



Minett Joint Policy Review Steering Committee

Report #5 to Township of Muskoka Lakes and District of Muskoka Councils

January 22, 2020

Committee Activity Update:

The Committee remains cognisant of the time pressures that the May 2020 expiry of the Interim Control By-law and the Township of Muskoka Lakes (TML) Official Plan Review process places on decision-makers in TML. The entire Committee has been working hard to make sure that both the TML and District Municipality of Muskoka's (DMM) Council's get appropriate policy recommendations into the hands of decision-makers and staff in both TML and DMM.

In May 2019 the TML and DMM gave the Committee approval to commission research in the areas of:

- i. Understanding the Waterfront Economy of Muskoka;
- ii. Updating a Boating Impact Assessment for Wallace Bay; and
- iii. Updating the District's Environmental Impact Guidelines.

As I have noted in previous reports to Councils, the Committee received no responses to the RFP regarding the updating of DMM's Environmental Impact Guidelines.

On a more positive note the Committee has reviewed and commented on interim versions of both the Waterfront Economy and Boating Impact Assessment reports. Both reports have taken longer to complete than the Committee originally anticipated, however since the Committee's review of the interim reports the consultants have been hard at work finalizing the studies. The Committee is anticipating receipt of the final versions of both reports in the very near future.

As you will recall from my October, 2019 report, the Committee shared approximately 25 interim policy recommendations with the Councils. Since October the Committee has worked tirelessly to refine and right size those interim recommendations into just under 25 thoughtful final recommendations.

Despite our best efforts to attain consensus on each and every final policy recommendation there are a number of instances where the Committee could not reach complete concurrence. Where this has happened we have made a point of identifying the perspectives of the dissenting Committee members. I encourage the Councils to give careful consideration to the perspectives of all Committee members. I also feel compelled to note that the Committee didn't have an opportunity to meet face to face with all the property owners in Minett. We had very much hoped to discuss some of our interim recommendations with the land owners, however there simply hasn't been enough Committee time available between the release of our interim recommendations in October and now to hold those discussions. We feel that discussions with all the land owners is something that should still happen.



Final Proposed Policy Recommendations:

When reading the Committee's final policy recommendations I urge everyone, whether you are an elected decision-maker or a resident of Muskoka, to understand that Committee members strongly believe that the general policy requirements of the TML and DMM Official Plans provide a reasonably effective regulatory regime in Minett. However, given the nature and importance of Minett, the Committee members also feel strongly that there does need to be a higher standard expected of those interested in developing in Minett.

For reasons related to servicing, access, topography and the preservation of the natural state of the area, it is recommended that the OP alter the designation of Minett from a "Resort Village" to a "Special Policy Area". The Committee believes that development in Minett should be done differently than in the past. Any new development should have a lighter environmental footprint and be designed in a way that is mindful of the impacts that climate change will bring to Muskoka over the coming decades. Any new development must also work with Minett's topography, vegetation and within the capacity of the environment to absorb any impacts.

As I noted above there have been a number of areas where the Committee has been unable to achieve a consensus position or recommendation. Two of the most significant areas of departure are the level of residential development and the degree of density in Minett. The committee's majority recommendation for Minett is that any resort development should occur with a minimal residential component. Those that support a limited residential approach to development believe that limited residential development is more in keeping with the historic character of the area. They also believe that decision-makers should bear in mind that the waterfront in Minett is only about 2.3 km. in length, or approximately 7500 feet. That is 1/100th of the total Lake Rosseau waterfront of approximately 230 Km's. Appendix A shows the consensus recommended maximum development density in Minett. This totals to 1,021 units, an average of roughly 7.5 feet of shoreline per unit. Currently there are just over 2,000 total resort units and cottages on all of Lake Rosseau, resulting in an average of roughly 375 feet of shoreline for each resort unit and cottage on Lake Rosseau. Lake Joseph is developed at less than half this density. There are Committee members who feel that some level of residential development is needed in Minett to help make a resort in the area viable.

The majority of the Committee feels that any development in Minett should not depend on older projected growth studies. The 2019 Hemson Consulting report projected a need for 22 new seasonal residences per year over the next 30 years, a growth rate of approximately 0.3%. The need for new permanent residences is just 6 per year. Ample vacant, and buildable, lakefront properties/lots and/or properties/lots in currently serviced areas already exist to satisfy the next 20 years of projected growth. The committee has developed a chart (Appendix A) reflecting recommended density limits in specific areas of Minett as outlined in Appendix B. There are, however, Committee members who think the density recommendations are far too generous and others who argue strongly that the densities proposed in Appendix A are far too low to allow modern resorts to be viable over the long term.

