

OFFICIAL PLAN AMENDMENT XX
TO THE
OFFICIAL PLAN FOR THE TOWNSHIP OF
MUSKOKA LAKES

AMENDMENT NO. XX

TO THE OFFICIAL PLAN FOR THE TOWNSHIP OF MUSKOKA LAKES

SECTION 1: TITLE AND COMPONENTS OF THE AMENDMENT

- 1.1 Section 6 herein and Schedules “A”, “B”, “C”, and “D” constitute Amendment Number XX to the Official Plan for the Township of Muskoka Lakes.
- 1.2 Sections 1 to 5 herein do not constitute part of the formal amendment but provide background information respecting the Amendment.

SECTION 2: LAND SUBJECT TO THE AMENDMENT

- 2.1 The lands subject to this amendment include Part of Lots 21-23, Concession 10, Part of Lots 21-25, Concession 11 and Part of Lots 22-25, Concession 12, all in the former Township of Medora, now in the Township of Muskoka Lakes, in The District Municipality of Muskoka, all of which constitute the “Resort Village of Minett”, referred to herein as “Minett”.
- 2.2 The land subject to this Amendment is more particularly shown on Schedule “A”.

SECTION 3: PURPOSE

- 3.1 The purpose of the Amendment is to amend the Official Plan for the Township of Muskoka Lakes:
 - a) to revise the Resort Village designation with associated land use, environmental, transportation, servicing and other policies for Minett;
 - b) to permit a variety of densities and land uses;
 - c) to establish the long-term role and function of the Minett Resort Village in the context of overall growth and development in the Township and District;
 - d) to establish clear policy direction based on Council's vision on the nature, scale and location of the full development of the Minett Resort Village;
 - e) to replace Section C1 – Resort Village Policies of the current Official Plan;

- f) to remove Schedules “J1, “J1A” and “J1B”; and,
- g) to insert Schedules “A”, “B”, “C”, and “D” attached to this Amendment.

3.2 The effect of this Amendment will be to provide the policy framework to allow Minett to develop as a “Resort Village”, which will function as a resort commercial and tourist destination, a waterfront service node, and a permanent residential node.

SECTION 4: BACKGROUND

Minett is located along the western shoreline of Lake Rosseau (on Wallace Bay) to the north of Port Carling. The topography of much of Minett is typical of the Muskoka landscape, with undulating terrain containing forested areas and some wetlands. There is, however, a large area of level land around the site of the Cleavelands House Resort. Minett is a well-established resort community, dating back to the 1860’s. This resort character is still evident due to the resorts that continue to operate in the area. Three larger resorts still exist today, including Cleavelands House Resort, The Rosseau Resort (JW Marriott) and Legacy Cottages (formerly known as Lakeside Lodge), all of which are clustered around Wallace Bay. There is also currently a mix of permanent and seasonal dwellings located in Minett.

A previous Official Plan Amendment (OPA) was adopted by the Township of Muskoka Lakes in January 2007, approved with modifications by the District of Muskoka in May 2007, and ultimately approved with modifications by the OMB in 2008. This OPA re-designated Minett from a “Community” to a “Resort Village” designation, in recognition of its historical land uses and destination character.

In 2019, the Township of Muskoka Lakes retained Meridian Planning Consultants to undertake an Official Plan Review (OPR) to update the policies of the Township of Muskoka Lakes Official Plan by evaluating its effectiveness, ensuring conformity with Provincial and District planning instruments, and considering input from the public and agencies with jurisdiction. The target date for completion of the OPR is late 2021.

It should be noted that the Township of Muskoka Lakes Official Plan Review is a separate process than the review of the Minett policies that informs this Amendment, and these processes are being completed concurrently.

Notwithstanding this OPR process, the Township of Muskoka Lakes passed Interim Control By-law (ICBL) 2018-66 on May 18th, 2018 for the period of 1-year, with an option to extend for another year. The purpose of the ICBL was to restrict development within the Minett area to allow time for

appropriate studies to be undertaken as well as provide an opportunity to examine the applicability of existing land use policies for the Resort Village of Minett.

As such, in June 2018, reports were presented to the Councils of both the Township of Muskoka Lakes and the District of Muskoka regarding a budget, timeline, and overall process to review both the Township and District of Muskoka Official Plan policies that apply to the Resort Village of Minett, concurrently with the OPR. Following approval by both Councils, Staff began the process of establishing the 'skills based' Minett Joint Policy Review Steering Committee.

Due to the timing associated with creating a Steering Committee, completing the associated studies and providing policy recommendations, on April 12th, 2019 the Township of Muskoka Lakes Council enacted By-law 2019-38 to extend the Interim Control By-law for an additional year. In October 2019, the Steering Committee shared interim policy recommendations with the Councils. Since October, the Committee worked to refine those interim recommendations into final recommendations, which were presented in January 2020 and reconfirmed in June 2020 upon receipt of final reports from two independent studies that it had commissioned.

Based on these recommendations, and the various landowner requests for a more collaborative approach to policy creation and implementation, the Township of Muskoka Lakes and the District of Muskoka have formed an additional working group to assist in ensuring the future Official Plan Amendment implements the desired vision for Minett. These recommendations and discussions informed the preparation of an initial draft of this Amendment by Travis and Associates.

Following the initial drafting of this Amendment, the District of Muskoka indicated in December 2020 that they would not be able to support significant residential development in the Minett Resort Village on the basis of private communal services (as was originally permitted in the initial draft prepared by Travis and Associates). On the basis of this decision, this Amendment was modified through discussions with stakeholders in January 2021 by Meridian Planning Consultants on behalf of the Township, with the result being this draft Amendment dated February 1, 2021.

