

**Schedule "A"**

Z 930109  
S 930143  
O 950025

REVISED August 18, 2003

**1. THE AMENDMENT**

- 1.1 The Official Plan of the Township of Lake of Bays, as modified and amended, is hereby further amended to include all lands subject to this Amendment as being within the "Waterfront" land use designation and more specifically within the "Special Policy Area – Bigwin Island" designation as illustrated on Schedule A7 of this Plan.
- 1.2 Section H of the Official Plan of the Township of Lake of Bays is hereby amended by the addition of the following policies thereto:

**"Special Policy Areas**

**Bigwin Island**

- H.70 Notwithstanding Sections E.12, E.13, H.41, H.21 to H.24 Inclusive; H.36 **General** as it relates to the docking facilities shown on the approved site plans prior to November 1, 2002; and any other provision to the contrary, development will be permitted on the lands illustrated on Schedules A1, A7 and A7-1, subject to the policies and provisions for Special Policy Area - Bigwin Island (Sections H.70 to H.78 inclusive), the requirements shown on schedule A7-1 and any other applicable policy of this plan.
- H.71 The establishment of a causeway, bridge, or any other permanent fixed connection from any point on the island to any point on the mainland will not be permitted.
- H.72 Development on the island will have regard for the natural environment. In this regard land and water use policy, and implementation documents will establish regulations in order to mitigate impacts upon designated littoral or riparian habitat areas.
- H.73 Implementation documents including subdivision and other agreements will recognize that emergency (e.g. fire and ambulance services) are not generally available to the properties affected by this Special Policy Area, due to their location on an island. As such, developers will be required to make contributions toward the establishment of base fire fighting facilities to service the island or parts thereof (e.g. development charges, dual purpose irrigation pumps and distribution system, provision of fire pumps).

**CERTIFIED A TRUE COPY OF**  
*Schedule A - Of Lake of Bays*  
*Special Policy Area - Bigwin Island*  
 Deputy Clerk: *M. Perreault*  
**TOWNSHIP OF LAKE OF BAYS**

**Specific  
Land Use  
Designations**

- H.74 Schedule A7 establishes the pattern of development within the Bigwin Island Special Policy Area, by dividing it into the following specific land use designations:
- a) Bigwin Waterfront Residential;
  - b) Bigwin Condominium Residential;
  - c) Bigwin Open Space and Estate Residential; and
  - d) Bigwin Resort Commercial.
- H.75 The following general policies will be applied in all of the specific land use designations outlined in Section H.74:
- a) all new development will be generally set back a minimum distance, from the controlled high water mark, of 30 metres (98 feet). For purposes of this section, development will include waste disposal leaching beds and buildings and structures, but will not include marine related works in accordance with municipal policies. Similarly, redevelopment of existing buildings and structures within the said setback will be permitted subject to Committee of Adjustment approval where required. Exceptions to such setback provision may be detailed in implementing documentation for the location of reserve leaching bed areas or where lot shape or topography dictate otherwise. For undeveloped lots that existed prior to September 14, 1994, relief from such setback provisions may be provided where physical site conditions would not permit the subject requirements from being met. The setback provisions will be incorporated into implementing zoning by-law amendments and subdivision agreements and reflected in required site plan agreements. Where a subdivision of land is proposed, the setback provisions will also be incorporated into an implementing subdivision agreement;
  - b) within the 30 metres (98 foot) or greater setback described in Section H.75 a), no cutting of vegetation will be permitted and the soil mantle will remain undisturbed except as detailed herein. Restrictions will be implemented in a site plan agreement required for the development of each lot, and such restrictions will be detailed in subdivision agreements where such agreements can be secured. The agreements will provide for an inventory of significant vegetation detailed by species and size on the site prior to development proceeding and specify the measures to be used in order to protect such significant vegetation (significant vegetation is defined as canopy, ground cover, and shrubs suitable to support deer) from damage due to construction and ongoing use. The restrictions will be referenced in an implementing subdivision agreement or special agreements as required and detailed in a required implementing site plan agreement. The agreements will be registered against title of each lot prior to any development or redevelopment of such lot. Particular regard will be had to the retention of significant vegetation which may be improved to provide deer wintering habitat (Practices to maintain and enhance such habitat on site are identified in Schedule A7-1 and Sections 1 and 2 of Appendix C). In order to further assist in minimizing disturbance

within the setback area, access for heavy construction equipment and material will, where possible, be provided via a common construction right of way adjacent to the rear of some lots (Schedule A7-1 and Section 1 of Appendix C);