Another important area where we could not reach a consensus is the issue of providing water and sanitary services in Minett. The recommendation here is driven by the majority of the Committee members who have concerns that municipal servicing could support substantially increased residential development. For this reason, a clear majority of Committee members feel it is preferable to have services provided via private developer(s) as opposed to municipal government. Of course, the Committee members who support the private provision of services insist that there must be careful oversight and regulation of any private service provider. Those who support private service provision



have expressed a deep concern that if municipal services are put in place in Minett there will be relentless pressure to approve residential units to help fund the initial cost of constructing municipal services and, once present, such servicing will also provide a rationale for the approval of more intensive development in Minett over the longer term.

The Committee members who do not support private servicing in Minett argue that municipal services provide better public health and environmental outcomes, greater transparency and local control. These members also generally support some level of residential development in areas currently zoned for commercial development in Minett.

The Committee remains willing to expand upon any aspect of these recommendations as the Council's may request. We also recommend consultation with the major land owners who could be impacted by our recommendations, if implemented. The committee would be willing to assist in any way that may lead to a policy for development in Minett that is seen to benefit the entire community.

A complete enumeration of the Committee's final recommendations (including those places where some Committee members have dissenting opinions) is available in 'Schedule A' attached to this report.

James Lewis
Chair,
Minett Joint Policy Review Steering Committee

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Preamble	In Minett all developments and redevelopments will be expected to meet the general policy requirements of the TML and DMM Official Plans except where the policies of the special policy area indicate otherwise.		
Function/ Definition/ Growth	1. Minett will exist as a tourist and recreation focused special policy area where the function and form of any growth or change will be reflective of the character, history and currently existing land uses in the area to support the ongoing operation of tourist resorts.		
Goals/ Objectives/ Principles	<p>2. In Minett the protection and enhancement of the environment will be given priority over economic and social development. The conservation, protection and enhancement of natural heritage features and functions shall be a primary consideration for, and limitation on, any and all development, apart from the reconstruction, rebuilding or minor alterations to existing structures.</p> <p>3. Development in Minett will be expected to be examples of leading edge environmental stewardship and sustainable development practices that enhance ecological and economic resiliency in the face of climate change as outlined in the following policy directions.</p> <p>4. Alternative development standards shall be permitted where</p>		

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	<p>allowing their use will assist in ensuring the protection of the environment and character of Minett.</p> <p>5. Development in Minett shall be of a nature and scale that is in keeping with the existing natural and historical character of Minett, and recognizes the limitations of the safe boating capacity of the Wallace Bay area.</p> <p>6. Development in Minett will be expected to align with the following environmental mitigation hierarchy – first protect; then minimize and/or mitigate and where protection, minimization and mitigation are unachievable, environmental compensation may be considered.</p> <p>7.</p>		
Permitted Uses	<p>8. Land use in Minett shall allow:</p> <ul style="list-style-type: none"> a. tourist commercial and related recreational facilities; b. small scale non-resort commercial, industrial and institutional uses that are supportive of a tourism economy (e.g. galleries, artisan workshops, gift shops, wooden boat building, etc.) c. no large scale industrial or institutional uses permitted in the Minett area; 		

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	d. residential units for resort and management staff will be provided and increased density for these facilities will be allowed; and e. single family residential within areas zoned for residential use.		
Character	9. The architecture/character of any new major development or redevelopment (resorts and/or cottages/residences) in the Minett area will be: <ul style="list-style-type: none"> a. of low built form (maximum of 13.7 metres, 44.9 feet measured from the lowest exterior finished grade to the highest point of the roof) that is respectful of the scope and scale of buildings of the past; b. informed by architectural design guidelines/standards that are to be developed and then implemented through appropriate planning tools; ; c. minimize disruption to, and on, existing topography and vegetation (particularly the tree canopy) of the area when viewed from the water; accessible by walkways contoured to the topography of the site, with any parking or service areas or facilities located 		

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	<p>out of sight of, and at least 100ft (30.4metres) back from, the waterfront;</p> <p>d. lit in a dark sky compliant manner in accordance with Township by-laws;</p> <p>e. incorporate 100ft (30.4metres) waterfront buffers to maintain or restore, where possible, an undeveloped contiguous natural area, along the shoreline; and</p> <p>f. allow for the implementation of alternative standards for road allowance development that preserve the character and protect the environment of the special policy area. Examples of the types of standards to be considered would be travelled road width, turning radii, sidewalks, and curbs and gutters.</p>		
Access and Transportation	<p>10. To preserve the character of Port Sandfield and the Minett area development in Minett shall proceed within the capacity of existing bridges and main arterial roads outside or leading to the special policy area.</p> <p>11. In the Special Policy Area any expansion of commercial boat docking spaces will be limited to an increase of 20% (using the number of commercial boat docking spaces available as of the date the Minett Interim Control By-law</p>	<p>Dissenting Opinion</p> <p>Some members believe that road and bridge infrastructure providing access to Minett should be improved to ensure public safety and facilitate access where/when evidence demonstrates the need for infrastructure improvements.</p>	

