



MOODY BAY DEVELOPMENTS INC.

Moody Drive
Gravenhurst



Northern
Vision
Planning



REPORT TO: Town of Gravenhurst

FROM: Stephen Fahner, Northern Vision Planning

DATE: June 21, 2018

RE: Proposed Townhouse Development
Moody Drive, Gravenhurst

PROPOSAL

Particulars of Property: Frontage: 175.3 m (575 ft.) straight line frontage
approx. 250 m. (820 feet) actual frontage

Area: 1.34 ha. (3.31 ac.)

Nature of Rezoning: Rezoning from Commercial Special Purpose (C-4) to Residential Multiple (RM-2).

Proposed Exemptions: Exemption to Section 5.23 for depth of Shoreline Buffer and Section 11.6 Minimum Setback from the Optimal Summer Water Level to permit 24 townhouses with a 12.2 m. (40 ft.) deep Shoreline Buffer instead of the minimum required 15m. (50 ft.) buffer, and to permit 24 townhouses to be 15m. (50 ft.) from the Optimal Summer Water Level instead of the minimum required 30m (100 ft.).

PLANNING DATA

Official Plan Designation: Residential

Existing Zoning: Commercial – Special Purpose (C-4)

Access: Moody Drive (Church Street)

Existing Use: Vacant

Neighbouring Uses: Residential, Open Space (Parkette), Commercial (Neighbourhood/Highway)

Original Shore Road Allowance: Closed

Fisheries Resources: Unassessed

Civic Address: 310 and 360 Moody Drive

PLANNING CONSIDERATIONS

1. Provincial Policy Statement

The Provincial Policy Statement was issued under the authority of Section 3 of the Planning Act R.S.O. 1990, c. P.13. Section 3 of the Planning Act permits the Minister to issue policy statements on matters relating to municipal planning that in the opinion of the Minister. Under section 5 of the Act a decision of a municipal Council “shall be consistent with” the policy statements issued under the Act.

Under the Provincial Policy Statement, there are a number of policies that apply as it relates to directing development to settlement areas and intensification on existing municipal services. The relevant policies are as follows:

1.0 Building Strong Healthy Communities

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities* are or will be available to meet current and projected needs; and
- h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure* and *public service facilities* beyond a 20-year time horizon.

1.1.3 Settlement Areas

1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

a) *densities and a mix of land uses* which:

1. efficiently use land and resources;
2. are appropriate for, and efficiently use, the *infrastructure and public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
4. support *active transportation*;
5. are *transit-supportive*, where transit is planned, exists or may be developed; and
6. are *freight-supportive*; and

b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification and redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

Intensification and *redevelopment* shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

1.4 Housing

1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 10 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households*. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including *special needs* requirements; and
 2. all forms of *residential intensification*, including second units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed; and
- e) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.6 Infrastructure and Public Service Facilities

1.6.6 Sewage, Water and Stormwater

1.6.6.1 Planning for *sewage and water services* shall:

a) direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing:

1. *municipal sewage services and municipal water services*; and
2. *private communal sewage services and private communal water services*, where *municipal sewage services and municipal water services* are not available;

b) ensure that these systems are provided in a manner that:

1. can be sustained by the water resources upon which such services rely;
2. is feasible, financially viable and complies with all regulatory requirements; and
3. protects human health and the natural environment;

c) promote water conservation and water use efficiency;

d) integrate servicing and land use considerations at all stages of the planning process; and

e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5.

1.6.6.2 *Municipal sewage services and municipal water services* are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing *municipal sewage services and municipal water services* should be promoted, wherever feasible.

1.6.6.6 Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5 planning authorities may allow lot creation only if there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity* within *municipal sewage services and municipal water services* or *private communal sewage services and private communal water services*. The determination of sufficient *reserve sewage system capacity* shall include treatment capacity for hauled sewage from *private communal sewage services and individual on-site sewage services*.

1.6.6.7 Planning for stormwater management shall:

a) minimize, or, where possible, prevent increases in contaminant loads;

b) minimize changes in water balance and erosion;

c) not increase risks to human health and safety and property damage;

d) maximize the extent and function of vegetative and pervious surfaces; and

e) promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

2.0 Wise Use and Management of Resources

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.

2.1.5 Development and site alteration shall not be permitted in:

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E₁;
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)₁;
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)₁;
- d) significant wildlife habitat;
- e) significant areas of natural and scientific interest; and
- f) coastal wetlands in Ecoregions 5E, 6E and 7E₁ that are not subject to policy 2.1.4(b) unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

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

2.1.7 Development and site alteration shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.

2.1.8 Development and site alteration shall not be permitted on *adjacent lands to the natural heritage features and areas* identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.

2.2 Water

2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:

- a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
- c) identifying water resource systems consisting of *ground water features, hydrologic functions, natural heritage features and areas*, and *surface water features* including shoreline areas, which are necessary for the ecological and hydrological integrity of the *watershed*;
- d) maintaining linkages and related functions among *ground water features, hydrologic functions, natural heritage features and areas*, and *surface water features* including shoreline areas;
- e) implementing necessary restrictions on *development* and *site alteration* to:
 1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
 2. protect, improve or restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive ground water features*, and their *hydrologic functions*;
- f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
- g) ensuring consideration of environmental lake capacity, where applicable; and
- h) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

2.2.2 *Development* and *site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features, sensitive ground water features*, and their *hydrologic functions*.

2.6 Cultural Heritage and Archaeology

2.6.1 *Significant built heritage resources* and *significant cultural heritage landscapes* shall be conserved.

2.6.2 *Development* and *site alteration* shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been conserved.

2.6.3 Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property* except where the proposed *development and site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.

2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

It is important to note that under the Implementation section of the Provincial Policy Statement municipal Official Plans are cited as the most important vehicle for implementing the P.P.S. In a discussion with Provincial staff in the past, municipalities are permitted to tailor the policies to the municipality's situation.

2. District of Muskoka Official Plan

Within the District of Muskoka, there exists a two tier planning system wherein there is an upper tier Official Plan and a lower tier Official Plan. The upper tier Plan is a strategic plan for the overall development of the District as a whole. The lower tier Plan must conform to the upper tier Plan and provides greater detail on the development of the particular municipality.

There are a number of policies that are applicable to this proposal in the Muskoka Official Plan:

SECTION C – STRATEGIC AND GENERAL DEVELOPMENT POLICY

- C.1 **Growth, by way of development and redevelopment, in all major segments of the economy will be encouraged** and accommodated in the context of the goal, objectives and principles of this Plan.
- C.2 Growth necessary to continue to rejuvenate and take forward the economy of Muskoka must have respect for the environmental constraints, physical influences and ultimately the character of Muskoka.

GENERAL DEVELOPMENT POLICY

- C.4 **Appropriate growth will be accommodated within all land use designations subject to the following criteria:**

- a) The quality of the landscape and natural environment will be protected;
- b) A large portion of the Muskoka land base will be preserved in a forested state; and
- c) Growth is consistent with the growth strategy for the area.

C.5 The height of buildings will respect the character and height of the natural environment and the characteristics of adjacent structural development.

C.6 Development that has, or may have, a significant detrimental impact on the environment will not be permitted.

C.8 Development will be promoted in locations where public and private services will be optimized. Similarly, development will be encouraged where services can be provided most economically.

C.9 New uses or interests in land will be compatible with:

- a) Other legally existing land uses in the vicinity so as to ensure the continued operation of such uses and to allow expansion where feasible and appropriate; and
- b) The type and character of the community or area in which the use is being proposed.

Housing

C.38 A full range of housing, in terms of form, tenure and affordability, to meet the projected demographic and market requirements for current and future residents will be encouraged. A full range of housing includes: ownership housing and rental housing, social housing, supportive housing, and housing for those with special needs.

C.40 Area Municipal Official Plans and Zoning By-laws will ensure that a broad range of housing forms, types, sizes and tenures is accommodated within the Area Municipality, subject to the servicing needs and desires of the community.

Intensification and Redevelopment

C.49 In the interim, when considering development applications, the District and Area Municipalities will support opportunities to increase the supply of affordable housing through intensification in appropriate locations, subject to the following criteria:

- a) Existing and planned services can support new households in the intensified area;
- b) The proposed intensification is compatible with the existing built form; and
- c) The proposed intensification is located within close proximity to appropriate community facilities and public open space.

SECTION D – SETTLEMENT PATTERN AND POLICY

- D.1 Growth that requires a range of urban services will be directed to Urban Centres as identified on Schedule A.
- D.2 The Area Municipalities will be encouraged to develop growth management strategies that support the existing built form of communities and preserves the character of the rural and waterfront areas. These strategies should identify the logical, efficient and continuous progression of development based, among other things, on efficient provision of water, sewer, roads, schools and other human services.

URBAN CENTRES

- D.3 The following communities are designated as Urban Centres:
Bracebridge (urban area)
Gravenhurst (urban area)
Huntsville (urban area)
Hidden Valley (Huntsville)
Bala (Muskoka Lakes)
Port Carling (Muskoka Lakes)
MacTier (Georgian Bay)
Port Severn (Georgian Bay)
Baysville (Lake of Bays)
- D.4 Local Official Plans will address specific development issues in Urban Centres and in particular they will determine the scale and function of development and ensure that:
- a) The land needs of the municipality to meet urban population and employment targets are met;
 - b) Adequate sewer and water services are available to accommodate proposed development;
 - c) An adequate transportation system including arterial and collector roads as well as pedestrian and cycling facilities is developed and maintained;
 - d) A broad range of housing is provided;
 - e) An evaluation to ensure the qualities of the natural and cultural heritage of the community are maintained;
 - f) Hazard lands are identified and protected;
 - g) The character of the surrounding rural area is recognized and maintained; and
 - h) Development is located and designed in a safe manner to facilitate an appropriate level of police and emergency services.
- D.5 **Substantial development will proceed on the basis of municipal sewer and water facilities.** Where municipal sewer and water services are not yet available within the Urban Centre, only infilling of a minor nature will be permitted except where more detailed policy provides otherwise and under such servicing conditions as deemed necessary, subject to the following:

- a) the uses are restricted to those of a non-toxic, low effluent producing nature;
- b) a private waste disposal system can be accommodated on the lot to the satisfaction of the authority having jurisdiction; and
- c) The development is consistent with future growth strategies.

ENVIRONMENTAL LIMITATIONS

Lake System Health

- F.16 Recreational water quality monitoring and modeling is an important component of Lake System Health. Recreational water quality will continue to be monitored and modeled by The District of Muskoka as one measure of a waterbody's capacity to sustain development.
- F.17 The District of Muskoka will continue, through its development review and approvals function, to ensure that water quality is protected and will require Municipalities to adopt provisions in Area Municipal official plans and zoning by-laws in order to achieve this objective.

Recreational Water Quality

General Development Policies

- F.18 The District of Muskoka will maintain a recreational water quality model and monitoring program and will review it on an ongoing basis. This model has been designed to address recreational water quality only and does not include factors to address fisheries values.
- F.19 Lake and river classifications are identified in Schedule F. Any lake or river not listed is assumed to be of moderate sensitivity unless otherwise identified by Muskoka.
- F.21 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. **At a minimum, a target of 75% of the linear shoreline frontage of a lot will be maintained in a natural state to a target depth of 15 metres from the shoreline where new lots are being created and where vacant lots are being developed. Where lots are already developed and further development or redevelopment is proposed, or where the lot is located within an urban centre or community, these targets should be achieved to the extent feasible. Where these targets cannot be met, a net improvement over the existing situation is required.**
- F.23 **A minimum 20 metre setback from any shoreline will be required for all development, excluding shoreline structures. Where this setback cannot be achieved, a lesser setback may be considered where on-site phosphorus management is implemented and in the following circumstances:**
 - a) **Sufficient lot depth is not available;**
 - b) Terrain or soil conditions exist which make other locations on the lot more suitable;
 - c) The proposal is for an addition to an existing building or replacement of a leaching bed where the setback is not further reduced;
 - d) Redevelopment is proposed on an existing lot and a net improvement is achieved; or
 - e) **The lot is located within an urban centre or community and a net improvement over the existing situation is achieved.**

Site Plan Control and Development Permits

- F.26 **Where site plan control** or a development permit **is required**, or where on-site phosphorus management is required, the following matters will be addressed:
- a) appropriate location of buildings, structures and sewage disposal systems;
 - b) **retention or restoration of a natural vegetative buffer** in accordance with Section F.21 to prevent erosion, siltation and nutrient migration;
 - c) maintenance or establishment of native tree cover and vegetation on the lot wherever possible;
 - d) appropriate location and construction of roads, driveways and pathways, including use of permeable materials; and
 - e) **implementation of stormwater management and construction mitigation techniques**, including proper re-contouring, discharging of roof leaders, use of soak away pits and other measures to promote infiltration.