SECTION 5: IMPLEMENTATION AND INTERPRETATION

5.1 This Official Plan amendment will be implemented in accordance with the implementation policies contained in Section F of the Official Plan for the Township of Muskoka Lakes, in addition to any specific provisions contained in Section 6 of this Amendment.

SECTION 6: THE AMENDMENT

The Official Plan for the Township of Muskoka Lakes is hereby amended as follows:

- 6.1 Schedules “J1”, “J1A”, and “J1B” are hereby deleted.
- 6.2 Schedules “A”, “B”, “C”, and “D” attached hereto are hereby included in the Official Plan for the Township of Muskoka Lakes.
- 6.3 Section A.1.2 is hereby amended by deleting “J1” “J1A and J1B” in the first line.
- 6.4 Appendix 1 and Appendix 2 a) to c) of Section A.1.3 are hereby deleted.
- 6.5 Section C1 is hereby deleted in its entirety and replaced with the following:

“SECTION C1 RESORT VILLAGE (Minett)

C1.1 Definition

A Resort Village is a planned community in which the focus of use is centered around four-season tourist commercial, recreational resort and related commercial activities. Supplemental residential uses are permitted. The form and function of growth or change shall respect the history and character of the existing community.

All new development and redevelopment shall conform to the policies of Section C1 contained herein. In the event of a conflict between the policies of the Township’s Official Plan and the policies of the District Official Plan, those of the District Official Plan will prevail, unless the policies of the Township’s Official Plan are more restrictive in which case the more restrictive policies will prevail.

The boundaries of Minett are as shown on Schedule A attached.

C1.2 Growth Strategy

Basis

Minett is a small community within the Township of Muskoka Lakes that contains a number of resort commercial properties, commercial uses, and residential properties located on the western shoreline of Lake Rosseau. Servicing within Minett comprises a combination of private communal servicing and individual on-site systems.

The character of Minett is rooted in its history as a resort community that dates back to the 1860’s.

Consistently over time, Township and District planning policies have recognized the importance and function of Minett as a resort node and community gathering place. More recently, Minett was identified as a focus for resort development and for its potential to function as a resort and tourist commercial node, supplemented by residential uses.

Land use designations for Minett are shown on Schedule B, attached.

Strategy

Within the Township of Muskoka Lakes, Minett has grown to become a significant resort and tourist commercial node, with some permanent residential development and commercial services supporting these uses. Future growth within Minett shall seek to enhance the existing community, work with existing topography and vegetation, and contribute to the tourism and economic development objectives of the Township and District.

Development Plan

The nature, scale and location of development in the Minett Resort Village that is provided for by Section C1 of the Official Plan has been derived on the basis of considerable discussion, study and compromise and represents a reduction in the amount of development initially permitted in the Resort Village by the OMB in 2007. To a very large extent, the conditions that under-pinned the approval of the original policy framework in 2007 have changed and there is greater awareness of the environmental and social limitations on development that exist in the area.

On the basis of the above, Section C1 establishes a long-term plan for the Resort Village that reflects the totality of what is supportable by the Township within the Resort Village. While minor deviations may be considered through the implementation of Section C1, major deviations that change any of the foundational elements of Section C1 will require an Amendment to this Plan. These foundational elements include:

- a) The maximum permitted Gross Floor Area for development and/or redevelopment on the lands within the Village Core (VC), Resort Commercial One (RC1) and Resort Commercial Two (RC2) designations shown on **Schedule C** and as set out in Section C1.4.3.2;
- b) The maximum permitted number of Units on those lands within the Village Core (VC), Resort Commercial One (RC1) and Resort Commercial Two (RC2) designations shown on **Schedule C** and as set out in Section C1.4.3.3;

- c) The maximum permitted Gross Floor Area for development and/or redevelopment on the lands within the Residential One (R1) and Residential Two (R2) designations shown on **Schedule D** and the maximum number of Units permitted as set out in Section C1.4.3.5;
- d) The maximum permitted number of Units on those lands within the Resort Commercial Three (RC3) and Resort Commercial Four (RC4) designations shown on **Schedule C** and as set out in Section C1.4.3.6;
- e) The maximum percentage of the total number of Units permitted on those lands depicted on **Schedule C** in the Village Core (VC) designation that are permitted to be Resort-Related Residential Dwelling Units as set out in Section C1.6.1.3 e); and,
- f) The maximum percentage of the total number of Units permitted on those lands depicted on **Schedule C** in the Resort Commercial One (RC1) and Resort Commercial Two (RC2) designations that are permitted to be Resort-Related Residential Dwelling Units as set out in Section C1.6.2.3 e).

Changes to any of the foundational elements listed above are discouraged, since the potential effect such changes would have on the overall vision established by Section C1 for the Minett Resort Village are significant.

As a result, an Amendment to this Plan that has the effect of changing any of the foundational elements listed above shall be supported by justification that indicates why it is in the overall public interest to change the vision for the Minett Resort Village established by this Plan. In addition, justification and supporting studies that demonstrate how the goals and objectives set out in Section C1.3 have been met will also be required.

If such an Amendment proposes to increase the number of Residential Dwelling Units, Resort-Related Residential Dwelling Units and/or Resort Commercial Accommodation Units permitted by this Plan, the need for the additional Residential Dwelling Units and Resort-Related Residential Dwelling Units shall be justified and related to the population and housing targets established by the District of Muskoka Official Plan for the Township of Muskoka Lakes that are in effect at the time and the role of Port Carling and Bala in accommodating expected year-round population growth. The need for additional Resort Commercial Accommodation Units shall be supported by an appropriate market study that demonstrates that there is a market demand for additional Resort Commercial Accommodation Units in the District of Muskoka, beyond what has been provided for by this Plan.