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	came into force as the baseline), and the new commercial boat docking spaces will be allocated, on a non-transferable basis, among lakefront property owners based on a straight line share of the Minett water frontage;		
Servicing/ Storm Water	<p>12. All infrastructure in Minett shall be designed to accommodate the projected effects of climate change. The design of the infrastructure will require:</p> <ul style="list-style-type: none"> a. the use of a treatment train approach (lot level, conveyance and where necessary end of pipe/system facilities) incorporating low impact development approaches and anticipated runoff intensity and volumes due to climate change. Post-development storm water flows shall not exceed pre-development flows. b. internal roadways, driveways, parking, cycling and walking surfaces associated with the development itself to be made of, or covered in, permeable materials; c. retention ponds, if required, or deemed necessary, shall be effective, environmentally sound, and as unobtrusive and aesthetically pleasing as possible, with native plants, shrubs and trees; 		

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	<p>d. application of sediment and erosion control measures (ESC) to be instituted and maintained at all times during all phases of construction and until substantial stabilization of the site has occurred, following the CSA Standard for ESC construction monitoring; and</p> <p>e. retention or utilization of natural vegetation and shoreline buffers to control erosion, attenuate flows, promote infiltration in order to promote lake system health and retain the natural beauty of the property.</p> <p>13. While municipal servicing arrangements are recommended in the current Official Plan policies, and the 2007 EA (updated in 2016) privately owned and operated servicing arrangements are recommended for the Special Policy Area provided effective and appropriate controls and operation oversight agreements are in place.</p>	<p>Committee Rationale This recommendation is made due to committee member concerns that municipal servicing would lead to a pressure to approve residential units to be sold to help fund initial construction of municipal services and, once present, such servicing will lend itself to support more intensive development over the longer term.</p> <p>Dissenting Opinion Several Committee Members believe municipal services provide better human health and environmental outcomes and should be provided in Minett.</p>	
Employment Area	14. Minett contains employment lands that benefit the Township and the District by providing employment opportunities for Muskokans. Efforts will be made to protect and enhance the employment lands in the Special Policy Area consistent with the current Official Plans of the District and Township by:		

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	<ul style="list-style-type: none"> a. Locating staff accommodations within walking distance of resorts; b. allowing increased density limits for staff housing; c. allowing small scale non-resort related commercial and industrial uses that are supportive of a tourism based economy (e.g. galleries, artisan workshops, gift shops, wooden boat building, etc.). 		
Environment	<p>15. In Minett developments and redevelopments will maintain or improve the physical, natural and functional relationships of the environment to preserve existing qualities, features, vegetation, water quantity and quality, shorelines, and species habitats. In addition to specific policies in the following sections, major development proposals will be required to:</p> <ul style="list-style-type: none"> a. develop and implement phosphorous and nutrient retention plans; b. develop or maintain a shoreline buffer of 30.4 m (100ft) from the high water mark, to the extent possible; where little or no natural buffer exists, re-naturalizing with native plants, shrubs and trees will be required. Minor accessory structures walkways/ 		

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	<p>nature trails and access pathways to the shoreline are permitted;</p> <p>c. minimize disruption to, and impact on, existing topography and vegetation (particularly the tree canopy) of the area when viewed from the water. This means the development will avoid, wherever possible, significant changes to topography (blasting, grading), landscape or vegetation and will comply with TML's Tree Preservation By-law and incorporate tree inventories and tree protection plans. Vegetation clearing will be limited to the building footprint, internal roadways and parking areas, and</p> <p>d. develop a tree protection plan in accordance with the TML Tree Preservation By-law. Where non-compliance occurs substantial penalties may be imposed, including site rehabilitation to a standard determined by environmental/arborist professionals will be required prior to additional development proceeding.</p> <p>16. In this special policy area all buildings larger than 5000 square feet should be designed to meet or exceed the projected effects of climate change; and meet the quality standards and criteria specified, for example, in "LEED" or similar 'green' building standards programs.</p>		

