MINUTES OF SETTLEMENT

Hanna's Landing Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 87-87 of the Township of Muskoka Lakes to rezone lands respecting Part Lot 32, Concession 2 (Medora), 1107 Omineca Road, from WC3, and WR to R7, RM3, RM4, and OS5 to permit the development of low, medium and high density residential lots.

OMB File No. PL130936

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

["Township"]

of the First Part

- and -

HANNA'S LANDING INC.

["HLI"]

of the Second Part

WHEREAS HLI has appealed to the Ontario Municipal Board ["OMB"] under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 87-87 of the Township of Muskoka Lakes to rezone lands respecting Part Lot 32, Concession 2 (Medora), 1107 Omineca Road ["Property"], from WC3, and WR to R7, RM3, RM4, and OS5 to permit the development of low, medium and high density residential lots, neighbourhood commercial uses, and open space. ["Appeal"]; AND WHEREAS legal counsel and consultants for HLI and the Township have met and discussed resolving the Appeal in a manner that avoids a lengthy OMB hearing and represents good planning and is in the public interest;

AND WHEREAS planning consultants for HLI and the Township have jointly prepared a zoning by-law amendment ["ZBLA"] which each supports and which ZBLA includes additional provisions to improve upon its content;

AND WHEREAS HLI and the Township have agreed to settle the Appeal, amongst themselves, in the manner set out herein;

NOW THEREFORE for good and valuable consideration and the payment of Two Dollars [$2.00], the receipt and sufficiency of which is hereby acknowledged by each Party;
THE PARTIES HERETO, THROUGH THEIR LEGAL COUNSEL, HEREBY AGREE AS FOLLOWS:

1. The above recitals are true and accurate.

2. As may be permitted, the Township hereby withdraws its hearing issues.

3. The Parties will jointly request the OMB to allow the Appeal in part and approve of the ZBLA attached hereto and marked as Attachment 1.

4. The Parties will, as is required or deemed necessary, call a case and present evidence in support of the attached ZBLA, including evidence as to its consistency with relevant portions of the current Provincial Policy Statement; conformity with the Official Plans for the District of Muskoka and Township and being in keeping with good planning principles.

5. Each Party will bear its own costs respecting the Appeal and these Minutes of Settlement and will not make any request for costs to the OMB seeking any payment from the other Party hereto.

6. Once these Minutes of Settlement have been signed by the Parties, the Township will contact forthwith the other two parties currently having standing at the OMB in this Appeal to advise them of this settlement and seek their support for the attached ZBLA.

7. Once these Minutes of Settlement have been signed by the Parties, the Township will contact forthwith the individuals currently having participant status at the OMB in this Appeal to advise them of this settlement and seek their support for the attached ZBLA.

8. These Minutes of Settlement may be executed in counterparts, each of which so executed is deemed to be an original, and such counterparts together constitute one and the same instruments.

9. Delivery of these Minutes of Settlement by facsimile or electronic transmission constitutes valid and effective delivery.

10. The Parties agree that an original, signed copy of these Minutes of Settlement shall be filed with the Ontario Municipal Board.

11. The Parties note that it is the current Council’s position that should the Township wish a dedication of land for parkland in connection with the development of the Property, the location and total amount of such parkland to be requested and dedicated shall be the “Knoll Lands” as depicted as “OS5 – Subject to Provision 6.2.6b” on Schedule II of the ZBLA found in Attachment 1 hereto, and such other lands depicted as “OS5” as may be required to satisfy the 5% parkland dedication requirement of the Planning Act.
Dated: August 29, 2014

AIRD & BERLIS LLP
Barristers & Solicitors

Leo F. Longo
Solicitors for Hanna's Landing Inc.

ELSTON'S
Barristers & Solicitors

Harold Elston
Solicitors for the Corporation of the Township of Muskoka Lakes
THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW 2014-____

Being a By-law to amend Comprehensive Zoning By-law 87-87, as amended, in the Township of Muskoka Lakes

WHEREAS the authority to pass this By-law is provided by Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13 and amendments thereto;

AND WHEREAS By-law 87-87 was enacted by the Corporation of the Township of Muskoka Lakes to regulate land use within the Municipality;

NOW THEREFORE the Ontario Municipal Board enacts as follows:

1. The lands subject to this By-law are described as Part of Lot 32, Concession 2, (in the former Township of Medora), now in the Township of Muskoka Lakes, as shown hatched on Schedule I to By-law 2014-____.