C1.3 Goal and Objectives

C1.3.1 Goal

- C1.3.1.1 To ensure Minett develops as a four-season resort commercial, tourist, and recreation focused area with some residential uses, where development and redevelopment proceeds in an orderly manner, respects the environment, and contributes to the overall character of the area.
- C1.3.1.2 To establish a long-term build-out plan for the Minett Resort Village in a manner that implements the Township's vision for the settlement area including the scale, location and nature of development anticipated.

C1.3.2 Objectives

- C1.3.2.1 To recognize the historic resort commercial, tourist commercial, and recreational character of Minett and implement policies that will allow this character and history to be strengthened and enhanced.
- C1.3.2.2 To promote development that contributes to the success of Minett as a resort, tourist, and recreation focused area through the provision of recreational and commercial amenities.
- C1.3.2.3 To encourage development and redevelopment that demonstrates sustainable economic, social, and environmental practices. In instances where such practices might be incompatible, protection of the environment will take precedence.
- C1.3.2.4 To enable the balanced growth and redevelopment of existing tourist resorts and associated establishments with new development through permitting a range of uses, including, but not limited to additional resort commercial accommodation and tourist commercial uses, residential uses, and waterfront-related uses.
- C1.3.2.5 To promote the creation of gathering spaces within Minett to foster a sense of community.
- C1.3.2.6 To encourage the development of active transportation networks that promote pedestrian activity.
- C1.3.2.7 To 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 unique character of Minett.

C1.3.2.8 To consider the safe boating capacity of the Wallace Bay area, with the objective of minimizing incremental contribution to boat traffic to the fullest extent possible.

C1.3.2.9 To enhance the function of Minett as a resort, tourist, commercial, and recreation focused area by establishing an appropriate level of density that can support this function.

C1.4 General Development Policies

C1.4.1 Permitted Uses

C1.4.1.1 Permitted uses in Minett shall seek to support the resort commercial function of the area, and may include residential, commercial, small-scale industrial, institutional and staff accommodation uses, in accordance with the policies of the applicable land use designation contained herein.

C1.4.1.2 Large-scale institutional and industrial uses are not permitted.

C1.4.2 Character

C1.4.2.1 Minett's natural character is defined by varied and well treed terrain with isolated rock outcroppings and distinct rock faces. These features provide an interesting and unique setting for residents and visitors and influences the community's physical growth.

C1.4.2.2 Development and redevelopment shall:

- a) respect and be compatible with the surrounding environment;
- b) not result in adverse impacts on the recreational carrying capacity and water quality of Wallace Bay, as demonstrated through appropriate studies;
- c) minimize disruption to, and on, existing topography and vegetation of the area when viewed from the water;
- d) maintain, improve, and/or restore the health of existing natural amenities such as streams and wetlands, where these features exist and where possible;

- e) integrate sustainable development practices that maintain or enhance ecological and economic resiliency;
- f) exhibit a high-quality built form that enhances pedestrian amenity;
- g) 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;
- h) incorporate landscaping that softens the impact of built form and utilizes native species where practical and appropriate; and
- i) Incorporate, where appropriate, 15-metre waterfront vegetative buffers and 20-metre building setbacks to protect water quality and natural shoreline character.

C1.4.2.3 The architecture and characteristics of new major development or redevelopment shall:

- a) limit height in proximity to the shoreline, while providing for a gradual increase as the distance from the shoreline increases, where appropriate;
- b) 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;
- c) allow prominent buildings in the Village Core or Resort Commercial designations where they contribute to a sense of community by creating visual interest and/or recognizable landmarks, subject to design guidelines as identified in d) below;
- d) be informed by a set of urban design and/or architectural design guidelines to be completed to the satisfaction of the Township;
- e) utilize dark sky lighting in accordance with Township by-laws to preserve the darkness of the night sky; and
- f) 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. Examples of the types of standards to be considered may include, among others: travelled road width, turning radii, sidewalks, and gradient.

C1.4.2.4 Modifications, alterations, and enhancements to existing structures in proximity to the shoreline and/or redevelopment of such existing structures, are permitted in accordance with the implementing Zoning By-law, provided such modifications, alterations, enhancements and/or redevelopment conform to the Objectives of this Plan.

C1.4.3 Density of Development

C1.4.3.1 For the purposes of calculating density, a Unit shall refer to either a Residential Dwelling Unit, Resort-Related Residential Dwelling Unit or a Resort Commercial Accommodation Unit, as defined in Section C1.8.

C1.4.3.2 The total Gross Floor Area for development and/or redevelopment on the lands within the Village Core (VC), Resort Commercial One (RC1) and Resort Commercial Two (RC2) designations shown on **Schedule C** shall not exceed 69,677 square metres (750,000 square feet), which total shall include all uses.

C1.4.3.3 The total equivalent Unit count for the lands identified on **Schedule C** shall not exceed 882.

C1.4.3.4 Given the need to ensure that resort and tourism amenities are developed in the first phase and in subsequent phases of development as per Section C1.7.1, the percentage of Gross Floor Area in Section C1.4.3.2 allocated to 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 Minnett Resort Village is commercially viable and attractive to the Travelling & Vacationing Public.

C1.4.3.5 The total Gross Floor Area for development and/or redevelopment on the lands within the Residential One (R1) and Residential Two (R2) designations shown on **Schedule D** shall not exceed 88,258 square metres (950,000 square feet) or total equivalent Unit count of 1,117 Units.

C1.4.3.6 For those lands within the Resort Commercial Three (RC3) and Resort Commercial Four (RC4) designations shown on **Schedule 'C'** the maximum number of Units shall be 265 and 55 respectively.

