scientific Interest and within 50 metres 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 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.

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 D1/D2 to this Plan. With the exception of these habitats, **significant wildlife habitats** are typically diverse and extensive, such that comprehensive assessment is not feasible, particularly on privately owned lands.
- c) **Significant wildlife habitat** may include seasonal concentrations of animals (e.g., deer wintering areas, moose aquatic feeding habitat and heronries), specialized habitats and rare vegetation communities and habitats of species of special concern and may be further defined or identified. At the time this Plan was prepared, species of special concern known or expected to occur in Muskoka are listed in Appendix ____ (Appendix not yet prepared). Species listed within Appendix ____ 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).
- h) **Development** and **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.
- i) **Development** and **site alteration** shall not be permitted on lands within 120 metres of **significant wildlife habitat** (otherwise known as **adjacent lands**) or within 400 metres of a moose aquatic feeding area 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.

- d) Proponents of **development** and **site alteration** in areas that are potentially the site of **significant wildlife habitat** should consult with Provincial guidelines to help identify such habitat.
- e) 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.
- f) 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** 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** and **site alteration** shall not be permitted in **habitat of endangered species and threatened species**, except in accordance with **Provincial and Federal requirements**.
- b) 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.
- 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 **endangered species** or **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 will 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 **habitat of endangered species** or **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 **endangered species** and **threatened species** and their habitat is incomplete and that the SARO list is being continually updated. The Township shall accept information regarding **endangered** and **threatened species** habitat from the Province, including regulated habitat, as it becomes available and will 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** and activities may have on the **habitat of threatened and endangered species**, a site assessment by a qualified professional is generally required to be completed at the appropriate time of year and using accepted protocols. The assessment shall identify whether the habitat of any **endangered species** or **threatened species** is present and whether the proposed activities will have any impact on **endangered species** or **threatened species** or their habitat. 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 _____ (Appendix not yet prepared) 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 _____ 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** and **site alteration** shall not be permitted in **fish habitat** except in accordance with **Provincial and Federal requirements**.
- d) **Development** and **site alteration** shall not be permitted on lands within 120 metres of 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 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** 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** within or adjacent to Type 1 and/or Unknown habitat. **Development** may be exempted from this requirement provided that:
 - i) The **development** 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**, new development, excluding shoreline or minor accessory structures, shall generally be set back a minimum of 20 metres from warm water and cool water streams and a minimum of 15 metres from warm water streams.
- i) In order to ensure the protection of **fish habitat**, all new shoreline lots shall generally 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 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.
- 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 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 may request a site assessment and/or EIS by a qualified professional to be completed at the appropriate time of year and using accepted protocols to determine whether one or more of these **natural heritage features and areas** exists and/or to demonstrate if the proposed **development**, 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 are on Schedules A, B1A, B2A and C1 to C5 and the general limits of mapped **natural heritage features and areas** are shown on Appendix D1/D2.
- b) It is acknowledged that the mapped inventory may be incomplete or dated. In addition, the limits of the mapped features 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 generally be required for all applications for **development** within and adjacent to mapped **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 support a development proposal within or adjacent to **natural heritage features and areas** if, in the opinion of the Township, the proposed **development** is minor and is not anticipated to have a **negative impact** on the natural heritage feature or its **ecological functions** or if the policies of this Plan provide an exception to the submission of an EIS related to the **natural heritage feature or area**.
- 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.
- f) Where the policies of this Plan require that an Environmental Impact Study (EIS) be prepared, such an EIS shall be prepared in accordance with the requirements of this section, the mapping of **natural heritage features and areas** in this Plan or otherwise identified through Provincial sources and/or site-specific investigation.
- g) It is expected that the policies of this section of the Plan will be updated to take into account other elements of the **natural heritage system**, such as linkages and enhancement areas, when this Plan

is amended to incorporate a **natural heritage system** in accordance with Section C1.5 of this Plan.

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** and should:
 - i) Collect and evaluate the appropriate information in order to 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) Determine whether there are any additional **natural heritage features and areas** on the subject lands and/or **adjacent lands**, typically through one or more site inspections;
 - iii) Undertake a comprehensive impact analysis in order to determine whether or not the proposed **development** and/or **site alteration** will have a **negative impact** on **natural heritage features and areas** and their **ecological functions**;
 - iv) Propose appropriate mitigation measures or revisions to the proposed **development** and/or **site alteration** to avoid or where appropriate and acceptable sufficiently reduce **negative impacts**;
 - v) Clearly articulate any **negative impacts** that cannot be avoided or mitigated;
 - vi) Where appropriate, recommend monitoring provisions to evaluate the long-term effectiveness of the identified mitigation measures; and
 - vii) Consider climate change, cumulative and/or watershed impacts where possible.
- b) An EIS may be a compilation of site assessments for various individual **natural heritage features and areas**.
- c) In addition to the above, the EIS in support of a proposal for new **development** or **site alteration** within the **adjacent lands** shall identify a vegetation protection zone, which:
 - i) Is of sufficient width to protect the **natural heritage feature or 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 shall be required to fund an independent third party to perform this function for the municipality.

D1.4.2 REQUIREMENT FOR APPROVAL

- a) Before **development** and **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, Provincial and Federal policies and regulations are met. The EIS shall also demonstrate that proposed **development** and **site alteration** will not have a **negative impact** on **significant natural heritage features and areas** and related **ecological functions**.
- b) Due consideration shall be given to the scoping of the requirements to support **development** applications (e.g., assessments and studies) in relation to the minimum lot size and frontage required by this Plan, if it can be demonstrated that the land containing the **natural heritage feature or area** and an appropriate buffer will be conserved in perpetuity.
- c) The Township may scope or waive the requirement for an EIS to support a development proposal within the **adjacent lands** if, in the opinion of the Township, the proposed **development** or **site alteration** is minor and is not anticipated to have a **negative impact** on the natural feature or its **ecological functions** or if the policies of this Plan provide an exception to the submission of an EIS related to the adjacent **natural heritage features and areas**.
- d) 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**.
- e) 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 ESTABLISHING A NATURAL HERITAGE SYSTEM

D1.5.1 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. This Amendment will be initiated within three years of the approval of this Plan.

D1.5.2 COMPONENTS OF NATURAL HERITAGE SYSTEM

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

- a) The **natural heritage features and areas** that are the subject of Section D1.3;
- b) Conservation reserve, Crown Lands and other lands that are permanently protected from development;
- c) Linkage areas in accordance with Section D1.5.3, which may include linear natural features such as streams, **floodplains**, shoreline areas and steep slopes, valleys, contiguous narrow **woodlands** and **wetlands** that connect two or more natural heritage features and which provide for movement of plants and animals;
- d) Enhancement areas in accordance with Section D1.5.4, which are areas that could provide an ecological benefit to nearby **natural heritage features and areas**; and
- e) Buffer areas/vegetation protection zones.

D1.5.3 LINKAGES

Linkages are intended to consist of natural self-sustaining vegetation and 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** and **site alteration** within linkage areas should be supported by an Environmental Impact Study that:

- a) Assesses the ecological features and functions of a linkage, including its vegetative, wildlife, 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 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; 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 linkage areas if it can be demonstrated that the long-term ecological function of the linkage area would be retained.

D1.5.4 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** and **site alteration** within enhancement areas should be supported by an Environmental Impact Study that:
 - i) Assesses the ecological benefit of an enhancement to the nearby **natural heritage feature or 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 or 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.

D1.6 GENERAL POLICIES

D1.6.1 USE OF LANDS IN PRIVATE OWNERSHIP

Where any land containing a **natural heritage feature or 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.

D1.6.2 CONSIDERATION OF CUMULATIVE IMPACTS

- a) Considering cumulative effects is critical for ensuring long-term environmental health and resiliency.
- 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. However, it is recognized that measuring and assessing cumulative impacts of development on the environment, and overall quality of life is challenging.
- c) The consideration of cumulative impacts will be encouraged through the development approval process where possible. Comprehensive natural heritage evaluations or other studies undertaken by the Federal and/or Provincial governments, will be likewise encouraged to estimate cumulative impacts on an area or regional basis.
- d) 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 impacts of development.
- e) 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 **development** or **site alteration** applications are considered, the proponent shall be required to provide an overview of previous studies related to development impacts on the same or adjacent feature. Any assessment of impact must include a description of cumulative impacts that have occurred prior to the impact assessment being undertaken.

D1.6.3 LAND SECUREMENT

- a) 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.

- b) Where feasible and appropriate, the Township will consider opportunities to obtain, through dedication, lands with natural heritage attributes through the **development** approval process.
- c) 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** approval process.

D1.6.4 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 **floodplains**, 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**.
- 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 consideration of the lake system health and recreational water quality;
- 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 may 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.

D2.4 STORMWATER MANAGEMENT

D2.4.1 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) Not increase 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) Consider 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 generally be required for any major **development** or at the discretion of the Township for any development proposal.
- c) Where **development** is proposed adjacent to a Provincial highway, District road, Township road or railway corridor and where drainage from the proposed **development** would impact a highway or corridor downstream, a stormwater management plan or report shall be reviewed and approved by the Provincial Ministry with jurisdiction and/or rail authority in accordance with its guidelines and requirements.

D2.4.2 STORMWATER MANAGEMENT CONSIDERATIONS

Except in extenuating circumstances proposals for **development** or redevelopment should be designed based on a treatment train approach in order to address 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 will be encouraged in addition to wet end of pipe facilities to conserve water use and to manage stormwater on-site. On the basis of the above, and 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 where possible to collect rainwater for irrigation on site, and reduce excess stormwater runoff, which carries pollutants into natural waterways and groundwater recharge areas, with these features allowing for the consideration of reduced sizes for stormwater management facilities;
- b) Stormwater management features are strategically located to take advantage of the existing topography and drainage patterns and to minimize their footprint;
- c) Stormwater management features 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 key features and ecological functions 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;
- 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) The re-use of relatively clean domestic waste water, or “grey water”, often from laundry machines, sinks, showers, baths and other appliances is encouraged to help minimize the use of the potable water supply;
- h) Landscaped areas are located to optimize water infiltration potential;
- i) The landscaping of public and private facilities utilizes drought tolerant native and non-invasive species that require minimal irrigation;
- j) Surface parking areas minimize the use of impervious surface materials, such as through the incorporation of permeable pavers and trenches, where feasible;
- k) Impermeable hard surfaced areas (i.e. driveways and parking areas) are reduced and opportunities for ground water infiltration are encouraged; and
- l) 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.

D2.5 WATERSHED AND SUBWATERSHED PLANNING

- a) A **watershed** is an area of land that drains into a river, lake or other water body. Unlike municipal boundaries, **watershed** boundaries are defined by nature and, as a result, **watersheds** often overlap a number of jurisdictions. Within each of these **watersheds** are a number of sub-watersheds. It is the long-term intent of the Township that a sub-watershed plan be prepared for each sub-watershed. The sub-watersheds in the Township are shown on Appendix C (Appendix not included in draft as of yet).
- b) The Township shall work in partnership with the District and other agencies to co-ordinate watershed planning initiatives and achieve watershed and sub-watershed 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 and water resource features.
- c) The Township supports Muskoka Watershed Council’s efforts to evaluate, communicate, educate,

promote and demonstrate watershed health across Muskoka.

- d) All land use decisions within Muskoka Lakes shall promote water conservation and support the efficient use of water resources on a watershed and sub-watershed basis.



PART E - WATERFRONT AREA

E1 OBJECTIVES

It is the objective of this Plan to:

- a) Protect the **ecological features** and **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) Encourage the conservation of the overall landscape, including but not limited to tree cover, tree lines and natural vegetation in order to protect the resilience and integrity of ecosystems;
- d) Protect the integrity of the landscape and natural environment, particularly wetland areas, shorelines and other water resources;
- 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 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 resources in and around 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 Centres, Community Areas, Environmental Protection Area, Local Agricultural Area or Rural Areas. 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 from any lake greater than 8 hectare in area, any major river, and/or any waterbody that is part of the District of Muskoka recreational water quality monitoring program.
- c) Lands that physically, visually or functionally relate to the Waterfront Area, although extending beyond 150 metres from a lake will be deemed to be within the Waterfront Area.
- d) Lands that do not physically, visually or functionally relate to the Waterfront Area, although within 150 metres of a lake will 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, including islands.