BIOLOGICAL CONSTRAINTS

Fisheries

- F.82 Schedule G identifies significant fisheries habitat, including important spawning, nursery, and feeding areas as well as certain migratory routes. Additional significant fish habitat may be identified upon site inspection of individual properties.
- F.83 These sites as well as significant littoral zones, nursery habitat, and water quality shall be protected and managed to assist in ensuring the long range health of the fish population, consistent with the Canada Fisheries Act.
- F.84 Applications for development within or immediately adjacent to fishery areas may be permitted subject to:
- a) review and consultation with the Ministry of Natural Resources.
 - b) consideration and appropriate utilization of development control techniques to ensure the impact of the development is minimized such as zoning (increased lot sizes, increased building setbacks, and location of buildings and structures); site plan control (retention of vegetation); and subdivision control or other agreements.

SIGNIFICANT HERITAGE AREAS

- F.96 Significant Heritage Areas are generally defined as those areas of Muskoka's landscape that on a local, district, provincial or federal scale, exhibit entities of historic, geologic, archaeological, scenic or other heritage value (such as biologic).
- F.97 **Areas possessing or encompassing such values shall generally be protected from incompatible uses or activities.**
- F.98 **Schedule G and Appendix G hereto identify some significant heritage areas. It is acknowledged that other such areas have not yet been inventoried.** In order to properly address this matter, the District shall undertake, in cooperation with local conservation groups, to identify and qualify additional such areas.
- F.99 Appendix I hereto, provides general criteria for the further evaluation and identification of significant Heritage Areas.

Archaeological

- F.110 Application for development adjacent to or on significant archaeological sites shall be reviewed in consultation with the Ministry of Culture and Communications to ensure the impact of development is minimized.**
- F.111 Development adjacent to or on significant archaeological sites may be permitted to proceed subject to consideration and appropriate utilization of the following development controls, addressing among other matters:**
- . increased lot sizes**
 - . location of buildings and structures**
 - . restriction of the removal of vegetation or artifacts**
 - . parkland dedication to protect and preserve the significant feature.**

Gull Lake is moderately sensitive to phosphorus and is not Over Threshold in accordance with Schedule F of the Muskoka Official Plan.

An analysis of the conformity of this proposal to the District Official Plan is found in the Planning Analysis section of this report.

3. Town of Gravenhurst Official Plan

The current Official Plan was adopted by Town Council on October 24, 2006 and was approved with modifications by the District of Muskoka on June 30, 2008. The subject lands are located within the Urban Centre boundary of Gravenhurst and is designated Urban Mixed Use Waterfront in this Plan.

The Town has more recently adopted an updated Official Plan in late 2016. The Official Plan has been approved by the District of Muskoka and is currently under appeal to the Ontario Municipal Board. Under Section 51(24) of the Planning Act, when considering Plans of Subdivision, Consents and Plans of Condominium existing and proposed restrictions must be considered when evaluating such Plans. In the updated Official Plan, the lands are designated Urban Residential.

The applicable policies of the current and updated Official Plan are detailed in Appendix A to this report. In speaking with the Planning staff from the Town, the updated Official Plan policies are currently in use at the Town. None of the appeals to the Ontario Municipal Board relate to the applicable Official Plan policies in this case. In addition, Section 17(27) of the Planning Act states an Official Plan or part of an Official Plan is in effect where all or part has not been appealed.

The applicable policies of the updated Official Plan relate to the following themes:

- Focussing the majority of growth within the boundaries of the Urban Centre.
- Requiring that all development within the Urban Centre be on full municipal services.
- Access for Plans of Condominium may be on a private internal road, otherwise access os to be from a municipal year round maintained road.
- Proposals in existing developed areas should be at an urban scale and consider compatibility with neighbouring development.
- Development along shoreline areas will strive maintain a shoreline buffer.
- A mix of housing types on various lot sizes and at various densities is permitted in the Urban residential designation.
- When considering a medium density development for approval, a criteria is to be followed to consider compatibility, buffering, and municipal infrastructure.
- The maximum density for medium density housing is limited to 40 units per hectare.
- Designs of new residential development is to be as interesting as possible.
- Development and site alteration is not permitted in Type 1 Significant Fish Habitat unless permitted by the appropriate Provincial and Federal requirements.
- Development and site alteration is not permitted in habitat of Rare and Endangered Species unless the requirements of the Provincial and federal agencies are satisfied.
- An Environmental Impact Study may be required to assess the possible impact of the proposal on significant environmental attributes.
- Development is restricted on areas of steep slopes with vegetation retention being encouraged as much as possible.
- Development fronting onto a narrow waterbody will be restricted primarily in terms of shoreline structures.
- The Lake System Health Program of the District of Muskoka must be considered when evaluating a development with frontage on a lake.
- Stormwater management must limit runoff from post development flows to pre-development flows. Retention facilities may be incorporated in a development plan.
- Where development is in close proximity to an existing railway corridor, appropriate noise and vibration studies may be required with the recommendations being implemented in Agreements and/or warnings on title.
- Medium density townhouse development such as this is subject to site plan control.

The Official Plan also details the requirements for reports to accompany applications. In reviewing the Official Plan and in consultation with Planning staff at the Town, these reports include the following:

- a) Stormwater Management Report,
- b) Site Servicing Report,
- c) Environmental Impact Study,
- d) Traffic Study,
- e) Noise/Vibration Study,
- f) Archaeological Study,
- g) Planning Justification Report.

An analysis of the conformity of this proposal to the Town's Official Plan is found in the Planning Analysis section of this report.

4. Comprehensive Zoning Bylaw 2010-04

The Town's Comprehensive Zoning Bylaw was passed by Council in 2010. In implementing the current Official Plan, the subject lands, and those in the immediate area have been zoned Commercial Special Purpose (C-4).

Within the C-4 zone, Multiple Dwelling is permitted as a main use. In addition, the following uses are also permitted: Professional or Administrative Business, Commercial Entertainment, Craftsman Shop, Existing Single Detached Dwelling, Street Townhouse Dwelling, Education Institution, Financial Establishment, Health Services, Marina, Nursing Home, Personal Services, residential Care Facility, Restaurant, Retail Store, and Tourist Establishment.

The subject lands far exceed the minimum lot area size required by the zone. The minimum required is 325 sq. m. (3500 sq. ft.). The subject lands have a lot area of 1.34 ha. (3.31 ac.). The lot frontage of 175.3 m. (575 ft.) far exceeds the minimum requirement of 20 m. (66 ft.).

The minimum setbacks as outlined in the zoning bylaw are also exceeded by the proposal. The maximum lot coverage of 50% is significantly more than what is proposed in this proposal. The minimum landscaped area of 20% is only a portion of what is proposed. The proposal is also within the maximum height restrictions of the bylaw.

It must be noted that the Comprehensive Zoning Bylaw has not been updated as of yet to reflect the new Urban Residential designation on the subject lands. Although the Official Plan contemplates pre-zoning for medium and high density, it is unknown at this time what Residential Zone category the property would be rezoned to. This proposal is requesting a rezoning to Residential Multiple Two (RM-2). The provisions in the Zoning Bylaw for Street Townhouse Dwellings are as follows:

11.6 REGULATIONS FOR A STREET TOWNHOUSE DWELLING

Minimum Lot Area: 190.0 square metres for each dwelling unit

Minimum Lot Frontage: 4.5 metres; except in the case of an exterior dwelling unit with an interior side yard. In this case, the minimum lot frontage shall be 8.0 metres. And in the case of an exterior dwelling unit with an exterior side yard, the minimum lot frontage shall be 11.5 metres.

Minimum Front Yard: 6.0 metres; except in the case of a dwelling unit not having a garage. In this case, the minimum front yard shall be 12.0 metres.

Minimum Exterior Side Yard 6.0 metres

Minimum Interior Side Yard 1.3 metres; except in the case of a street townhouse dwelling having a common interior side. In this case, where the interior side yard is a common wall for such dwelling, an interior side yard of 0.0 metres shall be required.

Minimum Rear Yard 7.5 metres

Minimum Setback from Optimal Water Level: 30.0 metres

Maximum Lot Coverage Of Principal Building and Accessory Buildings: 60.0 percent

Maximum Height Of Principal Building: 9.0 metres

Boathouse And Dock Facilities In accordance with the requirements of Sections 5.2.3 to 5.2.4.4 of this By-law.

Maximum Shoreline Development In accordance with the requirements of Section 5.2.4 of this By-law.

Shoreline Buffer In accordance with the requirements of Section 5.23 of this By-law.

Although this proposal does not include a Marina or a boathouse or dock, the restrictions are important to note to indicate what could be constructed. For a dock the maximum permitted length is 15 m. (50 ft.). The minimum sideyard setback of 6 m. (20 ft.). It is stipulated that there be only one dock on the property. Interestingly, two small finger docks would not be permitted but an L shaped dock could go out and then go along almost the frontage of the lot to the maximum permitted width. The requirements for a boathouse are similar to those for a dock in terms of minimum side yard setback, and length out into the water. Living accommodation is now permitted in the second storey of a boathouse under certain circumstances.

The bylaw does limit Maximum Shoreline Development to those limitations outlined in Section 5.2.4. Although the C-4 zone is not listed in the preamble to the Section, the RM-2 is. The maximum shoreline development is 232 sq. m. (2497 sq. ft.). Included in this is a dock, deck,

storage building, pumphouse, stairs, ramp, and sauna. The maximum width of shoreline structures as limited in Section 5.2.4 to 23 m. (75.5 ft.).

Section 5.23 of Bylaw 2010-4 requires a shoreline buffer a minimum of 75% of the lot frontage for a depth of 20 m (66 ft.). A Shoreline Buffer is defined in Section 4.171 as a natural area adjacent exception of minimal pruning of vegetation and the removal of trees for safety reasons, for the purpose of protecting natural habitat and water quality and minimizing the visual impact of buildings or structures on a lot. Where the natural shoreline of a property is a natural beach or rock outcropping with little or no soil, such shall be deemed to comply. In this instance a minimum of 43.8 m. (144 ft.) must be maintained as a shoreline buffer. This application is proposing to reduce the front yard setback for buildings and the shoreline buffer in exchange for having a slightly reduced buffer of 12.2 m. (40 ft.) in depth for 100% of the shoreline. The definition of Shoreline Buffer does not stipulate a minimum density of vegetation. The shoreline buffer on the lands will contain approximately 2-3 trees per 9.3 sq. m. (100 sq. ft.) in most areas.

Section 5.25.3 requires a minimum setback of 100 feet from the boundary of any railway lines except for the redevelopment of an existing building at the existing density.

Sections 11.5, 20.2 and 5.27 of the bylaw requires a Visual Barrier between the subject lands and the neighbouring residential properties. This barrier can be a fence, berm or unpierced plantings. The proposed development incorporates a berm and natural vegetation. Section 11.6 is for a Street Townhouse. This analysis is being done on the basis of this being a Street Townhouse although the definition (Section 4.52) requires that the units be designed to be on a separate lot. For 30 units the minimum lot area is 5700 sq. m. (61,360 sq. ft.). The subject lands are almost two and one half times this requirement (at 1.34 ha.).

Discussion related to compliance with the Zoning Bylaw takes place in the Planning Analysis section of this report.

5. Proposal

The proposal consists of 30 townhouses over the combined 1.34 ha (3.31 ac.) subject lands. This translates to a density of 22.4 units per ha. (9 units per ac.). This is well below (almost half of) the maximum permitted for medium density residential on the property (40 units per ha.) in accordance to the Official Plan.