C1.4.4 Transportation/Access

C1.4.4.1 All new development shall front onto a publicly accessible road, which is maintained

year-round, except where development occurs by condominium description.

- C1.4.4.2 Notwithstanding policy C1.4.4.1, all private condominium roads shall have access from a public year-round maintained road.
- C1.4.4.3 Where condominium registration is utilized, roads shall be designed and constructed to provide for emergency vehicular access to the satisfaction of the Township.
- C1.4.4.5 Public access to, from, and along Lake Rosseau shall be preserved and enhanced, where possible.
- C1.4.4.6 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, subject to the provisions in Section C1.4.5. Major docking areas shall be of adequate size and configuration to accommodate a variety of vessels, including appropriate provision for docking an historic steamship.
- C1.4.4.7 Pedestrian facilities shall be incorporated in all areas of the community to promote active transportation and to link amenities.
- C1.4.4.8 The location, design and function of the public road network will be subject to more detailed analysis during the preparation of each development phase and within an overall framework established in a Master Development Agreement as detailed in Section C1.7.2

C1.4.5 Docking

The Cleavelands House Resort and the surrounding lands have played an integral role in the growth and development of Minett as a resort and tourist destination. This area has been a place where residents, visitors and cottagers alike have all enjoyed the amenities that are offered, and it is the intent of this Official Plan Amendment to ensure that access to these key features are maintained and respected.

At the same time, inland water bodies, including Lake Rosseau, have limited capacity to accommodate additional waterfront activities like boating, fishing, swimming, and other water-based activities.

Through the development of this policy framework, several use provisions for docking facilities have been instituted. The intent of these provisions is to provide best-practice insight into the

development of the Minett area and ensure that the waterfront, shoreline and waters of Wallace Bay continue to be accessible, respected and safely enjoyable by all current and future residents, visitors and cottagers.

It is intended that further provisions will be refined through implementing Zoning By-law(s) and/or the Site Plan Approval process.

C1.4.5.1 Docking facilities are subject to the following provisions:

- a) Owners and users of island cottages will be afforded the ability to rent a boat slip, enabling access to the lake and providing a semi-permanent space for boat docking. The number of slips may be defined through the Zoning and/or Site Plan process.
- b) Slips will be made available for the transient use of the lake cottagers, enabling access to the Village Core amenities and wellness centre. The prescribed number of slips will be defined through the Zoning/Site Plan process.
- c) Docks will be utilized on a limited basis for the commercial activities of the Cleveland's House Resort. Limited basis will be defined through the implementing Zoning Bylaw(s) and or appropriate Agreements.
- d) A limited number of docks may be rented on an overnight basis to members of the Travelling & Vacationing Public as defined in Section C1.8.
- e) No more than 10% of the docks are to be reserved for Unit Owners, as defined in Section C1.8.

C1.4.5.2 215 boat slips either exist or are approved on the lands identified on **Schedule C** at the time of Council's adoption of the Amendment. Additional boat slips, beyond the 215, are subject to the completion of appropriate boating capacity and recreational capacity studies, as required by the Township.

C1.4.5.3 Reductions to on-site motor vehicle parking requirements may be considered based on the provision of boat docking facilities but increases to boat docking facilities will not be considered based on such decisions to limit motor vehicle parking.

C1.4.6 Servicing

C1.4.6.1 Given the scale of development proposed in the Minett Resort Village, all Resort-

Related Residential Dwelling Units and Residential Dwelling Units, including Units that are part of mixed-use developments that include Resort Commercial Accommodation Units shall be serviced by municipal sewage services and municipal water services to support protection of the environment and minimize risks to human health and safety. 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.

- C1.4.6.2 Notwithstanding Section C1.4.6.1, where municipal services are not immediately available, individual on-site sewage services and individual on-site water services may be permitted to allow for development and redevelopment on existing lots of record that are zoned to permit low intensity residential uses on the date this policy comes into effect, provided that site conditions are suitable for the long-term provision of such services with no negative impacts and where such services are designed and installed in a manner that facilitates future connection to municipal services.
- C1.4.6.3 Development on existing private communal systems within the Resort Commercial Three (RC3) designation shown on **Schedule B** is required to be connected to municipal sewage services and municipal water services when they are available. Development on existing private communal systems within the Resort Commercial Four (RC4) designation shown on **Schedule B** is encouraged to be connected to municipal sewage services and municipal water services when they are available.
- C1.4.6.4 While resort commercial uses and Resort Commercial Accommodation Units are encouraged to also be serviced by municipal sewage services and municipal water services, consideration will be given to such development being 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.
- C1.4.6.5 Planning for sewage and water services in accordance with Sections C1.4.6.1 to C1.4.6.4 above shall:
- a) promote water conservation and water use efficiency;
 - b) integrate servicing and land use considerations at all stages of the planning process; and,
 - c) ensure that these systems are provided in a manner that:

- i. can be sustained by the water resources upon which such services rely;
- ii. prepares for the impacts of a changing climate;
- iii. is feasible and financially viable over their lifecycle; and
- iv. protects human health and safety, and the natural environment.

C1.4.6.6 Where private communal sewage and water services are proposed in accordance with Section C1.4.6.4, the proposal shall proceed by condominium description and the District 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.

C1.4.6.6 As a condition of approval of private communal sewage and water services in accordance with Section C1.4.6.4, 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 and water services.

C1.4.7 Stormwater Management and Sedimentation

C1.4.7.1 A Stormwater Management, Erosion Control and Sedimentation Plan incorporating LIDs shall be prepared prior to the commencement of new development in Minett, where required by and to the satisfaction of the Township.