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Wetlands	17. Development in wetlands with the exception of interpretive and educational facilities is not permitted. Where applicable, any development or redevelopment impacting wetlands in the Special Policy Area will be required to enhance and restore the impacted wetland.		
Fish Habitat	18. Any major shoreline development or redevelopment in the Minett area will be required to: <ul style="list-style-type: none"> a. identify and protect significant fish habitat, and b. where required by the Township, enhance, and/or restore previously disturbed fish habitats to the satisfaction of the Township. 		
Constraints (e.g. steep slopes, floodplains, etc.)	19. No development, or redevelopment will be allowed in the Special Policy Area where the activity proposes or requires: <ul style="list-style-type: none"> a. development on prominent knolls and adjacent slopes visible from the water; b. development on non-lake facing slopes with grades of $\geq 40\%$ shall only proceed where existing vegetation is substantially retained on the slope faces; c. significant changes to topography (blasting, 		

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	<p>filling grading), or landscape or vegetation clearing to accommodate new development, other than that required for the building envelope;</p> <p>d. development on lands prone to flooding are those lands adjoining a river, stream, or lake which are susceptible to flooding during the 100 year flood event. Such lands shall be zoned, based on available flood elevation data and regulations, to prohibit new development, except for appropriate shoreline structures.</p>		
Density	<p>20. Minett will exist as a tourist and recreation focused special policy area and densities in the area will reflect this function.</p> <p>The density recommendations in the charts marked Appendix A and Appendix B (see attached) reflect the compromise position of a majority of Committee Members.</p>	<p>Dissenting Opinions</p> <p>Some Committee Members feel the majority opinion numbers are too low and feel that these should be higher and that greater residential uses should be allowed in the Special Policy Area.</p> <p>Some Committee Members feel the majority opinion numbers are too high and should be reduced.</p>	
Community Benefits	<p>21. In keeping with Minett's designation as a tourism and recreation focused special policy area, public access to the waterfront is desirable. Consideration may be given to:</p> <p>a. Development of a public agreement that outlines an</p>	<p>Dissenting Opinions</p> <p>Some Committee Members feel the proposed community benefits plan is not supportable.</p>	

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	<p>appropriate allocation for any trails, parkland or cash in-lieu-of parkland acquired by Township of Muskoka Lakes/District Municipality of Muskoka through the development process in Minett;</p> <p>b. Providing meaningful opportunities for public input into the agreement, such as the establishment of a multi-stakeholder advisory group including affected property owners, Township of Muskoka Lakes (TML), District Municipality of Muskoka (DMM), and community stakeholders designated by TML and DMM;</p> <p>c. Parkland or cash-in-lieu-of parkland outlined in the agreement could be earmarked for implementation within the special policy area of Minett</p>		
Implementation	22. Township Official Plan policies should include appropriate phasing provisions for the Special Policy Area developed in consultation with municipal staff and stakeholders, and ensure that the core of resort commercial or other commercial uses be developed prior to any major residential outside of the core area of Minett being developed.		

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	<p>23. Any major development or redevelopment in the Minett area will require that:</p> <ol style="list-style-type: none"> 1. A Comprehensive Development Plan (Master Environment and Servicing Plan) will be completed to the satisfaction of the District/Township, in consultation with relevant public agencies prior to the approval of the development plan. 2. Prior to initiation of a CDP, a Terms of Reference that outlines a work plan will be prepared to the satisfaction of the Township, in consultation with relevant public agencies. 3. The study area boundaries for the CDP may be required to extend beyond the boundaries of the development application site, in order to properly identify the existing functions and the extent of impact related to the natural heritage features within the context of its sub-watershed or catchment 4. Any documents or reports associated with a Master Environment and Servicing Plan will be prepared in consultation with the relevant public agencies, and will be available for review by the general public. 5. The CDP will be undertaken by qualified professionals, 		

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	<p>and conducted in a manner consistent with an ecosystem functions approach to planning, involving a rigorous analysis of the environmental functions of the natural system, and the interrelationships among these functions.</p> <p>6. The specific requirements of the CDP will be outlined in the Environmental Management Guideline, and at a minimum will address the following:</p> <ul style="list-style-type: none"> a. an inventory of all natural heritage features and ecosystem functions on the site and on adjacent and nearby sites, including groundwater resources; b. proposed measures to improve natural heritage features and ecosystem functions; c. the limits of development; d. the proposed approach to development informed by the evaluation of features and functions to be maintained and/or enhanced, and additional infrastructure requirements; e. an assessment of impacts on natural heritage features and ecosystem functions, including 		

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	<p>cumulative impacts from development;</p> <p>f. proposed environmental management techniques and measures to mitigate anticipated impacts</p> <p>g. an assessment of impacts on natural hazards, including cumulative impacts of development and proposed mitigation or remediation measures;</p> <p>h. recommendations for long-term management, monitoring requirements and contingency plans for the identified environmental features and functions, and</p> <p>i. a statement on overall compliance with the environmental policies of this Plan.</p> <p>7. The CDP may be subject to peer review at the discretion of the Township, the cost of which shall be borne by the affected landowners within the development area.</p> <p>8. The data on which the studies in the CDP are based will be considered valid for 3 [5] years from their completion. Studies may be required to be updated to support the</p>		

