

SECTION F - VIBRANT MUSKOKA: ECONOMIC DEVELOPMENT

F6 COMMERCIAL RESORT DEVELOPMENT

F6.1 OBJECTIVES

It is the objective of this Plan to:

- a) Recognize commercial resorts as an important component of the tourism industry that provides a historic link to the origins of tourism in Muskoka;
- b) Support commercial resort development and redevelopment in all designations through flexible policies that accommodate changing market demands, provided commercial resorts remain commercial in form and function;
- c) Ensure that existing and new commercial resorts are commercial in nature, so that travellers and vacationers continue to visit the District and contribute to the broader economy;
- d) Ensure that appropriate guarantees are in place to ensure that the District does not become responsible for water and wastewater servicing at commercial resorts that are not on **municipal sewage services** and **municipal water services**;
- e) Retain existing commercial resort properties where possible to support the continued economic vitality of Muskoka; and
- f) Ensure that new commercial resorts are appropriately located and developed in a manner that minimizes impacts on the environment and water quality and are designed to be sympathetic with the character of the surrounding area.

F6.2 PERMITTED USES

- a) The principal permitted use in a commercial resort is the short term accommodation of visitors and guests in facilities such as lodges, resorts, hotels, cabins and lakefront villas. Secondary permitted uses include:
 - i) Housekeeping, management and staff accommodations;
 - ii) Retail and service commercial uses that are functionally integrated into the commercial resort; and
 - iii) Uses that promote wellness activities and cultural and recreation opportunities and facilities.
- b) The use of a commercial resort outside of the Urban Centres and the Minett Resort Village for year-round or seasonal residential purposes shall not be permitted.
- c) Where the units in a commercial resort outside of the Urban Centres and the Minett Resort Village are planned to be in multiple ownerships (such as in a Plan

of Condominium) all of the commercial uses and the individual units will be parts of a legally and functionally integrated single resort entity.

- d) To provide recreation experience in a commercial setting, a variety of commercial resort-related amenities, services and recreational facilities shall be available on-site of each commercial resort. Such amenities, services and facilities shall be available to guests and visitors and are required to be available to the general public where appropriate. In addition, these amenities shall be tangible and include more than just the development of a beach, walking trails or similar passive features. The development of a reasonable number of commercial resort-related amenities, services and recreational facilities shall occur in the first phase.
- e) In-person central on-site management shall be available on-site in order to respond to complaints, deal with emergencies, and assist guests and visitors. The nature of the central on-site management shall be determined by the Area Municipality.
- f) To ensure that the use of a commercial resort remains commercial at all times, unit owners in a commercial resort outside of the Urban Centres and the Minett Resort Village with multiple ownerships shall not be entitled to use their units for more than 26 weeks in a calendar year (which would be pro-rated if the commercial resort is not open year-round) and for more than 4 weeks in the months of July and August. During the times the unit is not available for use by the unit owner, the unit shall be made available to visitors and guests. In addition, the maximum unit size for the majority of such units shall be such that it supports the commercial use of the commercial resort.
- g) To implement sub-section f), each Area Municipal Official Plan shall set out appropriate use restrictions for those commercial resorts outside of the Urban Centres and the Minett Resort Village where the units are planned to be in multiple ownerships (such as in a Plan of Condominium). These Area Municipal policies shall set out:
 - i) The number of weeks a unit in a commercial resort can be used by the unit owner in a calendar year and during the months of July and August;
 - ii) The means by which the occupancy of the units in the commercial resort will be controlled through implementing and enforceable agreements; and
 - iii) Maximum unit sizes to support the commercial use of the commercial resort.
- h) For those commercial resorts that front on a lake or river, the preferred location for the majority of the units that are made available to guests and visitors and resort-related amenities shall be adjacent to the shoreline so that the public facing component of the commercial resort is commercial in form and function.
- i) Within Urban Centres and the Minett Resort Village, residential uses may be permitted within a commercial resort subject to the policies of the Area Municipal Official Plan, provided the commercial form and function of the commercial resort is maintained.