C1.4.7.2 Plans identified in C1.4.7.1 will address possible water quantity and quality impacts of runoff leaving the site, specifically with the intent of protecting the health of the lake system. Generally, post development flows shall not exceed pre-development flows. An evaluation of pre and post development contaminant loadings will be undertaken with an emphasis on how phosphorus and salt loadings will be mitigated.

C1.4.7.3 In addition to the requirements of Policies C1.4.7.1 and C1.4.7.2, the design of all infrastructure within Minett shall have regard to stormwater impacts and consider the projected impacts of climate change through stormwater management and sedimentation control measures. The design of infrastructure for major development shall require:

- a) the use of a treatment train approach (i.e. lot level, conveyance and where necessary end of pipe/system facilities) incorporating best practice design;
- b) internal roadways, driveways, parking areas, cycling and walking surfaces associated with new developments are to be made of, or covered in, permeable materials, where feasible;
- c) retention ponds, if required, shall be effective, environmentally sound, and made as unobtrusive and aesthetically pleasing as possible, through the planting of native plants, shrubs and trees, while maintaining protection of human health and safety;
- d) application of sediment and erosion control measures (ESC) are to be installed and maintained during construction and until substantial stabilization of the site has occurred; and,
- e) retention or utilization of natural vegetation and shoreline buffers to control erosion, attenuate flows, and promote infiltration to promote lake system health and retain the natural beauty of Minett.

C1.4.8 Employment Areas

C1.4.8.1 Minett provides employment lands that benefit the Township and the District by providing employment opportunities. The creation of new employment opportunities shall be supported within Minett. Efforts shall be made to protect and enhance employment lands by:

- a) Locating staff accommodations in Minett;
- b) Allowing small scale non-resort related commercial and institutional uses; and
- c) Incorporating uses that are supportive of a tourism-based economy including but not limited to, studios, galleries, artisan workshops, gift shops, wooden boat building, and similar complementary ancillary uses.

C1.4.8.2 All economic development is to be undertaken in a manner that protects the features, functions, and interconnections of the natural environment.

C1.5 Environmental and Resource Policies

C1.5.1 General

C1.5.1.1 In Minett, all development and redevelopment shall conform to the applicable environmental policies provided under Section C of the District of Muskoka Official Plan and those stated herein.

C1.5.1.2 Notwithstanding Policy C1.5.1.1, the Township and/or the District shall require major development proposals within Minett to:

- a) develop and implement phosphorous and nutrient management plans;
- b) develop or maintain appropriate–shoreline buffers from the high-water mark;
- c) minimize disruption to, and impacts on, existing topography and vegetation of the area, and the tree canopy in particular, when viewed from the water; and
- d) develop a tree protection plan in accordance with the Township of Muskoka Lakes Tree Preservation By-law and where appropriate complete a forest assessment and preservation plan to ensure the continued functioning of and linkages between forested blocks to protect the ability of wildlife to move throughout the area.

C1.5.1.3 Where required by an approval authority, studies shall be conducted to determine if the lands, shoreline or aquatic areas contain any significant environmentally sensitive features/species-at-risk. Development proposed will avoid, eliminate or mitigate negative impacts on identified features.

C1.5.1.4 Where little or no natural buffer exists, re-naturalizing wherever possible with native plants, shrubs and trees will be required.

C1.5.1.5 Where required studies will be completed by qualified professionals at the appropriate time of year and using accepted protocols, as determined by the Township and District.

C1.5.2 Wetlands

C1.5.2.1 Wetland areas are generally identified on **Schedule B**. Additional wetlands may be identified through site assessments and subject to evaluation.

- C1.5.2.2 The specific boundaries of wetlands shall be confirmed by an Environmental Impact Study and/or Natural Heritage Study and subject to refinement without an amendment to this Plan, where applicable.
- C1.5.2.3 No development shall be permitted within wetlands with the exception of conservation related uses such as, but not limited to, interpretive and educational facilities, trails, or boardwalk type uses.
- C1.5.2.4 Development adjacent to wetland areas may be permitted, provided a study is submitted to the satisfaction of the Township which indicates that it will not result in any of the following:
- a) loss of wetland function;
 - b) conflict with existing site-specific wetland management practices; and/or
 - c) loss of contiguous wetland area.

C1.5.3 Fish Habitat

- C1.5.3.1 Where shoreline modifications are proposed with the potential to negatively impact a fish habitat area, the Township will require that a Fisheries Habitat Assessment shall be undertaken to the satisfaction of the Township, District, Department of Fisheries and Oceans, or other appropriate approval authority.
- C1.5.3.2 Following determination of potential impact on a fish habitat area, any major shoreline development or redevelopment in the Minett area shall:
- a) identify and protect significant fish habitat in accordance with the District Official Plan; and,
 - b) where feasible and required by the Township, enhance, and/or restore previously disturbed fish habitats to the satisfaction to the Township.

C1.5.4 Areas of Use Limitation

- C1.5.4.1 Areas of Use Limitation are areas with constraints to development that may be addressed through engineering and other technical support. The following areas are classified as Areas of Use Limitations:
- a) lands subject to periodic or seasonal flooding;

- b) slopes steeper than 40%;
- c) areas of erosion or slope instability; and,
- d) prominent knolls and adjacent slopes visible from the water.

C1.5.4.2 Specific land shall be identified as part of an Area of Use Limitation through the review of a development application and after a site inspection by the appropriate authorities has been completed.

C1.5.4.3 Notwithstanding Policy C1.5.4.1, in areas of steep slopes, development may be permitted if a site evaluation report is submitted to demonstrate that the constraint to development can be overcome in an unobtrusive manner, subject to the satisfaction of and prior approval by the Township. Where required, engineering evaluations must be provided to demonstrate how the constraint will be overcome.