- c) in order to optimize existing natural shoreline cover and protect the littoral zone surrounding the island, all shoreline or marine related works will be approved on a site-specific basis. Development restrictions will be included in an implementing subdivision agreement, where applicable, and detailed in a required implementing site plan agreement. In addition, where development is proceeding via a plan of subdivision or any other agreement, conditions of approval will note that activities on the lakebed or lands flooded by the lake may be required to be approved by the authority having jurisdiction<sup>1</sup>;
- d) consistent with policy to retain as much as is possible of existing vegetation on the site, any new utility corridors (Ontario Hydro/Bell Telephone) will be set back from the water's edge a minimum of 30 metres (98 feet), and the number and the width of clearing for such corridors will be minimized;
- e) the existing base drainage pattern on the island will be maintained. Overland sheet flow will be facilitated and maintained in existing quantity and quality over all residential and commercial properties on the island. Open space areas will similarly utilize existing drainage patterns, except where they are associated with redevelopment of the golf course or estate housing, in which case storm water detention plans and programs will be required. Construction mitigation and drainage plans will be required on all new development on the shoreland;
- f) prior to final approval of a plan of subdivision or site plan approval for required works or development on the island, storm water management and construction mitigation plans will be approved by the Township, where required;
- g) the location of individual waste disposal leaching beds and associated mantles will be specifically identified and flagged on all vacant proposed residential lots at the time of submission of a plan of subdivision and in the case of open space, estate residential and commercial uses, at the time of submission of a site plan application;
- h) subdivision agreements will include specific provision related to solid waste management on the island. In particular, all residential lots or units will be required to provide on lot composters. A centrally located solid waste collection station and recycling facility operated and maintained by private contract will be established on the mainland and a centrally located waste collection station and recycling facility will similarly be located on the island;
- i) all new development fronting onto the shoreline will be serviced by private individual sanitary waste disposal works and private potable water supplies. Where a subdivision of land process is required in order for development to proceed, an implementing subdivision

agreement will provide notice to the effect that septic tanks should be pumped by a licensed hauler every three years, or as required by the authority having jurisdiction;<sup>ii</sup>

- j) no lot will be conveyed for residential purposes and no site plan approval will be granted for commercial, estate residential or open space purposes until such time as appropriate vehicular parking facilities and vessel mooring facilities have been constructed, or otherwise secured on the island and on the mainland;
- k) linked open space or recreational trail networks will be permitted and encouraged within all specific land use designations. Certain interior access routes designed to accommodate pedestrian or cart traffic will be constructed in such a manner so as to accommodate service vehicles and construction vehicles on the site;
- l) parkland equivalent to a maximum of five percent of the area subject to subdivision on Bigwin Island will be secured where a dedication of parkland is determined necessary and appropriate by the Township. The Township may in lieu of parkland dedication require cash in lieu of such dedication as detailed in an implementing subdivision agreement;
- m) where the Township considers the taking of land for parkland purposes, it may also, as part of such determination, consider as part of the required dedication, the need, location, use and appropriateness of land for beach purposes and the location and use of such beach will then be subject to further public consultation;
- n) golf course: it is intended that the Township will ensure that the development of estate residential lots in connection with the golf course will not proceed until such time as the golf course and the various supporting access requirements are established or secured to service the said lots;
- o) mainland support: the policy of the Township will require that developers on Bigwin Island ensure development of required mainland support services in connection with commercial development on Bigwin Island. Pump out of septic systems will be accommodated in the design of mainland support services;
- p) mainland Bigwin Resort: the developer will utilize land owned on the mainland in such a manner so as to provide the support mechanism for the subdivision development and will provide in the subdivision agreement for the establishment of financial assurances and letters of credit necessary to ensure the proper development of mainland support services, including but not restricted to, docks, parking facilities, boat storage facilities, road access facilities, launching facilities, and commercial material compound facilities. Alternatively, the subdivision agreement may prohibit the conveyance of any residential lot in the plan until such time as the subject works have been constructed to the satisfaction of the Township or secured through an implementing site plan or other agreement; and
- q) mainland parking: the developer will establish adequate parking facilities for development undertaken in accordance with the by-laws in force. Save and except for lots of record, parking facilities may be

established on lands other than those designated, providing the lands are secured and held exclusively in support of the island development.