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 development;
- 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 features 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 generally 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, spiritual relaxation, water supply, and support for fisheries and wildlife habitat, among others. Where development occurs in the Waterfront Area, it should enhance and protect, where possible, those qualities that contribute to character.
- e) Natural form shall dominate the character of the Waterfront Area. Natural shorelines may visually screen development viewed from the water and buffer uses. Shorelines shall be encouraged to be maintained in a predominantly natural state with tree cover and ground vegetation retained as development occurs. The height of any structure should be appropriate to its setting and terrain, including slope, tree cover, setbacks, and architecture and generally not exceed the height of the tree canopy.
- 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 occurs in the Waterfront, 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 will 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 should generally have a physical character similar to or compatible with existing development in terms of scale, lot sizes, maximum building heights, and minimum setbacks recognizing the recreational carrying capacity of the waterbody.

- i) Development shall be located and designed so as to protect the character and prominence of public views and features including such areas as rock cliffs, waterfalls, rapids, and landmarks.
- j) The Township recognizes that different lakes have different character. The three (3) large lakes, Muskoka, Rosseau, and Joseph, generally exhibit larger built forms and building types which are generally not in character with the smaller lakes.
- k) The Township encourages the development of Lake Plans as described in Section E6 to assist in defining the individual character of smaller lakes.
- l) The maximum gross floor area of a dwelling in the Waterfront Area shall be 696 square metres, unless otherwise specified.

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 and redevelopment 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) As a general principle, new lot creation, development or redevelopment will 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 role of natural vegetated shorelines in buffering waterbodies from erosion, siltation and nutrient migration adjacent to the sensitive littoral zone is critical to the protection of water quality. Preservation and restoration, where appropriate, of shoreline buffers is therefore required. In this regard, as much of the area adjacent to the shoreline as possible shall be maintained in a natural state where new lots are being created, where vacant lots are being developed and when redevelopment on existing lots is proposed. The vegetative buffer should stretch across the entire water frontage and be at least 15 metres in depth from the normal high water mark and where redevelopment is proposed, the shoreline buffer should be achieved to the extent feasible through ecological enhancement where possible.
- c) Outside of the shoreline buffer area, every effort will be made to retain existing vegetation where possible and to augment existing vegetation where needed.
- d) On all lots, on-site phosphorus management and impact mitigation measures will be required for leaching beds when new development and major redevelopment is proposed. 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 leaching beds.
- f) A minimum 20 metre setback from any shoreline shall be required for all development, excluding shoreline structures, open decks and minor accessory structures, unless a greater setback is required by this Plan and/or in a Lake Plan or a lesser setback is permitted where redevelopment is proposed in accordance with Section E4.8.
- g) All Waterfront Areas shall, in addition to the policies of this Plan and the regulations of the implementing Zoning By-law, be subject to a Tree Preservation By-law and Site Alteration By-law and any development or redevelopment of this area may only be permitted in accordance with both By-laws.

E4.2.3 CAUSATION STUDIES

E4.2.3.1 WHAT IS A CAUSATION STUDY?

- a) A Causation Study is a study that investigates cause-and-effect relationships. The need to complete a Causation Study is triggered when one or more of the water quality indicators identified in sub-section b) i) and ii) is confirmed to be present for three consecutive years of monitoring and/or when the water quality indicator identified in sub-section c) is confirmed to be present.
- b) The identified water quality indicators are as follows:
 - i) A long-term statistically significant ($p < 0.1$) increasing trend in total phosphorus concentration demonstrated by at least five (5) spring overturn phosphorus measurements obtained through the District of Muskoka water quality sampling program since 2001;
 - ii) A long-term total phosphorus concentration of greater than 20 µg/L demonstrated by the average of five (5) most recent spring overturn phosphorus measurements obtained through the District of Muskoka water quality sampling program within the last ten (10) years; and/or
 - iii) A blue-green algal (cyanobacteria) bloom confirmed and documented by the Province and/or Health Unit.
- c) While the identified water quality indicators continue to focus on phosphorus as a recognized and measurable gauge of recreational water quality, a long-term shift in focus to include a wider variety of indicators addressing multiple environmental stressors is anticipated as science evolves and stronger links are made between potential indicators, lake health and best management practices.
- d) 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. 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.

- e) Additional water quality indicators may be included in Section E4.2.3.1 b) by amendment to this Plan to address multiple environmental stressors and/or to incorporate advances in science, provided that they are evidence-based and to the satisfaction of the District of Muskoka and/or Provincial Ministry with jurisdiction.
- f) It is the responsibility of the District to monitor waterbodies for the presence of the phosphorus related water quality indicators on a rotating basis. When the presence of an indicator is confirmed, monitoring of the waterbody will be annual. Notwithstanding Section E4.2.3.1 b), the District of Muskoka will also monitor waterbodies for linear short-term increases in total phosphorus as identified through the most recent three total phosphorus samples. Should a waterbody demonstrate such a trend and/or the presence of any water quality indicator, water quality sampling frequency will be increased.

E4.2.3.2 AFFECTED WATERBODIES

- a) Causation studies are required for Ada Lake, Brandy Lake, Bruce Lake, Three Mile Lake and Leonard Lake.
- b) One or more of the above lakes shall not require a Causation Study once one or both of the water quality indicators identified in Section E4.2.3.1 b) of this Plan is confirmed not to be present for three consecutive years of monitoring or, if a Causation Study has been initiated, at the conclusion of such a study should the results of the Causation Study determine that development is not the primary cause of the water quality indicator. In either case, an Amendment to the District Plan shall be required to remove a lake from the list of lakes requiring Causation Studies in accordance with Section C2.6.6.1 b) of the District Official Plan; however, an Amendment to this Plan will not be required.
- c) If a determination is made that a lake should be added to the list of lakes requiring a Causation Study, an Amendment to the District Plan will be required in accordance with Section C2.6.6.1 k) of the District Official Plan; however, an Amendment to this Plan will not be required.
- d) A Causation Study shall design and implement a water quality investigation to characterize the relative source(s) and cause(s) of the water quality indicator. While Causation Studies are intended to be uniquely tailored to respond to the situation and context of each individual lake, the general process may consist of:

- i) Assessing the existing water quality conditions in the lake;
 - ii) Quantifying annual and seasonal trends in water quality and/or algal communities;
 - iii) Where possible, providing a historical perspective on water quality and/or algal abundances;
 - iv) Modelling and quantifying the relative contributions of sources of nutrients to the lake, including phosphorus from sediments;
 - v) Determining if water quality is deteriorating and/or algal composition/communities are changing relative to previous years; and
 - vi) Attributing a specific cause or contributing factors to the water quality indicator.
- e) Until such time as a Causation Study is completed and any recommendations are implemented through policy, additional lot creation is not permitted and development and redevelopment on existing lots is subject to Sections E4.5 and E4.6 of this Plan.
- f) Should a Causation Study determine that the primary cause of or principal contributor to the water quality indicator is related to **development**, additional protection measures beyond what is already required by this Plan will be developed to ensure that any additional lot creation, development of vacant lots, or redevelopment of lots may proceed without negatively impacting water quality or 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), limiting lot creation, upstream **development** restrictions (i.e., on waterbodies and permanently flowing tributaries contributing to the studied waterbody), and/or remedial action planning.
- g) Should a Causation Study determine that the cause(s) of the water quality indicator is not related to **development**, the restriction on lot creation established by Section E4.2.3.2 e) is deemed to have been lifted without requiring an Amendment to this Plan.

E4.3 REGULATIONS BASED ON LAKE CATEGORY

- a) Lakes within the Township are classified in Appendix A to the Official Plan (not included in current draft mapping).
- b) The following special policies apply to Category 1 (Large) lakes:
 - i) Two storey boathouses are permitted, provided the structure is not located on a narrow waterbody and has an increased setback from the projected side lot line;
 - ii) For one storey boathouses where the roof is a sundeck, an increased setback from the projected side lot line shall be required;

- iii) 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;
 - iv) The maximum lot coverage for buildings and structures with a roof shall be 10% based on that portion of the area of the lot within 60 metres of the normal water's edge;
 - v) The maximum width of shoreline structures shall be 25% of the lot frontage up to a maximum of 23 metres; and
 - vi) The minimum lot area is 0.8 hectares and the minimum water frontage is 90 metres, unless otherwise specified.
- c) The following special policies apply to Category 2 (Medium) lakes:
 - i) Two storey boathouses shall not be permitted;
 - ii) For one storey boathouses where the roof is a sundeck, an increased setback from the projected side lot line shall be required;
 - iii) The maximum lot coverage for buildings and structures with a roof shall be 8% of the lot area based on that portion of the area of the lot within 60 metres of the normal water's edge;
 - iv) The maximum width of shoreline structures shall be 15% of the lot frontage up to a maximum of 15 metres; and
 - v) The minimum lot area is 0.8 hectares and the minimum water frontage is 90 metres, unless otherwise specified.
- d) The following special provisions apply to Category 3 (Small/Remote) lakes:
 - i) Boathouses shall not be permitted;
 - ii) The maximum lot coverage for buildings and structures with a roof shall be 5% of the lot area based on that portion of the area of the lot within 60 metres of the normal water's edge;
 - iii) The maximum width of shoreline structures shall be 5% of the lot frontage up to a maximum of 6 metres;
 - iv) The maximum height of all main structures shall be 9 metres;
 - v) The maximum gross floor area of a dwelling shall be 345 square metres; and
 - vi) The minimum lot area is 0.8 hectares and the minimum water frontage is 120 metres.
- e) The following special provisions apply to Category 4 lakes (vulnerable lakes):
 - i) Two storey boathouses shall not be permitted;
 - ii) For one storey boathouses where the roof is a sundeck, an increased setback from the

projected side lot line shall be required;

- iii) The maximum lot coverage for buildings and structures with a roof shall be 8% of the lot area based on that portion of the area of the lot within 60 metres of the normal water's edge;
- iv) The maximum width of the shoreline structures shall be 15% of the lot frontage up to a maximum of 15 metres.

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** may 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 building and leaching bed setbacks greater than those identified in Sections E4.2.2 e) and f) are encouraged in consideration of site topography, soil and vegetation conditions, stormwater management and construction mitigation, among other matters;
 - ii) Site specific soils investigation generally 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 may 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 generally measured over a horizontal distance inland of 45 metres from the shoreline for at least 100 metres along the shoreline.
- b) The following shall constitute minimum water frontage requirements for lot creation:
 - i) A water frontage of 90 metres on lands with slopes >20% and <40%;
 - ii) A water frontage of 120 metres on lands with slopes >40% and <60%; and,
 - iii) A water frontage of 150 metres 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 for at least 100 metres 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.
- 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 to 150 metres from shoreline to shoreline, the minimum water frontage is 120 metres.
 - ii) If the area of narrowness is less than 75 metres from shoreline to shoreline, no new lots shall be permitted.

E4.4.4 WATER ACCESS LOTS

Water access lots shall only be permitted where the proposed lot has deeded title to mainland property with road access and subject to an agreement prohibiting the proposed lot being conveyed without inclusion of the associated deeded access. The minimum lot size for waterfront access lots shall be 1.0 hectare and the minimum water frontage shall be 120 metres.

E4.4.5 DIVIDING LOTS FOR EXISTING USES

The division of two (2) legal bona fide uses on a property resulting in no more than one dwelling and one sleeping cabin per lot may be considered if the resultant lots comply with the existing lot of record criteria, as defined in an implementing Zoning By-law. Consideration shall be given to restricting habitable building development allowances on the resultant lots based on their characteristics.

