

STAFF REPORT:

Planning



REPORT TO: Mayor and Members of Council
MEETING DATE: January 12, 2009
REPORT NO.: PL.09.02
SUBJECT: Short Term Accommodation –
Official Plan Amendment and
Zoning By-law Amendments
PREPARED BY: Peter Tollefsen, Director of
Planning and Cindy Welsh,
Senior Policy Planner

A. Recommendations

THAT Council does hereby receive Planning Staff Report PL.09.02, Official Plan Amendment and Zoning By-law Amendments, Short Term Accommodation;

AND THAT Council hereby enact a By-law to adopt Official Plan Amendment Number 11 to the Town of The Blue Mountains Official Plan Amendment to establish policies for short term accommodation uses and bed and breakfast establishments within The Blue Mountains and direct staff to forward the Amendment to the County of Grey for approval;

AND THAT Council hereby pass an Amendment to Township of Collingwood Zoning By-law No. 83-40, as amended, to clarify a number of definitions and introduce new ones as a foundation for short term accommodation requirements and regulations as well as outline standards pertaining to short term accommodation uses and identify areas where short term accommodation uses are permitted;

AND THAT Council hereby pass an Amendment to Town of Thornbury Zoning By-law No. 10-77, as amended, to clarify a number of definitions and introduce new ones as a foundation for short term accommodation requirements and regulations as well as outline standards pertaining to short term accommodation uses and identify areas where short term accommodation uses are permitted;

AND THAT Council hereby pass an Amendment to Township of Collingwood Zoning By-law No. 83-40, as amended, to rezone Lots 1 to 31, 45 to 51 and 68 to 81 of Registered Plan 910 and Lots 1 to 2 and 4 to 35 of Registered Plan 921 from the Resort Residential RR Zone to the Residential Third Density R3-210 Zone. Exception 210 would allow for the existing provisions in the RR Zone to remain in the R3-210 Zone.

B. Background

Short term accommodation use has been a concern for The Blue Mountains residents for a number of years. The municipality has received numerous complaints over the years pertaining to residential zoned properties being used for short term accommodation uses. As a result, Council directed staff in 2005, to seek a legal opinion related to short term accommodation uses.

In October 2005, Mr. Leo Longo of Aird & Berlis advised Council that if they wished to regulate short term accommodation uses that amendments to the Town's Official Plan and Zoning By-laws would be required. Further, it was recommended that an effective means of addressing short term accommodation uses in residential areas is to amend the Town's two Zoning By-laws (ZBL'S) to include a clear and precise definition of the use of short term accommodation.

On November 1, 2006, the Town hosted a Public Information Meeting pertaining to a Town wide Comprehensive Zoning By-law review process. At that meeting, a number of residents expressed concern regarding short term accommodation use (ancillary residential accommodations was a term previously used by the municipality when describing and considering this issue) issues in their neighbourhoods (i.e. noise, parking issues, waste and nuisance). Staff indicated Ancillary Residential Accommodation would be reviewed in a separate process to that of a comprehensive Zoning By-law review.

The Town hosted two Public Open Houses in 2007, related to short term accommodation uses. Two statutory public meetings was held on October 13, 2007, and May 12, 2008, related to proposed amendments to the Town of The Blue Mountains Official Plan, the Township of Collingwood Zoning By-law 83-40 and the Town of Thornbury Zoning By-law 10-77.

On February 4, 2008, Council passed an Interim Control By-law on all lands zoned residential within the Town prohibiting the establishment of such uses in residential zones so as to use any land, buildings or structure for the purposes of short term accommodation. Subsequently there have been two time extensions to this by-law and a number of residential zones removed from the original area of interim control.

On July 14, 2008, Council was presented with the report entitled *Short Term Accommodation Use Study Report*, dated July 2008, and the draft Official Plan and Zoning By-law Amendments for short term accommodation uses. The Report addressed Section 38(1) of the *Planning Act* which states that a study or review be undertaken in respect of land use planning policies. Additionally Council endorsed in principle the draft Official Plan Amendment and Zoning By-law Amendments. In November 2008, Leo Longo advised Council that if they wished to proceed with the Official Plan Amendment and Zoning By-law Amendments without the Licensing regime information, this could be done.

The primary purpose of Official Plan Amendment No. 11 is to establish policies for short term accommodation uses within the Town. The secondary purpose of the Amendment is to introduce policies for bed and breakfast establishments with the Town.

With regards to the two draft amendments proposed to the Township of Collingwood Zoning By-law No. 83-40, the following changes were proposed. The first proposed change would be to identify a further area within the municipality where existing short term accommodation uses would be permitted in the Tyrolean Lane, Arlberg Crescent, Kandahar Lane and Birch View Trail area. As well, lands have been identified where commercial resort units shall be permitted.

The second draft change would allow for the lands comprised of Lots 1 to 31, 45 to 51 and 68 to 81 of Registered Plan 910 and Lots 1 to 2 and 4 to 35 of Registered Plan 921, known as the Thunder Hill Subdivision, to be rezoned from the Resort Residential (RR) Zone to the Residential Third Density (R3-210) Zone. The only change for this area is the name or label of the category. Exception 210 will allow for existing provisions in the (RR) Zone to remain in the (R3-210) Zone.

With regards to the Town of Thornbury Zoning By-law No. 10-77, the only major change proposed since the last public meeting is the addition of a new zone being “Resort Residential” (RR). The intent of this zone is that it will be utilized for site specific amendments to the Zoning By-law to allow for new short term accommodation uses to be established.

Issue

Rentals of dwelling units within typical residential neighbourhoods to the public for short term accommodation use which is typically less than thirty days is an issue for The Blue Mountains. There are residential areas within the Town that have and are experiencing an increased intensification of these types of uses, resulting in instability and significant land use compatibility issues.