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	<p>development application unless the application has progressed.</p> <p>9. To ensure compliance with TML plan where Planning Act tools exist, development approvals shall be subject to periodic review and potential repeal in 3 years if action isn't taken to begin development activities on a site within that time.</p> <p>10. An Environmental Impact Study will be required for any development or construction proposed over major development in Minett.</p>		
Definitions	<p>The following terms have been defined by the committee. We recommend incorporating these terms into the OP's to provide clarity for their interpretation.</p> <p>1. Residence: A dwelling which is inhabited predominantly by the owner and/or persons designated by the owner.</p> <p>1.1 Primary Residence: The dwelling in which the individual is ordinarily resident for purposes of:</p> <ul style="list-style-type: none"> mailing address used for billing, credit card and bank statements; income tax (e.g. forms or returns); 		

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	<ul style="list-style-type: none"> provincial or federal identification documents (e.g. driver's license); or voting in federal or provincial elections. <p>1.2 Recreational/Seasonal Residence (or secondary residence): A dwelling which;</p> <ul style="list-style-type: none"> a) is used predominantly by the owner and/or by persons designated by the owner; b) does not constitute the individual's primary residence; and c) other than (a) is generally not made available for use by the Travelling and Vacationing Public. <p>2. Resort Commercial Accommodation Unit: A Resort Commercial Accommodation Unit is an Accommodation Unit (i.e. without kitchen) or a Housekeeping Units (i.e. with kitchen) which is predominantly made available for rental to the Travelling Public via the resort's mandatory centrally managed rental program*, according to conditions specified in Schedule "X" regarding:</p> <ul style="list-style-type: none"> a) the unit's availability for use by the Travelling Public, b) the responsibilities of the resort's central rental program 		

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	<p>with regards to taking reservations, setting rental rates, etc.</p> <p>c) in cases where the unit is owned by an entity other than the resort itself, the rights of the owner to access and use the accommodation unit itself, as well as the resort's facilities such as boat docks and other amenities,</p> <p>d) the means of monitoring and enforcement of compliance to said conditions by the Township of Muskoka Lakes and/or the District of Muskoka.</p> <p>* Note: Resorts in which the Resort Commercial Accommodation Units are fractionally owned will require further discussion, and are therefore excluded from this definition.</p> <p>3. Travelling and Vacationing Public: A member of the Travelling and Vacationing Public is a person who seeks overnight accommodation in Muskoka. Owners* of property within the Area Municipality, whether that property is a Residence as defined in 1 above or a Resort Commercial Accommodation Unit as defined in 2 above, or one or more of the Owner's extended family**, are not considered members of the Travelling and Vacationing Public while occupying their property within the Area Municipality.</p>		

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	<p>* For the purposes of this definition, "Owners", in the case of Owners who are not individuals, includes each person who owns an interest in such property (whether through use of corporations, partnerships, trusts or other entities owned or controlled by such persons)</p> <p>** For purposes of this definition, "Extended Family" includes spouses, parents, grandparents, siblings, children, grandchildren, nephews, nieces, aunts and uncles and in-laws of all of the foregoing.</p>		
Schedule "X"	<p>Conditions for the Provision of Resort Commercial Accommodation [Updated: 11 January 2020]</p> <p>The purpose of this Schedule is to articulate the conditions required for Resort Commercial Accommodation Units as per definition recommended by the Minett Joint Policy Review Steering Committee. These conditions are intended to be applied at the level of detail most appropriate to each of the Official Plan and Zoning By-Law, as well as to such Conditions of Condominium Agreement, Site Plan Agreements, etc., as may arise for any resort development or redevelopment proposals.</p> <p>[Note: Resorts which include fractional ownership of Resort Commercial Accommodation Units will be addressed separately, and are excluded from consideration in this Appendix.]</p>		

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	<p>Background It is of utmost importance to the Township that resorts continue to be available to the Travelling and Vacationing Public, and that they not become residential cottages. Both the upper tier and local planning instruments reflect this desire. The District Official Plan and the Township Official Plan and Comprehensive Zoning By-Law all state that resort commercial developments need to be made available to the Travelling and Vacationing Public. Policy C.29 b) of the District Official Plan states:</p> <p>a. Regardless of the form of tenure, accommodation units within a resort development will be made available to the travelling public, be operated under central management on location for profit, and will provide ongoing services and recreational facilities normally provided in a commercial setting. Documentation, enforceable by municipalities, including both zoning and appropriate agreements will require commercial use and maintenance of the commercial components of the development.</p> <p>Furthermore, the Township Zoning By-Law 2014-14 defines Tourist Resort in the following way:</p> <p>11.180 Shall mean a commercial establishment under one management, which is located onsite, designed and used for the travelling or vacationing public and that has</p>		