E4.4.6 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 may be permitted between the shoreline and such road. Similarly, not more than a single-tier of building lots shall be permitted beyond such road.
- 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 may 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 private water supply.
- d) New residential back lots shall have a minimum lot frontage of 200 metres and a minimum lot area of 2.0 hectares and shall front on and generally gain access from a publicly owned and year-round maintained road.

E4.5 DEVELOPMENT OF VACANT LOTS

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

E4.5.1 GENERAL

- a) For the purposes of this Plan, a vacant lot shall mean an undeveloped lot which meets the minimum area and frontage requirements for a building lot as defined by the implementing zoning by-law.
- b) New development on a vacant lot on **individual on-site sewage services** will only be permitted where Section E4.4.1 a) ii) to iv) is applied.
- c) Increased building and leaching bed setbacks greater than those identified in Sections E4.2.2 e) and f) are encouraged in consideration of site topography, soil and vegetation conditions, stormwater management and construction mitigation, among other matters.

E4.5.2 EXISTING UNDERSIZED LOTS

Historically many small lots have been created in the Waterfront Area. Many of these lots cannot accommodate development in accordance with the standards established in this Plan and the implementing Zoning By-law. In some cases existing undersized lots cannot be developed. The Township encourages the amalgamation of 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. On the basis of the above, the policies below apply to existing undersized lots:

- a) The Zoning By-law will establish a minimum lot size that permits development as a right.
- b) Proposals to permit development of undersized lots will only be considered where the environmental and visual impacts of the development can be mitigated and the development would maintain the character of the development in the immediate area.
- c) The use of holding tanks for sewage disposal purposes will not be permitted.
- d) The size of buildings and structures permitted on the undersized lot will be limited in proportion to the deficiency of lot area and frontage.
- e) The Township may establish the minimum size under which development of existing vacant lots of record shall not be permitted. 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.

E4.5.3 ISLANDS LESS THAN 0.8 HECTARES

- a) Undeveloped islands less than 0.8 hectares shall not be developed for residential purposes and shall be limited to a picnic shelter and a dock, or existing development as of the date of adoption of this Plan. Notwithstanding the above, development on such islands may be permitted through an amendment to the implementing Zoning By-law 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.

E4.5.4 LOTS THAT HAVE STEEP SLOPES

- i) Steep slopes are generally measured over a horizontal distance inland of 45 metres from the shoreline for at least 100 metres along the shoreline.
- ii) 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.
- iii) For lots with steep slopes >40%, an Environmental Impact Study for development that

addresses specific mitigation measures shall be required to address the visual and environmental integrity of such lands, among other matters.

E4.6 POLICIES ON REDEVELOPMENT ON EXISTING LOTS

In addition to the other policies in this section, the following policies also apply as appropriate to existing lots on the mainland and on islands.

- a) Redevelopment shall mean any substantial change to existing development on a lot, including reconstruction, additions, and new structures.
- b) All redevelopment on existing lots is required to be setback 20 metres from the shoreline. However, it is recognized that there are many existing dwellings within the 20 metre setback area and in order to provide some limited flexibility for redevelopment within this setback area:
 - i) The ground floor area of the portion of the dwelling unit that is completely or partially within the 20-metre setback area may be increased by 10%, provided no portion of the additional ground floor area is within 15.2 metres of the shoreline; and
 - ii) A second storey may be constructed above the ground floor of the portion of a dwelling unit that is completely or partially within the 20-metre setback area, including the ground floor area that is established in sub-section i), provided no portion of the second storey is within 15.2 metres of the shoreline.
- c) An Amendment to this Plan will not be required if sub-section a) cannot be met and in cases such as these, Section E4.8 in addition to all other relevant policies of this Plan shall apply.
- d) Where new or updated **individual on-site sewage services** are required to support the proposal, the requirements of Section E4.2.2 e) and f) shall apply.
- e) The policies on steep slopes in Section E4.5.4 also apply to redevelopment as well.

E4.7 SITE ALTERATION

- a) At the time this Plan was prepared, the Township had a site alteration by-law in place (By-law 2008-56). The purpose of this by-law is to:
 - i) Implement the District of Muskoka Lake System Health Program by preventing erosion and sedimentation of the lakes in the Township;
 - ii) Prevent extensive topographical changes of properties in Waterfront Areas;
 - iii) Prevent significant site alteration in Scenic Corridors;
 - iv) Protect and prevent site alteration in Environmental Protection Areas; and

- v) Sustain a healthy and aesthetically pleasing natural environment.
- b) It is a policy of this Plan that the Site Alteration By-law be updated to ensure that:
 - i) Existing drainage patterns are maintained and erosion and sedimentation are prevented; Changes to drainage or grade are appropriate to protect natural heritage features and archaeological resources;
 - ii) Interference and damage to watercourses or water bodies are prevented;
 - iii) Groundwater and surface water quality is maintained;
 - iv) There is no discharge of a contaminant into the natural environment that causes or may cause an **adverse effect** and that degradation of the pre-existing soil and ground water quality at the site and on adjacent properties is prevented; and
 - v) Disturbance to landform characteristics through such means as blasting that contribute to the character of the Township are kept to a minimum.
- c) Site alteration of any Waterfront Area property, except marinas shall be limited as follows:
 - i) Site alteration within 60 metres of the shoreline shall not exceed 25 per cent of the area of the lot within 60 metres of the shoreline; and,
 - ii) The impervious surface of the total property will not exceed 10 per cent.
- d) Major site alteration through blasting will be discouraged when considering all applications under the Planning Act.
- e) Included in the above site alteration target is the area of all permeable and non-permeable surfaces including:
 - i) Buildings;
 - ii) Driveways;
 - iii) Parking areas;
 - iv) Helipads;
 - v) Pathways and walkways (surfaced and non-surfaced);
 - vi) Outdoor saunas and hot tubs;
 - vii) Swimming pools;
 - viii) Sports courts;
 - ix) Stair accesses to the shoreline;
 - x) Sun decks;

- xi) On-site Sewage Systems;
- xii) Firepits; and
- xiii) Any other alteration of the natural vegetation or landscape.

E4.8 VARYING ZONE STANDARDS IN THE WATERFRONT AREA

- a) It is recognized that there may be a need to consider minor variances or zoning by-law amendments on Waterfront Area lots 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 considering minor variances or amendments to the Zoning Bylaw, Council shall consider, among others, the following matters:
 - i) Cumulative impact on such matters as the environmental, visual/aesthetics, and lake character;
 - ii) Impact of decisions on future development in the Township;
 - iii) Habitable vs. non-habitable space;
 - iv) Setback from the lake;
 - v) Size of building not in compliance with by-law (subject to the application);
 - vi) Whether the structure contains walls (i.e. boatports, carports);
 - vii) Buffering from lake;
 - viii) Buffering from neighbouring properties;
 - ix) Terrain and possible building locations;
 - x) Location of buildings on neighbouring properties;
 - xi) Visual impact; and
 - xii) 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 will 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.

E4.9 SITE PLAN CONTROL

- a) In order to ensure no negative impact on recreational water quality, all substantial development, including lot creation, development of a vacant lot, and redevelopment of a lot within the Waterfront Area (including backlots) shall be subject to site plan control.
- b) Where site plan control 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;
 - i) Maintenance or establishment of native tree cover and vegetation on the lot as terrain and soil conditions permit;
 - ii) Appropriate location and construction of roads, driveways and pathways, including the use of permeable materials;
 - iii) The use of appropriate soils for on-site sewage systems;
 - iv) 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;
 - v) 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
 - vi) Securities and processes to ensure implementation and long-term monitoring and compliance with site plan agreements 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 may 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.

E4.10 PURPOSE OF SETBACKS

- a) The front yard setbacks, as detailed in an implementing comprehensive zoning 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 an implementing comprehensive zoning 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.

E5 LAKE TROUT LAKES

- a) There is one lake (Young Lake) in the Township as of the date of adoption of this Plan that is classified as being “at capacity” for development by the Provincial Ministry with jurisdiction.
- b) The creation of new lots within 300 metres 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 from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres 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 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) Where lot creation and/or development is permitted in the above circumstances or on vacant lots of record, a 30 metre setback for all buildings and structures except shoreline structures, open decks and minor accessory structures shall be required and vegetation removal within the setback shall be restricted except to accommodate a limited number of paths, water lines, shoreline structures, or to remove trees posing a hazard.

E6 LAKE PLANS

E6.1 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.
- c) Land use aspects of such Lake Plans may 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 Plan is supported by a majority of the affected property owners. The land use policies incorporated into this Plan will reflect policies developed through the Lake Plan process that are more specific than the policies in this Plan.

E6.2 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 lands (i.e. Areas of Natural and Scientific Interest, Conservation Reserves, etc.) and locations of species of conservation concern (i.e. Endangered, Threatened and/or provincially significant), habitat areas;
 - 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.

E6.3 LAKE SPECIFIC POLICIES

The policies in this section have been informed by Lake Plans that have been completed and endorsed by the Township.

E6.3.1 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) The Township will work with the District to undertake a Causation Study of Three Mile Lake as soon as possible. This study is intended to determine the cause of high phosphorous concentrations in the lake and provide a recommended Remedial Action Plan that will 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 directed 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, the following policies shall apply:
 - i) No new lots shall be permitted on Three Mile Lake; and,
 - ii) Existing vacant lots of record shall only be developed where the lot meets the requirements of the Zoning 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 Zoning 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.
- ii) The maximum lot coverage, including all structures, shall be no greater than 8%.
- iii) The maximum width of shoreline structures, including docks and boathouses shall be 8.5 percent of the frontage, not exceeding 13 metres.
- iv) Docks may not exceed 15 metres in length, nor have an area of greater than 20 square metres.
- v) New dwellings shall not exceed 460 square metres.

E6.3.2 SKELETON LAKE

Skeleton Lake is the fourth largest lake in Muskoka Lakes and has a number of unique features. It was created as the result of a meteorite hit and is very deep, has many stunning rock cliffs and has the clearest water in Muskoka due to a very low phosphorous concentration. The water from Skeleton Lake is the clearest in the Muskoka Watershed and it 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 Zoning By-law shall include the following:
 - i) Minimum lot frontage of 90 metres for new lots; and
 - ii) Maximum lot coverage 8% within 60 metres of the shoreline.
- b) 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 depth. There are at least four cliffs in excess of 30 metres 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 shown on Appendix __ (Appendix not yet prepared) to this Plan and 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.

E6.3.3 LITTLE LONG LAKE

Little Long Lake is a small waterbody that is 16 hectares in size, with a mean depth of only 4 metres. 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.

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

- a) No new lots shall be permitted on Little Long Lake. 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) In order to preserve the low density character of shoreline development on Little Long Lake the Zoning By-law shall include the following:
 - i) The maximum length of docks shall be 13 metres.
 - ii) Boathouses shall not be permitted.

E6.3.4 LEONARD LAKE

Leonard Lake is a mid-sized lake with a surface area of 195 hectares. It is shallow for a lake of its size, having a mean depth of only 6.8 metres. It has a small watershed (3,900 ha) and is fed by springs and precipitation. The lake is highly developed with 167 existing or potential dwellings. These physical factors make the lake sensitive to development and degradation of the water quality. In addition to the other development policies in this Plan, the following policies shall apply to Leonard Lake:

- a) Further lot creation, with the exception of conservation blocks or easements or for the separation of existing uses onto two lots, shall not be permitted in the Leonard Lake watershed.
- b) Through the site plan control process for new development on existing vacant lots for redevelopment on existing lots, the Township may 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 Zoning By-law shall include the following:
 - i) The maximum gross floor area for dwellings shall be 325 square metres.
 - ii) Boathouses shall not be permitted.
 - iii) Lot coverage shall not exceed 7 per cent.
 - iv) New dwellings and accessory buildings shall be set back 30 metres from the shoreline.
- d) New tourist commercial uses shall not be permitted on Leonard Lake due to the lake being significantly over its Recreational Carrying Capacity.

