

Friends of Muskoka and Muskoka Lakes Association comments dated October 21, 2021

Key:

1. Red and red strike-through reflects our suggested additions and deletions.
2. Green reflects our comments.

OFFICIAL PLAN AMENDMENT No. 56

TO THE

OFFICIAL PLAN FOR THE TOWNSHIP OF

MUSKOKA LAKES

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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 56 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.
- 1.3 Appendix "A" to this amendment does not constitute part of the formal amendment but provides background information respecting the location of Full Service and Future Service Areas.

SECTION 2: LAND SUBJECT TO THE AMENDMENT

2.1 The lands subject to this amendment include Part of Lots 22-23, Concession 10, Part of Lots 22-25, 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 Clevelands 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 Clevelands 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 2022.

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, a draft Amendment was prepared through discussions with stakeholders in January 2021 by Meridian Planning Consultants on behalf of the

Township, with the result being a draft Amendment dated February 1, 2021 that was presented at a public meeting under the Planning Act on May 28, 2021.

Following the well-attended public meeting, Meridian Planning Consultants with the support of Township staff reviewed all of the submissions made (verbal and written). The product of that review was a memorandum prepared by Meridian Planning Consultants dated July 29, 2021 that responded to the main themes of comments made on OPA 56 and provided recommendations on how OPA 56 should be modified in a future draft. This memorandum was presented to Planning Advisory Committee on August 6, 2021 at which direction was given on the preparation of an updated version of this Amendment.

SECTION 5: IMPLEMENTATION AND INTERPRETATION

5.1 This Official Plan amendment shall 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 development area in which the focus of use is centered around fourseason 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 existing development.

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 Section C1 with other policies in this Plan, the policies in Section C1 prevail. In the event of a conflict between Section C1 and the policies of the District Official Plan, those of the District Official Plan shall prevail, unless the policies of Section C1 are more restrictive in which case the more restrictive policies shall prevail.

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

C1.2 Growth Strategy

Basis

Minett is a settlement area 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 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 area, work with existing topography and vegetation, protect the natural environment in Minett, protect the water quality of Wallace Bay and Bruce Lake 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 during the implementation of Section C1, major deviations that change any of the foundational elements of Section C1 shall require an Amendment to this Plan. These foundational elements are:

- a) The maximum permitted Gross Floor Area for development and/or redevelopment on the lands as set out in Sections C1.4.3.2 and C1.4.3.5;
- b) The maximum permitted number of Units on the lands as set out in Sections C1.4.3.3, C1.4.3.6 and C1.4.3.7;
- c) 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 d);
and,

- d) 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 d).

Changes to any of the foundational elements listed are not permitted without an Amendment to this Plan, 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, any 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 shall 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. In addition, the ability of the natural environment to accommodate additional development shall be reviewed to determine if increases in the amount of development can be justified.

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, protects the environment and enhances the environment where possible, 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 shall 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 native 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 intensity of development in accordance with the policies of this Plan that can support this function.
- C1.3.2.10 To create long term employment opportunities.
- C1.3.2.11 To integrate existing development with new development to maintain a sense of community within the Resort Village.

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 Resort Village'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 or Bruce Lake, 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;
- i) Conserve the natural landscape and retain or restore vegetation, particularly along the shoreline;
- j) Preserve mature tree canopy where possible throughout the Resort Village for aesthetic reasons and for its cooling effect and stormwater retention properties; and,
- k) Incorporate walkways and where possible roadways that are contoured to the topography of the area.

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 in no case exceeds the lesser of 14 ~~16~~-metres (including mechanical equipment) or the existing mature tree canopy and which is sited in a manner that respects the character and scale of buildings of the past and is appropriate to its setting and terrain with the location of higher buildings to be pre-determined in accordance with the Master Development Agreement prepared in accordance with Section C1.7.5 of this

Plan; [The height restriction should be the lesser of 14 metres or the existing mature tree canopy. If there is a stand of 100 foot

trees, that should not mean 100 foot buildings. The height restriction everywhere else in the Township is 14 metres, not 16 metres.]