C1.5.4.4 Building setbacks may be established from the margins of an Area of Use Limitation if the extent of severity of the constraint warrants it and subject to the satisfaction of and prior approval by the Township which may include site plan approval.

C1.5.4.5 Any development within an Area of Use Limitation shall seek to be integrated into the landscape while enhancing the natural feature, to the fullest extent possible.

C1.5.5 Shorelines

C1.5.5.1 Development other than permitted shoreline structures such as docks, boathouses, marina facilities and accessory uses, shall be setback appropriately from the normal or controlled high water mark of a lake or watercourse or defined floodplain elevation. Structures deemed to be legal non-complying that are being re-constructed in-situ are exempt from this policy.

C1.5.5.2 Notwithstanding Policy C1.5.5.1, in order to permit the advantageous siting of a building, a lesser setback may be considered provided it achieves the objectives of this Plan, and is in accordance with the criteria contained within the District of Muskoka and Township of Muskoka Lakes Official Plans, and subject to the imposition of site plan control.

C1.5.5.3 Existing and/or temporary structures in proximity to the shoreline may be modified, altered, enhanced, or redeveloped in-situ or otherwise, provided these changes achieve the objectives of this Plan, and are subject to site plan control.

C1.6 Land Use Designations

The following policies apply to the land use designations within the Resort Village of Minett as shown on **Schedule B**. The boundaries of these designations are approximate only and subject to minor modification without an Amendment to this Plan. The extent of these designations will be established through the implementing Comprehensive Zoning By-law.

The Resort Village of Minett includes the following area specific designations:

- a) Village Core;
- b) Resort Commercial;
- c) Residential;
- d) Institutional;
- e) Environmental Wetland; and,
- f) Non Red Leaves

The purpose of the specific designations is to recognize the interrelationships of the distinct areas in the overall development scheme while maintaining unique policy provisions for these areas within the overall community. All other applicable policies of this Plan shall apply to development within these areas.

C1.6.1 Village Core

C1.6.1.1 Lands designated as Village Core are shown on **Schedules B and C**.

C1.6.1.2 The Village Core shall be the primary gathering place within Minett, as well as the major focus of development. Critical to its success, the Village Core shall be planned as a central area consisting of a mix of commercial, resort, limited residential, and institutional uses with appropriate connections to adjacent areas.

C1.6.1.3 The following mix of uses that support the resort and tourist commercial function of Minett shall be permitted in the Village Core:

- a) Resort Commercial Accommodation Units in facilities such as lodges, resorts, hotels, cabins, lakefront villas and housekeeping, management and

staff accommodations;

- b) retail and service commercial uses;
- c) 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, among others;
- d) private leisure clubs that are recreational in nature;
- e) Resort-Related Residential Dwelling Units which shall not exceed 30% of the total number of Units permitted on those lands depicted on **Schedule C** and inclusive of Resort-Related Residential Dwelling Units in the Village Core, Resort Commercial One and Resort Commercial Two designations subject to Section C1.6.1.4 below;
- f) small-scale industrial uses such as wooden boat building; and
- g) other commercial uses associated with recreation including retail service uses, marinas, contractors' yards, boats and snowmobile sales, rentals and servicing, and fuel stations.

C1.6.1.4 The provisions below apply to Resort-Related Residential Dwelling Units:

- a) Resort-Related Residential Dwelling Units are not required to generate a turnover of occupants through mandatory rental pools/programs, exchanges, timesharing, fractionalized ownerships or other similar means as stipulated in Appendix XX. Notwithstanding the above, Resort-Related Residential Dwelling Units are encouraged to be available to the Travelling & Vacationing Public when possible.
- b) Resort-Related Residential Dwelling Units shall form part of a functionally integrated resort entity.
- c) Resort-Related Residential Dwelling Units shall not be permitted until an appropriate amount of Resort Commercial Accommodation Units and resort related amenities are established in accordance with Section C1.7.1 of this Plan.
- d) At no point through the phased development of the lands that are

designated Village Core, Resort Commercial One and Resort Commercial Two as shown on **Schedule C** shall more than 30% of the Units be Resort-Related Residential Dwelling Units.

- C1.6.1.5 The uses in this designation shall be subject to specific standards as set out in the implementing Zoning By-law Amendment.
- C1.6.1.6 It is anticipated that the densities and heights of buildings in this area will be the highest of any area in Minett.
- C1.6.1.7 Major development will be designed to encourage and provide pedestrian facilities and connections and public gathering spaces, in consideration of the shoreline as an amenity.
- C1.6.1.8 Commercial use and maintenance of the commercial components of a resort development are identified in Appendix XX and shall be prescribed in greater detail in the implementing Zoning By-law and/or Site Plan and Condominium Agreements, and in accordance with the provisions in Appendix XX.

C1.6.2 Resort Commercial

- C1.6.2.1 Lands designated as Resort Commercial are identified on **Schedules B and C**.
- C1.6.2.2 Lands designated as Resort Commercial shall primarily provide for lodging, accommodation, recreation, tourism, and other commercial uses.
- C1.6.2.3 Permitted uses within the Resort Commercial designation shall include the following:
 - a) Resort Commercial Accommodation Units in facilities such as lodges, resorts, hotels, cabins, lakefront villas, and housekeeping, management and staff accommodations;
 - b) retail and service commercial uses;
 - c) 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, among others;
 - d) private leisure clubs that are recreational in nature;

- e) Resort-Related Residential Dwelling Units which shall not exceed 30% of the total number of Units permitted on those lands designated Village Core, Resort Commercial One and Resort Commercial Two as shown on **Schedule C** subject to Section C1.6.2.4 below;
- f) small-scale industrial uses such as wooden boat building;
- g) other commercial uses associated with recreation including retail service uses, marinas, contractors' yards, boats and snowmobile sales, rentals and servicing, and fuel stations; and
- h) public or private camps, and service uses accessory to such camps and located on the same property.