E7 RECREATIONAL CARRYING CAPACITY

- a) Waterbodies function as public open space in Muskoka. The intent of these policies is to ensure that the amenity provided by that open space continues to provide an excellent recreational experience and remains safe and attractive.
- b) Recreational Carrying Capacity is an estimate of the number of property owners and watercraft that can utilize the surface of a lake while still enjoying the amenity provided by the waterbody. Recreational carrying capacity is a measure of social carrying capacity rather than environmental capacity. 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.
- c) The calculation of Recreational Carrying Capacity found in Appendix _____ (Appendix not yet prepared) to this Plan, given as the number of permitted residential units having access to the lake, is 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 of the shoreline.
 - ii) A density of one residential unit for every 1.6 hectares net lake surface area.
 - iii) Distinct bays having connections to a larger portion of a waterbody less than 300 metres wide shall be 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 E6 of this Plan.
 - iv) For the purposes of this model, all vacant lots shall be considered developable unless proven otherwise to the satisfaction of the Township.

- v) Tourist Commercial uses shall be assessed at one unit per boat slip utilized for recreational purposes, excluding boat slips used to meet commercial parking requirements.
- vi) Public boat launches and waterfront landings shall be assessed based on one unit of capacity for every four parking spaces.
- vii) This Recreational Carrying Capacity model does not apply to Lake Muskoka, Lake Joseph, Lake Rosseau or Skeleton Lake 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.
- d) New development, including lot creation and new or expanding commercial uses that would result in the Recreational Carrying Capacity in accordance with Appendix (Appendix not yet prepared) to this Plan being exceeded shall not be permitted.
- e) Notwithstanding sub-section d) above, on Lake Muskoka, Lake Joseph, Lake Rosseau or Skeleton Lake 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) Where lakes are above 90 per cent capacity in accordance with the Recreational Carrying Capacity calculation, the Township shall implement additional zoning regulations to preserve and protect the enjoyment of lakes as well as lake health, including:
 - i) Reduced permissions for docks, boathouses and waterfront activity areas including commercial resorts and marinas;
 - ii) Requiring larger lot frontages when new lots are proposed and Recreational Carrying Capacity has not been exceeded;
 - iii) Prohibiting development of existing undersized lots; or
 - iv) Establishing maximum dwelling unit sizes and limiting sleeping cabins.
- g) Appendix (Appendix not yet prepared) to this Plan shall be updated by Council without requiring an Amendment to this Plan, provided the calculations are completed in accordance with Section E6 c) of this Plan.

E8 WATERFRONT LANDINGS AND WATERFRONT ACCESS POINTS

- a) Many properties in Muskoka Lakes do not have direct access from a year round maintained municipal roadway and rely on access from private roads. These areas are recognized as private infrastructure, necessary to service existing properties and support appropriate development.

- b) Waterfront landings are properties used primarily for parking automobiles and providing docking facilities for watercraft along the shoreline. They are not commercial operations and do not provide goods or services to the users. 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.
- c) 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 will 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 will be addressed through a Community Planning Permit or site plan control.
- d) New or expanding waterfront landings shall be considered based on the following:
 - i) The minimum lot area shall be 0.1 hectare and a maximum lot area of 1.2 hectares;
 - ii) The minimum water frontage shall be 23 metres;
 - iii) The maximum permitted dockage is 1 slip per 4 metres 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; and,
 - v) The maximum disturbed area of the waterfront landing is 50% including parking and driveways.
- e) In considering the establishment of new waterfront landing, the following shall be considered:
 - i) The impact of the 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 waterfront landing on fish habitat;
 - iv) The noise impacts of waterfront landing activities; 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.
- f) 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.

E9 MARINA DEVELOPMENT AND REDEVELOPMENT

- a) New marina development shall meet the following minimum requirements:
 - i) A minimum lot area of 0.8 hectares;
 - ii) A minimum water frontage of 75 metres;
 - iii) A sufficiently sized natural buffer to ensure compatibility with adjacent residential uses;
 - iv) Sufficient parking and loading areas to provide for water access properties, including provisions for commercial uses and guest parking;
 - v) Adequate provision of garbage, recycling and washroom facilities;
 - vi) Adequate stormwater management to provide treatment for quantity and quality; and,
 - vii) Include increased setbacks for boat storage facilities located on land.
- b) Marinas shall be encouraged to expand in a manner to provide additional boat storage thereby alleviating the pressure for docking facilities. Valet service in lieu of dock expansion is encouraged.
- c) Parking and boat storage facilities shall generally be provided off-site, away from the shoreline, well separated visually and functionally from the waterfront.
- d) A dry marina for the purpose of only storing boats, or a self-serve boat storage, shall be encouraged to be located away from the waterfront area, in the rural area, where proper visual mitigation measures can be achieved.

E10 WATERFRONT CONTRACTORS

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

- a) A minimum lot area of 0.6 hectares;
- b) A minimum water frontage of 90 metres;
- 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 generally be located within waterfront Communities 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 generally 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.

E11 FLOOD HAZARDS

- a) Record flooding occurred in the District of Muskoka in 2017 and again in 2019. The District of Muskoka has completed **flood plain** mapping following these events. This mapping should be referenced when considering any development in the Waterfront Area. Habitable buildings are not permitted in the floodplain in accordance with Section L4 of this Plan.
- b) Docks and boathouses, by their nature, are located in the floodplain. New structures shall be designed to withstand flooding and associated ice hazards.
- c) The bottom floor of a boathouse shall be used primarily for the storage of boats and other recreational equipment. They shall not be used as habitable space. The Zoning By-law will establish limits to the use of boathouses to ensure that they are designed and used in accordance with this policy.
- d) 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 required for boathouses.
- e) The implementing Zoning 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.
- f) The Township will prepare guidance material on how to build and alter boathouses in a manner that is supportive of lake system health and which limits property damage during flooding events.

E12 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) The cumulative establishment of docking or mooring facilities from the date of adoption of this Plan, exceeding fifteen (15) or more boats;
 - iii) The establishment of commercial docking or mooring facilities; 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 assessment 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.

PART F - RESORT COMMERCIAL DEVELOPMENT

F1 OBJECTIVES

It is the objective of this Plan to:

- a) Recognize resorts as a vital component of the tourism industry which provides an historic link to the origins of tourism in Muskoka Lakes;
- b) Encourage development and redevelopment that demonstrates sustainable economic, social, and environmental practices and in all instances where such practices might be incompatible, protection of the environment will take precedence;
- c) Support resort development and redevelopment in all designations through flexible policies which accommodate changing market demands;
- d) Ensure that existing and new resorts are commercial in nature, 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 features and their functions that contribute to the character of the lands in the vicinity of the resort and the Waterfront Area as a whole;
- f) Ensure that new resorts 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 resort lands to support the continued economic vitality of Muskoka Lakes.

F2 RESORTS AS A COMMERCIAL ENTERPRISE

- a) The policies of this section of the Plan are intended to apply to resorts, which are considered to be commercial enterprises. Resorts are considered distinct from both residential developments (seasonal or permanent) and other types of roofed commercial accommodation establishments such as hotels, motels and bed and breakfast operations.

- b) In this regard, and for the purposes of this Plan, resorts are defined as commercial establishments that:
 - i) Provide roofed accommodations with access to range of services, facilities and/or resort-related amenities within a vacation-oriented setting;
 - ii) Provide access to a significant natural or human-made tourism asset; and
 - iii) Emphasize a recreation experience.
- c) In order to ensure that all resorts are planned and used as a commercial enterprise, the terms that are under-lined in this Section of the Plan are defined in Section F4 to assist in interpreting the policies of this section of the Plan.

F3 USES PERMITTED IN A RESORT

- a) Lands that are zoned for resort purposes in the implementing Zoning By-law shall primarily provide for lodging, accommodation, recreation, tourism, and other commercial uses.
- b) Principal permitted on a resort property are resort commercial accommodation units (as defined in Section F4) in facilities such as lodges, resorts, hotels, cabins and lakefront villas.
- c) Secondary permitted uses include:
 - i) Housekeeping, management and staff accommodations;
 - ii) Retail and service commercial uses that are functionally integrated into the resort; and
 - iii) Uses that promote wellness activities and recreation opportunities and facilities such as a wellness centre, trails, plazas and public squares, public open private spaces (POPs), seating areas, beaches and sport facilities, and private leisure clubs that are recreational in nature
- d) All resort commercial accommodation units are required to generate a turnover of occupants through mandatory rental pools/programs, exchanges, timesharing, fractionalized ownerships or other similar means as stipulated in Section F4.2.
- e) Resort-related residential dwelling units (as defined in Section F4) may be permitted within an Urban Centre subject to Section F6.
- f) Residential dwelling units (as defined in Section F4) may be permitted within an Urban Centre subject to Section F6.

F4 DEFINITIONS AND USE RESTRICTIONS

F4.1 DEFINITIONS

The following definitions apply in this Section of the Plan:

- 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 resort entity.
- d) Travelling & vacationing public: means persons who seek overnight accommodation. Unit owners of property within a 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 resort.

F4.2 USE RESTRICTIONS

Resort commercial accommodation units shall be subject to the provisions set out below:

F4.2.1 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 resort's mandatory rental pool.

- c) The unit must be made available to rent via the resort's mandatory rental pool 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 resort's mandatory rental pool for the entire year.
- e) The unit owner may exceed the maximum 26 weeks per year occupancy 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 may 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.

F4.2.2 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 mandatory rental pool.
- c) The unit must be made available to rent via the resort's mandatory rental pool 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 resort's mandatory rental pool for the entire time the resort is open.
- e) The unit owner may exceed the maximum 50% of the weeks that the resort is open 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 may 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.

F4.2.3 FLEXIBILITY

The provisions in Sections F4.2.1 and F4.2.2 are not typically included within an Official Plan but have been included because of the importance of the adherence to these provisions in ensuring that resorts operate as a commercial enterprise. Notwithstanding the above, minor modifications to Sections F4.2.1 and F4.2.2 will not require an Amendment to this Plan.

F5 NEW AND EXPANDING RESORTS

F5.1 NATURE OF ACCOMMODATION PERMITTED

- a) In order for a resort to benefit from the enhanced density permissions that are not available to traditional linear shoreline residential development (e.g. increased density), it is a requirement of this Plan that all of the units in a resort be resort commercial accommodation units as defined in Section F4.1 and subject to the use restrictions in Section F4.2.
- b) Resort related residential dwelling units and residential dwelling units within an Urban Centre may be considered subject to Section F6.

F5.2 APPLICATION REQUIREMENTS

- a) Any application for an amendment to this Plan or Zoning By-law to establish a new resort or to expand and/or redevelop an existing resort so that it continues to function as a resort, shall be supported by studies that are based on predictable, measurable, objective effects on the natural environment, with these studies and their scope being identified in advance and with regard to the scale of the proposed new resort or expansion. Depending on the scale of the proposal, a Comprehensive Development Plan may be required in accordance with Section M10 of this Plan.
- b) Such studies 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 groundwater 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 wide;

- vii) The transportation network in the area; and,
- viii) Nearby wells used for drinking water purposes.

F5.3 RESORT DEVELOPMENT REQUIREMENTS

- a) To provide recreation experience, a variety of resort-related amenities and services shall be available on-site, shared between two or more resorts, or in close proximity to resorts (e.g. within a resort village or general surrounding area). Such amenities and services must be available to unit owners, guests and visitors and are encouraged 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 and walking trails.
- b) Given technological advances, on-site resort management may not be required. However, some type of in-person management shall be available, whether on-site, on a neighbouring property or within reasonable driving distance, in order to respond to complaints, deal with emergencies, and assist guests and visitors. The appropriate management arrangement will depend on the scale, location, on-site resort-related amenities, and desired experience of a resort.
- c) To ensure a continued contribution to the local and regional economy, proponents shall demonstrate an ability for the resort to generate a revenue stream that sustains the commercial component of the 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.
- d) All 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 and where possible;
 - 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, where possible, 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, where appropriate, 15-metre waterfront vegetative buffers and 20-metre building setbacks to protect water quality and natural shoreline character.
- e) 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) Generally be of a low-rise built form that respects the character and scale of buildings of the past and is appropriate to its setting and terrain with maximum height being further defined in the implementing Zoning By-law;
 - 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.
- f) All new development shall front onto a publicly accessible road, which is maintained year-round, except where development occurs by condominium description.
- g) Strong linkages to the waterfront shall be developed and dockage shall be provided to accommodate transient visitors arriving by water. As part of shoreline redevelopment or new development, sufficient boat parking shall be provided as needed. Major docking areas shall be of adequate size and configuration to accommodate a variety of vessels.
- h) Staff housing on site will be a condition of development.