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	<p>facilities for accommodation and serving meals and drinks and furnishes equipment, supplies or services to persons for recreational purposes. No dwelling unit is permitted within a tourist resort except as accessory to the principal permitted use, by way of living accommodation for the manager or owner of the resort and family, and staff quarters for the staff of the resort, or as specifically permitted by this by-law.</p> <p>Policy B.11.10 of the Township Official Plan additionally states:</p> <p>Where resort development includes commercial resort condominium units, the condominiums shall form part of an integrated resort facility. The use of the units shall remain commercial and be available to the travelling public through a centrally managed rental pool. In support of this policy, the following guidelines will be used to further evaluate applications for commercial resort condominiums:</p> <ul style="list-style-type: none"> a) The units shall form part of an integrated commercial resort which has a variety of on-site facilities all of which are available to all resort guests; b) The resort facilities, including boat docks and adjacent shorelines, are to be managed by the resort entity and not assigned or otherwise granted 		

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	<p>exclusive use by the condominium unit owners;</p> <p>c) A condominium agreement with the Township will be required to address among other matters, the commercial nature and use of the condominium units to ensure that the use continues to be commercial. This agreement shall state that the resort condominium units are available to the travelling public the entire year, including the high season.</p> <p>Therefore, in order for a resort development or redevelopment to benefit from enhanced density permissions which are not available to traditional linear shoreline residential developments, it is a requirement that Resort Commercial Accommodation Units retain their commercial use. Accordingly, the following five parameters will be used to evaluate and ensure conformity to resort commercial operation:</p> <p>i) Type of Use: Resort Commercial Accommodation Units may not be used as a residence (neither primary nor seasonal/recreational)</p> <p>ii) Availability/Rental Program: To ensure a continued contribution to the local and regional economy, proponents shall demonstrate an ability for the resort to generate a rental revenue stream</p>		

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	<p>that sustains the commercial component of the resort such that it is viable, provides employment opportunities, and encourages the provision of other goods and services by third parties in the area, all of which is intended to have a positive economic impact. Furthermore, Resort Commercial Accommodation Units will be made available to the Travelling and Vacationing Public for the majority of the time that the resort is open, in such as way as to generate a turnover of occupants (i.e. renters, transient visitors), subject to the establishment of enforceable controls in binding agreements between the resort operator and the Area Municipality;</p> <p>iii) Central Management: Resort Commercial Accommodation Units will be operated under central management on location;</p> <p>iv) Amenities: Occupants of Resort Commercial Accommodation Units shall have ongoing access to on-site services and recreational facilities which shall be managed by the resort entity and made available to all resort guests. This includes, but is not limited to, boat docks and adjacent shorelines;</p> <p>v) Compliance: Documentation, enforceable by the</p>		

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	<p>Area Municipality, including both zoning and appropriate agreements will require commercial use and maintenance of the commercial components of the resort development</p> <p>1. Type of Use</p> <p>Resort Commercial Accommodation Units may not be used as a residence (neither primary nor recreational/seasonal). Other than living accommodation for the manager or owner of the resort and family, and staff quarters for the staff of the resort, all Resort Commercial Accommodation Units must remain commercial in their nature and use.</p> <p>Where the resort development includes condominium units, the Condominium Corporation and each owner of a Resort Commercial Accommodation Unit (Unit Owner) shall acknowledge and accept that the Units shall not constitute the Unit Owner's permanent or recreational/seasonal Residence and agree that all sale documents and agreements, shall stipulate that the Units cannot be occupied as a Residence. Furthermore, all sales documents and agreements will acknowledge that the Unit Owner shall not be entitled to:</p> <ul style="list-style-type: none"> i) Make alterations to their units, as units shall be maintained in accordance with a mandatory furniture fixtures and equipment program 		

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	<ul style="list-style-type: none"> ii) receive mail at the Unit; iii) have a dedicated telephone line at the Unit; iv) have a key for the Unit (other than a key provided by the Resort, for use during the Unit Owner's stay in the Unit, which key shall be promptly returned to the Resort following the end of such stay); v) have any personal property of the Unit Owner or the family of the Unit Owner located in such Unit or in the common areas (other than in an on-site storage locker of the Unit Owner), other than during any permitted occupation of the Unit by the Unit Owner; and vi) have any of the Unit Owner's furniture, fixtures or equipment located at the Unit. <p>2. Availability/Rental Program</p> <p>To ensure a continued contribution to the local and regional economy, proponents shall demonstrate an ability for the resort to generate a rental revenue stream that sustains the commercial component of the resort such that it is viable, provides employment opportunities, and encourages the provision of other goods and services by third parties in the area, all of</p>		