H.76 The following policies will apply within the individual land use designations illustrated on Schedule A7:

a) Bigwin Waterfront Residential:

- (i) the uses permitted within the waterfront residential designation will be limited to one single household dwelling unit per lot and uses, buildings and structures accessory thereto;
- (ii) all new lots established within such designation will have a minimum water frontage of 60 metres (197 feet) and a minimum lot area of 0.4 hectares (1 acre). Notwithstanding this provision, lot frontages may be increased where required by the Township to ensure that shoreline preservation and occupancy of the lot by residential uses are compatible;
- (iii) the maximum total number of lots within the designation on lands owned by R.A.P. Trading and the Bigwin Resort and Development Corporation as of September 14, 1994, will not exceed sixty (60);
- (iv) significant, non-marine related buildings and structures such as private cabins or accessory buildings will not be permitted to be located within the required setbacks from the controlled high water level;
- (v) where marine related structures are approved for construction by the authorities having jurisdiction, such structures will generally be located on the shore in such a manner so as to minimize visual impact on the shore. In this regard, the clustering of boathouses adjacent to mutual property lines will be a principle to be regarded;
- (vi) all docks will be duly approved by the authority having jurisdiction<sup>iii</sup> and the Township; and
- (vii) where more than one legally conveyable residential lot abuts another such residential lot and both are held in the same ownership, and where a principal residential dwelling unit has been constructed on one of the lots, an accessory marine related structure may be erected on or in front of the vacant residential lot, provided that relief from the zoning by-law is approved by the Township and the development is subject to site plan control.

b) Bigwin Estate Residential and Open Space:

- (i) the uses permitted within the estate residential designation will be limited to one single household dwelling unit per lot and uses, buildings and structures accessory thereto;
- (ii) the minimum lot size for estate residential lots will be not less than 0.5 hectares (1.2 acres) and will be sufficient to sustain all environmental services and require that each lot will have a minimum frontage of 60 metres (197 feet) on the interior access routes;
- (iii) the density of estate residential development will not exceed 16 lots per 40 hectares (16 lots per 99 acres) of designated lands to

a maximum of 53 lots, and subject to the provision that for each estate residential lot which is approved there will be a reduction of one commercial unit available for development in the Bigwin Resort Commercial Designation;

- (iv) estate residential lots will have direct access onto a developed recreational amenity, which will be built prior to conveyance of any estate residential lot or otherwise secured by the Township. A recreational amenity in this case, will be defined as a golf course;
- (v) internal estate lots will have deeded access to waterfront mooring facilities and utility corridors where necessary. Such access will be maintained as private transportation access which may be used by all other island lot owners, resort guests, or community members holding social or recreational membership at the golf club or resort;
- (vi) no conveyance of any internal estate residential lot will be permitted until vessel mooring facilities to service such lot have been constructed or otherwise secured;
- (vii) permitted open space uses will include a golf course (private or public membership), park, marine landing and mooring works, developed trail systems, and other similar recreational uses, buildings and structures accessory thereto;
- (viii) open spaces and golf course lands may be designed and described as easements over private property;
- (ix) all residential lots in the estate residential designation will proceed by way of subdivision development and such subdivision will not be registered until such time as the golf course and associated facilities are developed in accordance with the approval of Council;
- (x) all property which is to be developed for any purpose will be planned in such a way so as to minimize the removal of trees and vegetation, to utilize storm water drainage practices which recognize the quality and quantity of the existing drainage pattern, to minimize the changes to the terrain, and such plans will be required to be presented to the Township prior to the particular development proceeding. Any altered areas are to be stabilized after construction or alteration with the planting of vegetation indigenous to the surrounding area;
- (xi) all interior residential lots will be considered for subdivision only after a Servicing Options Report has been approved and the lot area and service requirement will be established on the basis of an approved report, but will in any case be larger than 1.2 acres; and
- (xii) concurrently with zoning to provide for the estate residential area and the golf course, the land not consumed for such uses will be zoned to an open space zone which would provide for outdoor recreational uses, buildings and structures accessory thereto.

c) Bigwin Resort Commercial:

- (i) the uses permitted within the resort commercial designation will include a golf club, restaurant, administrative works, recreational, social and sports clubs including a golf course and a tourism resort;
- (ii) the total number of accommodation units within the designation of Bigwin Resort Commercial will not exceed one hundred and fifty-three (153) units subject to a unit for unit reduction for each estate residential unit permitted on the golf course to a maximum of 53 units of Estate Residential;
- (iii) the resort commercial operator may establish and maintain as a commercial enterprise, and subject to applicable laws all transportation, waste management, recycling and property protection services within the resort commercial areas on the island and/or on the mainland designated for that purpose; and
- (iv) development of services will be in keeping with approvals of the authorities having jurisdiction,<sup>iv</sup> and where they are communal, will be secured financially to ensure long term operation.