F6.3 RESORT DEVELOPMENT AND REDEVELOPMENT REQUIREMENTS

- a) Any application to develop a commercial resort that is to be serviced by **private communal sewage services** and **private communal water services** or to expand or redevelop an existing commercial resort which would then be serviced by **private communal sewage services** and **private communal water services** will require an Amendment to the Area Municipal Official Plan.
- b) An Amendment to the Area Municipal Plan to expand or redevelop a commercial resort is not required by this Plan in the following circumstances:
 - i) If the existing commercial resort property is already serviced by **private communal sewage services** and **private communal water services**; and
 - ii) If the existing and to be expanded or redeveloped commercial resort is in single ownership (i.e. not in multiple ownerships such as in a Plan of Condominium).
- c) Any application to develop a new commercial resort or expand or redevelop an existing commercial resort shall be supported by information that identifies proposed form of tenure and how the occupancy of the units is to be controlled to ensure that the resort is commercial in nature.
- d) Any application to develop a new commercial resort or expand or redevelop an existing commercial resort that is or is proposed to be in multiple ownerships (such as in a Plan of Condominium) shall be supported by a revenue generation model that demonstrates how the commercial resort will generate a revenue stream from unit rentals and the commercial uses on site that sustain the commercial component of the commercial resort such that it is and will be viable. In addition, it shall also be demonstrated that the commercial resort will provide a sustained contribution to the local and regional economy, provide employment opportunities and support the provision of other goods and services by third parties in the area, all of which is intended to have a positive economic impact. The applicability of this sub-section to the expansion or redevelopment of existing commercial resorts shall be commensurate with the magnitude of the expansion or redevelopment.
- e) The studies required by this section shall address the anticipated impacts in the area affected by the proposal and in this regard, all applications shall be supported by information that address the impact of the operation of the proposal on:
 - i) The **natural heritage features and areas** and related ecological functions on the site and in the area;
 - ii) The quality of the water in the affected lake and the hydrological features that contribute to water quality and overall lake system health, including the ground water recharge and discharge functions on the site and in the immediate area;
 - iii) Existing topography and vegetation of the area, and the tree canopy in particular, when viewed from the water;
 - iv) Adjacent and nearby existing or planned land uses;

- v) The significant built heritage resources, protected heritage properties, significant cultural heritage landscapes and significant archaeological resources on the site and in the area;
 - vi) The transportation network in the area; and,
 - vii) Nearby wells used for drinking water purposes.
- f) In considering an application, it shall be demonstrated that the proposed development will:
- i) Respect and be compatible with the surrounding environment;
 - ii) Not result in adverse impacts on lake system health as demonstrated through appropriate studies;
 - iii) Minimize disruption to, and on, existing topography and vegetation of the area when viewed from the water;
 - iv) Maintain, improve, and/or restore the health of existing natural amenities such as streams and wetlands, where these features exist;
 - v) Integrate sustainable development practices that maintain or enhance ecological and economic resiliency; and
 - vi) Exhibit a high-quality built form that respects the character of the area.

F6.4 SERVICING

- a) Commercial resorts within Urban Centres and the Minett Resort Village shall be serviced by **municipal water services** and **municipal sewer services**. The full cost of installing **municipal sewage services** and **municipal water services** shall be the responsibility of the landowners installing such services.
- b) Commercial resorts outside of the Urban Centres and the Minett Resort Village are to be serviced by a water system and a sewage collection and treatment system that is owned by a single owner. If multiple ownerships are proposed, such a proposal may be serviced by **private communal sewage services** and **private communal water services**, provided it is demonstrated that there are appropriate restrictions in place regarding the use of the individual units in accordance with Section F6.2. These use restrictions are to be implemented in a form that is satisfactory and enforceable to the satisfaction of both the District and the Area Municipality.
- c) Where **private communal sewage services** and **private communal water services** are proposed in accordance with sub-section b):
 - i) The proposal shall proceed by condominium description that is satisfactory to both the District and the Area Municipality;
 - ii) Appropriate securities equal to 100% of the value of the **private communal sewage services** and **private communal water services** are deposited with the District at the time of the registration of the Plan of Condominium with such securities held by the District until such time as the reserve fund required by Sections D15.6.2.1 and D15.6.2.2 of this Plan accumulates up to or exceeding the value of the replacement cost of the **private communal sewage services**

and **private communal water services**;

- iii) All other requirements of Sections D15.6.2.1 and D15.6.2.2 are met; and
- iv) A responsibility agreement with the District is entered into that addresses all requirements, financial and otherwise, of the District.

F6.5 CONVERSION OF EXISTING COMMERCIAL RESORTS

- a) It is a goal of this Plan to retain existing commercial resorts wherever possible because of the role they play in supporting the economy and bringing visitors to the District.
- b) Applications to amend an Area Municipal Official Plan and/or Zoning By-law/Community Planning Permit By-law to permit alternative uses on a commercial resort property will only be supported by the District where a satisfactory planning justification report is provided and one or more of the following circumstances applies:
 - i) Environmental, cultural heritage features, hazards or other constraints restrict further development or redevelopment of the property;
 - ii) The continued operation of the commercial resort property is not viable;
 - iii) The provision of appropriate water and/or sewage disposal services to or on the property is not possible; and/or
 - iv) Only a portion of the property is proposed to be converted and that portion is not physically or functionally necessary for the ongoing of an existing operation or in the case of a vacant property, the removal would not restrict the future development of the lands as a commercial resort use.
- c) Where a report is required in Section F6.5 b), it shall demonstrate that:
 - i) The existing use of the property as a resort is no longer commercially viable, with detailed reasons provided;
 - ii) The other uses that may be permitted as-of-right on the resort property are either not commercially viable and/or are not feasible from a technical perspective and/or not appropriate on the lands from a land use planning perspective;
 - iii) The enhancements required to make the resort commercially viable and/or which are required to ensure that the resort complies with all current regulations are not practical and/or are not feasible; and
 - iv) The loss of the commercial land base will not negatively impact the critical mass of tourism infrastructure in the District.
- d) Any application for conversion will generally require the provision of public access to the shoreline in some form, especially where the resort property is used to access other properties on a waterbody, except where site conditions render such access unfeasible or where sufficient public access to the waterbody is deemed to exist in other locations.