The floor area of the units consists generally of a total of 139.4 sq. m. (1500 sq. ft.). Those units with walkout basements will have an additional floor area of 64.1 sq. m. (690 sq. ft.).

The units are located within the proposed five buildings (blocks) with unit numbers ranging from four units to eight units. There are no docking facilities proposed.

Under Section 11.6 of the Zoning Bylaw, the minimum setback from the optimal summer water level is 30 m. (100 ft.). This setback from the water's edge applies to all zones in the Town whether they are in the Waterfront designation or the Urban Centre designation. An exemption to the Zoning Bylaw is required to go closer to the lake than required. In addition, the application will rezone the property from Commercial Special Purpose (C-4) to Residential Multiple (RM-2).



6. Site Characteristics

The property was first visited on October 30, 2012 and subsequently on other occasions most recently being August 1, 2017. The waterfront parcel is characterized by a well developed shoreline buffer of coniferous trees (white pine and eastern hemlock). This buffer extends back approximately 15 m (50 ft.) from the water's edge and generally contains little undergrowth.

The property rises to a rock knob hill with an open rock cropping back from the northern point of land. The top of the outcropping is approx. 10 m (33 ft.) above the water level of Gull Lake.

In the interior of the waterfront parcel, a mix of vegetation is present including maple, birch, and white pine. The vegetation is moderately thick with an opening where a previous dwelling once existed.

The town lot, which fronts directly on Bethune Drive, contains an existing modest dwelling. It is a bungalow style and is approx. 130.1 sq. m. (1400 sq. ft.). It is intended that this building will be removed. The lot itself is relatively level and contains mixed vegetation outside of the building envelope.

The lot generally drains to the south to a watercourse along the southerly boundary that takes drainage directly to Gull Lake. The subject lands are moderately to well buffered from the adjacent lands.



Subject Land and Moody Drive Boat Launch Ramp Looking Northwest



Subject Land and Entrance to Northerly Bay Looking Northwest



Subject Land Point Looking Southwest



Moody Drive Looking East From Bethune Drive



Moody Drive Looking East



Existing Dwelling at 310 Moody Drive Looking North



Existing Entrance From Moody Drive Looking Northeast



Subject Land at Moody Drive Public Access Looking Northeast



Subject Land Near Shoreline Northeast of Public Access Looking Northeast



Subject Land Behind Shoreline Buffer Looking Northeast



Open Area Southwest of Rocky Knoll Looking Northeast



Shoreline Buffer in Vicinity of Block 3 Looking Southeast



Rocky Knoll Looking Northeast From Centre of Property



View of Northerly Bay From Block 5 Looking North



Looking Southwest from Block 5

7. PLANNING ANALYSIS

a. Official Plans

In the District Plan, growth is generally permitted and promoted within the context of the Plan. The natural environment cannot be adversely impacted. The height of buildings is to respect the natural environment. Development is promoted in Urban Centres where public services will be optimized. New land uses will be compatible with other uses in the area and respect the existing character.

Under Section F the District will maintain a Lake System Health monitoring system. A lake classification system has been developed based on the sensitivity to phosphorus and the threshold to development. A target has been established for the maintenance of a shoreline vegetated area. At a minimum a target of 75% of the vegetated area will remain in its natural state for a depth of 15 metres (50 feet). Where a property is located in the Urban Centre, this is to be achieved to the extent possible. Gull Lake's sensitivity to phosphorus is Moderate. It is not over threshold.

The Implementation section of the Official Plan includes policies related to required reports, stormwater management, shoreline structures, and aesthetics.

This proposal maintains the intent of the District Official Plan for the following reasons:

- Urban Centres is where growth is to be focussed.
- It is in an area where full municipal water and sewer services are available.
- It represents an intensification of a residential use, thereby not contributing to urban sprawl.
- The intent of the Lake System Health program is being maintained with a buffer, although slightly less in depth than the target, it will be along 100% of the shoreline.
- A lesser setback from the shoreline is permitted as the subject lands are within the Urban Centre and phosphorus management is being implemented. In addition, site plan control will apply to these lands.
- An Environmental Impact Study and Stormwater Management Study have been prepared.

In terms of the Town's Official Plan, the proposal was first being formulated prior to the update of the Official Plan. As such the following studies were required (Section C 1.7.7):

- a) An assessment of the impact of the development on the environment of the bay or lake,
- b) An assessment of the impact of development on the surface water quality and an impact mitigation plan,
- c) An assessment of the traffic impact of the development, and
- d) A concept plan of the proposed development, such concept plan to include any phasing provisions, servicing and land use separation requirements.

The designation of the property has changed from Urban Mixed Use Waterfront to Residential. It is important to note that under the previous Official Plan, development similar to the Muskoka Wharf project on Lake Muskoka would have been permitted. In fact, the Zoning Bylaw still permits this as it has yet to be updated to reflect the new Residential designation.

The updated Official Plan has numerous policies related to medium and high density residential development. The policies cite a number of items including compatibility with neighbouring low density areas, transition to low density areas, buffering from adjacent low density residential, close proximity to community facilities, municipal infrastructure is available, close proximity to arterial or collector roads. Such development is subject to site plan control. The policies encourage intensification as well as affordable housing. The Plan encourages 20% of residential units in the Town to be medium density (maximum 40 units per hectare).

This proposal maintains the purpose and intent of the Official Plan for the Town of Gravenhurst for the following reasons:

- The proposal represents a medium density residential development in a land use designation (Residential) that permits such use and density.
- The density proposed is almost half of the density permitted by the Official Plan.
- The required reports have been submitted and are in support of the application.
- The proposal is adequately buffered from the shoreline and neighbouring properties, in fact, the shoreline buffer will be around 100% of the property.
- The subject lands are in close proximity to municipal water and sewer services, arterial or collector roads, existing parkette, a major municipal park, and the Central Business District,
- The proposal contributes to the Town's desired housing mix.
- The reduction in setback from the water's edge is authorized by the Official Plan.

b. Comprehensive Zoning Bylaw

The property is currently zoned Commercial (C-4) as with many of the surrounding properties. The Zoning Bylaw has not been updated to conform to the new Residential designation. As noted in Section 4 of this report, a number of commercial and residential uses are already permitted.

In terms of the potential development of the property under the current Zoning, the following extent of development could be permitted:

- Minimum front yard and exterior sideyard setback of 6 m. (except from a waterbody).
- Maximum lot coverage of 50% (0.67 ha. / 1.65 ac.) or 6668.7 sq. m. (71,874 sq. ft.) ground floor.
- Maximum height of 10.5 m. (34.4 ft.) or possibly 4 stories.
- Outdoor storage.
- Permitted uses including:
 - Commercial Entertainment
 - Marina

- Restaurant
- Retail Store
- Tourist Establishment

The proposal is for 23% lot coverage. This represents 0.31 ha. (0.77 ac.) or 3116 sq. m. (33,541 sq. ft.). The proposed density is 22.4 units per ha. (9 units per acre) whereas 40 units per hectare (16 units per acre) are permitted by the Official Plan for medium density residential.

As part of this application, it is proposed that the property be rezoned to Residential (RM-2). The maximum density of units is actually in the Official Plan and the maximum lot coverage is 60%. The proposal falls well within the lot coverage limitation being only 23% and well below half the permitted lot coverage.

The minimum setback requirement of 30 m. (100 ft.) is not being maintained and is subject to this application. The author questions how this setback implements the Official Plan when the District Official Plan does not impose a setback greater than 20 m. (66 ft.) and the subject lands are located in the Urban Centre where the District O.P. (and local O.P.) authorizes a lesser setback. A setback of 15 m. (50 ft.) is proposed and can be supported for the following reasons:

- The subject lands are within the Urban Centre boundary of Gravenhurst. Lesser setbacks from the water and side yards should be expected.
- The District and local Official Plans authorize a lesser setback from the shoreline.
- Gull Lake is classified as a Moderately Sensitive lake by the District Lake System Health Program and should be affected by enhanced setbacks.
- A Shoreline Buffer will extend around 100% of the actual frontage of the property.
- The design of the building will utilize materials which have a natural appearance including the colour schemes of the buildings.
- Lighting on the buildings will be Dark Sky Compliant.
- The lot depth and areas for parking and stormwater management do not facilitate the use of a 30 m (100 ft.) setback.

This application is proposing to reduce the front yard setback for buildings and the shoreline buffer in exchange for having a slightly reduced buffer of 12.2 m. (40 ft.) in depth for 100% of the shoreline. The definition of Shoreline Buffer does not stipulate a minimum density of vegetation. The shoreline buffer on the lands will contain approximately 2-3 trees per 9.3 sq. m. (100 sq. ft.) in most areas.

c. Composition of the Subject Lands

The subject lands have recently merged into one lot under the ownership of Moody Developments Inc. It was formerly comprised of two separate lots (parcels). The waterfront parcel is legally described as Part Lot 9, Concession East Range in the former Township of Muskoka (now in the Town of Gravenhurst) more particularly described as Parts 1, 2, and 3 Plan 35R-17770. The assessment roll# is 2-011-054. No civic address has been assigned although it has been referred to as 360 Moody Drive.

The Town lot portion of the entire property is described as Part of Lot 9, Concession East Range, in the former Township of Muskoka (now in the Town of Gravenhurst), Part of Lot 27, Plan 524, more particularly described as Part 1 Plan 35R-3395. The assessment roll# is 1-10-065-02. The civic address is 310 Moody Drive.

d. Proposal (Design) Details

The proposal consists of 30 townhouses over the combined 1.34 ha (3.31 ac.) subject lands. This translates to a density of 22.4 units per ha. (9 units per ac.). This is well below (almost half of) the maximum permitted for medium density residential on the property (40 units per ha.).

The units are located within the proposed five buildings with unit numbers ranging from four units to eight units. The unit cluster along Bethune Drive consists of six units maintain a similar setback from the road as the existing dwelling in the area. Due to access requirements from an internal road, these units face northeast. This eliminates individual access from each unit directly out onto Bethune Drive. A visual barrier fence will be erected to screen the rear of these units from the road. It will also afford some privacy for those people occupying the units. A side yard setback of almost 5 m. (16.4 ft.) is being maintained from the northerly unit to the abutting residential property to the north.

The majority of the units are proposed in locations to take advantage of the filtered views of Gull Lake as this is the main attraction of this property (and properties throughout Muskoka, for that matter). As one enters the property from Moody Drive, the units in the first cluster (of four units) backing onto the lake are setback 20 m. (66 ft.) from the lake except for the two southerly units with the closest one being setback 15m (50 ft.) from the lake. The shoreline buffer here is of moderate thickness and will be enhanced with additional plantings immediately after construction. The middle cluster of units (eight units) is located 22m (72 ft.) to 15m (50 ft.) from the lake.

As one moves towards the point and the small rock knob hill the units will rise in elevation. It is anticipated that some blasting will be done to facilitate reasonable access and lower the overall profile (height) of the project. The unit owners will still have a filtered view of the lake. The

shoreline buffer area will not be disturbed by the blasting. The view to the north is not as desirable due to the small bay the property fronts on here. The units in this location are setback approximately 25m. (82 ft.) to 15m (50 ft.) from the water's edge. The shoreline buffer is moderate at this location. A large pine tree, which appears to have been severely damaged by wind will be required to be removed.

Although not shown on the plan, it is intended there be a central storage facility which will also be for garbage storage.

All of the lighting on the property will be dark sky compliant. Lighting of the road will be similar in style to the light fixtures used at Muskoka Wharf and the Mattamy subdivision in Bracebridge. All exterior light fixtures on the building will have full cutoff lighting and reduced wattages.

e. Environmental Impact

A report addressing the possible environmental impacts has been completed by Azimuth Environmental dated march 2018. A copy of the report accompanies the application.

During the assessment, a small wetland feature was noted on the property but it does not provide a significant habitat function for wildlife. The proposed development of the property would pose no significant impacts to endangered bats or bat roosting habitat functions. The fish habitat adjacent to the property is not Type 1 Significant Habitat and does not contain significant fish habitat features. No Species at Risk or Endangered or Threatened Species were found on the property nor does the property exhibit habitat for certain endangered species such as the Massasauga Rattlesnake.