- 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 in accordance with Section C1.7.5 of this Plan;
- 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 and provided these alternative standards are supported by the Township.

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 ~~57,828 69,677~~ square metres (~~623,050 750,000~~ 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 ~~733 882~~. Notwithstanding the above and Section C1.4.3.6, the total combined equivalent ~~Unit unit~~-count for the lands identified on **Schedules C and D** shall not exceed ~~1,700 2,020~~. [We understand that the majority property owner agreed to a further 15% reduction in the number of units from 1,999 to 1,700. This has not been reflected in the current draft. The “identified” lands on Schedules C and D do not include Legacy Cottages (RC4) nor the JW Marriott property (RC3). We suggest that the 299 unit reduction be allocated as 50% in the RC1 and RC2 designations and 50% in the R1 and R2 designations. This reflects our community’s concern for the built form on the waterfront and is consistent with the Minett Joint Policy Review Steering Committee recommendations. Corresponding changes have been made to the GFA numbers.]
- 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 Minett 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 ~~76,393 88,258~~ square metres (~~821,950 950,000~~ square feet).
- C1.4.3.6 The total equivalent Unit count for the lands identified on Schedule D shall not exceed ~~967 1,117~~. Notwithstanding the above and Section C1.4.3.3, the total combined equivalent ~~Unit unit~~-count for the lands identified on **Schedules C and D** shall not exceed ~~1,700 2020~~.

C1.4.3.7 For those lands within the Resort Commercial Three (RC3) and Resort Commercial Four (RC4) designations shown on **Schedule C** the maximum ~~equivalent Unit count number of Units~~ shall be 265 and 55 respectively. [We suggest that the equivalent Unit count concept should apply to all lands designated resort commercial. For example, we suggest it would not be appropriate for the 265 units in RC3 to be comprised of 4,000 square-foot units, or even 10,000 square-foot units. Units already built or under construction would be legally non-conforming. We further understand that the Mayor has confirmed there are no pending development applications for the RC3 lands.]

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 Township standards and provide for emergency vehicular access to the satisfaction of the District and the Township.

C1.4.4.5 Public access to, from, and along Lake Rosseau shall be preserved and enhanced.

C1.4.4.6 Strong linkages to the waterfront shall be developed and additional dockage may be provided to accommodate transient visitors arriving by water subject to 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. [“dockage shall be provided to accommodate transient visitors arriving by water” was changed to “additional dockage may be provided”. What is the purpose of this change? There is now no assurance that cottagers can visit the resort by boat.]

C1.4.4.7 Pedestrian facilities shall be incorporated in all areas of the Resort Village to promote active transportation and to link amenities.

C1.4.4.8 The location, design and function of the public road network shall be subject to more detailed analysis during the preparation of an integrated Transportation Plan that identifies existing and proposed integrated public, private, and condominium road networks in accordance with Section C1.7.5 e).

C1.4.4.9 Policies respecting access to District Roads are contained within Section K of the District of Muskoka Official Plan.

C1.4.5 Docking

C1.4.5.1 No increase in the number of legally existing or approved boat slips in the Minett Resort Village as of the date of adoption of this Plan is permitted unless appropriate boating capacity and recreational capacity studies are completed in support of any increase, to the satisfaction of the Township. [We understood there would be a number reflecting a hard cap on the number of boat slips. It was previously set at 215. Planning staff was directed to determine the actual number of legally existing and approved boat slips. There are really only three properties (Legacy, the JW Marriott and Cleveland's House and perhaps Wallace Bay Marina). It will be difficult to consider this matter, without a baseline number.]

C1.4.5.2 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 may 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.

C1.4.5.3 Reductions to on-site motor vehicle parking requirements for boat slips 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. [What is intended by this provision? Perhaps it should be clarified.]

C1.4.6 Servicing

C1.4.6.1 Full Service Areas are areas where municipal sewage services and municipal water services are to be provided first and Future Service Areas are areas where municipal sewage services and municipal water services are to be developed in future phases are shown on Appendix 'A'.