2. i) Schedule 29 of By-law 87-87, as amended, is hereby further amended by rezoning Part of Lot 32, Concession 2, (in the former Township of Medora), now in the Township of Muskoka Lakes, as shown hatched on Schedule I to By-law 2014-____, from Waterfront Residential (WR) and Waterfront Commercial – Tent and Trailer Park (WC3) to Knoll Open Space (OS5), Shoreline Open Space Holding (OS6-H), Buffer Open Space Holding (OS7-H), Community Residential Holding (R7-H), Community Multiple Residential Holding (RM3-H), Community Multiple Residential Holding (RM4-H), and Neighbourhood Commercial Holding (NC1-H) as shown on Schedule II to By-law 2014-____.

   ii) Council shall not consider a By-law to remove the "Holding- H" provision from a R7-H, RM3-H, RM4-H, OS6-H or OS7-H Zone, or a portion thereof, until a topographic survey of the lands from which the hold is to be removed has been completed to the satisfaction of the Township of Muskoka Lakes, which clearly indicates any and all slopes that are 40% or greater.

   iii) Council shall not consider a By-law to remove the "Holding – H" provision from an OS6-H or OS7-H zone until:

      i) A species at risk assessment has been completed and any necessary approvals to permit development have been obtained from the Ministry of Natural Resources; and,

      ii) A Site Plan Agreement is entered into.

   iv) Council shall not consider a By-law to remove the "Holding – H" provision from a R7-H, RM3-H, RM4-H, or NC1-H Zone, or a portion thereof, until:

      i) A species at risk assessment has been completed and any necessary approvals to permit development have been obtained from the Ministry of Natural Resources;

      ii) A Functional Servicing Study has been completed to the satisfaction of the District of Muskoka;

      iii) A Traffic Impact Study has been completed to the satisfaction of the District of Muskoka;

      iv) Final approval of the applicable phase of a Plan of Subdivision and/or Plan of Condominium from the Approval Authority where:

         i. Confirmation is received from the District of Muskoka that adequate water and sewer services are available for each phase; and

         ii. The first phase includes a public street which provides access and frontage to any public parkland.

   v) A Development Agreement is entered into to the satisfaction of the Township of Muskoka Lakes which includes a phasing plan which has trigger mechanisms for the release of each phase.

   vi) A Development Agreement is entered into to the satisfaction of the Township of Muskoka Lakes, which identifies how a minimum of 15% of the
total amount of dwelling units within the Community Residential (R7), Community Multiple Residential (RM3), and Community Multiple Residential (RM4) Zones are attainable or affordable as defined, from time to time, by the District of Muskoka. No more than fifty (50) dwelling units shall be permitted to be developed prior to the first attainable or affordable units being developed; and,

vii) A Site Plan Agreement is entered into.

v) For the purpose of this By-law, three model homes, meaning a dwelling unit that is used on a temporary basis to sell and/or display dwelling units that are for sale on the site, shall be permitted in each of the Community Residential R7, Community Multiple Residential (RM3) and Community Multiple Residential (RM4) Zones in accordance with a model home agreement, completed to the satisfaction of the Township.

3. For the purposes of this By-law, a facility, structure, or building, used for the storage of a pump, pressure tank or works related to pumping municipal sewage or water within a sewage system or water system shall be permitted in any zone shown on Schedule II to By-law 2014-____, except for within the OSS and OS7 zones.

4. For the purposes of this By-law, a detention basin that temporarily stores or treats collected stormwater run-off and releases it at a controlled rate shall be permitted in any zone shown on Schedule II to By-law 2014-____, except for within the OS5 and OS7 zones.

5. No development or site alteration, with the exception of streets, benches, trails, climbing walls and other similar unobtrusive features is permitted on a slope greater than 40%. There shall be a 3 m (10 ft) distance from the top or toe of any slope greater than 40% to a building or structure.

6. Section 4.1.1 of By-law 87-87, as amended, is hereby further amended by the addition of the following columns and rows to the Table:

<table>
<thead>
<tr>
<th>PERMITTED USES</th>
<th>RESIDENTIAL (R7) SEWER AND WATER</th>
<th>MULTIPLE RESIDENTIAL (RM3) SEWER AND WATER</th>
<th>MULTIPLE RESIDENTIAL (RM4) SEWER AND WATER</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL - DWELLING UNIT</td>
<td>X</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>RESIDENTIAL - ROW DWELLING</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>RESIDENTIAL - CONVERTED DWELLING</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RESIDENTIAL - MULTIPLE DWELLINGS</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>HOME OCCUPATION</td>
<td>X</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>BED AND BREAKFAST</td>
<td>X</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>GROUP HOME</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>RESIDENTIAL - DUPEX DWELLING</td>
<td></td>
<td>X</td>
<td>--</td>
</tr>
<tr>
<td>RESIDENTIAL - SEMI DETACHED DWELLING</td>
<td></td>
<td>X</td>
<td>--</td>
</tr>
<tr>
<td>COTTAGE INDUSTRY</td>
<td></td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>SENIOR CITIZEN HOME</td>
<td></td>
<td>--</td>
<td>X</td>
</tr>
</tbody>
</table>

Hanna's Landing ZBL - 29 Aug 2014
7. Section 4.1.2 a. of By-law 87-87, as amended, is hereby further amended by the addition of the following columns to the Table:

<table>
<thead>
<tr>
<th>ZONE</th>
<th>LOT REQUIREMENTS</th>
<th>MINIMUM YARD REQUIREMENTS</th>
<th>MAXIMUM HEIGHT</th>
<th>MAIN BLDG MIN. GROUND FLOOR AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SYMBOL</td>
<td>MFL FRONTAGE</td>
<td>MFL AREA</td>
<td>MAX COVERAGE</td>
</tr>
<tr>
<td>RESIDENTIAL Sewer &amp; Water</td>
<td>R7</td>
<td>15 m (49 ft)</td>
<td>511 m² (5,500 ft²)</td>
<td>35%</td>
</tr>
<tr>
<td>MULTIPLE RESIDENTIAL Sewer &amp; Water</td>
<td>RM3</td>
<td>7.5 m (25 ft)</td>
<td>160 m² (1,722 ft²)</td>
<td>50%</td>
</tr>
<tr>
<td>MULTIPLE RESIDENTIAL Sewer &amp; Water</td>
<td>RM4</td>
<td>15 m (49 ft)</td>
<td>500 m² (5,382 ft²)</td>
<td>35%</td>
</tr>
</tbody>
</table>

(*) For development of row dwellings within the Community Multiple Residential (RM4) Zone, the Zoning provisions of the Community Multiple Residential (RM3) shall apply.

8. Notwithstanding the provisions of Section 4.1.2 a., the following “Section 4.1.4 Specific Zone Requirements – Former Glenwood Trailer Park” is hereby added following Section 4.1.3:

4.1.4 Specific Zone Requirements – Former Glenwood Trailer Park

Special Provisions: Community Residential (R7) and Community Multiple Residential (RM3, RM4)

The following specific requirements are applicable in these zones:

a. On a lot where a Community Residential (R7) Zone abuts a Shoreline Open Space (OS6) Zone, the minimum lot frontage shall be 20m.

b. Despite any other provisions of this By-law, where a lot is zoned Community Residential (R7), Community Multiple Residential (RM3 or RM4) or Neighbourhood Commercial (NC1 or NC2) and abuts an Open Space (OS7) zone, a 1 metre (3 ft) yard is required on the Residential or Neighbourhood Commercial lot adjacent to the Buffer Open Space (OS7) zone.

c. For the purpose of this By-law, a secondary dwelling shall be permitted on a lot in the Community Residential (R7) Zone, except where the lot abuts a Shoreline Open Space (OS6) Zone.

d. For the purpose of this By-law a secondary dwelling shall mean a separate residential unit subsidiary to, which may be located in the same building as, its principal dwelling unit or within a building or structure accessory to the dwelling unit.

e. Despite any other provisions of this By-law, within a Community Multiple Residential (RM3 or RM4) Zone, where two dwellings share a common wall the interior side yard setback shall be 0m (0 ft).
f. Despite any other provisions of this By-law, within the Community Multiple Residential (RM3) Zone, where a semi detached dwelling is proposed, the minimum lot frontage requirement shall be 15m (49 ft).

g. Despite any other provision of this By-law, within the Community Multiple Residential (RM3) Zone, where a semi detached dwelling is proposed, the minimum lot area requirement shall be 320 m² (3,444 ft²).

h. Despite any other provision of this By-law, within the Community Multiple Residential (RM3) Zone, where a duplex dwelling is proposed, the minimum lot frontage shall be 20m (66 ft).

i. Within the entire area zoned Community Residential (R7), a maximum of 65 dwelling units shall be permitted.

j. Within the Community Residential (R7) Zone, a maximum of 14 lots are permitted to abut the Shoreline Open Space (OS6) Zone, one of which may be used for a Neighbourhood Commercial (NC2) Use.