The report recommends the following mitigating measures be incorporated into the development of the property:

- Timing of tree removal such that it does not occur during bird breeding season and potential bat habitat.
- Limit site clearing to only the area needed for construction.
- Retain the shoreline buffer along the entire perimeter of the property and retain in its natural state. It should be enhanced with native tree species where required.
- Restore any disturbed areas immediately after construction.
- Erosion and sediment controls be put in place prior to development.
- Timing of blasting such that it does not impact fish and fish habitat.

The report details the consistency of the proposal with the Provincial Policy Statement for environmental policies, conformity with the Town's Official Plan, and compliance with the federal Fisheries Act and the Endangered Species Act.

f. Stormwater Management and Site Servicing

An original stormwater management report was prepared by Pinestone Engineering in 2011. This was updated along with a section on Servicing Feasibility in May 2018. A copy of the report accompanies the submission. The receiving waterbody (Gull Lake) has been considered sensitive as the lake is currently stocked with rainbow trout. An enhanced level of protection has, therefore, been applied to this property and the proposed development.

A "treatment train" of measures will be utilized on the site, This includes the construction of a wetland type stormwater management facility, enhanced grass swales, minimal tree clearing, and site mitigation measures.

The proposed development can be serviced through the extension of the existing water main on Moody Drive for domestic water. Sanitary servicing can be provided by a private Low Pressure System connecting to the municipal sewer on Bethune Drive.

g. Impact on Housing Stock

The primary housing stock in Gravenhurst, like the other Urban Centres in Muskoka, is single detached dwellings. Single detached dwellings currently constitute approximately 90% of the housing stock. The Provincial Policy Statement, as noted above, requires planning authorities to provide a variety of housing stock, be on full municipal water and sewer services, and promote intensification. The local Official Plan is consistent with the P.P.S. and establishes a target of 20% of the housing stock being medium density.

This proposal will add 30 units to the medium density housing stock of Gravenhurst. This will assist in bringing the housing stock in line with the goals of the Official Plan.

h. Roads/Traffic

A Traffic Study was completed by C.C. Tatham in May 2017. The property abuts Bethune Drive which is a District Road (District Road 41). It is classified as an arterial road. Entrances to all units are to be from an internal road and not directly onto the District Road.

The study area road network is operating well below capacity and additional volumes anticipated from the development can be readily accommodated. Turn lanes on the District Road are not required due to the low volumes of traffic anticipated from the proposal. The sight lines at the intersection of Moody Drive and Bethune Drive are in excess of 150 m. (500 ft.) and satisfy the requirements of the Province. No sight line improvements are necessary.

The road within the proposed development is to be a private road. This will facilitate a more acceptable setback for buildings from the present water's edge, permits room for the proposed stormwater retention pond, and relieves the municipality from maintenance, snow removal and liability. Private ownership of roads is typical in these types of developments especially where condominium ownership is utilized.

i. Railway

An Environmental Noise and Vibration Impact Study was completed by OZA Inspections Ltd. in February 2018. The subject lands are located approximately 56 m. (184 ft.) from the Canadian National (CN) rail line. This is separated by Bethune Drive (District Road 169). A noise attenuation barrier is not applicable since the rail line is separated from the property by Bethune Drive.

The report recommends the following mitigating measures:

- Brick exterior wall construction of the west wall of the townhouse block which backs onto Bethune Drive.
- Provision of air conditioning.
- Registered warning clauses on title.
- Vibration reducing mitigation measures incorporated into the foundation design.

j. Building Architecture

The applicant has spent considerable time considering the appropriate architecture for the project. A basic criteria was followed:

- Two storey in height from the internal road with some units having walkout lower levels.
- Peaked roofs.
- Garages in front of the units (as accessed from an internal road).
- Varied roof lines.
- Use of natural materials where possible including wood, stone.
- Use of natural colour tones such as brown, beige, green, grey.
- Dormers and porches, especially as the units face the lake.

The result is three different units with varying facades. An example of this is shown in the Proposal portion of this report.

By locating the buildings on the site and providing for the tree cover that will remain along the lakeshore, the following shows the anticipated appearance from the lake. It is anticipated from changes in drainage that there will be the requirement for replacement trees in certain limited circumstances.



k. Proposed Future Ownership

Although not finalized at this point in time, nor required, the applicant is considering condominium ownership as the ownership model for these units. Condominium ownership gives the owners of the units the following positive advantages:

- Maintenance of the grounds is done by others.
- Maintenance of the grounds is consistent from unit to unit.
- There are uniform requirements for the maintenance of the exterior of the units.
- The road can be a private road which will permit a greater buffer from the lake.
- Garbage and storage of goods can be done in a central location.
- The road can be a private road which will permit a greater buffer from the lake.

- Garbage and storage of goods can be done in a central location.
- It facilitates common ownership of the waterfront area for all unit owners to use.

Condominium ownership is a form of ownership and does not have an impact on land use or building location, form or style. It was felt best to proceed with land use and setback issues prior to the finalization of ownership type. If condominium ownership is sought, a further application under the Planning Act will be required.

l. Boat Impact Assessment

As there are no docking facilities proposed, a Boat Impact Assessment was not required.

m. Archeological Assessment

An archeological assessment was carried out in late 2011 by AMICK Consultants Limited. A copy of the report accompanies the submission. As a result of the assessment of the property, no archeological resources were found. It is, therefore, recommended no further archeological assessment of the property is required.

n. Water Balance and Phosphorus Assessment

To compliment the Environmental Impact Assessment Report by Azimuth, a Water Balance and Phosphorus Assessment was also done by the same firm. This was to determine the potential changes to the ground water recharge conditions. In many respects this was similar to a Hydrogeological report. The pre-development conditions were considered along with water well records in the area. In addition, soil conditions and the post-development conditions (including the stormwater retention area) were also factored in.

Although there will be a reduction in the infiltration to the ground water, it will be relatively small. The increase in runoff will be directed to the stormwater management pond and flow to the lake. The water level of Gull Lake will have a greater influence on the water table than the impact on infiltration.

A Phosphorus budget was completed to evaluate the loading from pre-development conditions to post-development. Through the incorporation of the stormwater management pond in the development design and a vegetated filter strip, the impact on phosphorus loadings will be insignificant according to the report.

o. Neighbouring Uses

When considering compatibility, the neighbouring uses must be considered. Consideration of compatibility requires an evaluation of a number of parameters including the following:

- Land use,
- Development form,
- Development density,
- Setbacks,
- Buffering/screening,
- Policy shift to greater densities,
- Official Plan policy,
- Zoning Bylaw limitations.

The neighbouring uses in the area consist primarily of single detached residences on fully serviced lots with water frontage. Other land uses in the area include the railway on the west side of Bethune Drive, a previously approved townhouse complex immediately to the north of Gull Lake Park, and a previously approved Plan of Subdivision across the lake from the subject lands (accessed from Norman Wood Road).

The following photos show development in the immediate vicinity.



Neighbouring Abutting Properties in Northerly Bay Looking Southwest



Neighbouring Properties in Northerly Bay Looking West



Neighbouring Properties in Northerly Bay Looking West



Neighbouring Properties in Northerly Bay Looking Northwest



320 Bethune Drive N. Looking East



322 Bethune Drive N. Looking East



324 Bethune Drive N. Looking East



326 Bethune Drive N. Looking East



330 Bethune Drive N. Looking East



Moody Drive Parkette and Boat Launch Looking Southwest



Neighbouring Properties South of Subject Property Looking West



Gull Lake Park and Moonlight Bay Property Looking Southwest



Norman Wood Lane Property Looking North



Norman Wood Lane Property Looking Northeast

CONCLUSIONS

Based on the foregoing Planning Analysis and the supporting reports, the proposal is consistent with the Provincial Policy Statement, and conforms to the District Official Plan and the Town Official Plan. It also represents good planning as the property will be developed as a residential property at a much lower density than otherwise permitted and will have minimal environmental impact.

APPENDIX A
TOWN OF GRAVENHURST OFFICIAL PLAN 2006
APPLICABLE POLICIES

SECTION C – URBAN CENTRE POLICIES

C1 GRAVENHURST URBAN CENTRE

C1.1 IDENTIFICATION

The Gravenhurst Urban Centre will be the focus of the majority of growth and development throughout the period of this Plan. The Gravenhurst Urban Centre provides a nucleus for a full range of community services, facilities and development at a density that will make the most efficient use of municipal services and infrastructure, conserve energy and provide an affordable living environment.

C1.5 GENERAL DEVELOPMENT POLICIES

All development in the Gravenhurst Urban Centre shall generally be serviced by piped municipal services, except as outlined in Section J5 of this Plan. Unless specified elsewhere in the Plan, new lots shall have frontage on a publicly year round maintained road. Development shall occur as a logical and orderly extension of the existing built areas and at a scale that is appropriate based on the availability of infrastructure and recreational services.

New development and redevelopment through intensification and infilling will be designed to provide connectivity for pedestrian and vehicular traffic. Where new development occurs adjacent to existing development, the new development shall be designed in a manner that reflects existing built form, including such matters as height, building mass and character. Where new development proposes increased densities as encouraged by this Plan, the development shall be designed to provide a transition between existing development and new development.

All development shall be designed in a manner that protects the physical and environmental qualities that define the character of the Town. Steep rock outcrops, wetlands and watercourses shall be protected from development. New development located within significant forested areas shall require the retention of significant vegetative buffers.

Lighting shall be designed to limit light trespass to other lands and the dark sky.

It is the intent of this Plan to preserve the character of the lands that have historically been developed as low density waterfront residential areas on private services. Despite the availability of full municipal services within this designation, new development shall maintain the basic lot pattern and density that existed as of the date of approval of this Plan. The Official Plan policies related to infill and intensification shall not apply to this designation.

When reviewing applications for new development, Council shall consider the impact of the proposal on the existing land uses fronting onto Muskoka Bay. In addition to those policies in Section D3, Council shall also consider impacts related to boat traffic, visual impact, noise and environmental impacts during and following construction.

New waterfront development shall be subject to the provisions of Section D2.1, Preservation of Vegetation, and Section D2.2, Character of the Shoreline Development.

C1.7 COMMERCIAL DESIGNATIONS

C1.7.1 Definition

In areas designated for commercial development, the predominant use of land shall be for commerce, which is defined as the selling of goods and/or services. Some of the land may be used for other purposes, provided the other uses are compatible with commerce.

C1.7.2 Identification and Designation

Urban commercial activity may occur in several locations in the Town with the primary objective to provide a wide range and choice of goods and services to the Town's residents and visitors. While this Plan designates five types of commercial designations, it is not the intent of the Plan to preclude retail uses of any type in any of the designations, except in very limited circumstances. The extent and nature of commercial uses will be determined by the market. As a result, market impact studies will not be required for commercial development.

The Town is aware that different forms of retail use have different site requirements. By dividing the retail functions into several designations, this Plan is attempting to recognize the most suitable locations to reduce impacts on surrounding uses due to incompatibility and at the same time provide a regulatory environment that will result in the broadest range of goods and services to the public.

- e) The Urban Mixed Use Waterfront Area designation is a mixed use area that allows for the development of a mix of medium and high density residential uses as well as commercial uses serving the resident and tourist markets. Institutional development is also a permitted use.

C1.7.3 General Commercial Development Policies

These policies shall apply to all Commercial designations. The Town will not limit the development of commercial or service uses in order to protect the market of existing service or commercial uses. It is the intention of this Plan that the public interest is best served by allowing residents and visitors to decide where to shop.

All new Commercial development shall proceed on the basis of full municipal water and sewage facilities, except as may be provided herein.

C1.7.3.1 General Design Policies

- a) Where possible, existing grades, topographical features, trees, heritage buildings and ecological areas should be protected and incorporated into new development.
- b) New development will generally be required to harmonize with its surrounding context, while having regard for the protection of scenic views and vistas, continuity of architectural character and texture of the built form, orderly transition to adjacent lands, and the relationship of the spaces between buildings and to the street.
- c) The scale and proportion of new buildings and structures should be appropriate to the general context of the immediate neighbourhood and existing structures.