d) Bigwin Condominium Residential:

- (i) the uses permitted within the Condominium Residential designation will be limited to medium density residential dwelling units, and uses, buildings and structures accessory thereto;
- (ii) the total number of dwelling units within the designation will be limited to those existing or approved at the date of adoption of this Amendment (79 units);
- (iii) notwithstanding any other policy of this Plan, Muskoka Condominium Corporation Number 1, having been established prior to 1972 may continue to operate on private water and sewage services and may amend its registration to add more land but not more dwelling units;
- (iv) mainland parking: it is understood that the mainland parking for Muskoka Condominium Corporation #1 is established at Norway Point on land leased and upon which an agreement has been registered dealing with the securing of mainland parking facilities from R.A.P. Trading and Bigwin Resort Development Corporation. Such facilities will be maintained at that location or established on another location by agreement acknowledged by the Township and providing such agreements are in place for Muskoka Condominium Corporation #1;
- (v) further development or redevelopment or repair or maintenance of Muskoka Condominium Corporation #1 will proceed in accordance with the Building Code Act and the planning documents of the Township; and
- (vi) Muskoka Condominium Corporation #1 lands will be utilized in such a way that a single dock with a finger dock system on the island will be established and individual docks for individual owners will be discouraged.

H.77 The following policies will apply to all development proposed on lands described as being Part of Lots 19, 20, 21, 22, 23, 24 and 25 and the Original Shore Road Allowance in front thereof, Concession 2, Franklin Ward, and the original road allowance between Lots 20 and 21, Concession 2, Franklin Ward and Part of Lots 23, and the Original Shore Road Allowance in front thereof, Concession 13, Ridout Ward, all in the Township of Lake of Bays (as owned by R.A.P. Trading Corporation in Trust and the Bigwin Resort Development Corporation on September 14, 1994):

- a) a transportation system intended to service this development for both passenger and goods services will be set up, established and maintained by private enterprise. The provisions for such service may be detailed in subdivision (or other) authorized agreements. Encouragement will be given to the consolidation of such service with other landowners on Bigwin Island that may benefit from same;
- b) solid waste collection and recycling facilities will be provided by the developers and subsequent owners and such facilities will be designed and made available for use to other owners on the island on a pro rata basis. Vessel launching and loading facilities required to service island properties for septic pump-out purposes will be provided on the mainland;
- c) the residential, commercial, open space and recreational uses on the island are designed to be private in ownership. However, access by membership to the social and recreational facilities on the island will be made available. Notwithstanding this provision, access to all public areas acquired through parkland dedication (i.e. public beach, public trails, or other features of public interest) will be accessible to the community in general without the need of a card or any proof of any residency or membership;
- d) prior to redevelopment of Norway Point, the Purser's Cabin, Attendant's Quarter, and Stone Fronted Utility Building will be subject to a Heritage Assessment as carried out by a qualified individual endorsed by the Township and the Province.<sup>v</sup> The Purser's Cabin if not to be incorporated in the site plan for the property will be offered for acquisition to a local heritage organization, which offer will include the Muskoka Pioneer Village;
- e) land subject to this special policy area will generally be subject to a requirement for the identification and preservation of sacred or historic features. Where evidence of encampments or burial have been identified through the investigations of the sites by representatives of the indigenous people, by duly qualified archaeological investigators, or by uncovering due to grading or construction operations, such sites will be catalogued and no development will proceed until consultation with the Province<sup>vi</sup> and representatives of the indigenous people has been completed to the satisfaction of the Township to determine what protective or other measures are required and meaningful in order to respect such historic artifacts and uses. The owner may deed lands or interest in lands identified as sacred to the appropriate Tribal Council or the Township as agreed for preservation where required. Development

of affected sites will proceed in consultation with the representatives of the indigenous people. The developer may deed any lands identified as sacred to the appropriate Tribal Council or to the Township as agreed for preservation where required.