- C1.4.6.2 Given the scale of development proposed in the Minett Resort Village, all development requiring potable water and/or which generates effluent within the Full Service Area shown on Appendix 'A' 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 **owners of the VC, RC1, RC2, R1 and R2 lands** ~~landowners who will benefit from the installation of such services.~~ [The draft currently provides that the full cost of installing municipal services will be the responsibility of landowners who will benefit from such installation. We suggest that the cost of installing such services should be the responsibility of the main proponent.]
- C1.4.6.3 Notwithstanding Section C1.4.6.1, where municipal services are not immediately available, the reconstruction of existing buildings is permitted, along with minor additions that do not exceed 10% of the gross floor area of the existing building. The development of other buildings and structures not requiring potable water and which do not generate effluent (such as minor accessory and storage buildings) may also be permitted.
- C1.4.6.4 Development on existing private communal systems within the Resort Commercial Three (RC3) and (RC4) designations shown on **Schedule B** is required to be connected to municipal sewage services and municipal water services when they are available.
- C1.4.6.5 The proposed location of the wastewater treatment plant is designated Institutional and is shown on **Schedules A, B, C and D.** [Schedule A does not indicate any Institutional lands. Consider deleting the reference to Schedule A. The District letter dated May 19, 2021 under Waste Management, indicates that the District has identified the need for a waste management depot in Minett and that its location should also be identified as part of this process.]

C1.4.6.6 Within the Future Service area shown on Appendix 'A', individual on-site sewage services and individual on-site water services may be permitted to allow for minor development and redevelopment on existing lots of record and in accordance with the zoning that was in place 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.

C1.4.6.7 Planning for sewage and water services in accordance with Sections C1.4.6.1 to C1.4.6.6

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. [Please consider adding appropriate setback language from the sewage treatment facility. Reference is made to the current Minett OP, Section 4.4.11. Residential construction should not be permitted immediately adjacent to such a facility.]

C1.4. 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 District and 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. The proponent shall be responsible for designing and implementing phosphorous and salt removal strategies to the satisfaction of the Township.

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. ~~Protect Efforts shall be made to protect~~ ["Efforts shall be made" introduces non-mandatory language, which defeats the purpose of mandatory language, such as "required". We suggest the intent is not to encourage or ask to try hard to have staff housing in Minett.] and enhance employment lands by:

- a) Requiring the development of staff housing **to be located in Minett** for the employees of the various businesses in the Minett Resort Village; [We suggest that it is imperative that this language be added in order to ensure that staff housing is located in Minett. We believe the intent is clear, however, the current language is capable of two constructions, one of which is that staff housing is required to be constructed, without specifying where.]
- 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 existing topography and vegetation 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.

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

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 uses that may include trails or boardwalks.

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 Areas of Use Limitation

C1.5.3.1 Areas of Use Limitation are areas with constraints to development that shall be addressed through engineering and other technical reports prepared in support of applications for development. **In Minett, all development and redevelopment shall conform to the applicable environmental and human health policies provided under Section I of the District of Muskoka Official Plan and those stated herein. [The District letter, under Flood Hazards, States that this cross reference be included. It conforms to the similar cross reference in Section C1.5.1.1.]** The following areas are classified as Areas of Use Limitations:

- a) Lands subject to periodic or seasonal flooding;
- b) Slopes steeper than 20%;
- c) Areas of erosion or slope instability; and,
- d) Prominent knolls and adjacent slopes visible from the water.

C1.5.3.2 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.

- C1.5.3.3 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.
- C1.5.3.4 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.
- C1.5.3.5 For steep slopes >20% and <40%, existing vegetation shall be substantially retained on all slope faces. If vegetation cannot be substantially retained, then an Environmental Impact Study that addresses specific mitigation measures shall be required by the Township to address the visual and environmental integrity of such lands, among other matters; and for steep slopes >40%, an Environmental Impact Study that addresses specific mitigation measures shall be required to the satisfaction of the Township. Where required by the Township, engineering evaluations must be provided to demonstrate how the constraint will be addressed. A servicing report may also be required by the Township to demonstrate how the site can be adequately serviced.
- C1.5.3.6 The District of Muskoka has completed flood plain mapping and this mapping shall be implemented in the Township's implementing zoning by-law in accordance with Section C1.7.2 of this Plan. This mapping should be referenced when considering any development or site alteration in the Minett Resort Village. New habitable buildings are not permitted in the floodplain.