C1.7.7 Urban Mixed Use Waterfront Area

The Urban Mixed Use Waterfront Area designation includes lands known as the Muskoka Wharf, located on Lake Muskoka and the westerly lakeshore area of Gull Lake immediately north and east of Gull Lake Park. These areas will develop as mixed use areas including a range of commercial uses servicing the residential and tourist markets as well as medium and high density housing. These areas will also be characterized by a large amount of public open space located on the shoreline. Public views and access to the waterfront shall be protected. New development shall be designed to maintain and enhance the natural character of the shoreline. Natural vegetation shall be protected within 30.0 metres of the shoreline and enhanced vegetative buffers may be required within 20.0 metres of the shoreline. Stormwater shall be directed away from the shoreline and storm sceptors or equivalent technology shall be required as part of a comprehensive storm water management plan. In addition, potential contaminants such as garbage receptacles and parking areas shall be located away from the shoreline areas.

Higher density residential developments shall be subject to the following policies:

- a) the development shall be compact in nature and shall be mixed with linked open space areas, significant amenity areas and recreational uses;
- b) the maximum permitted density shall not exceed 40 units per gross hectare. The actual density of development shall be established in an implementing Restricted Area Zoning By-law; and,
- c) a minimum provision of 35 percent of the lot area shall be dedicated to public and private open space, in a linked, useable fashion and shall include shore lands.

Where development is proposed on a site within Urban Mixed Use Waterfront Areas, the applicant shall provide the following:

- a) an assessment of the impact of the development on the environment of the Bay or Lake;
- b) an assessment of the impact of the development on the surface water quality and an impact mitigation plan;
- c) an assessment of the transportation impact of the development; and,
- d) a concept plan of the proposed development, such concept plan to include any phasing provisions, servicing and land use separation requirements.

Where requested by the District Engineer or the Municipality, development shall be conditional upon the provision of road improvements as may be required at the cost to the applicant. Such road improvements may be imposed where new intersections are to be created, existing intersections are to be improved or where new or existing driveways are to be provided or improved.

SECTION I – ENVIRONMENT

11.1 IDENTIFICATION

This section of the Official Plan establishes a series of policies related to the protection of the natural and man-made environment in the Town of Gravenhurst. The policies establish criteria related to a wide range of natural and man-made conditions and circumstances that affect our existence and development. The policies deal with the natural environment, hazards, built form and other circumstances that need to be considered in the development process.

The policies in this section of the Plan affect all of the lands in the Town of Gravenhurst.

11.4 GENERAL DEVELOPMENT POLICIES

11.4.1 Wetlands

It is the policy of this Plan to protect all wetlands whether Provincially significant, regionally significant, locally significant or otherwise. All wetlands shall be protected and maintained in a natural state. Wetland re-establishment at the expense of those responsible for the loss of wetland will be encouraged if loss or degradation occurs.

An Environmental Impact Statement shall be required where development is proposed within 120.0 metres of any Provincially significant wetland or within 30.0 metres of any other wetland, as identified on Schedule B. Development adjacent to wetlands shall only be permitted if it can be demonstrated that it will not result in a negative impact on the wetland.

No development or site alteration shall be permitted in Provincially significant wetlands.

11.4.4 Fish Habitat

Water resources and vegetation abutting watercourses will be maintained in a clean and healthy condition in order to protect aquatic life, habitat, and functions. Development and site alteration may be permitted adjacent to fish habitat areas only if it has been demonstrated through an EIS that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified. Development adjacent to fish habitat areas shall demonstrate the following to the satisfaction of Council:

- a) net gain or no net loss of productive capacity of fish habitat;
- b) maintenance of minimum base flow of watercourses;
- c) maintenance of existing watercourses in a healthy natural state;
- d) best available construction and management practices shall be used to protect water quality and quantity, both during and after construction. Treatment of surface run-off to maintain water quality and hydrological characteristics in receiving watercourses shall meet the standards established by the authorities having jurisdiction;
- f) development proposed within 30.0 metres of a Type 1 or unknown Fish Habitat shall be accompanied by a supporting study (Aquatic Impact Statement) which examine the potential negative impact of the development on the Fish Habitat and potential mitigation measures available to limit the impact of the development on the Fish Habitat;
- g) all waterfront lots are encouraged to maintain a natural shoreline buffer; and,
- h) lots located adjacent to Type 1 Fish Habitat Areas shall be subject to Site Plan Control.

11.4.5 Significant Habitat Areas

Habitats of threatened and endangered plant and animal species and significant wildlife habitat identified by the Ministry of Natural Resources or as identified by a Site Evaluation Report or Environmental Impact Statement shall be protected. Should additional habitat areas be identified in the Town, Schedule B shall be revised to include those areas without the need for an Official Plan Amendment.

No development or site alteration is permitted where there is significant habitat of threatened and endangered species. No development or site alteration is permitted where there is significant wildlife habitat unless it is demonstrated that there will be no negative impacts on the natural features or their ecological functions. Where development or site alteration are proposed within 50.0 metres of the significant habitat of threatened and endangered species or significant wildlife habitat, as determined through a review of the Natural Heritage Information Centre database and other available information sources, the Ministry of Natural Resources shall be contacted prior to any development approval being granted to confirm the record(s) and determine if further study/impact assessment is required. Where development is proposed within 120 metres of a significant habitat area, Council shall require the submission of an Environmental Impact Statement. At the discretion of the Town, a Report may not be required for a single detached dwelling on an existing lot of record or where the Ministry of Natural Resources confirms that no report is required.

Development and site alteration proposed in or within 50.0 metres of significant wildlife habitat as related to the habitat of rare and vulnerable species, or found to be acceptable with such areas shall be designed so as to:

- a) ensure that there will be no negative impacts on the natural features or ecological functions on the particular plant or animal species, as identified by on-site elevation;
- b) maintain wildlife corridors and linkages with adjacent areas; and,
- c) enhance wildlife habitat wherever possible.

11.4.7 Other Forested Areas

Forested areas are important to the local environment and maintaining the character of the Town. The following policies shall apply to existing forested areas:

- a) existing tree cover or other stabilizing vegetation should be maintained on slopes with grades in excess of 25 percent (1:4 slopes);
- b) mature white pine trees in the Highway 11 corridor shall be preserved and protected;
- c) existing tree lines and hedge rows shall be preserved where development is proposed; and,
- d) the cutting of trees may be regulated by a Tree Cutting By-law passed by the District of Muskoka or the Town of Gravenhurst.

11.4.11 Lake Capacity

This Plan utilizes two concepts of lake capacity that must be considered when reviewing applications for development. The lake capacity concepts include:

- Lake System Health Status; and
- Cold Water Lakes.

Where detailed Lake Specific Policies have been incorporated into Section D4 and include Recreational Capacity policies, Recreational Capacity shall be considered when reviewing applications for development.

11.4.11.1 Lake System Health Status

Recreational water quality is monitored and modelled by the District of Muskoka as one measure of a lake’s capacity to sustain development. The District has classified lakes as having high, moderate or low sensitivity to phosphorus. The sensitivity of a lake to nutrient inputs can change over time and is dependent upon the responsiveness of a lake to phosphorus and the mobility of phosphorus within the watershed. Where phosphorus loading to a lake exceeds 50 percent of the natural background phosphorus load, the lake is considered as being “Over Threshold” for phosphorus loading.

Lake classifications are shown on the following table. Any lakes not listed are assumed to be of moderate sensitivity unless otherwise identified by the District of Muskoka. The symbol “(OT)” denotes that the lake is also over threshold for phosphorus loading. This symbol may be added to a waterbody or deleted from a waterbody without an amendment to this Plan.

Low Sensitivity	Moderate	High
Ben	Barkway	Morrison
Thinn (Reay)	Bass	Muskoka Bay(OT)
	Buck (Ryde) (OT)	North Muldrew
	Cabin	Pigeon
	Clearwater (OT)	Pine
	Cornall	Rat (Cana)
	Doe (Doeskin)	Riley
	Fawn (Lowe)	Severn River
	Gartersnake	Silver
	Gull (OT)	South Muldrew
	Hoc Roc River	Sparrow
	Jevins	Sunny
	Kahshe	Three Mile
	Lamorie	Turtle (Long Turtle)
	Little	(OT)
	Little Sunny	Upper Eagle
	Loon	
	Moose	
		Deer

11.4.11.1.1 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 required. At a minimum, a target of 75 percent of the linear shoreline frontage of a lot will be maintained in a natural state to a target depth of 15.0 metres from the shoreline where new lots are being created and where vacant lots are being developed. Where lots are already developed and further development or redevelopment is proposed, or where the lot is located within an urban centre or community, these targets should be achieved to the extent feasible. Where these targets cannot be met, a net improvement over the existing situation is required.

11.4.11.1.3 A minimum 30.0 metre setback from any shoreline will be required for all development, excluding shoreline structures. Where this setback cannot be achieved, a lesser setback may be considered where on-site phosphorus management is implemented and in the following circumstances:

- a) Sufficient lot depth is not available;
- b) Terrain or soil conditions exist which make other locations on the lot more suitable;
- c) The proposal is for an addition to an existing building or replacement of a leaching bed where the setback is not further reduced;
- d) Redevelopment is proposed on an existing lot and a net improvement is achieved; or
- e) The lot is located within an urban centre or community and a net improvement over the existing situation is achieved.

High Sensitivity Waterbodies – Specific Policy

Lot Creation

11.4.11.1.9 In general, no lot creation will be permitted on waterbodies identified as being of high sensitivity unless the lot is connected to municipal water and sewer services.

11.4.12 Water Quality

In addition to the Lake System Health policies in Section 11.4.11 of this Plan and in order to protect, improve and restore water quality, the following development criteria shall apply to development affecting the water quality of surface and ground water resources throughout the entire Town:

- f) all applications for major development proposals such as residential subdivisions of five lots or more, or commercial, industrial, or institutional development having a floor area in excess of 2,000.0 m² or golf courses shall be accompanied by a Water Resource Management (WRM) Report. The WRM Report shall be prepared by a qualified professional to the satisfaction of the Town and other agencies as may be required. The WRM Report shall address the potential impacts and cumulative impacts on surface and ground water quality and quantity by requiring:
 - i) maintenance or enhancement of natural hydrological characteristics including base flow of watercourses;
 - ii) maintenance or enhancement of sensitive groundwater recharge/discharge areas, aquifer and headwater areas;
 - iii) the development and monitoring of water budgets for groundwater aquifers;
 - iv) the protection or enhancement of fish and wildlife habitat; and,
 - v) maintenance of existing drainage patterns where possible.

- g) during and after development, sediment and erosion control measures shall be carried out to the satisfaction of the implementing authority.

11.4.17 Archaeological Resources

Except for separation of existing uses, where three or more new lots are proposed, or where development is proposed within a focal point as identified in the Archaeological Master Plan, Council will require the submission of an archaeological assessment in support of the application.

Care shall be taken to protect known archaeological sites or areas of high archaeological potential. Development and site alterations may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alterations that maintain the heritage integrity of the site will be permitted.

11.4.22 Setback From High Water Mark

It shall be the policy of this Plan that all development be set back at least 30.0 metres from the high water mark of any water feature. Where this setback cannot be provided due to physical conditions or existing buildings, a lesser setback may be used provided that maximum vegetative buffers between the development area and high water mark are enhanced and maintained by the landowner through Site Plan Control.

11.4.24 Storm Water Management

All development within the Waterfront Area and Community designations, and all shoreline development in the Urban Centre, is required to prepare a Stormwater Management Report prior to development proceeding to the satisfaction of the Municipality. The Town of Gravenhurst may develop development standards from time to time as deemed necessary by Town Council. Such standards shall provide additional details regarding the preparation of stormwater management reports and the necessity for such reports.

New and expanding commercial, industrial, recreational and institutional development having a floor area in excess of 2,000.0 m² and residential development of more than 5 lots shall be accompanied by a Stormwater Management Report prepared by a qualified professional to the satisfaction of the Town. Stormwater Management Reports shall be submitted prior to site plan approval of the development.