C1.6.2.4 The provisions below apply to Resort-Related Residential Dwelling Units:

- a) Resort-Related Residential Dwelling Units are not required to generate a turnover of occupants through mandatory rental pools/programs, exchanges, timesharing, fractionalized ownerships or other similar means as stipulated in Appendix XX. Notwithstanding the above, Resort-Related Residential Dwelling Units are encouraged to be available to the Travelling & Vacationing Public when possible.
- b) Resort-Related Residential Dwelling Units shall form part of a functionally integrated resort entity.
- c) Resort-Related Residential Dwelling Units shall not be permitted until an appropriate amount of Resort Commercial Accommodation Units and resort related amenities are established in accordance with Section C1.7.1 of this Plan.
- d) At no point through the phased development of the lands that are designated Village Core, Resort Commercial One and Resort Commercial Two as shown on **Schedule C** shall more than 30% of the Units be Resort-Related Residential Dwelling Units.

C1.6.2.5 Indoor and outdoor recreational facilities shall be an integrated and important component of any resort commercial development.

C1.6.2.6 Public use of resort facilities, particularly recreational and docking facilities, shall be

encouraged, where appropriate.

C1.6.2.7 All new resort commercial development shall be appropriate to the lot on which it is proposed. Specific lot provisions shall be established in the implementing Zoning By-law.

C1.6.2.8 Commercial use and maintenance of the commercial components of a resort development are identified in Appendix XX and shall be prescribed in greater detail in the implementing Zoning By-law and/or Site Plan and Condominium Agreements, and in accordance with the provisions in Appendix XX.

C1.6.2.9 The uses in this designation shall be subject to specific standards as set out in the implementing Zoning By-law.

C1.6.3 Residential

C1.6.3.1 Lands designated as Residential are shown on **Schedules B and D**.

C1.6.3.2 Lands designated as Residential shall primarily provide for a range of and type of Residential Dwelling Units, as well as some resort commercial, tourist, and recreational uses in support of Minett's character.

C1.6.3.3 The following uses, among others, shall be permitted on lands designated as Residential:

- a) lodges, resorts, hotels, cabins, lakefront villas, housekeeping and staff accommodations;
- b) single-detached dwellings;
- c) duplexes;
- d) row dwellings;
- e) mid-rise apartment buildings;
- f) secondary dwelling units;
- g) dormitory style-accommodation for resort employees; and
- h) recreational uses.

C1.6.3.4 The conversion of single-detached dwellings into duplexes shall be permitted to promote affordability within Minett.

C1.6.3.5 The uses in this designation shall be subject to specific standards as set out in the implementing Zoning By-law.

C1.6.4 Institutional

C1.6.4.1 Small-scale institutional uses may include municipal facilities, emergency services, sports fields/facilities, places of worship, and government uses.

C1.6.4.2 The relocation of existing emergency services and the introduction of new emergency services and affiliated uses shall be permitted in all land use designations.

C1.6.4.3 Ancillary small-scale institutional uses such as culinary schools, learning facilities, watersport instruction, among others, are permitted in all designations of Minett.

C1.6.5 Recreational Amenities and Parkland

C1.6.5.1 Recreational amenities and open spaces shall be permitted in all land use designations of Minett.

C1.6.5.2 Active transportation networks are encouraged to be developed within Minett.

C1.6.5.3 Where deemed appropriate by the Township, the parkland dedication requirement may be met by providing public access to private recreational facilities, including a linked trail system.

C1.6.5.4 It is intended that open space areas within Minett shall be linked, and where possible, a continuous system of pedestrian trails be developed. Development of trail systems that will allow pedestrian access to and along the shoreline is encouraged.

C1.6.6 Non Red Leaves

C1.6.6.1 No development other than what may be permitted in accordance with Section C1.6.6.2 is permitted until this Plan is amended to establish appropriate land use designations and related policies that further support the planned function of the Minett Resort Village as a four-season resort commercial, tourist, and recreation focused area.

C1.6.6.2 Expansion to uses that existed on the date this policy came into effect are permitted provided no new lot is created.

C1.7 Implementation and Phasing

C1.7.1 All development within the Minett Resort Village (except the Non Red-Leaves designation which is subject to Section C1.6.6) will only proceed on the basis of a Development Phasing Plan that has been approved by the Township. The intent of the Development Phasing Plan is to ensure that the relative timing and development of the component parts of the Minett Resort Village support the planned function of the Minett Resort Village as a four-season resort commercial, tourist, and recreation focused area.

The Development Phasing Plan shall for each phase identify the sequencing of the development of:

- a) resort-related uses and amenities;
- b) Resort Commercial Accommodation Units;
- c) Resort-Related Residential Uses, which shall only be developed when certain thresholds of resort-related uses and amenities have been achieved in accordance with Section C1.4.3.4 and which are developed in a manner that is in accordance with Sections C1.6.1.4 d) and C1.6.2.4 d);
- d) Residential Dwelling Units, where permitted; and,
- e) Infrastructure, roads, public use areas and public service facilities.

C1.7.2 It is intended that major development will occur under provisions of a Master Development Agreement that will address the following to the satisfaction of the Township:

- a) A Master Concept Plan identifying the location, nature and scale of proposed development;
- b) A Development Phasing Plan in accordance with Section C1.7.1;
- c) A Master Servicing Plan identifying existing and proposed sanitary, water and stormwater management facilities;
- d) An integrated Transportation Plan identifying existing and proposed integrated public, private, and condominium road networks;

- e) A Trails Master Plan identifying existing and proposed trails and trail connectivity systems;
- f) A statement on approaches to Architectural Design Guidelines that addresses architectural styles, forms, height, massing, materials as well as site plan elements such as access, public spaces and facilities and, landscaping; and
- g) Other matters deemed appropriate by the Township in order to ensure identification and integration of uses, facilities and infrastructure.