C1.5.4 Shorelines

- C1.5.4.1 The maintenance of the shoreline of lakes and rivers is key to preserving the quality of the natural and cultural heritage of Muskoka along the waterfront. Tree cover, vegetation and other natural features are **encouraged** to be retained **to the extent feasible** [The proposed revised language conforms to the section below (Section C1.5.4.2) and is superior to “encouraged” (or try hard).] to uphold the visual and environmental integrity and the exceptional character of the shoreline area.

- C1.5.4.2 Natural landscape features such as watercourses, significant heights of land, rock faces or cliffs, waterfalls, rapids, beaches, vistas, panoramas, landmarks, tree-lined horizons and other similar features shall be conserved to the extent feasible. New development shall be located and designed to protect these characteristic features.
- C1.5.4.3 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.
- C1.5.4.4 Notwithstanding Section C1.5.4.3, given the role and function of the Minett Resort Village, flexibility with respect to requiring 15-metre waterfront vegetative buffers is provided for only recreational and other amenities **related to the waterfront, such as docks, boathouses, paths, trails and boardwalks** and does not apply to any form of commercial or residential accommodation **and, with respect to retail or commercial space, an appropriate amount of vegetative buffer or landscaping shall be required, to be set out in the implementing zoning by-law.** [We suggest it would not be appropriate to permit a wellness center, tennis court or swimming pool to be built within the 15 metre setback from the high water mark, with the exception of legal non-complying structures. We thank Council for providing that the exception does not apply to commercial or residential accommodation. We suggest that for retail or commercial space there should be some minimum amount of vegetative buffer retained, to be specified in the implementing zoning by law.]
- C1.5.4.5 A minimum 20 metre setback from any shoreline shall be required for all development, excluding shoreline structures, open decks, minor accessory structures and recreational and other amenities **related to the waterfront, such as docks, boathouses, paths, trails and boardwalks and excluding retail or commercial space, provided that an appropriate amount of vegetative buffer or landscaping shall be required, to be set out in the implementing zoning by-law.** [Same comment as in Section C1.5.4.4 above.] A lesser setback shall not be permitted for any form of commercial or residential accommodation.

Structures deemed to be legal non-complying that are being re-constructed in-situ are exempt from this policy.

- C1.5.4.6 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.

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 shall be further refined through the implementing Comprehensive Zoning By-law. **In Minett, all development and redevelopment shall conform to the applicable resort policies provided under Section F6 of the District of Muskoka Official Plan and those stated herein. [The District letter, under Resort Commercial Tests, provides that this cross reference be added, especially in light of the Legacy LPAT decision. It conforms to the similar cross reference in Section C1.5.1.1.]**

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

- a) Village Core (VC);
- b) Resort Commercial (RC1, RC2, RC3 and RC4);
- c) Residential (R1 and R2);
- d) Institutional (I);
- e) Environmental Wetland (EW); and,
- f) Non Red Leaves (NRL).

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 Resort Village. Where minor changes to the location of existing roads are proposed, the land use designation that applies on either side shall move with the change in the road location.