Where development or redevelopment occurs within 300.0 metres of a waterbody, stream or river, stormwater shall be treated for quality parameters to ensure that contaminants and enriching compound such as phosphorous and nitrates are not discharged into the water through stormwater run-off.

No development will be approved that results in post-development run-off rates that are greater than pre-development run-off rates for storms up to and including the 100 year flood event. The Stormwater Management Report shall be prepared in accordance with the Stormwater Management Practices Planning and Design Manual (2003), or its successor; Best Management Practices (BMP) and Town of Gravenhurst Development Standards, Policies and Guidelines (2005) or its successor; and shall include an analysis of the effects of development on watershed flow regimes including the interconnection with groundwater resources.

11.4.29 Environmental Impact Statement

An Environmental Impact Statement (EIS) shall be required for any development or site alteration that is proposed in proximity to an identified endangered or threatened species or adjacent to all other Natural Heritage Features as shown on Schedule B or identified by the Ministry of Natural Resources, Natural Heritage Information Centre (NHIC). Development within or adjacent to environmental features which have not been identified shall also be subject to an EIS at the discretion of the Municipality. In all cases, the EIS shall be provided prior to site alteration and shall be completed to the satisfaction of the Town.

The EIS shall address the following information where applicable:

- a) the proposed development;

- b) the boundaries of the natural features and ecological functions of the area potentially affected directly and indirectly by the development;
- c) the sensitivity of the features and functions to new development;
- d) the direct and indirect impacts to the ecosystem that might be caused by the development;
- e) any environmental hazards (i.e. steep slopes, flooding contaminants) that need to be addressed as part of the development;
- f) identification and evaluation of measures to avoid and minimize impacts and mitigation measures to be employed before and after development;
- g) a Management Plan identifying:
 - i) how the adverse effects will be avoided or minimized over the construction period and the life of the undertaking; and,
 - ii) how environmental features and functions will be enhanced where appropriate and describing the net effect of the undertaking after implementation of the Management Plan.

The Management Plan shall also establish the limits of buffers and/or setbacks adjacent to components of the Natural Heritage Area.
- h) monitoring that may be required to ensure that mitigating measures are achieving the intended goals;
- i) the EIS shall be undertaken by qualified professionals and shall contain specific detailed information regarding the hydrogeological, hydrological and biological functions and linkages related to the following features:
 - wetlands;
 - portions of the habitat of endangered and threatened species;
 - fish habitat;
 - significant forest areas;
 - valley and stream corridors;
 - significant wildlife habitat; and,
 - Areas of Natural and Scientific Interest.

11.4.30 Site Evaluation Reports

Where this Plan requires a Site Evaluation Report be completed, the report shall consist of the following elements and shall be prepared to the satisfaction of the Town:

- a) location of building envelopes which meet setback requirements defined in Zoning By-law;
- b) adequate area, depth and suitability of soils for supporting an appropriate on-site sewage system;
- c) the availability of a potable water supply;
- d) the provision of appropriate access to the site;

- e) for waterfront properties the location of water access and all shoreline structures and pathways which limit erosion and slope instability;
- f) maintenance of vegetation on slope faces;
- g) construction mitigation measures and stormwater management techniques that address slope stability, soil erosion, surface drainage, groundwater infiltration and water quality;
- h) the protection of significant wildlife habitat, significant wetlands, fisheries and other environmentally sensitive areas on or adjacent to the site; and,
- i) generally address all components of the development proposal and its construction which have potential on-site or off-site impacts.

11.4.31 Adjacent Lands

For the purposes of this Official Plan, adjacent lands are defined as all lands within:

- a) 120.0 metres of the boundary of a Provincially Significant Wetland or 30.0 metres of the boundary of other wetlands;
- b) 30.0 metres of any watercourse;
- c) 50.0 metres from the boundary of a Provincially or Regionally Significant Area, Natural Heritage Areas identified by the District of Muskoka or areas of Natural and Scientific Interest, Conservation Reserves and Provincial Parks;
- d) 50.0 metres from a significant portion of the habitat of an endangered or threatened species;
- e) 30.0 metres from the boundary of Type I Fish Habitat;
- f) 50.0 metres from the boundary of a significant wildlife habitat; and,
- g) 50.0 metres of any Significant Forest Area.

SECTION J – TRANSPORTATION, SERVICES AND UTILITIES

J1 GENERAL POLICIES

The Town will plan for and protect corridors and rights-of-way for vehicular transportation, marine transportation, transit, utilities and infrastructure facilities to meet current and projected needs.

The Town will ensure that land use decisions and all development proposals shall have regard to the implications for the transportation network, parking, snow removal and the provision of municipal services and utilities.

All developments shall be located and designed giving consideration to the ability of the police and emergency services personnel to access the subject site or property and connectivity between existing and proposed roadways and trails.

J3 DISTRICT OF MUSKOKA ROADS

All District roads are controlled access roadways. An entrance permit shall be obtained prior to development in order to provide access to a District road. The development of new lots on District roads may be permitted subject to the lot frontages and lot areas specified in Official Plan of the Muskoka District Area, and provided an entrance permit can be obtained from the District of Muskoka.

J4 MUNICIPAL ROADS

J4.3 LOCAL ROADS

Local roads are designed primarily to provide access to abutting properties and to discourage the movement of through traffic. Except in areas of special development requiring reduced development standards, local roads shall have a minimum right-of-way width of 20.0 metres. Local roads shall be connected in a grid-type pattern wherever possible. Cul-de-sacs and dead-ends should be avoided.

J5 SEWAGE AND WATER SERVICES

J5.1 GENERAL

J5.1.2 Where rezoning would permit uses that would require a significant allocation of sewer and water capacity, a holding by-law shall be used in order to facilitate phasing of a development and to defer final allocation until construction is to proceed. The holding provision will be removed upon confirmation of servicing capacity by the District of Muskoka and appropriate agreements have been entered into. An alternative zoning approach that accomplishes these objectives and is to the satisfaction of the Town and the District may also be considered.

Urban Service Area Boundary

- J5.1.9 Development within the Urban Service Area boundary shall proceed on the basis of full municipal water and sewer services.
- J5.1.10 Implementing zoning by-laws will prohibit the development of land unless municipal water and sanitary sewer services as required for the development and detailed herein are available.
- J5.1.11 The availability and extension of municipal water and sewer services will be a principal factor in establishing the phasing of development within the Urban Service Area boundary.

J8 RAIL LINES

The Town acknowledges the importance of rail infrastructure and its economic role in the movement of goods and people. In this regard, Council shall ensure that future development does not impede the continued viability of the rail line. Potential locations for grade separated crossings may be identified and, as a condition of development approval, Council may require a rail crossing to be funded entirely by the developer.

Development located within 300.0 metres of a railway right-of-way may be required to undertake noise studies, to the satisfaction of the Town and authority having jurisdiction in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified. A 30.0 metre railway setback will be required for all buildings.

All proposed development located within 75.0 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the Town and the authority having jurisdiction in consultation with the appropriate railway, and shall undertake appropriate measures recommended in those studies to mitigate any adverse effects from vibration that were identified.

All proposed development located adjacent to railways shall ensure that appropriate safety measures such as increased setbacks, berms, security fencing, and sightline requirements of Transport Canada are provided, to the satisfaction of the Municipality in consultation with the appropriate railway.

Implementation and maintenance of any required rail noise, vibration and safety impact mitigation measures, along with any required notices on title, such as warning clauses and/or environmental easements, will be secured through appropriate legal mechanisms to the satisfaction of the Town and the appropriate railway.

SECTION K – IMPLEMENTATION AND INTERPRETATION

K5 SITE PLAN CONTROL

All areas of the Town are designated as proposed Site Plan Control Areas under the provisions of the Planning Act. Specific uses subject to Site Plan Control as described in this Plan shall be identified in the Town's Site Plan Control By-law passed under the provisions of the Planning Act.

The intent of a Site Plan Agreement is to ensure that any proposed development is designed to be compatible with adjacent development, appropriately serviced and accessed and otherwise in conformity with the goals and strategic objectives of this Plan. Any required Site Plan Agreement shall deal with the following, as appropriate:

- a) road widenings;
- b) location of vehicular access points;
- c) loading, parking and driveway locations;
- d) the surfacing of loading, parking and driveway areas;
- e) the location and design of walkways and walkway ramps,
- f) the location, massing and conceptual design of any buildings and structures;
- g) the location and type of lighting, landscaping, and preservation of natural vegetation;
- h) the location and type of garbage storage;
- i) the location and nature of easements;
- j) the grade and elevation of the land;
- k) the type and location of storm, surface and wastewater disposal facilities; and,
- l) the location and type of snow removal facilities.

K12 TREE CUTTING BY-LAW AND REPLACEMENT

Council may enact a Tree Cutting By-law in accordance with the Municipal Act, and the By-law may include the following:

- a) the area or areas of the Municipality where tree cutting control will be applied;
- b) the restrictions and regulations on the cutting of trees within the defined area(s);

- c) the requirements for obtaining a permit to cut trees within the defined area(s);
- d) the exemptions from having to obtain a permit in the tree cutting control areas; and,
- e) the administrative requirements of the By-law, including fees, forms, and fines.

A Tree Cutting By-law may be used in conjunction with other planning tools to ensure that shoreline vegetation and buffers are maintained in the Waterfront Areas. To preserve the mature white pine trees in the Highway 11 Commercial Area, and to protect the character of the Gravenhurst Urban Centre and Community Areas.

The Town may establish a tree replacement by-law that would require the replacement of the same aggregate stem thickness of trees removed in the same location or another defined location of the Town as a condition of permitting trees to be removed.

K15 SITE ALTERATION BY-LAW

Council may enact a Site Alteration By-law in accordance with the Municipal Act, to regulate the placement or removal of fill, blasting of bedrock or alteration of land that may disrupt natural vegetation and such by-law may include the following:

- a) the area or areas of the municipality where site alteration will be permitted;
- b) the restrictions and regulations on the site alteration within the defined area(s);
- c) the requirements for obtaining a permit for site alteration within the defined area(s);
- d) the exemptions from having to obtain a permit for site alteration; and,
- e) the administrative requirements of the By-law, including fees, forms, and fines.

TOWN OF GRAVENHURST OFFICIAL PLAN 2016

APPLICABLE POLICIES

SECTION B – GOALS AND OBJECTIVES

B1 GROWTH MANAGEMENT

B1.1 GOAL

B1.1.1 To reflect and support the ongoing viability of the community structure of Gravenhurst, which consists of the Gravenhurst Urban Centre, five Rural Settlements Areas (Kilworthy, Severn Bridge, Kluey's Bay, Barkway and Housey's Rapids), the Rural Area and Waterfront Area; to promote the sustainable, efficient use of land in these areas and ensure the protection of the significant environmental features in the Town.

B1.2 OBJECTIVES

- a) To direct the majority of new permanent residential and employment growth to the fully serviced Urban Centre.
- d) To allocate permanent residential growth to 2041 in accordance with the following guidelines.

Allocation of Residential Growth

	Percent (%)	Units Required
Gravenhurst Urban Centre	65	1500
Rural, Rural Settlement Areas and Waterfront Areas	32	745
Waterfront Areas – anticipated conversions from seasonal to permanent	3	65
Total		2320

Source: District of Muskoka Growth Strategy, 2013 Phase 2 Update, January 10, 2014, Watson & Associates Economists Ltd.

SECTION C – GRAVENHURST URBAN CENTRE

C1 IDENTIFICATION

- C1.1 The Gravenhurst Urban Centre will be the focus of the majority of growth and development throughout the period of this Plan. The Gravenhurst Urban Centre provides a nucleus for a full range of community services, facilities and development at a density that will make the most efficient use of municipal services and infrastructure, conserve energy and provide an affordable living environment.

C2 GOAL

- C2.1 To direct the majority of new development to the Gravenhurst Urban Centre while maintaining and enhancing its character and creating a sustainable, complete, liveable and attractive community for residents and visitors to enjoy.