k. Within the entire area zoned Community Multiple Residential (RM3), a maximum of 66 dwelling units shall be permitted.

l. Within the entire area zoned Community Multiple Residential (RM4), a maximum of 180 dwelling units shall be permitted.

m. In a Community Residential (R7) Zone or Community Multiple Residential (RM3 or RM4) Zone, where property is developed by condominium description, the lot frontage and access may be on a private road for individual units within the condominium description.

n. Despite any other provision within the Community Multiple Residential (RM4) Zone, each dwelling unit shall require one (1) parking space.

o. Within the Community Multiple Residential (RM4) Zone, additional parking spaces shall be provided at a rate of one (1) parking space per four (4) dwellings for the use of visitors.

p. For the purposes of this By-law, Senior Citizen Home shall mean a building used to board and lodge senior citizens, with or without medical care, whether under private or public ownership.

9. Section 4.2.1 of By-law 87-87, as amended, is hereby further amended by the addition of the following columns to the Table:

<table>
<thead>
<tr>
<th>PERMITTED USES</th>
<th>NEIGHBOURHOOD COMMERCIAL (NCl)</th>
<th>NEIGHBOURHOOD COMMERCIAL (NC2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SALES OFFICE</td>
<td>X</td>
<td>--</td>
</tr>
<tr>
<td>CONVENIENCE STORE</td>
<td>X</td>
<td>--</td>
</tr>
<tr>
<td>PERSONAL SERVICE SHOP</td>
<td>X</td>
<td>--</td>
</tr>
<tr>
<td>PRIVATE CLUB HOUSE</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Hanna's Landing ZBL - 29 Aug 2014 4
10. Section 4.2.2.a of By-law 87-87, as amended, is hereby further amended by the addition of the following columns to the Table:

<table>
<thead>
<tr>
<th>ZONE</th>
<th>LOT REQUIREMENTS</th>
<th>MINIMUM YARD REQUIREMENTS</th>
<th>MAXIMUM HEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TITLE</td>
<td>SYMBOL</td>
<td>MIN. FRONTAGE (ft)</td>
</tr>
<tr>
<td>Neighbourhood Commercial NC1</td>
<td>30 m (98 ft)</td>
<td>2000 m²</td>
<td>50%</td>
</tr>
<tr>
<td>Neighbourhood Commercial NC2</td>
<td>30 m (98 ft)</td>
<td>511 m²</td>
<td>50%</td>
</tr>
</tbody>
</table>

(*) No yard is required between an Open Space (OS7) Zone and any building or structure within the Neighbourhood Commercial (NC1) Zone.

11. The following "Section 4.2.9 Specific Zone Requirements – Former Glenwood Trailer Park" is hereby added following Section 4.2.8:

4.2.9 Specific Zone Requirements – Former Glenwood Trailer Park

Special Provisions: Neighbourhood Commercial (NC1, NC2)

The following specific requirements are applicable in this Zone:

a. For the purposes of this By-law, Neighbourhood Commercial means a commercial establishment under one management designed to provide a limited amount of retail commercial services to the residents of the surrounding neighbourhood.

b. For the purpose of this By-law, a Private Club House means a building or structure, not open to the general public that may contain a restaurant, personal fitness or indoor storage of sports equipment. For clarity, a Private Club House is for exclusive use of the residents of the surrounding neighbourhood.

c. No person shall erect any building or structure in any Neighbourhood Commercial (NC1) Zone unless the lot upon which such building or structure is to be erected fronts, for a distance equal to the minimum frontage requirement, a street maintained year round by a public authority.

d. Within the Neighbourhood Commercial (NC1) Zone, a Neighbourhood Commercial use is permitted to a maximum of 350 m² (3,767 ft²) of gross floor area.

e. Within the Neighbourhood Commercial (NC2) Zone, a Neighbourhood Commercial use is permitted to a maximum of 116 m² (1,249 ft²) of gross floor area.

f. No part of a Neighbourhood Commercial (NC2) Zone shall be located within 40 m (131 ft) of an Open Space (OS7) Zone.
12. Section 6.2.1 of By-law 87-87, as amended, is hereby further amended by the addition of the following columns and rows to the Table:

<table>
<thead>
<tr>
<th>PERMITTED USES</th>
<th>KNOLL OPEN SPACE (OS5)</th>
<th>SHORELINE OPEN SPACE (OS6)</th>
<th>BUFFER OPEN SPACE (OS7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGRICULTURAL USES</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>CONSERVATION</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>FORESTRY OPERATION</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>GOLF COURSE</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>HUNT CAMP</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>MUSEUM</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>OPEN SPACE RECREATION</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>PRIVATE CLUB</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>PRIVATE PARK</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>WAYSIDE PIT OR QUARRY</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>PUBLIC USE</td>
<td>X</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