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	<p>which is intended to have a positive economic impact. Furthermore, Resort Commercial Accommodation Units will be made available to the Travelling and Vacationing Public for the majority of the time that the resort is open, in such as way as to generate a turnover of occupants (i.e. renters, transient visitors), subject to the establishment of enforceable controls in binding agreements between the resort operator and the Area Municipality.</p> <p>Where the resort development includes condominium units, Unit Owners shall place their Units in a mandatory rental program operated on-site by the Resort Manager. Unit Owners may use their Units for personal use for a maximum Annual Allotment of 26 weeks per calendar year, with a maximum Seasonal Allotment of four (4) weeks being permitted during the summer season (15 June through 15 September).</p> <p>The Resort Manager shall undertake to ensure that some availability of the Resort's units to the Travelling and Vacationing Public is maintained throughout the year, notwithstanding Unit Owners' Seasonal and Annual Allotments. Furthermore, the Resort Manager shall undertake to ensure that a reasonable amount of weekend availability is maintained throughout the Summer season.</p>		

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	<p>Should the Unit remain available (i.e. not rented to the Travelling and Vacationing Public) less than seven days in advance, the Resort Manager may allow Unit Owner to occupy their Unit in excess of their Seasonal Allotment, provided that the Unit Owner contributes a market appropriate rent to the Resort for the period in excess of the Seasonal Allotment.</p> <p>Furthermore, all sales documents and agreements will acknowledge that the Unit Owner is not entitled to:</p> <ul style="list-style-type: none"> i) Occupy their unit(s) or have the ability to determine or control who is permitted to occupy their unit(s) while these are placed in the mandatory rental program, as this will be the exclusive responsibility of the Resort Manager; ii) Set rental rates for their units, as rental rates shall be determined by the Resort Manager on a market appropriate basis; iii) Rent their units privately, as rentals shall be conducted exclusively through the centrally managed rental program <p>3. Central Management</p> <p>Resort Commercial Accommodation Units will be operated under central management on location. The Resort Manager will be responsible for determining unit</p>		

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	<p>rental rates, for the scheduling and rentals of the resort's entire inventory of Resort Commercial Accommodation Units, for ensuring that Unit Owners comply with their seasonal allotments for personal use, and for delivering the required availability of units for rental to the Travelling and Vacationing Public.</p> <p>Where the resort development includes condominium units, the Condominium Declaration shall include a provision establishing a mandatory furniture, fixture and equipment reserve fund or program to be administered by the Condominium Corporation. The Resort Manager shall be solely responsible for determining when furniture, fixtures and equipment within a Unit will be replaced and what they will be replaced with, so as to ensure consistency of units within the Resort.</p> <p>4. Amenities</p> <p>The shared resort amenities, including the recreational facilities which form part thereof, shall be available for use by registered guests without charge and there shall be no exclusive use of any part of these amenities by any guest or Unit Owner.</p> <p>Examples of such recreational facilities, services, and amenities include: Boat Docks and adjacent shorelines, Swimming pool, Sauna, Hot Tub, Basketball court, Tennis courts, Golf, Golf carts, Spa/ Exercise building,</p>		

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	<p>Recreational equipment/rentals, Yoga programming, Children's Programs, Entertainment, Club house, Games rooms, and Restaurants.</p> <p>At a minimum, housekeeping services shall be provided. Additionally, some type of in-person management shall be available in order to respond to complaints, deal with emergencies, and assist guests and visitors. The appropriate management arrangement will depend on the scale, location, on-site resort-related amenities, and desired experience of a resort.</p> <p>The Area Municipality is encouraged to develop context-specific resort criteria to require that a minimum percentage of net (i.e. developable) acreage be devoted to some combination of the above-mentioned resort-related amenities and other common areas.</p> <p>5. Compliance</p> <p>[NOTE: It is recommended that this section be reviewed by the Township and/or District's legal staff.]</p> <p>Documentation, enforceable by the Area Municipality, including both zoning and appropriate agreements will require commercial use and maintenance of the commercial components of the development, including the Resort Commercial Accommodation Units.</p>		