C1.6.1 Village Core (VC)

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

C1.6.1.2 The VC shall be the primary gathering place within Minett, as well as the major focus of development. Critical to its success, the VC shall be planned as a central area consisting of a mix of commercial, resort, limited resort-related 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 VC designation:

- 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, seating areas, beaches and sport facilities and private leisure clubs that are recreational in nature, among others;
- d) 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 VC, RC1 and RC2 designations subject to Section C1.6.1.4 below;

- e) Small-scale industrial uses such as wooden boat building; and
- f) 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 General Policies:

- a) All Resort Commercial Accommodation Units in the VC designation are required to generate a turnover of occupants through mandatory rental programs, exchanges, timesharing, fractionalized ownerships or other similar means as stipulated in Section C1.9. The use of Resort Commercial Accommodation Units as a year-round or seasonal dwelling unit shall not be permitted.
- b) In-person management shall be available on-site 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 provide recreation experience, a variety of resort-related amenities and services shall be available on-site. Such amenities and services must be available to unit owners, guests and visitors and are required to be available to the general public where appropriate. In addition, these amenities must be tangible and include more than just the development of a beach, walking trails or similar passive features. The development of a reasonable number of amenities shall occur in the first phase in accordance with Section C1.7.1 of this Plan.
- d) Resort-Related Residential Dwelling Units are not required to generate a turnover of occupants through mandatory rental programs, exchanges, timesharing, fractionalized ownerships or other similar means as stipulated in Section C1.9. Notwithstanding the above, Resort-Related Residential Dwelling Units are encouraged to be available to the Travelling & Vacationing Public when possible.

e) Resort-Related Residential Dwelling Units shall form part of a functionally

integrated resort entity.

f) 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.

g) At no point through the phased development of the lands that are designated VC, RC1 and RC2 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 shall 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 Section C1.9 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 Section C1.9.

C1.6.2 Resort Commercial (RC)

C1.6.2.1 Lands designated as RC are identified on **Schedules B and C**.

C1.6.2.2 Lands designated as RC shall primarily provide for lodging, accommodation, recreation, tourism, and other commercial uses.

C1.6.2.3 Permitted uses within the RC designation shall include the following:

- a) Resort Commercial Accommodation Units ~~in~~ 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 , seating areas, beaches and sport facilities, and private leisure clubs that are recreational in nature, among others;
- d) Resort-Related Residential Dwelling Units on lands within the RC1 and RC2 designations, which shall not exceed 30% of the total number of Units permitted on those lands designated VC, RC1 and RC2 as shown on **Schedule C** subject to Section C1.6.2.4 below;
- e) Small-scale industrial uses such as wooden boat building;
- f) Other commercial uses associated with recreation including retail service uses, marinas, contractors' yards, boats and snowmobile sales, rentals and servicing, and fuel stations; and
- g) Public or private camps, and service uses accessory to such camps and located on the same property.

C1.6.2.4 General Policies:

- a) All Resort Commercial Accommodation Units in the RC1, RC2, RC3 and RC4 designations are required to generate a turnover of occupants through mandatory rental programs, exchanges, timesharing, fractionalized ownerships or other similar means as stipulated in Section C1.9. The use of Resort Commercial Accommodation Units as a year-round or seasonal dwelling unit shall not be permitted.

- b) In-person management shall be available on-site 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 provide recreation experience, a variety of resort-related amenities and services shall be available on-site. Such amenities and services must be available to unit owners, guests and visitors and are required to be available to the general public where appropriate. In addition, these amenities must be tangible and include more than just the development of a beach, walking trails or similar passive features. The development of a reasonable number of amenities shall occur in the first phase in accordance with Section C1.7.1 of this Plan.
- d) Resort-Related Residential Dwelling Units that may be permitted in the RC1 and RC2 designations are not required to generate a turnover of occupants through mandatory rental programs, exchanges, timesharing, fractionalized ownerships or other similar means as stipulated in Section C1.9. Notwithstanding the above, Resort-Related Residential Dwelling Units are encouraged to be available to the Travelling & Vacationing Public when possible.
- e) Resort-Related Residential Dwelling Units shall form part of a functionally integrated resort entity.
- f) 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.
- g) At no point through the phased development of the lands that are designated VC, RC1 and RC2 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 Section C1.9 and shall be prescribed in greater detail in the implementing Zoning By-law and/or Site Plan and/or Condominium Agreements, and in accordance with the provisions in Section C1.9.
- 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,~~ [We suggest that “among others” is unnecessarily broad, especially having regard to the fact that resorts and hotels are included as a residential use (in paragraph a) below.] shall be permitted on lands designated as Residential:

- a) Lodges, resorts, hotels, cabins, lakefront villas, housekeeping and staff accommodations;
- b) All forms of residential uses, provided maximum height does not exceed ~~14~~ 16 metres, including mechanical equipment; [We suggest that the height should conform to the maximum height in Section C1.4.2.3b) and the maximum height restriction elsewhere in the Township.]
- c) Dormitory style-accommodation for resort employees; and
- d) 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 such as water and wastewater infrastructure, ~~waste management,~~ [District letter under Waste Management.] 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, a portion or all of 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 Given the limited amount of land within this designation, minor residential and commercial development is permitted on existing lots of record subject to Section C1.4.6.6.

C1.7 Implementation

- C1.7.1 All development within the Minett Resort Village (except the Non Red-Leaves designation which is subject to Section C1.6.6) shall only proceed on the basis of a Development Phasing Plan that has been approved by the Township with such a Development Phasing Plan being approved in conjunction with the Master Development Agreement required in Section C1.7.5 before any development occurs.
- C1.7.2 The approval of the Development Phasing Plan and Master Development Agreement by Council shall only occur after all of the requirements of Section C1.7 have been met and shall occur before any lands in the Minett Resort Village are zoned to implement this Plan.
- C1.7.3 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.
- C1.7.4 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 f) and g) and C1.6.2.4 f) and g);
 - d) Residential Dwelling Units, where permitted;
 - e) Accommodation for employees of the businesses in the Resort Village; and,

- f) Infrastructure, roads, public use areas and public service facilities.

C1.7.5 It is intended that all development shall occur in accordance with the provisions of a Master Development Agreement that shall be supported by the following to the satisfaction of the Township:

- a) A Development Phasing Plan identifying the location, nature and scale of proposed development in accordance with Section C1.7.4;
- b) A Master Height Plan that identifies the locations of higher buildings, with such a plan demonstrating that the proposed locations of higher buildings meets the intent of this Plan and are designed to blend in with the topography of the area;
- c) A Master Servicing Plan identifying existing and proposed sanitary, water and stormwater management facilities;
- d) A Master Parks Plan that identifies locations where all recreation related amenities, trails and public parkland can be located and which considers ways in which public access to the shoreline can be achieved, if desired;
- e) An integrated Transportation Plan identifying existing and proposed integrated public, private, and condominium road networks;
- f) A Traffic Impact Study that reviews the impacts of the full build-out of the development on the road network, with all required improvements to be carried out at no cost to the District and Township;
- g) A Financial Impact Assessment that reviews the impacts of proposed development on the Township and the services it delivers, with such a study demonstrating minimal impacts on the Township's finances;

h) Urban design and architectural guidelines that are sufficiently detailed to provide guidance on the review of implementing site plan approval applications with these guidelines dealing with architectural styles and forms,

height, massing, materials as well as site plan elements such as access, public spaces and facilities and, landscaping and which deals with tree preservation and planting; and

i) Other matters deemed appropriate by the Township and the District as it relates to the services it provides in order to ensure identification and integration of uses, facilities and infrastructure.

[We suggest that an Environmental Impact Statement be added to this list of studies, and that clarifying wording be added to require that all of these studies be required be integrated into the Master Development Plan.]

C1.7.6 Terms of reference for all of the studies identified in Section C1.7.5 shall be reviewed by the Township for completeness before they are initiated.

C1.7.7 The Township may apply holding provisions to certain lands to ensure that development occurs in a logical manner and in accordance with Section C1.7.4.

C1.7.8 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.

C1.7.9

All development in Minett shall be subject to Site Plan Control and the following matters shall be addressed to the satisfaction of the Township:

- a) Appropriate location of buildings and structures;
- b) Retention or restoration of a natural vegetative buffer to prevent erosion, siltation and nutrient migration;
- c) Maintenance or establishment of native tree cover and vegetation as terrain and soil conditions permit;
- d) Appropriate location and construction of roads, driveways and pathways, including the use of permeable materials;
- e) 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;

- f) 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
- g) Securities and processes to ensure implementation and long-term monitoring and compliance with site plan agreements if required.