F6 RESORT-RELATED RESIDENTIAL AND RESIDENTIAL DWELLING UNITS

- a) Resort related residential dwelling units and residential dwelling units may be permitted in an Urban Centre.
- b) In addition to the policies of Sections F5.2 and F5.3 above, and if resort related residential dwelling units and/or residential dwelling units are proposed, 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 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, with this percentage requiring a reasonable amount of resort, commercial and tourism amenities in each phase as appropriate to ensure the resort is commercially viable and attractive to the Travelling & Vacationing Public.
- iii) For those 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 shall 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 70% of the total number of units. As a general principle, larger resorts should have a higher percentage of resort commercial accommodation units since many on-site resort-related amenities depend on this turnover to be economically viable. The location of the resort, type of management proposed, servicing arrangement, and scale and type of amenities will also be considered in the determination of an appropriate percentage.

F7 SERVICING

- a) 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** will be the responsibility of the landowners who will benefit from the installation of such services.
- b) Resort commercial uses and resort commercial accommodation units outside of the Urban Centres can be serviced by **private communal sewage services** and **private communal water services**, provided it is demonstrated that municipal sewage services and municipal water services are not available or feasible.
- c) Where **private communal sewage services** and **private communal water services** are proposed, the proposal shall proceed by condominium description and the District of Muskoka will require as a condition of approval, all matters of District interest to be addressed including the

establishment of a reserve fund, 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 will be required, with this monitoring designed to protect human health, water quality, and the natural environment. The full cost of this monitoring will be the responsibility of the owner of the **private communal sewage services** and **private communal water services**.

F8 CONVERSION OF EXISTING RESORTS

- a) It is a goal of this Plan to retain existing resorts wherever possible. However, it is recognized that there may be a desire to convert existing resorts to an alternative 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 another use will 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 and 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 of an existing operation 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 F8 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 alternative use:
- i) Is appropriate for the site;
 - ii) Is generally 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) Will include, as a component of the redevelopment, enhancements to the natural heritage features and functions on the site and in the immediate area.
- e) Any application for conversion will generally 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 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 scale of adjacent shoreline development in the area with respect to the frontage of the lot on the water and will not be reflective of the density afforded to resort commercial accommodations.

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 and 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) Encourage the establishment of sustainable and diversified tourism opportunities;
- e) 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**;
- f) 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;
- g) Encourage the establishment and retention of contracting and service businesses that support the second home industry and the seasonal population;
- h) Promote a diverse, innovative and economically strong creative economy by enhancing its capacity to contribute to the economy of the Township; and,
- i) Provide for limited year-round residential uses, including attainable/**affordable** 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) **Agricultural uses;**
- b) Single detached dwellings;
- c) Home industries;
- d) Seasonal farm market sales of local produce and goods primarily produced on the premises;
- e) Agri-tourism uses as a secondary use to an agricultural operation;
- f) Bed and breakfast establishments;
- g) Resort commercial uses;
- h) Small-scale conference facilities and learning centres;
- i) Small-scale commercial and industrial uses;
- j) Land extensive commercial uses such as garden centres;
- k) Kennels;
- l) Dryland marinas;
- m) Conservation uses and forestry;
- n) Small-scale art galleries and exhibition space; and,
- o) Small-scale restaurant and entertainment venues.

H2.1.2 DEVELOPMENT POLICIES

- a) Rural 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 consideration of 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 Appendix H; and
 - viii) Avoidance of natural and human-made hazards.
- b) The minimum lot area should be no smaller than 2.0 hectares with 150 metres of frontage. Larger lots shall be required in order to protect environmental and/or topographic features and avoid fragmentation of significant natural heritage features or areas or actively used agricultural lands.
 - c) Minimum frontages on District roads or Provincial highways shall be established by the authority having jurisdiction on the abutting roadway.
 - d) Within Scenic Corridors identified on Appendix H new lots will 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 from the Scenic Corridor shall be required.
 - e) Within Rural Clusters shown on Schedule A, new lots may be as small as 0.6 hectares with 60 metres frontage provided that the Township is satisfied that there is no threat of cross contamination of **individual on-site sewage and individual on-site water services** on existing lots.
 - f) In all cases, rural lots should be of sufficient size to accommodate the use proposed, related structural requirements and **individual on-site sewage 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.
 - g) New lots shall front on and gain access from a publicly owned and year-round maintained road.
 - h) New lots shall not be permitted adjacent to watercourses that flow into sensitive lakes identified in Appendix (Appendix not yet created) unless the leaching bed can be located at least 100 metres from the high water mark and outside of the floodplain of the watercourse.
 - i) 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.
 - j) 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.
 - k) Estates residential development that comprises 20 lots or less may be considered by way of Official Plan Amendment, with consideration given in particular to Section H2.1.2 a).

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 zoning by-law amendment and proper 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.
- e) Agricultural activities shall not be permitted on lands within 150 metres of a waterbody.

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 will not be allowed.
- d) Only the following uses will 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) **Agricultural uses;**
- b) Single detached dwellings;
- c) Home industries;
- d) Seasonal farm market sales of local produce and goods primarily produced on the premises;
- e) Agri-tourism uses as a secondary use to an agricultural operation;
- f) Bed and breakfast establishments;
- g) Conservation uses and forestry;
- h) Small-scale art galleries and exhibition space; and,
- i) Small scale commercial or industrial uses serving the agricultural community.

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 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 not interfere, or conflict with, an agricultural operation. The size of a lot created under this policy shall generally have between 0.6 and 1.0 hectares of area and a frontage of 60 to 100 metres.

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, marina, small scale manufacturing and warehousing);
- c) Boat construction, salvage and repair establishments;
- d) Service industries that deliver goods and services rather than service customers on-site
- e) Accessory uses (e.g. retail, dwelling) that are low density and space extensive, are appropriate in the Rural area due to size requirements and/or use, do not require municipal services, are low water using and low effluent producing, and are compatible with the uses and character of the surrounding area; and,
- f) Accessory residential uses that may include temporary housing for seasonal employees where appropriate servicing is available and the temporary residential use is compatible with the non-residential uses in the area.

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 possible, except where those materials do not meet the requirements of fire protection or shipping and receiving. Vegetative breaks within large parking areas will be required as a condition of site plan approval
- f) New lots shall be sized to accommodate the proposed use and appropriate private waste water and water supply.

H2.4 RURAL HAMLET AREAS

H2.4.1 DESCRIPTION

Rural Hamlet Areas are areas of historical development that are important to the Township and which are often the site of a local landmark or 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, Windermere Corners and Raymond. These Rural Hamlet Areas are not considered to be **settlement areas**.

H2.4.2 PERMITTED USES

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

- a) Single detached, duplex and semi-detached residential uses, including additional dwelling units;
- b) Service and neighbourhood commercial uses; and
- c) Small scale institutional uses.

H2.4.3 DEVELOPMENT POLICIES

- a) Limited lot creation will be permitted by consent. New lots shall not be less than 0.5 hectare and with 60 metres of frontage. 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 and individual on-site water services** on existing lots.
- b) Setbacks shall be consistent with the general character of the existing development in the Rural Hamlet Area.
- c) Development or redevelopment of service or neighbourhood commercial uses are to be in character with the existing Rural Hamlet Area and at a scale that is appropriate to the existing development.

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,
 - iv) Conserves cultural and built heritage resources.
- d) 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;
- e) 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.
- f) 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;
- g) 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;

- h) 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;
- i) Promote a variety of complementary and compatible land uses including attainable/**affordable** housing, special needs and transitional housing, community facilities, schools, small-scale commercial uses and recreational open space areas; and
- j) 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;
- g) Practical and cost effective innovations to support the development of a sustainable community that encourages where possible, 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, where possible, 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, will 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 will include a public art component, to improve visual appeal and to provide amenity to the public.
- d) All buildings and facilities will 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, will 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, will be maximized to the extent possible within rights-of-way.
- e) Sidewalks or equivalent pathways, where provided, will be designed and constructed to 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 will 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, will 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 will 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, will be sited and adequately screened where possible to enhance aesthetic appeal.

12.3.2 PRIVATE REALM

12.3.2.1 RESIDENTIAL SITE AND BUILDING DESIGN

- a) Building height and massing will correspond to the specific site characteristics and contribute to the overall context of the neighbourhood.
- b) The design of buildings will 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 will 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 6 storeys 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 will 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 will 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 will 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 Zoning 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.

12.3.2.4 LANDSCAPING

- a) The Township will 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 where possible 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, and generally improve access for public transit users;
 - 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 will 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.

12.3.2.5 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 will 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 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

In cases where major **development** is proposed in a **designated growth area**, it should be demonstrated that:

- a) The proposed **development** will generally 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) 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;
- c) 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
- d) 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 will generally include more than one access point.

I3 LONG TERM VISION FOR BALA AND PORT CARLING

I3.1 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 will be required to fully utilize serviced land areas. Residential conversions and smaller lot infilling will 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 will 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, will 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 envisaged in the foreseeable future. It is anticipated that the users will not reduce the focus of the Urban Centre from the commercial core.
- i) Continued commercial and industrial growth north along the north side of Highway 169 is envisaged in the foreseeable future. It is anticipated that the users will not reduce the focus of the Urban Centre from the commercial core.
- j) With the upgrading of the existing municipal water and sewer services in Bala, it is anticipated that a wider range of housing will be available for the future. Medium and high density residential development is permitted and encouraged in Bala.
- k) 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. This allows for intensification and greater utilization of the existing infrastructure. These properties are located on:

- i) Sutton Drive;
 - ii) Ridge Road;
 - iii) Walker Street (Manor Road); and
 - iv) Highway 169 (east of Windsor Park).
- l) Council shall endeavour to complete a detailed waterfront plan which will 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 where possible.
- m) 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.
- n) 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 will 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 will 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, will 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 will encourage pedestrian travel.
- f) It is anticipated that the major growth areas in Port Carling, apart from infilling, will 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, designated as _____ (Edenvale Inn) on Schedule B1A, the following policies shall apply:
 - i) Permitted Uses: Tourist Resort, Hotel, Motel, Includes food and beverage facilities.
 - ii) All development shall proceed on municipal water and sewer services. Any necessary upgrading will be provided at the cost of the proponent.
 - iii) All automobile parking will 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 which will minimize hazards to pedestrian and motor traffic in the immediate area.
 - v) Automobile parking areas at grade will 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;
- 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; and
 - v) Any significant redevelopment of the property shall require the use of site plan control.
- 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. This allows for intensification and greater utilization of the existing infrastructure. 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 will 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, where possible.
- 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. Overnight parking and employee parking must be discouraged.
- 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 will 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 B1A and B2A:

- a) All forms of residential dwellings (low density, medium density and high density);
- b) Long term care facilities and retirement homes;
- c) Other non-residential supporting land uses, including: artisan establishments, studio and craftsman shops; business and financial institutions, healthcare offices and clinics; recreational and/or cultural facilities; public and private schools, places of worship; day nurseries; small-scale convenience retail facilities and restaurants; and, personal service uses; and
- d) Public service facilities.

I4.1.2 DEVELOPMENT POLICIES

I4.1.2.1 LOW DENSITY

- a) Permitted uses are single and semi-detached dwellings.
- b) The implementing Zoning By-law shall specify minimum lot frontage and area requirements.
- c) In the case where municipal services are not presently available but are anticipated, residential

lots should be of an appropriate size and buildings should be located in such a manner that the splitting of the respective lots in the future will be possible in order to create additional lots when servicing becomes available. To facilitate the splitting of lots, principal buildings should be sited on one-half of the lot.