C5 GENERAL DEVELOPMENT POLICIES

- C5.1 Development in the Gravenhurst Urban Centre will be serviced by piped municipal water and sanitary sewage services, except as outlined in Section J3 of this Plan.
- C5.2 Unless specified elsewhere in the Plan, new lots shall have frontage on a publicly year-round maintained road.
- C5.3 Individual lots/units within or tied to a condominium development may be permitted to have private road access. Condominium road standards may vary from public road standards, as appropriate to the development.
- C5.6 Where new development occurs adjacent to existing development, the new development shall be designed in a manner that reflects existing built form, including such matters as height, building mass and character. Where new development proposes increased densities as encouraged by this Plan, the development shall be designed to provide either a transition between existing development and new development, where practical, or design features that mitigate potential impacts between the new and existing development.
- C5.7 Development shall be designed to reflect an urban scale, while respecting and incorporating, where feasible, the physical and environmental qualities that define the character of the Town. In general, steep rock outcrops, wetlands and watercourses shall be protected from development. New development located within significant forested areas may require the retention of significant vegetative buffers.
- C5.9 New waterfront development shall be subject to the provisions of Section D11, Preservation of Vegetation and Provision of Shoreline Setbacks, and Section D12, Character of the Shoreline Development, with necessary modifications to reflect the urban scale and nature of the development.
- C5.10 While this Plan does not provide a schedule to identify the specific phasing

or sequence of development within the Urban Centre, the following guidelines will be utilized to assist Council determining the appropriate location and scale of development:

- Employment uses will not be subject to any specific phasing requirements, provided they meet the servicing provisions of this Plan;
- Residential development will first be considered on lands that are or can be serviced with both municipal piped water and sanitary sewage facilities;
- Priority will be given to redevelopment, intensification and infill opportunities;
- Development that provides opportunities for community linkages (e.g. road connections between Muskoka Road North and Muskoka Beach Road) will be encouraged.

C6 URBAN RESIDENTIAL DESIGNATIONS

C6.1 DEFINITION

C6.1.1 The Urban Residential designations recognize those areas in the Town of Gravenhurst that are primarily used for residential purposes.

C6.2 IDENTIFICATION AND DESIGNATION

C6.2.1 Urban Residential land uses are separated into the following three designations which each represent a distinct development form in the Gravenhurst Urban Centre.

c) Urban Residential Area – This area contains the historic residential community as well as new development areas. It is characterized by a mix of housing types and lot sizes consistent with the existing character of development as well as small-scale institutional and convenience commercial uses.

C6.3 GENERAL RESIDENTIAL DEVELOPMENT POLICIES

C6.3.1 Medium and High Density Housing Location

C6.3.1.1 The following factors shall be considered when reviewing proposals for any medium and high density housing development:

- a) compatibility with the existing land use in the immediate area, historical significance of existing buildings, and the character of the residential area;
- b) where adjacent to low density residential areas, medium and high density housing shall maintain a low or staggered building profile to conform visually to the adjacent residential areas;
- c) buffering from any adjacent low density residential use shall be provided through increased setbacks and/or significant vegetative plantings/retention, where site conditions warrant;
- d) suitable landscaping and amenities shall be provided on-site;
- e) close proximity to community facilities such as schools, shopping and recreation facilities;
- f) municipal infrastructure can be made available to accommodate the proposed density of development;

- g) close proximity to arterial or collector roads to minimize traffic congestion and facilitate access to commercial and institutional services; and,
- h) the relationship to proposed future land uses in developing residential areas.

- C6.3.1.2 Medium and high density housing may be placed in separate zones in the Zoning By-Law. Lands for these uses may be pre-zoned in an effort to encourage and direct development to the most appropriate locations.
- C6.3.1.4 The gross density for medium density development shall not exceed 40 units per hectare. Medium density development generally includes a range of low rise dwelling types, from single detached dwellings on smaller lots to townhouse structures and small scale apartment structures.
- C6.3.1.5 Gross density shall mean the density of residential development in an area subject to a development application, including local roads and parks.

C6.3.2 Infill and Intensification

- C6.3.2.1 The Town encourages and supports the development of new housing through infilling, intensification and redevelopment in existing residential areas provided that the policies of this Plan with respect to compatibility, character and availability of services and infrastructure are met.
- C6.3.2.2 The Town encourages a minimum 10 percent of all new housing to be developed through this form of development. In addition to the older residential areas of the Town adjacent to the Central Business District Area, intensification and redevelopment within the Central Business District Area will be supported in order to meet the residential needs of the community. The implementing Zoning By-law may provide for infill and intensification opportunities of these areas as-of-right.
- C6.3.2.4 The predominant built form for intensification and redevelopment within the existing developed residential areas will be single detached, semidetached, townhouse and low rise apartment buildings.
- C6.3.2.5 The provision of affordable housing opportunities is encouraged within infill and intensification opportunities.

C6.3.4 Housing Mix and Development Phasing

- C6.3.4.1 The Town encourages the development of a mix of housing types, tenure and affordability throughout the Urban Centre, and as components of plans of subdivision in undeveloped areas.
- C6.3.4.2 Within the Urban Centre, the Town will strive to meet a target of 15% for high density development, 20% for medium density development and 65% for low density development.

C6.3.7 Residential Design

- C6.3.7.1 **New residential developments, especially subdivision proposals, will be encouraged to be as visually interesting as possible.** Approaches to achieving this objective include mixing housing densities, types and styles, as well as varying the location of buildings on lots and the utilization of the natural features of a site.
- C6.3.7.2 Where major residential developments are proposed, the Town may impose architectural controls or design guidelines to ensure that the development includes a variety of housing styles and designs while maintaining an attractive and cohesive appearance.
- C6.3.7.3 The Town will require the retention of natural vegetation augmented with a high degree of naturalized landscaping on new lots and within the road allowances and open spaces in all developments in order to enhance the natural appearance of the Town.

C6.5 URBAN RESIDENTIAL AREA

- C6.5.1 Within the Urban Residential Area, the predominant use of land shall be for residential dwelling units. **Permitted residential uses shall include** low density housing such as single detached units, duplex and semi-detached units, **medium density housing such as** triplexes, fourplexes, **townhouses** and small scale multiple and high density housing such as low and mid-rise apartments.

SECTION I – NATURAL HERITAGE AND ENVIRONMENT

I4 APPLICATION

- I4.1 **The alteration of the natural features identified on Schedule B shall be prevented wherever possible.**
- I4.2 In those cases where the alteration to any identified natural feature is proposed, it shall be supported by appropriate justification in the form of an Environmental Impact Statement and shall first be justified in terms of need and an examination of possible alternatives to the alteration.
- I4.3 Many of the environmental features described in this section of the Plan are identified on Schedule B. Due to the scale of the mapping, the exact location and precise limits of the features shall be determined through onsite inspection by the appropriate authority or through the preparation of an Environmental Impact Statement or Site Evaluation Report. The boundaries of the natural features are delineated in a conceptual manner.

The exact location of the boundaries is intended to be delineated in the implementing Zoning By-law in accordance with detailed mapping provided by the Province, District or as produced by the Town, and will not require an Amendment to this Plan.

- 14.4 The redevelopment of existing properties in or adjacent to natural features is recognized, provided the redevelopment does not significantly impact any natural feature on the site or on adjacent lands. An Environmental Impact Statement or Site Evaluation Report may be required to determine the potential impact of the redevelopment on the natural heritage features.
- 14.5 Not all of the natural features in the Town have been identified on Schedule B. As new information becomes available, additional lands may be incorporated into the Schedule.

16.3 FISH HABITAT

- 16.3.1 Water resources and vegetation abutting watercourses will be maintained in a clean and healthy condition in order to protect aquatic life, habitat, and functions.
- 16.3.3 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.
- 16.3.4 A Fish Habitat Assessment shall generally be required in the following situations:
- a) Where shoreline structures are proposed within identified Type 1 Fish Habitat;
 - b) Where development is proposed on adjacent lands to identified Type 1 Fish Habitat where the development satisfies Federal and Provincial requirements or has been specifically authorized by the appropriate approval authority;
 - c) Where shoreline structures are proposed within Unknown Fish Habitat; and,
 - d) Where staff, based on a site inspection of the property, request confirmation of the actual location, extent and classification of the fish habitat.
- 16.3.6 A Fish Habitat Assessment is not required in Type 1 or Unknown habitat where the development satisfies Federal and Provincial requirements or has been specifically authorized by the appropriate approval authority (MNRF, DFO, Parks Canada).

16.4 HABITAT OF THREATENED AND ENDANGERED SPECIES

- 16.4.1 The habitat of a number of threatened and endangered species is found in the Town and a list of these species is provided by the Ministry of Natural Resources and Forestry.
- 16.4.2 The importance and value of protecting these species and their habitat in accordance with the Endangered Species Act and the Species at Risk Act is recognized.
- 16.4.4 Development and site alteration shall not be permitted in the habitat of threatened and endangered species, except in accordance with provincial and federal requirements. Ultimately, it is the responsibility of the property owner to ensure that on-site development does not contravene the Act.
- 16.4.5 Where a property contains potential habitat for any threatened or endangered species and is subject to a development application for lot creation or rezoning that would

generally increase the intensity of use of the development on a property, an EIS will be required to determine whether the property contains habitat of threatened or endangered species. Should the EIS confirm the presence of habitat of threatened or endangered species, the recommendations of the EIS will be implemented as a condition of approval.

16.5 SIGNIFICANT WILDLIFE HABITAT

- 16.5.1 In addition to the habitat of threatened and endangered species, the Town contains other wildlife species for which significant habitat for these species will be protected.
- 16.5.2 The protection and management of these species and their significant wildlife habitats are supported.
- 16.5.3 An EIS may be required prior to the consideration of a planning application involving lot creation or rezoning that would generally increase the intensity of use of the development on the property, to confirm the actual presence, location, extent or significance of the habitat.
- 16.5.4 Development and site alteration shall not be permitted in significant wildlife habitat or on adjacent lands unless it has first been demonstrated by the submission on an EIS that there will be no negative impacts on the habitat or its ecological functions.

16.7 FOREST AREAS

- 16.7.1 Forested areas are important to the local environment and maintaining the character of the Town. The following policies shall apply to existing forested areas in the Rural Area and Waterfront Area:
- a) existing tree cover or other stabilizing vegetation should be maintained on slopes with grades in excess of 25 percent (1:4 slopes);
 - b) mature white pine trees in the Highway 11 corridor shall be preserved and protected;
 - c) existing tree lines and hedge rows shall be preserved where development is proposed; and,
- 16.7.2 The cutting of trees may be regulated by a Tree Cutting By-law passed by the District of Muskoka or the Town of Gravenhurst.

16.9 STEEP SLOPES

16.9.1 The following development criteria shall apply to development proposed on Steep Slopes, as identified on Schedule B, or as identified by municipal staff during a site visit or through the development review process.

- a) Development will be limited on Steep Slopes. Development of these areas can be hazardous to structures as well as the visual integrity of the landscape.
- b) Where development is proposed on slopes greater than 20 percent but less than 40 percent existing vegetation must be substantially retained. If vegetation cannot be substantially maintained, a Site Evaluation Report shall be completed to the satisfaction of the Town of Gravenhurst and the recommendations implemented in the development approval process.
- c) Where development is proposed on slopes 40 percent or greater, a Site Evaluation Report will be required in accordance with Section 11.4.30.

I6.10 NARROW WATERWAYS

- I6.10.1 For the purpose of this Plan, areas on Waterbodies where the distance from shoreline to shoreline is less than 150.0 metres or where the distance from shoreline to shoreline on a river is less than 30.0 metres shall be considered Narrow Waterways.

I6.11 LAKE SYSTEM HEALTH PROGRAM

- I6.11.1 The District of Muskoka Official Plan provides policy guidance for development based upon recreational water quality. This Plan supports the policies in the District of Muskoka Official Plan, and development applications are required to comply with the applicable provisions of the Muskoka Official Plan as it relates to Lake System Health and recreational water quality.