C1.7.3 The Comprehensive Zoning By-law will be amended to implement the policies for Minett.

C1.7.4 To promote Minett’s function as a four-season resort commercial, tourist, and recreation focused area, the Township in conjunction with landowners shall consider the development of agreements to promote public access to the waterfront. In this regard, resort related amenities are encouraged to be available to the general public where appropriate.

C1.7.5 All development in Minett shall be subject to Site Plan Control.

C1.7.6 Additional implementation means as provided for in Section F to the Plan will be considered and assessed at time of development applications and proposals.

C1.7.7 New development and/or redevelopment within Minett shall require the completion of studies in accordance with Section F 15 of the Township of Muskoka Lakes Official Plan and as determined by the Municipality.

C1.8 DEFINITIONS

The following definitions are specific to Minett.

Residential Dwelling Unit:

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.

Resort-Related Residential Dwelling Unit

Is a Residential Dwelling Unit that shall form part of a functionally integrated resort entity.

Resort Commercial Accommodation Unit:

The following constitutes a Resort Commercial Accommodation Unit:

- a) A Unit without full kitchen amenities.
- b) 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.
- c) 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.

Resort Commercial Accommodation Units shall be subject to the provisions outlined in Appendix XX to this Amendment.

Unit:

Includes any Resort Commercial Accommodation Unit, Resort-Related Residential Dwelling Unit and Residential Dwelling Unit, with or without kitchen facilities. For the purposes of calculating Unit equivalences in accordance with Section 5.3. a base line Unit size of 850 sq. ft. (79 sq. m.) Gross Floor Area shall be applied. Units with less than 850 sq. ft. (79 sq. m.) Gross Floor Area will be counted as a single Unit. Units with greater than 850 sq. ft. (79 sq. m.) Gross Floor Area will be counted as multiples of 850 sq. ft. (79 sq. m.). By way of examples, a Unit with 425 sq. ft. (39.5 sq. m.) Gross Floor Area will count as 1 Unit, a Unit with 1,275 sq. ft. (118 sq. m.) Gross Floor Area will count as 1.5 Units, a Unit of 2,550 sq. ft. (237 sq. m.) will count as 3 units. Minor deviations from the measurements contained in this definition can occur without Amendment to this Plan provided the intent of the Plan is maintained.

Travelling & Vacationing Public:

The Travelling & Vacationing Public are persons who seek overnight accommodation. Unit Owners of property within Minett, whether that property is a Residential Dwelling Unit, 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 Minett.

Unit Owner:

For the purposes of this definition, a Unit Owner, in the case of owners who are not individuals, shall include each person who owns an interest in such property (whether through use of corporations, partnerships, trusts or other entities owned or controlled by such persons). For the purposes of assigning dock usage in accordance with Section C1.4.4, and of evaluating owner usage of their Units in accordance with Appendix XX, “Unit Owner” shall include the individual owner(s) and/or the individuals who own an interest in such property as described above and shall include members of their immediate family.

Gross Floor Area:

Gross Floor Area (GFA) shall be defined in accordance with the implementing Zoning By-law.”

SECTION 7: THE APPENDICES

The following is hereby added as Appendix XX to the Official Plan

Appendix XX: Resort Commercial Accommodation Units Use Provisions

The specific conditions of the provision for the use of a Resort Commercial Accommodation Unit by a Unit Owner, as defined in Section C1.8, shall be articulated in binding Owner Usage Agreements signed by the Unit Owner and the Resort. These conditions shall also be stipulated in the Resort’s Conditions of Condominium Description with the District and the Condominium Agreement with the Township.

- A. Below are the rules under which a Resort Commercial Accommodation Unit shall be used if the 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.

B. Below are the rules under which a Resort Commercial Accommodation Unit shall be used if the 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.

C. These Units shall also be subject to the following:

- a) Provide access to all of the onsite facilities provided by the Resort, which may include a spa, restaurants, pools, tennis or other courts, trails, golf, waterfront amenities including docks, swimming area, beach, access to a variety of boats, boathouse, meeting rooms, breakfast facilities, retail facilities, common areas, conference facilities.
- b) Be operated by central management with a presence on site.
- c) Resort facilities shall be available to all guests on the property.
- d) Provide access to ongoing services (housekeeping, security, etc.).
- e) Have access to recreational programs associated with amenities.
- f) Each Unit shall be operated by a professional central management of a permanent, compulsory rental pool to ensure ongoing availability of the Unit to the Travelling & Vacationing Public at all times that the Resort is open, when the Unit is not otherwise entitled to be occupied by the Unit Owner.
- g) Should the Resort be closed for any portion/season of the year, each Unit shall also be closed and the Unit Owner shall not have access to their Unit until the Resort re-opens for business.
- h) All sales documents and agreements shall affirm that the Unit is Commercial in nature and cannot be occupied as a residence.
- i) A portion of the Unit may be configured to allow the “lock off” of part of the unit for private storage use by the Unit Owner when they are absent. This lock-off area must not have a separate entrance other than via the Unit, and the Unit Owner is not entitled to access this area during the weeks the Unit is in the rental pool.
- j) Each Unit must participate in a mandatory Furniture Fixture and Equipment (FF&E) program.
- k) Unit Owners are not entitled to provide their own furnishings nor to make alterations to their Unit.
- l) Unit Owners are not entitled to receive mail at their Unit.
- m) The Resort property shall be operated for profit.