- d) Existing vacant lots of record that do not meet the minimum standards noted in the implementing Zoning By-law may be developed for single detached residential uses provided the lots can be adequately serviced, there is adequate lot area for parking, and the required building setbacks can be adhered to.

14.1.2.2 MEDIUM DENSITY

- a) Medium density residential development generally consists of townhouses and low-rise apartment buildings.
- b) The implementing Zoning 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;
 - 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 50 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.

14.1.2.2 HIGH DENSITY

- 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 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;

- 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 will be appropriate to the intensity of the development and will generally not exceed the tree canopy.

14.2 CORE COMMERCIAL

14.2.1 PERMITTED USES

The following uses are permitted on lands designated Core Commercial as shown on Schedules B1A and B2A:

- a) Townhouse and apartment dwellings and other forms of residential accommodation, including rooming and boarding houses;
- b) Long term care facilities and retirement homes;
- c) Places of worship and other institutional uses;
- d) Garden centres;
- e) Hotels and motels;
- f) Clinics and health care facilities;
- g) Entertainment establishments;
- h) Funeral homes;
- i) Personal service uses;
- j) Private and commercial schools;

- k) Recreational facilities (sports and fitness centres);
- l) Restaurants and take-out restaurants; and
- m) Retail and service commercial uses.

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 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 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 street;
 - iii) The development will 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; and,
- 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.

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 will 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 will, 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 will 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

The following uses are permitted on lands designated Highway Commercial as shown on Schedules B1A and B2A.

- a) Automotive and marine sales and service establishments;
- b) Recreational vehicle centre;
- c) Building supply centres;
- d) Contractor's yards;
- e) Garden centres;
- f) Gas stations;
- g) Motels;
- h) Marina, docking and associated storage facilities;
- i) Parking and storage areas.
- j) Clinics and health care facilities;
- k) Entertainment establishments;
- l) Funeral homes;
- m) Personal service uses;
- n) Private and commercial schools;
- o) Recreational facilities (sports and fitness centres);
- p) Restaurants and take-out restaurants;
- q) Retail and service commercial uses; and
- r) Public service facilities.

14.3.2 DEVELOPMENT POLICIES

- a) The implementing Zoning 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 will be subject to Site Plan Control. 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 will be utilized to ensure that there is adequate screening between the uses.

14.4 RESORT COMMERCIAL

- a) The policies of Section F apply to lands designated Resort Commercial as shown as shown on Schedules B1A and B2A.

14.5 INSTITUTIONAL

14.5.1 PERMITTED USES

The following uses are permitted on lands designated Institutional as shown on Schedules B1A and B2A:

- a) Public school and post-secondary educational facilities;
- b) Community centres and areas;
- c) Long-term care facilities;
- d) Hospitals;
- e) Places of worship;

- f) Day nurseries;
- g) Government buildings and similar uses;
- h) Parks and open spaces; and,
- i) Public service facilities.

14.5.2 DEVELOPMENT POLICIES

- a) The implementing Zoning 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.

14.6 INDUSTRIAL

14.6.1 PERMITTED USES

The following uses are permitted on lands designated Industrial as shown on Schedules B1A and B2A:

- a) Building supply yard;
- b) Contractor's yard;
- c) Manufacturing, assembly, processing and/or fabrication;
- d) Marina, docking and associated storage facilities;
- e) Printing and associated service establishments;
- f) Repair activities;
- g) Small light assembly operations;
- h) Storage, warehousing and distribution uses;
- i) Service industries;
- j) Wholesaling establishments;
- k) Ancillary retail stores, selling products manufactured on the premises, are also permitted 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.

14.6.2 DEVELOPMENT POLICIES

- a) The implementing Zoning 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) Only employment and ancillary uses are permitted on Local Corridors and other major streets within employment lands;
- viii) Display areas are designed to make a positive contribution to the streetscape and the overall site development;
- ix) All lighting will be internally oriented so as not to cause glare on adjacent properties or public roads;
- x) 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;
- xi) 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
- xii) 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 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 generally 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 to a public street;
 - vi) No open storage shall exceed 3 metres in height.

14.6.3 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.

14.6.4 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 bylaw, 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.

14.7 MIXED USE

14.7.1 PERMITTED USES

The following uses are permitted on lands designated Mixed Use as shown on Schedules B1A and B2A.

- a) All forms of residential dwellings except single detached and semi-detached dwellings;
- b) Group homes and rooming houses;
- c) Long term care facilities and retirement homes;
- d) Business and professional offices;
- e) Clinics and health care facilities;
- f) Financial institutions;
- g) Personal service uses;
- h) Entertainment establishments;
- i) Hotels, motels, inns and bed and breakfast establishments;

- j) Retail and service commercial uses;
- k) Places of worship and other institutional uses;
- l) Restaurants and take-out restaurants;
- m) Marina, docking and associated storage facilities; and
- n) Public service facilities.

14.7.2 DEVELOPMENT POLICIES

- a) The implementing Zoning 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 be two functional storeys and the maximum height for new buildings is three storeys.

15 PORT CARLING EXPANSION AREA

15.1 LOCATION

Additional land in Lot 32 and 33, Concession 2 and 3 and Part Lot 32 and 33, vConcession 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.

15.2 TOURIST 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 B1A 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 and 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 functions of a wetland located on the subject lands.

15.3 EXISTING RESIDENTIAL- SOUTH EAST MIRROR LAKE

For the lands described as Part Lot 32, Concession 2, Medora (South East Mirror Lake) designated as “Residential” on Schedule B1A 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 I4.1 shall be permitted within the first 60 metres beyond the shoreline area to the satisfaction of the Township.
- c) Lots abutting the shoreline shall have a minimum frontage of 30 metres and shall be subject to Sections E4.4, E4.5 and E4.6 of this Plan.
- d) All new development shall be on municipal sewer and water services.

15.4 FORMER GLENWOOD TRAILER PARK

For the lands described as Part Lot 32 and 33, Concession 2 Medora (Former Glenwood Trailer Park) designated as “Residential (Former Glenwood Trailer Park)” on Schedule B1A development shall proceed in accordance with all applicable policies of this Plan. In addition, the following policies shall apply:

- a) Residential uses will 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 will be located with direct access to the main access road, will be designed to be compatible with the surrounding residential neighbourhood and will be limited in size to a maximum of 465 square metres gross floor area. Any Neighbourhood Commercial use located in the Low Density area shall be restricted in size to 116 square metres.
- c) The residential unit and boat storage building existing as of October 26th, 2010 may be retained and incorporated into the development.
- d) All development shall be serviced by municipal sewer and water.
- e) Where an extension of water and sewer services is required to service development, the developer shall finance such an extension.
- f) At least one public road, maintained year round, shall be provided and financed by the developer.
- g) 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.

- h) 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.
- i) 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 _____.
 - 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.
- j) A range of types of housing is permitted and encouraged. A minimum of 15% of the units will be attainable as defined by the District of Muskoka.
- k) Maximum unit sizes may be imposed in an implementing zoning by-law.

15.5 SHORELINE OPEN SPACE AREA

- a) No new development, including roads, shall occur within 30 metres of navigable waterway.
- b) The shoreline Open Space area as shown hatched on Schedule B1A will be re-naturalized to attain a target of 75% natural shoreline along the width of the natural shoreline.
- 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 a) 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. Where possible, pervious material on pathways will be preferable.

15.6 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.

15.7 SITE DESIGN

- a) All lands shall be subject to site plan control.
- b) Development in the low and medium density areas shall be low profile in nature and shall be
- c) sympathetic to the natural landscape and character of the area.
- d) No new development except minor structures shall occur within the 15 m 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.
- e) Minimum setbacks shall be established in the implementing Zoning By-law for development near or adjacent to the rights-of-way.

15.8 KNOLL AREA

The knoll area, as shown cross-hatched on Schedule B1A, 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 will be permitted in the area designated as Open Space and shown cross hatched on Schedule B1A;
- 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; v) Natural infiltration, storm water management and construction mitigation techniques will be used; and
- e) The Township's Site Alteration and Tree Cutting Bylaws shall apply to any development including roads on this portion of the property.

15.9 PHASING

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

maintained year round.

I5.10 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.

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; and,
- g) 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 and shall be restricted to uses that are sustainable on **individual on-site sewage and individual on-site water services**.
- 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 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.

- d) New developments that assist Communities to become more complete including providing a greater range of goods and services, housing options and local employment will be encouraged.
- e) The Township will encourage new development and redevelopment of buildings in the Communities 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.

J3 BOUNDARIES OF COMMUNITY AREAS

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

- 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) Residential dwellings and accessory residential units;
- b) Rooming Houses utilizing three bedrooms or less;
- c) Group homes;
- d) Home businesses;
- e) Small scale commercial and industrial uses ;
- f) Small scale institutional and open space uses that service the Community and surrounding Rural Areas; 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 and a lot area of 0.4 hectares.
- f) Where residential development occurs on the waterfront within a Community Area, the policies of Section E4 of this Plan apply.

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) Residential uses;
- b) Retail stores;
- c) Restaurants and take-out food services;
- d) Business and professional offices;
- e) Service commercial and light industrial uses;
- f) Gas stations and marinas;
- g) Tourist accommodations; and
- h) Community facilities and recreational uses.

J4.2.2 DEVELOPMENT POLICIES

- a) The implementing Zoning 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 relevant policies of Section E9 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 generally 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 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 Zoning By-law and Site Plan approval.
- 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) Schools;
- c) Places of worship;
- d) Government offices and works facilities;
- e) Service clubs and not-for-profit community organizations; and
- f) Public parks and open space.

J4.3.2 DEVELOPMENT POLICIES

- a) The implementing Zoning 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 shall establish lot area and lot frontage requirements.
- b) Wherever possible the Township will acquire lands at the waterfront to provide public open space through the development process. The Township will 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.

PART K - MINERAL AGGREGATE RESOURCE AREA

K1 OBJECTIVES

It is the objective of this Plan to:

- a) Ensure that as much of the **mineral aggregate resources** as is realistically possible is made available as physically close to market as possible;
- b) Recognize existing **mineral aggregate operations** and protect them from activities that would preclude or hinder their continued use or expansion;
- c) Protect known **deposits of mineral aggregate resources** for potential future extraction;
- d) Ensure that extraction is carried out in a manner that minimizes negative social, economic and environmental impacts;
- e) Encourage **mineral aggregate resource conservation**, including through the use of accessory aggregate recycling facilities within operations, wherever feasible; and,
- f) 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 F 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 F 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 F.

- d) This Plan does not identify the location of bedrock resource areas on Appendix F because Muskoka is underlain by Precambrian gneissic rock that exhibits wide variations in lithology and aggregate quality. However, local knowledge and the location of existing quarries may be considered if there is a desire to protect bedrock resources of local significance.

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 of a pit and 500 metres from a quarry, the Township shall generally require a land use compatibility assessment to determine conformity with this section of the Plan.
- d) When considering a new **mineral aggregate operation**, the co-location or grouping of such facilities and recycling of materials and progressive rehabilitation should be considered by the Provincial approval authority.
- e) 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 I3.3.3 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 and Community Areas;
- b) The adjustment of a lot line for **legal or technical reasons**;
- c) 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;
- d) The expansion of a legal non-conforming use, provided such an expansion meets all of the other tests in this Plan; and,
- e) Any application for minor variance, regardless of location.