I6.12 WATER QUALITY

- I6.12.1 In addition to the Lake System Health policies in the District of Muskoka Official Plan, and in order to protect, improve and restore water quality, the following development criteria shall apply to development affecting the water quality of surface and ground water resources throughout the entire Town:
- a) changes to the natural drainage should be avoided;
 - b) a setback for other development will be established from each side of a stream, river, pond, or wetland necessary to maintain existing water quality. The width and depth of this setback shall be determined in consultation with the Ministry of Natural Resources and Forestry and other agencies as required, which shall consider: the nature of the development, soil type, types and amounts of vegetation cover, slope of the land, existing drainage patterns and fish and wildlife. In general, unless an EIS recommends a different setback, the following setbacks are proposed:
 - 30 metres from coldwater streams;
 - 20 metres from cool water streams; and
 - 15 metres from a warm water stream.
 - c) no alteration of the natural vegetation grade or drainage shall occur within the setback; and,
 - d) the cutting of trees within the setback shall be regulated by Site Plan Control or as a condition of consent or subdivision. The cutting of trees shall be permitted in the setback where lands are designated Agricultural where a Nutrient Management Plan has been prepared and provides a lesser setback.

16.16 ARCHAEOLOGICAL RESOURCES

- 16.16.1 Except for separation of existing uses, where four or more new lots are proposed, or where development is proposed within a focal point as identified in the District of Muskoka Archaeological Master Plan, Council will require the submission of an archaeological assessment in support of the application.
- 16.16.2 Care shall be taken to protect known archaeological sites or areas of high archaeological potential. Development and site alterations may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alterations that maintain the heritage integrity of the site will be permitted.

16.21 SETBACK FROM HIGH WATER MARK

- 16.21.1 Development shall be set back at least 30.0 metres from the high water mark of any lake or river, with the exception of permitted shoreline structures. Where this setback cannot be provided due to physical conditions or existing buildings, a lesser setback may be used provided that maximum vegetative buffers between the development area and high water mark are enhanced and maintained by the landowner through Site Plan Control.

16.22 STORMWATER MANAGEMENT

- 16.22.1 Stormwater management and control are important components of the water system. The Town will work to ensure best practices in stormwater management to ensure water quantity, erosion control and water quality control.
- 16.22.3 Development within the Waterfront Area and Rural Settlement Area, and all shoreline development in the Urban Centre, may be required to prepare a Stormwater Management Report prior to development proceeding to the satisfaction of the Town. The Town may develop development standards from time to time. Such standards shall provide additional details regarding the preparation of stormwater management reports and the necessity for such reports.
- 16.22.4 Management of stormwater on site is an important component leading to shoreline protection. As a condition of approval, including the issuance of building permits, appropriate stormwater controls, conveyance and end of pipe measures shall be implemented; to ensure that increased runoff does not reach the lake. Remedial drainage work will be designed so that such work will not negatively affect adjacent lands, habitat or water resources.
- 16.22.8 The Stormwater Management Report shall be prepared in accordance with current Best Management Practices and Low Impact Development guidelines, consistent with provincial policy and guidance and shall include an analysis of the effects of development on watershed flow regimes including the interconnection with groundwater resources.

- 16.22.9 Stormwater Management facilities may be permitted accessory to a permitted use, in all designations. Such facilities shall generally be located outside of natural heritage features identified on Schedule B, unless such facilities are designed to aid in the protection and management of water balance for the natural heritage feature.

16.27 ENVIRONMENTAL IMPACT STATEMENT

- 16.27.1 Where an Environmental Impact Statement (EIS) is required by the policies of this Plan, the EIS shall address the following information where applicable:

- a) the proposed development;
- b) the boundaries of the natural features and ecological functions of the area potentially affected directly and indirectly by the development;
- c) the sensitivity of the features and functions to new development;
- d) the direct and indirect impacts to the ecosystem that might be caused by the development;
- e) any environmental hazards (i.e. steep slopes, flooding contaminants) that need to be addressed as part of the development;
- f) identification and evaluation of measures to avoid and minimize impacts and mitigation measures to be employed before and after development;
- g) a Management Plan identifying:
 - i) how the adverse effects will be avoided or minimized over the construction period and the life of the undertaking; and,
 - ii) how environmental features and functions will be enhanced where appropriate and describing the net effect of the undertaking after implementation of the Management Plan.

The Management Plan shall also establish the limits of buffers and/or setbacks adjacent to components of the Natural Heritage Area.

- h) monitoring that may be required to ensure that mitigating measures are achieving the intended goals;
- i) the EIS shall be undertaken by qualified professionals and shall contain specific detailed information regarding the hydrogeological, hydrological and biological functions and linkages related to the following features:
 - wetlands;
 - portions of the habitat of endangered and threatened species;
 - fish habitat;
 - significant forest areas;

 - valley and stream corridors;
 - significant wildlife habitat; and,
 - Areas of Natural and Scientific Interest.

- k) prior to approving a development on the basis of an EIS, Council, in consultation with other appropriate agencies, shall be satisfied that the proposed use will:
 - i) not discharge any substance that could harm air quality, groundwater, soil, surface water and plant and animal life or human health;

- ii) be supplied by an adequate supply of water and that the groundwater taking associated with the use will not harm existing water supplies and plant and animal life;
- iii) not cause erosion or siltation of watercourse or changes to watercourse morphology;
- iv) not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use;
- v) not cause an increase in flood potential on or off the site;
- vi) maintain, enhance or restore the natural condition of affected watercourses and protect aquatic habitat;
- vii) not encourage the demand for further development that would negatively affect wetland function or contiguous wetland areas; and,
- viii) enhance and restore endangered terrestrial and aquatic habitat where appropriate and feasible.

16.27.2 In addition, the EIS shall demonstrate that there will be no negative impacts resulting from the proposed use on the significant natural features that have been identified.

16.28 SITE EVALUATION REPORTS

- 16.28.1 Where this Plan requires a Site Evaluation Report be completed, the report shall consist of the following elements and shall be prepared to the satisfaction of the Town:
- a) location of building envelopes which meet setback requirements defined in Zoning By-law;
 - b) adequate area, depth and suitability of soils for supporting an appropriate on-site sewage system;
 - c) the availability of a potable water supply;
 - d) the provision of appropriate access to the site;
 - e) for waterfront properties, the location of water access and all shoreline structures and pathways which limit erosion and slope instability;
 - f) maintenance of vegetation on slope faces;
 - g) construction mitigation measures and stormwater management techniques that address slope stability, soil erosion, surface drainage, groundwater infiltration and water quality;
 - h) the protection of significant wildlife habitat, significant wetlands, fisheries and other environmentally sensitive areas on or adjacent to the site; and,
 - i) generally, address all components of the development proposal and its construction which have potential on-site or off-site impacts.

J2 TRANSPORTATION INFRASTRUCTURE

J2.2 DISTRICT OF MUSKOKA ROADS

- J2.2.1 All District roads are controlled access roadways. An entrance permit shall be obtained prior to development in order to provide access to a District road.
- J2.2.2 The development of new lots on District roads may be permitted subject to the lot frontages and lot areas specified in Official Plan of the Muskoka District Area, and provided an entrance permit can be obtained from the District of Muskoka.

J2.3 MUNICIPAL ROADS

J2.3.3 Local Roads

- J2.3.3.1 Local roads are designed primarily to provide access to abutting properties and to discourage the movement of through traffic. Except in areas of special development requiring reduced development standards, local roads shall have a minimum right-of-way width of 20.0 metres. Local roads shall be connected in a grid-type pattern wherever possible. Cul-de-sacs and dead-ends should be avoided.

J3 SEWAGE AND WATER SERVICES

J3.1 GENERAL

- J3.1.2 Where rezoning would permit uses that would require a significant allocation of sewer and water capacity, a holding by-law shall be used in order to facilitate phasing of a development and to defer final allocation until construction is to proceed. The holding provision will be removed upon confirmation of servicing capacity by the District of Muskoka and appropriate agreements have been entered into. An alternative zoning approach that accomplishes these objectives and is to the satisfaction of the Town and the District may also be considered.

J3.2 URBAN SERVICE AREA BOUNDARY

- J3.2.1 The Gravenhurst Urban Centre boundary is the Urban Service Area boundary. Development within the Urban Service Area boundary shall proceed on the basis of full municipal water and sewer services, except as noted below.

J6 RAILWAY CORRIDORS

- J6.1 The Town acknowledges the importance of rail infrastructure and its economic role in the movement of goods and people. Council shall ensure that future development does not impede the continued viability of the rail line. Potential locations for grade separated

crossings may be identified and, as a condition of development approval, Council may require a rail crossing to be funded entirely by the developer.

- J6.2 Residential and other sensitive land uses proposed within 300.0 metres of a railway right-of-way may be required to undertake noise studies, to the satisfaction of the Town and authority having jurisdiction in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified. A 30.0 metre railway setback will generally be required for all buildings.
- J6.3 Residential and other sensitive land uses proposed within 75.0 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the Town and the authority having jurisdiction in consultation with the appropriate railway, and shall undertake appropriate measures recommended in those studies to mitigate any adverse effects from vibration that were identified.
- J6.4 All proposed development located adjacent to railways shall ensure that appropriate safety measures such as increased setbacks, berms, security fencing, and sightline requirements of Transport Canada are provided, to the satisfaction of the Town in consultation with the appropriate railway.
- J6.5 Implementation and maintenance of any required rail noise, vibration and safety impact mitigation measures, along with any required notices on title, such as warning clauses and/or environmental easements, will be secured through appropriate legal mechanisms to the satisfaction of the Town and the appropriate railway.

SECTION K – IMPLEMENTATION AND INTERPRETATION

K4 SITE PLAN CONTROL

- K4.1 All areas of the Town are designated as proposed Site Plan Control Areas under the of Section 41 of the Planning Act. Specific uses subject to Site Plan Control and exceptions to site plan control will be identified in the Town's Site Plan Control By-law passed under the provisions of the Planning Act.
- K4.2 In general, site plan control will be applied to the following uses and/or in the following circumstances:
- a) Commercial, industrial and institutional uses;
 - b) Multiple residential development;
 - c) Development adjacent to lakes or rivers;
 - d) Development within or adjacent to natural heritage features;
 - e) Development within or adjacent to cultural heritage features;
 - f) Where required as a condition of development approval; or
 - g) As identified in the Town's Site Plan Control By-law.

K5 DESIGN GUIDELINES

K5.1 The Town is vitally concerned about the design of new development, and the redevelopment of existing properties particularly in the Gravenhurst Urban Centre, Rural Settlement Area, Waterfront Area and the Highway 11 Special Character Area.

K20 PARKLAND DEDICATION

K20.1 Whenever development or redevelopment of land is proposed for commercial or industrial purposes up to a maximum of two (2) per cent of such land will be conveyed to the Town for park or other public recreational purposes. For all other forms of development or redevelopment, the Town will, as a condition of approval, require that up to five (5) per cent of such lands be conveyed to the Town for park or other public recreational purposes.

K21 DARK SKY FRIENDLY LIGHTING & DESIGN

K21.1 Dark sky lighting policies shall be implemented by By-law and will apply to all development, including residential, commercial, industrial and institutional uses, and are implemented primarily through Site Plan Control.

K21.2 New and existing development is encouraged to provide exterior lighting that avoids light trespass, and does not impose glare on neighbouring properties. In all cases, lighting must be designed to direct downwards rather than outwards.

K21.3 Exterior lighting shall not interfere with water navigation.

K21.4 The intensity of light on both existing and new development should be reduced where possible to minimize the impact on surrounding properties. Exterior floodlights are not permitted.

K21.5 Full cut-off dark sky compliant lighting will be required for all new development and, where appropriate, redevelopment. Low level lighting is encouraged.

K21.6 In the case of major development, a detailed lighting plan will be required.

K23 LOT CREATION

K23.1 SUBDIVISION OF CONDOMINIUM

K23.1.1 Land division and new lot creation in the Town will be by registered plan of subdivision or condominium, particularly where one or more of the following applies:

a) The development requires the provision of new public roads or other municipal infrastructure (including parks and hard services);

- b) It is necessary to ensure that the entire land holding or area is developed in an orderly and efficient manner;
- c) A number of studies and justification reports are required to determine the suitability of the development; and
- d) Long term monitoring and implementation of conditions of development are required.