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	<p>Where the resort development includes condominium units, the following mechanisms shall be incorporated into the Condominium Agreement to facilitate the monitoring and enforcement of the Condominium Corporation's and Unit Owners' compliance to the following provisions:</p> <p>(a) The Condominium Corporation shall, provide the Area Municipality on or before April 30th of each year with a certificate signed by two officers of the Condominium Corporation providing details of how many weeks each resort commercial unit was made available to the rental program, how many weeks each unit was actually rented by the Travelling and Vacationing Public, and how many weeks each unit was used by the Unit Owner to demonstrate compliance and/or non-compliance with the terms of the Condominium Agreement during the previous calendar year.</p> <p>(b) The Condominium Corporation shall provide security to the Area Municipality in a form acceptable to the Area Municipality (which may be in cash or by way of a letter of credit) in the amount of \$50,000 (increasing/decreasing by the change in the Consumer Price Index (all items) over the period 10 years from the date of the agreement and every 10 year period</p>		

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	<p>thereafter) as security in favour of the Area Municipality for the Condominium Corporation's obligations herein.</p> <p>(c) If a Unit Owner is in breach of this Agreement, the Area Municipality may determine the Unit Owner to be in non-compliance and issue a notice of infraction, with a penalty in the amount of the market appropriate rent which would otherwise have been collected had the unit been rented for the offending period <i>[or a predetermined fixed daily penalty amount as deemed appropriate by the Area Municipality]</i>. Such penalty, if not paid by the Unit Owner, may be added by the Area Municipality to the Unit Owner's municipal property tax roll.</p> <p>(d) If the Condominium Corporation is in breach of this Agreement, including the failure to provide the certificate referred to in Section (a), the Area Municipality may notify the Condominium Corporation of same and draw upon the security referred to in Section (b) as liquidated damages and not as a penalty. Drawing upon such security shall not preclude the Area Municipality from pursuing any other remedies it may have against the Condominium Corporation.</p> <p>(e) If the security is drawn upon by the Area Municipality pursuant to Section (d) above, the Condominium Corporation shall promptly provide the Area Municipality with replacement security in the same</p>		

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	<p>amount within 30 days.</p> <p>(f) Upon the winding-up or dissolution of the Condominium Corporation or upon a sale of the Subject Lands in their entirety, provided the Unit Owner or the Condominium Corporation, as applicable, is not then in default of its obligations hereunder, the Area Municipality shall return the security referred to in Section (b) to the Condominium Corporation.</p>		



APPENDIX A

Recommended Maximum Development Density - Minett Special Policy Area (S.P.A.)

	Area Size (Gross Acres)	Estimated Net Acres[1] % of Gross Acres	Estimated Net Acres in Area	Maximum Density (Units per Net Acre)	Estimated Maximum Potential Total Units	Maximum of which may be Housekeeping Units [2]	Existing and Approved Units	Pending Approval	Est. Max. Pot'l Units Adjusted for Existing, Approved & Pending Units [3]	Maximum GFA (Sq. Ft. Per Net Acre) [5]	Estimated Maximum Potential Sq. Ft.
-											
Area 1	84	80%	67	4.50	302	200	150		302	5,000	336,000
Area 2	23	80%	18	3.00	55	36	43		43	4,000	73,600
Area 3 [4]	60	80%	48	1.25	60	60			60	7,500	360,000
Area 4 [4]	142	80%	114	1.25	142	142			142	7,500	852,000
Area 5 [4]	55	80%	44	1.25	55	55			55	7,500	330,000
Area 6	30	80%	24	4.50	108	71	221	40	261	5,000	120,000
Red Leaves Lands	394	80%	315	2.29	723	564	414	40	863		2,071,600
Non-Red Leaves Lands [4]	158	80%	126	1.25	158	158			158	[6]	
Total Minett S.P.A.	552	80%	442	1.99	881	722	414	40	1,021		

[1] Densities shall be calculated on a net basis as per Bracebridge OPA 7, 2.i-2.iii, which excludes from density calculations certain development constraints, environmental features and any existing or proposed right-of-way. Assumes 20% of the land is excluded in calculating net acres. This may vary.

[2] A Housekeeping Unit is defined as per TML ZBL as a room or suite of rooms used or maintained for the accommodation of the travelling or vacationing public and equipped with a kitchen. A kitchen is a room or part of a room where food is stored or prepared or cooked, and which has cooking appliances.

[3] Adjusted for Existing, Approved & Proposed Units. Area 2 currently has approval for 43 housekeeping units. Area 6 has existing units and pending applications totalling 261 units.

[4] Any future development in Areas 3,4,5 and 'non-Red Leaves Lands' anticipated to be on individual private septic and water services, and are subject to TML's unserviced Community Residential policies except where Minett S.P.A policies differ.

[5] Areas 3, 4 and 5 limited to 7,500 GFA per acre in line with maximum TML dwelling size.

[6] Non-Red Leaves Lands subject to current TML OP GFA permissions

N.B. 1. Area boundaries may be adjusted to conform with current zoning boundaries and proponents' plans in consultation with the municipality

2. Maximum Gross Lot Coverage for entire area is 15%.

APPENDIX B