K3.3.3 REQUIREMENTS FOR A SECTION K3.3.1 ASSESSMENT

- a) Appendix F identifies **deposits of mineral aggregate resources**. The identification of these deposits on Appendix F does not necessarily mean that they are appropriate for the **development** of **mineral aggregate operations**, because of natural heritage, land use compatibility, transportation and/or hydrogeological constraints nor does it imply that the quality of the **mineral aggregate resource** at any given location is also suitable.
- b) In cases where a proposed **development** is not exempt from Section K3.3.1 of this Plan in accordance with Section K3.3.2, an assessment addressing the following factors shall generally be required in support of an application for **development** on lands that have been identified as **deposits of mineral aggregate resources** and **adjacent lands** on Appendix F:

- i) The nature and location of other non-aggregate resource uses in the area and their potential impact on the feasibility of establishing a **mineral aggregate operation** on the subject lands and **adjacent lands**;
 - ii) The nature and location of the potential land uses in the area based on the land use policies of this Plan and zoning/community planning permit by-law particularly if the land uses have yet to be established;
 - iii) The nature of the road network in the area and its ability to potentially accommodate **mineral aggregate operations** in the future;
 - iv) The configuration of the parcels of land in the area and whether the parcels are large enough and of a shape that would support **mineral aggregate operations**;
 - v) The depth of the overburden on the subject lands and on **adjacent lands** and whether the depth precludes the economical extraction of the **mineral aggregate resource**;
 - vi) The nature and potential impact of **natural heritage features and areas** in the immediate area on the potential for **mineral aggregate operations** in the area in the future;
 - vii) The nature and location of any **sensitive surface water** and **ground water features** in the area and its impact on mineral aggregate operations;
 - viii) The quality of the **mineral aggregate resource** on the subject lands and in the immediate area; and,
 - ix) The presence of **significant built heritage resources, protected heritage properties, significant cultural heritage landscapes** and **significant archaeological resources** on the subject lands or in the immediate area.
- c) Where an assessment is determined to be required, it shall be completed by a qualified professional to demonstrate that the criteria of Section K3.3.3 b) of this Plan have been met. The Township may consult with the Provincial Ministry with jurisdiction to provide information and recommendations with respect to proposals affecting **deposits of mineral aggregate resources**.
- d) The Township shall not generally support the establishment of new **mineral aggregate operations** in the Waterfront Area designation through an Official Plan Amendment, because of the potential negative environmental, social, and/or economic impacts (visual and otherwise) related to Muskoka's lakes and rivers.
- e) New rock crushing operations shall be discouraged within 2 kilometres from the boundaries of the Waterfront Area designation.

K4 APPLICATION REQUIREMENTS

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 will 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 address:

- 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 resources and activities;
 - iv) The quality and quantity of groundwater and surface 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 groundwater 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 an existing haul route to function as a safe and efficient haul route;
- c) The suitability of any new haul routes proposed;
- d) The impact of the noise, odour, dust and vibration generated by the proposed operation or expansion on adjacent 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; and,
- f) 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.

K5 WAYSIDE PITS AND QUARRIES

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 **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 climate change 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 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 B1B and B2B.
- 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 and/or water services may be considered.
- d) It is the intent of this Plan that Single and Future Service Areas will ultimately be provided with full municipal services over time. Until that occurs, private individual on-site 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 may only be considered by Amendment to this Plan to:
 - i) Address failed private individual on-site 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 to 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 c) 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 B1B and B2B 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 will 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, private individual on-site 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 groundwater sources, a hydrogeological assessment shall generally be required where:
 - 1. Private individual on-site groundwater and sanitary sewage disposal services are proposed for more than five lots or units, where all or some of the lots are less than 1.0 hectare 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 in area where cumulative impacts of private water and sewage 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 will be discouraged. Where such **development** is proposed it will generally 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 2 and shall be measured from the footprint of the facility with a reasonable future expansion considered.

Table 2 - 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 a waste stabilization pond	400 metres
All uses from a hauled sewage lagoon	400 metres

- c) Where a change in land use is proposed adjacent to any municipal sanitary sewage disposal facility the onus will 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 of a municipal water supply intake, well or municipal sanitary sewage outfall shown on Appendix F 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 will 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 areas have been designated as Scenic Areas or Scenic Corridors shown on Appendix H and are considered as cultural landscapes. These areas include significant cliffs and rock faces, waterfalls, rapids, landmark buildings, pastoral rural landscapes and vistas of the undeveloped landscape.
- c) Scenic Areas are specific 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
- 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 will be required for new lots. Buildings and structures shall be appropriately designed and situated to blend with the natural environments and vegetative buffers will 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 protected heritage properties, cultural heritage landscapes and archaeological resources;
- c) Conserving and mitigating impacts to all significant cultural heritage resources, when undertaking public works; and,
- d) Respecting the heritage resources recognized or designated by federal and provincial agencies.

L3.3 BUILT HERITAGE

L3.3.1 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 of the Ontario Heritage Act to help ensure effective protection, maintenance, conservation and restoration.
- c) Properties identified on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time.

L3.3.2 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 will be based on the criteria outlined in Ontario Regulation 9/06 issued under the Ontario Heritage Act and will 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.

L3.3.3 CONSERVING HERITAGE RESOURCES

- a) Significant built heritage resources and significant cultural heritage resources including landscapes shall be conserved.
- b) The Township shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
- 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 will 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.

- 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, 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 will 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 shall 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 will be

outlined in a Heritage Conservation District Plan. Such a Heritage Conservation District Plan will:

- 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

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” archaeological potential or where a known archaeological site has been identified on or adjacent to the subject lands. In this regard, lands with "moderate to high or high to very high" archaeological potential are shown on Appendix I to this Plan. Areas of specific 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 will 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.

L3.8 CONSULTATION WITH INDIGENOUS COMMUNITIES

- a) The Township will 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.
- b) The Township shall ensure that all of the following policies are implemented as part of the land use planning process 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.

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 will 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 architectural 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 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, areas of karst topography, 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 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** and **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** and **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, boathouses, flood and/or erosion control works or minor additions or passive non-structural uses that do not affect flood flows. New **private individual on-site** or **private communal sewage and water services** will not be permitted in the floodway;
 - iii) Where a two-zone concept is applied, **development** and **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 will be

demonstrated:

1. Development and 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**.
- 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 ____ (Appendix not yet prepared) 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 Appendix ____ (Appendix not yet prepared. 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 F to this Plan (not yet included on draft mapping). 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 of an operating or identified non-operating waste disposal site. This setback may be reduced to 20 metres 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 or other potential influence area distance as determined by the Province 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 will generally 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 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 Section K of the District of 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.

- 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, 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 will 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 significant natural heritage feature 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

In order to plan for and encourage walking and cycling within the Urban Centres and Community Areas, the Township will:

- a) Consider the provision of safe and convenient walking routes, cycling routes and bicycle parking in the review of all development applications;
- b) Require that parking for bicycles be provided in highly visible and lighted areas;
- c) Require the provision of sidewalks in the Urban Centres and Community Areas where appropriate;
- d) Investigate and provide for bicycle lanes wherever possible in the construction or reconstruction of roads and bridges;
- e) Sidewalks or equivalent pathways, where provided shall be designed and constructed to be barrier-free for all people regardless of ability, consistent with the Ontarians With Disabilities Act;
- f) Ensure that lands for bicycle/pedestrian paths are included with the land requirements for roads;
- g) Ensure that the rights and privacy of adjacent property owners are factored into the design process for pedestrian and cycling routes; and,
- h) Ensure that all pedestrian and cycling routes are designed to meet or exceed Regional and/or industry design standards.

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 PRIVATE ROADS

L6.6.1 DEVELOPMENT ON A PRIVATE ROAD

- a) The creation of 5 or more lots/units shall be accessed by a publicly owned and year round publicly maintained road. Notwithstanding the above, development may be considered for proposals with less than 5 lots:
 - i) On a seasonally maintained public road;
 - ii) On 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) On 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 are secured to the satisfaction of the Township.
- b) Notwithstanding sub-section a) the creation of private roads in a Plan of Condominium is permitted.
- c) The requirement for public road access does not apply to the development of conservation uses, resource based uses or hunt camps, which are not required to have public road access, and which may be located on private roads.

L6.6.2 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 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 shall obtain appropriate agreements from owners having lands abutting that portion of the road allowance to be improved wherein the affected landowners 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 ROAD ALLOWANCES THAT LEAD TO THE WATER

Road allowances that lead to water may provide for public use of the Waterfront Area and access to a waterbody. As such, road allowances in the Waterfront Area should not generally be conveyed to private interests. However, where road allowances that lead to water cannot provide reasonable access to the water, the Township may convey such lands for private ownership in consideration of the following matters:

- a) The type of access and public use possible;

- b) Road allowance status;
- c) Existing access in the vicinity;
- d) Retention of natural and scenic features such as wetlands, sensitive natural areas, and rock cliffs;
- e) Retention of built features such as hydro lines within a road allowance;
- f) Physical constraints and waterbody characteristics, depending on the use, due to slope, terrain, substrate of the lakebed, hazards to navigation, depth of water, orientation of the road allowance, isolation from existing roads, and other matters;
- g) Excessive crowding from neighbouring use;
- h) The recreational capacity of the waterbody to support additional access;
- i) Potential for land exchange in the vicinity; and,
- j) History of use.

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.

- d) Lands within the Urban Centres shall be pre-zoning to permit intensification and infill where appropriate.
- e) 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 **affordable** and 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 will be encouraged in an effort to achieve the target.
- c) In order to provide additional flexibility for new development, consideration will be given in the implementing Zoning 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 will be encouraged in an effort to achieve the targets.

L7.3 ADDITIONAL DWELLING UNITS

In any land use designation where residential uses are permitted (except the Waterfront Area), 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:

- a) Meets the relevant requirements of the Township, and the Ontario Building Code and Fire Code;
- b) Has a floor area that is less than the floor area of the principal dwelling;
- c) Is supported by adequate parking facilities; and,
- d) Is not located in a dwelling that is in a floodplain, or in an area of the site that is a hazardous site and/or hazardous lands.

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) 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.

L8 HOME BUSINESSES

Home businesses are permitted in accordance with the following criteria:

- a) The use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
- b) The use is clearly secondary to the primary residential use in terms of floor space utilization and is compatible with surrounding uses;
- c) The character of the dwelling as a private residence is preserved;
- d) 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;
- e) The use will not cause a traffic hazard; and,

- f) The signage advertising the use is to be designed and located in accordance with the Township's sign by-law.
- g) The Implementing Zoning By-law shall provide further details on the appropriate performance standards for home businesses.

L9 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 will explore regulatory options of short-term private cottage rentals for commercial purposes as distinguished from occasional rental of residential cottage properties through licensing, zoning by-laws or other identified tools.

L10 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 will 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.

L10.1 GENERAL POLICIES

- a) It is the intent of the Township to 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) On this basis, the Township will apply the policies of this section to development and redevelopment 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 and redevelopment that addresses the sustainability objectives and policies of this Plan including but not limited to those outlined in Sections L10.2 to L10.5.
- d) The Township shall review permissions for increased mixing of uses and shared work spaces

through an update to the implementing Zoning By-law.

L10.2 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.

L10.3 PERFORMANCE CHECKLISTS

- a) The Township will consider the adoption of a set of performance measures to guide and monitor development 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, 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.

L10.4 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 and reduce phosphorus loading; and,
 - vii) Recommendations and standards for the installation of on-site renewable energy generation and energy recovery, where practicable.

L10.5 DESIGN AND SUSTAINABLE DEVELOPMENT

The following shall be considered by the Township in the review of applications for development:

- a) The orientation of buildings should maximize passive solar gain where possible in consideration of site vegetation;

- b) Interior and exterior building materials, where possible, should be sourced from renewable and sustainable sources;
- c) Exterior building materials should have thermal properties that effectively manage heat and glare throughout all seasons;
- d) Buildings should be designed, constructed and fitted to maximize energy efficiency;
- e) The design of buildings and sites will accommodate the separation and collection of organic waste for compost, dry recyclables such as plastic and paper, and waste;
- f) 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;
- g) Native grass, flower, tree and other plant species are encouraged in landscaping areas to minimize water consumption, insect infestation, and invasive species;
- h) Green roofs, incorporating soil beds and plantings, are encouraged where appropriate and feasible;
- i) Exterior and interior lighting should be energy efficient and mitigated to the extent possible to minimize light pollution;
- j) Large windows should include design treatments that prevent bird collisions; and
- k) Facilities such as bicycle loops and lockers are encouraged to be located outside buildings to support active transportation.