- f) all buildings and structures located within the resort commercial designation will be subject to photo documentation by an individual endorsed by the Township and the Province.<sup>vii</sup> Prior to redevelopment of significant structures within such designation (including specifically the Rotunda building and Canadiana building) a further Heritage Assessment of such buildings will be completed. Additionally and notwithstanding the results of such further assessment, the Rotunda and Canadiana structures may be adapted for re-use preserving their important architectural and historic features. Other significant buildings on the property, including the Sumaró and West Lodge, will be examined for their potential use as part of any redevelopment in the resort commercial designation if deemed economically feasible by the Owner. Where public or community funds are used to assist in preserving such buildings for heritage value, then community access to same will be provided and detailed in an implementing Heritage Easement Agreement, with reference to appropriate Heritage legislation;
- g) photo documentation of the Mohawk Belle and Water Tower will be completed prior to restoration of the dry dock or the Water Tower; the stone foundation central to the site will be further researched prior to disturbance, if any, and measures to protect and preserve the stone cairn on the north side of the island will be identified prior to final plan of subdivision approval. Additionally, the remnants of the dry dock on the north side of the island will be preserved, although improvements to same may be effected to provide communal boat docking and access to the island, and provided the dry dock structures will not be expanded;
- h) development of the subject lands will be phased. The first phase will consist of the proposed perimeter lots. Subsequent phases of development will not be permitted until the recreational amenities in support thereof have been developed or secured, and in no event will estate residential development be permitted until the golf course is constructed or otherwise secured;
- i) prior to final site approval for the golf course, a management manual or agreement for the operation and maintenance of same will be submitted to the Township. The subject manual or agreement will, among other matters, identify environmental practices to be employed to mitigate against nutrient migration and enrichment;
- j) the site plan applicable to the Norway Point lands will require that landscaped screening, using indigenous vegetative species of sufficient size to effect a visual barrier, be established to ensure that the parking area is not visible from the water or abutting residential properties. Additionally, low intensity, ground effect lighting will be

required to lessen the visual impact of the parking lot development; and

- k) implementing subdivision agreements will require that access for construction of primary waterfront residential structures and construction of sewage systems servicing same will, where feasible, be constructed via a common construction access located to or on the rear of waterfront lots, developed in the location of proposed lots 5, 6, 8 to 21, on the subdivision plan submitted.

H.78) The following policies and instruments will be used, among others, to implement the policies and provisions of this special policy area. It is acknowledged that certain specific approvals of other agencies are necessary prior to development proceeding in addition to those detailed herein:

- a) all perimeter residential development will generally proceed via plan of subdivision;
- b) in addition to the matters detailed previously for this special policy area (e.g. notice on title respecting no fixed link to the mainland, emergency services restriction, retention of vegetative waterfront buffer and site plan control, requisite approval of authorities having jurisdiction, solid waste management, construction access, etc.) implementing subdivision agreements registered against title will not be removed from title of individual lots where covenants intended to run with the land in perpetuity are incorporated;
- c) an amendment or amendments to the zoning by-law of the Township will be processed in order to implement the provisions of the Bigwin Island special policy;
- d) site plan control will be applied against all land and development on the island and all lands on the island will not be excluded from the application of site plan control;
- e) where the Province of Ontario<sup>viii</sup> or other agency requests the deeding of flooded land to the crown or other public agency as a condition precedent to approval, such land will be so conveyed provided the agency guarantees that no rent or other fee will be paid in perpetuity to the crown or other agency for occupation of crown lake bed of permitted structures thereon. In the alternative, the flooded land may be held by the Township;
- f) when site plan control is required to be implemented in this plan for protection of riparian or littoral vegetation and soil mantles, the agreements implementing such site plans will provide notice that the Township will monitor compliance from time to time without prior notice and such monitoring will be completed at least every three years; and
- g) the required 30 metre (100 feet) or greater setback as detailed in an implementing zoning by-law amendment on lots identified by the Township as having significant vegetation will have such setbacks monumented as part of the subdivision approval process in order to properly and effectively identify the limit of such setbacks.

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- i Department of Fisheries and Oceans and Ontario Ministry of Natural Resources.
  - ii Ontario Ministry of Environment.
  - iii Department of Fisheries and Oceans and Ontario Ministry of Natural Resources.
  - iv Ontario Ministry of Environment.
  - v Ontario Ministry of Citizenship, Culture and Recreation.
  - vi Ontario Ministry of Citizenship, Culture and Recreation.
  - vii Ontario Ministry of Citizenship, Culture and Recreation.
  - viii Ontario Ministry of Natural Resources.