13. Section 6.2.2.a. of By-law 87-87, as amended, is hereby further amended by the addition of the following columns to the Table:

<table>
<thead>
<tr>
<th>ZONE</th>
<th>LOT REQUIREMENTS</th>
<th>MINIMUM YARD REQUIREMENTS</th>
<th>MAXIMUM HEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>TITLE</td>
<td>SYMBOL</td>
<td>MIN. FRONT AGE</td>
<td>MIN. AREA</td>
</tr>
<tr>
<td>Knoll Open Space</td>
<td>OS5</td>
<td>0 m (0 ft)</td>
<td>0 ha (0 ac)</td>
</tr>
<tr>
<td>Shoreline Open Space</td>
<td>OS6</td>
<td>300 m (984 ft)</td>
<td>0.8 ha (2 ac)</td>
</tr>
<tr>
<td>Buffer Open Space</td>
<td>OS7</td>
<td>0 m (0 ft)</td>
<td>0 ha (0 ac)</td>
</tr>
</tbody>
</table>

The following "Section 6.2.6 Specific Zoning Requirements – Former Glenwood Trailer Park" Special Provisions: Open Space (OS5, OS6 & OS7) is hereby added following Section 6.2.5.

*6.2.6 Specific Zone Requirements – Former Glenwood Trailer Park

Special Provisions: Knoll Open Space (OS5)

The following specific requirements are applicable in this zone:

a. No buildings or structures are permitted in a Knoll Open Space (OS5) Zone.

b. Should the portion of the area subject to this provision shown on Schedule II to this by-law not be conveyed as the parkland dedication pursuant to the Planning Act at the time subdivision or condominium approval is given, the zoning on this the area shall revert to the Community Residential Holding (R7-H) Zone.

c. Should the area subject to provision 6.2.6b. revert to the Community Residential (R7-H) zone, then these lands shall be subject to the following additional restrictions:
   i) the maximum permitted height of any use shall be 6m; and,
   ii) The maximum number of additional dwelling units permitted in the area subject to provision 6.2.6b. shall be 10 and a maximum of 75 dwelling units shall be permitted in the R7 zone.

Hanna’s Landing ZBL - 29 Aug 2014

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d. No docks, boathouses or boatports are permitted within the Waterfront Open Space (WOS) Zone abutting the Knoll Open Space (OS5) Zone within Mirror Lake.

Special Provisions: Shoreline Open Space (OS6) and Buffer Open Space (OS7)

The following specific requirements are applicable in this zone:

a. Within the Shoreline Open Space (OS6) Zone, a shoreline buffer shall be maintained.

b. Within the Shoreline Open Space (OS6) Zone, no street, public or private, shall be permitted.

c. Within the Shoreline Open Space (OS6) and Buffer Open Space (OS7) Zones, works for the conveyance of stormwater, pathways, below grade utilities, access points, gazebos, benches and a pumphouse shall be the only permitted uses.

d. Only docks are permitted within the Waterfront Open Space (WOS) Zone where it abuts the Shoreline Open Space (OS6) Zone, as shown in location and extent on Schedule III. Total area of docks permitted shall be limited to 370 m² (3,983 ft²).

e. The maximum dock length shall be 14 m (46 ft).

f. The minimum sideyard setback for docks shall be 30 m (98 ft) measured from the straight line projection of side lot lines of the subject lands as shown on Schedule III.

g. Within the Waterfront Open Space (WOS) Zone where it abuts the Shoreline Open Space (OS6) Zone, boathouses and boatports are not permitted with the exception of existing development as of October 26, 2010.

14. Schedules I, II, and III attached hereto are hereby made part of this By-law.

Approved this day of , 2014

Member, Ontario Municipal Board
Schedule 'II' to Zoning By-law ___-2014

This is Schedule 'II' to Zoning by-law ___-2014
Passed this _____ day of __________, 2014

Produced by MHBC Planning - August 29, 2014
Schedule 'III' to Zoning By-law ___-2014

No Docks Permitted on Mirror Lake

Area where Docks Permitted

Side Lot Projection

This is Schedule 'III' to Zoning by-law ___-2014
Passed this _____ day of __________ 2014

Produced by MHBC Planning - August 29, 2014