L11 CLIMATE CHANGE

- a) The Township recognizes that sustaining and restoring the resistance to and resilience of communities and ecosystems will be required to address local climate change impacts. The Township understands that through the implementation of appropriate climate change policies, the future of the Township will be optimized.
- b) 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. Considerations shall include but are not limited to:
 - i) Reduction of greenhouse gas emissions;
 - ii) Improvement of air quality;

- iii) Promotion of compact form;
 - iv) Efforts to limit the dispersal of the population and travel times between housing, employment, and amenities and services;
 - v) Use of green infrastructure;
 - vi) Promotion of design to:
 - 1. Maximize energy efficiency and conservation including consideration of the mitigating effects of vegetation; and
 - 2. Maximize opportunities for the use of renewable and alternative energy sources and systems;
 - vii) Identification and mitigation of existing hazards which may be compounded or aggravated by climate change, including flood prone areas; and
 - viii) Identification of natural heritage features that have become more sensitive to development pressures due to climate change.
- c) The implementation of the climate change lens may result in:
- i) Requiring environmental conservation measures, such as:
 - 1. Improved floodplain mapping and increased restrictions for redevelopment of existing structures;
 - 2. Increased setbacks for development adjacent to wetlands, lakes, rivers, headwater areas, groundwater discharge areas
 - 3. Retention and enhancement of natural vegetation
 - 4. More stringent requirements for stormwater management, flood abatement, and
 - 5. Provisions to increase the resilience of power and data grids.
 - ii) Establishing more stringent standards for built infrastructure; and
 - iii) Increased energy efficiency through:
 - 1. The use of energy sources that reduce or avoid greenhouse gas emissions
 - 2. Use of passive solar design principles
 - 3. Use of net-zero design principles to reduce or eliminate energy demand by built infrastructure.

L12 COMMUNICATION TOWERS

- a) Whenever possible, the sharing of existing towers is encouraged in an effort to Reduce the number of communication towers in the Rural area.
- b) The co-location of new installations on common towers is encouraged.
- c) Towers under 30 metres in height, which do not require lights, will not require a Public Information meeting.
- d) Towers greater than 30 metres in height require a Public Information meeting to be held prior to the construction of such tower.
- e) Where a Public Information meeting is required, all property owners within a one kilometre radius of the proposed communication tower are to receive written notice in addition to a newspaper notice.
- f) Industry Canada is the approval agency for communication towers. Representatives are encouraged to also attend Public Information meetings. All Public Information meetings are for information purposes only.
- g) The siting of new communication towers shall consider the following:
 - i) Impact on aeronautical navigation;
 - ii) Distance from significant nearby structures or lands uses to:
 - Reduce 'ghosting'
 - Reduce distortion of radiation patterns
 - Prevent malfunction of electronic devices and appliances
 - Provide long term build out capacity.
 - iii) Retention of prominent views and vistas;
 - iv) Impact on natural areas including provincially significant wetlands, heritage areas and significant habitat.
- h) Buffering or screening of communication towers shall be encouraged. Setbacks from sensitive land uses, such as residential, will be considered.
- i) Advertising on communication towers shall not be permitted.

L13 SUBDIVISION OF LAND

L13.1 LAND DIVISION BY PLAN OF SUBDIVISION/CONDOMINIUM DESCRIPTION

L13.1.1 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.

L13.1.2 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 **alternative energy systems**; and
- vii) Township subdivision or condominium design guidelines.

L13.1.3 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 and/or the Township 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 or community planning permit by-law amendment 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.

L13.1.4 SUBDIVISION/CONDOMINIUM DESIGN AND SUSTAINABLE DEVELOPMENT

The following will 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 where possible 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 where possible;
- 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.

L13.2 NEW LOTS BY CONSENT

L13.2.1 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 Township's Committee of Adjustment 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 District of Muskoka 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 Zoning 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;
- f) Will not have a negative impact on the drainage patterns in the area;
- g) Will not restrict the development 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 the significant features and functions of any natural heritage

feature or area; 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 groundwater 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 development of buildings, structures and septic systems; and,
- l) Can be supported based on the application of the criteria set out in Section 51 (24) of the Planning Act, as amended.

L13.2.2 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 Committee of Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

L14 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, which is shown on Appendix ____ (Appendix not yet mapped). The 1,900 hectare 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 should 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, dark sky lighting policies apply to all development, including residential, commercial, industrial and institutional uses, and are implemented through Site Plan Control.
- d) New and existing development shall be encouraged to provide exterior lighting that avoids light trespass, and does not impose glare on neighbouring properties.
- e) In all cases, lighting must be designed to direct downwards rather than outwards.
- f) Exterior lighting shall not interfere with water navigation.

- g) The intensity of light on both existing and new development should be reduced where possible to minimize the impact on surrounding properties. Exterior floodlights shall not be permitted.
- h) Full cutoff dark sky compliant lighting shall be required for all new development, and where appropriate redevelopment. Low level lighting is encouraged.
- i) In the case of major development a detailed lighting plan shall be required.

L15 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 all Schedules and Appendices for information purposes.

L16 SHORELINE STRUCTURES

- a) Prior to 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. 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 and wildlife habitat;
 - ii) The natural flow of water;
 - iii) Potential damage from flood and ice heaving;
 - iv) Privacy; and,
 - v) Other shoreline, resource development, and environmental policies.
- d) To maintain a balance of natural and built form, the maximum cumulative width of shoreline structures, including all docks, shall be the lesser of 25 percent or 23 metres of the lot's water frontage.
- e) Shoreline structures shall not impede the immediate view of surrounding properties, as defined by the extension of property lines onto the water.

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

PART M - IMPLEMENTATION AND ADMINISTRATION

M1 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.

M2 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 will 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 implementing Zoning By-law in a circumstance where it would be in the public interest to do so.

M3 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.
- b) If a CPPS is proposed for all or part of the Township, an Amendment to this Plan will 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.

M4 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) In accordance with the Planning Act, no development shall be undertaken within a site plan control

area until the Township has approved the necessary information and materials sufficient to display matters set out in Sections 41(4) and 41(5) of the Planning Act, including but not limited to:

- i) Matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design; and
 - ii) The sustainable design elements within, or adjacent to, an adjoining municipal right-of-way, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.
- e) Within the Waterfront Area, Site Plan approval shall be required for:
- i) New dwellings;
 - ii) Additions to existing dwellings that propose an increase in the ground floor area of more than 10%;
 - iii) New and expanded boathouses;
 - iv) New accessory buildings that exceed 30 square metres of floor area; and
 - v) Expansions to existing boathouses that involve an increase in floor area and/or the enlargement of the area of the boathouse covering the water.
- f) 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.
- g) 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.

M5 COMMUNITY IMPROVEMENT PLANS

The Township may identify a 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/**affordable** 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, where possible, enhance the vitality and viability of the Urban Centres and Community Areas;
- j) To encourage a sense of place, 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.

M6 TEMPORARY USE BY-LAWS

M6.1 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 N6.2. 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 will be viewed as contravening the implementing Zoning By-law.

M6.2 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 will be provided entirely on-site; and,
- h) g) the proposed use shall generally be beneficial to the neighbourhood or the community as a whole.

M7 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.

M8 NON-CONFORMING USES

M8.1 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.
- 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.
- 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 pursuant to the Planning Act to allow for an extension to a non-conforming use in accordance with Section M8.2. The Committee of Adjustment may also consider such a request in accordance with Section M8.2.

M8.2 CRITERIA

In considering a request to expand a legal 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;
- 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;
- e) An undesirable precedent will not be established by the approval of the application; and,
- f) Adequate water and wastewater servicing is available.

M9 COMPLETE APPLICATIONS

M9.1 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.

M9.2 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 District Official Plan.
- b) The determination of which studies, plans or items are required shall be made at the pre-consultation phase, as set out in Section M9.3 of this Plan. Regard should also be had to Section M9.4 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) Market Impact Study;
 - iii) Environmental Impact Study;
 - iv) Environmental Site Assessment;
 - v) Scoped Species at Risk Assessment;
 - vi) Sustainability Report;
 - vii) Health Impact Assessment;

- viii) Performance Checklists;
- ix) Master Servicing Plan;
- x) Stormwater Management Report;
- xi) Functional Servicing Report or Servicing Options Study;
- xii) Water and wastewater modelling;
- xiii) Noise/Vibration Study;
- xiv) Hydrogeological Assessment;
- xv) Traffic Impact Assessment;
- xvi) Archaeological Assessment;
- xvii) Heritage Impact Assessment;
- xviii) Land Use Compatibility Assessment;
- xix) Financial Impact Assessment;
- xx) Geotechnical Study;
- xxi) Site Evaluation Report;
- xxii) Wildland Fire Hazard Risk Assessment Report;
- xxiii) Site Assessment for Lands on or Adjacent to Waste Disposal Sites;
- xxiv) Fisheries Impact Assessment;
- xxv) Flooding and Erosion Assessment;
- xxvi) Boating Impact Study;
- xxvii) Blasting Impact Assessment and,
- xxviii) Any other studies required by the approval authority that are not reflected in the above list.

M9.3 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.

M9.4 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.

M9.5 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.

M10 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 will 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 will 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 sub-watershed or catchment area.

- e) Any documents or reports associated with the CDP shall be prepared in consultation with the relevant public agencies, and will be available for review by the general public.
- f) The CDP will 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** and **water resource systems**, and the interrelationships among these functions.
- g) A CDP will 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 groundwater resources;
 - ii) Proposed measures to improve natural heritage features 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 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 District of Muskoka Official Plan and this Plan.

M11 PARKLAND

M11.1 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 environmentally sensitive lands 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.

M11.2 DEDICATION OF PARKLAND T

- a) The Township will require parkland dedication from development/ redevelopment and on plans of subdivision in accordance with the following:
 - i) Five (5%) percent of the land within a residential development,
 - ii) Two (2%) percent of the land within industrial/commercial development shall be dedicated as parkland.
 - iii) All other uses shall provide a parkland dedication of five (5%) percent of the land that is subject to development; and
 - iv) While the dedication of parkland is preferred, Council may accept cash-in-lieu of required parkland
- 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.

M11.3 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 or adjacent environmental 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 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;
- g) Be connected, wherever possible, to trail systems, cycling routes, walkways, natural heritage corridors, utility or hydro corridors and drainage systems; and,
- h) Linking and consolidation of parks to provide a continuous system of open space areas, where possible.

M12 INTERPRETATION

M12.1 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.

M12.2 INTERPRETATION OF LAND USE DESIGNATION BOUNDARIES AND NUMERICAL VALUES

- a) The boundaries of the Urban Centres and Community Areas identified on Schedules A, B1A, B2A and C1 to C5 of this Plan are considered to be firm boundaries. An amendment to this Plan will 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 D1/D2 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 will be interpreted as guidelines and minor variances to specific requirements may be permitted provided that the intent of the Plan is maintained.
- 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.

M12.3 LEGISLATION

Where this Plan makes reference to a Provincial Act, an Ontario Regulation, the Provincial Policy Statement, municipal by-law, or any other legislative or guidelines documents, such reference shall include any subsequent amendments or replacements.

M12.4 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 Section D1.3 of this Plan, those lands contiguous to a specific **natural heritage feature or 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 _____ (to be added) 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 _____ (to be added), 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 _____ (to be added).

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 **floodings 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 **floodings 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, significant coastal wetlands, other coastal 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 in existing communities, including **brownfield sites**.

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**.

Reserve sewage system capacity: means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of Sections _____ (to be added) of this Plan, reserve capacity for **private communal sewage services** and **individual on-site sewage services** is considered sufficient if the hauled sewage from the development can be treated and land-applied on agricultural land under the Nutrient Management Act, or disposed of at sites approved under the Environmental Protection Act or the Ontario Water Resources Act, but not by land-applying untreated, hauled sewage.

Reserve water system capacity: means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

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."