C1.7.10 Additional implementation measures as provided for in accordance with the Township of Muskoka Lakes Official Plan shall be considered and assessed when development applications are submitted.

C1.7.11 New development and/or redevelopment within Minett shall require the completion of studies in accordance with the Township of Muskoka Lakes Official Plan and as determined by the Township.

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

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.
- d) Resort Commercial Accommodation Units shall be subject to the provisions outlined in Section C1.9.

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 Sections C1.4.3.3, and

C1.4.3.6 and C1.4.3.7 [Please see our comment in Section C1.4.3.7.], 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 shall be counted as a single Unit. Units with greater than 850 sq. ft. (79 sq. m.) Gross Floor Area shall 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 shall 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.) shall 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 evaluating owner usage of their Units in accordance with Section C1.9, "Unit Owner" shall include the individual owner(s) and/or the individuals who own an interest in such property as described above and shall include their immediate family and guests. [We are concerned that deletion of "immediate family" from the previous draft will lead to arguments that guests do not include family members. In our prior comments, we had proposed a draft definition for "immediate family" for clarity.]

Gross Floor Area:

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

C1.9 RESORT COMMERCIAL ACCOMMODATION UNIT 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, if the Unit is owned individually. These conditions shall also be stipulated in the Resort's Conditions of Condominium Description with the District and the Condominium Agreement with the Township, if a Plan of Condominium is proposed.

A. Below are the rules under which a Resort Commercial Accommodation Unit shall be used if the resort is open year-round, and if the Unit is owned individually:

- 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 program.
- c) The Unit must be made available to rent via the Resort's mandatory rental program a minimum of 26 weeks per year, which includes the portions of July and August as per sub-section b).
- d) There is no minimum use of a Unit by the Unit Owner and the Unit can be in the Resort's mandatory rental program 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 shall not be made more than seven days in advance of the vacancy period and must not encroach upon nor compromise the integrity of the subsequent regular rental period.

- f) All sales documents and agreements shall affirm that the Unit is Commercial in nature and cannot be occupied as a residence.

B. Below are the rules under which a Resort Commercial Accommodation Unit shall be used if the resort is not open year-round if the Unit is owned individually

- 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 program.

- c) The Unit must be made available to rent via the Resort's mandatory rental program a minimum of 50% of the weeks that the resort is open, which includes the portions of July and August as per sub-section b).
- d) There is no minimum use of a Unit by the Unit Owner and the Unit can be in the Resort's mandatory rental program 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 shall not be made more than seven days in advance of the vacancy period and must not encroach upon nor compromise the integrity of the subsequent regular rental period.

- f) All sales documents and agreements shall affirm that the Unit is Commercial in nature and cannot be occupied as a residence.

C. Resort Commercial Accommodation Units shall:

- a) Have 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) Be supported by resort facilities that are available to all guests on the property;
- d) Have access to ongoing services (housekeeping, security, etc.);
- e) Have access to recreational programs associated with the amenities;
- f) Be included in a permanent, compulsory rental program to ensure ongoing

availability of the Unit to the Travelling & Vacationing Public at all times that the Resort is open, and when the Unit is not otherwise entitled to be occupied by the Unit Owner if the Unit is owned individually;

- g) Not be accessible by the Unit Owner when the resort is closed if the Unit is owned individually;
- h) Participate in a mandatory Furniture Fixture and Equipment (FF&E) program and Unit Owners are not entitled to provide their own furnishings nor to make alterations to their Unit if the Unit is owned individually. [We query the deletion of the requirement that Unit Owners not be entitled to receive mail at their Units. This is a very good indicia that a Unit Owner is not using the Unit as a year-round residence, per Section C1.6.2.4a). It has also consistently

been included in condominium agreements (Touchstone, Villas and Legacy).]