The municipality has received complaints over the years pertaining to residential properties being used for short term accommodation uses. Many of these complaints have been identified by neighbouring residents and include: noise issues; public disturbances; garbage; traffic safety and parking issues (including both on-street and on-lot parking congestion and blocked driveways); number of occupants in buildings; property standards issues; Ontario Fire Code issues; personal safety and security issues (including unknown and transient individuals and trespassing); vandalism to both private and public properties; and sustainability of public costs to The Blue Mountains and the Ontario Provincial Police for enforcement programs.

Two of the most common complaints neighbours of short term accommodation uses have pertain to noise and parking issues. There are restrictions on both matters that may be appropriately dealt with under applicable By-laws approved under the *Municipal Act*. The Town has a By-law dealing with noise (By-law No. 2002-9) and a By-law

relating to Parking (2003-11). Enforcement of these By-laws is carried out by By-law Enforcement Staff and the Ontario Provincial Police.

Another major factor affecting the compatibility of short term accommodation uses is the form of management. A number of operations are strictly controlled by management agencies while others have minimal supervision from absentee landlords.

Land use policies and zoning regulations can only address certain aspects including but not limited to use, densities, parking, landscaping, buffering and setbacks. Issues such as human behaviour, the relationship of residents within the same dwelling unit, property standards, noise and on-street traffic matters cannot be addressed at the land use planning level.

Provincial Policy Statement

The Provincial Policy Statement (PPS), 2005, does not specifically address short term accommodation use but it does address land use compatibility.

The *Planning Act* requires all planning decisions to be consistent with the Provincial Policy Statement (PPS), 2005. The focus of the PPS is on strong communities, strong economies and a healthy natural environment. The Town has an interest in resource-based recreational activities and the tourism which accompanies it and therefore must plan land use patterns that are compatible within this context.

As a land use, short term accommodation uses must be cognizant of the PPS. Sections of the PPS that are of particular interest are:

- 1.1.1 b) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;
- 1.1.1 c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; and
- 1.1.4.1 g) recreational, tourism and other economic opportunities should be promoted.

County of Grey

As the approval authority for local Official Plan Amendments, the County of Grey have indicated that they have not identified any concerns with respect to the proposed Official Plan Amendment. It was confirmed by County Staff that this local OPA is in conformity with the County Official Plan and a County OPA will not be required.

Official Plan Policies

Official Plan policies relating to short term accommodation uses and bed and breakfast establishments have been developed as part of the formulation of the current Town of The Blue Mountains Official Plan. An explanation of each is provided.

Short Term Accommodation Uses

On November 16, 2004, the County of Grey approved all of the Official Plan for the Town of The Blue Mountains, as adopted by By-law No. 2002-91 subject to modifications. Modification Number 36 pertained to Section 3.4.2 Ancillary Residential Accommodations (now known as Short Term Accommodations) and was modified by deleting the section in its entirety. These policies, along with a number of other sections, were subsequently removed from the Plan in order to facilitate approval from the County of Grey and limit the number of appeals to the Ontario Municipal Board (OMB). It was the intention of both the Town and the County at that time to bring these policies forward in a subsequent Official Plan Amendment.

Those policies that were originally drafted for inclusion in the Town's Official Plan provide the background for the new short term accommodation use policies which are proposed to be added as "Section 3.4.2 Short Term Accommodation Uses". Additionally, there are three (3) sections of the Official Plan which contain references to the unapproved deleted "ancillary residential accommodation" section. For housekeeping purposes, it is proposed to replace "ancillary residential accommodation (s)" with "short term accommodation(s)". The sections of the Official Plan that are proposed to be amended by this change are Sections 3.6(1), 3.6(5) and 11.12(6).

There are two additional housekeeping items that are to be addressed as part of this Amendment which include the following. The term "ancillary residential accommodations" is proposed to be deleted and replaced with "commercial resort unit" within Sections 4.8.4.2 and 4.8.4.2 (1) of the Official Plan.

The premise for the proposed Official Plan policies for short term accommodation use is that this is a land use capable of definition and should be regulated in order to ensure compatibility with residential uses in neighbourhoods.

Section 3.4.2(1) – Recognizes a variety of commercial accommodation uses within the municipality, including short term accommodation. It also states that this use may be considered appropriate in some residential areas, provided they are small scale in nature and appropriately regulated to avoid land use conflicts.

The use of site plan control is also intended under the proposed Official Plan Amendment to ensure compatible development by means of securing the provision and maintenance of on-site landscape buffering as well as siting such uses sensitively to surrounding residential uses.

Section 3.4.2(1a) – A definition of short term accommodation as a use has been defined in this section.

Section 3.4.2(2) – Any building used for short term accommodation purposes shall be considered a commercial rental use and shall only be permitted where recognized under the implementing Zoning By-law.

Section 3.4.2(3) – Such uses are only considered short term accommodation uses and should not be located within a commercial designation.

Section 3.4.2(4) – Large scale operations which have high occupancy and frequent rentals will be directed toward a commercial or other appropriate designation and will not be prohibited in a residential neighbourhood.

Section 3.4.2(5) – A Zoning By-law amendment which outlines appropriate provisions related to the operation of a short term accommodation use shall be enacted. As part of this, occupancy loads within a residential dwelling are considered to be a land use issue. There are a number of short term accommodation dwellings that are being utilized by more occupants than would normally be expected within a residential dwelling. Residential dwellings are not typically designed for this type of concentrated commercial use with large numbers of occupants.

New short term accommodation uses may only be permitted by a site-specific Zoning By-law Amendment or allowed in zones where they are specifically listed as a permitted use.

Section 3.4.2(6) – Nuisance factors resulting from short term accommodation uses will not be tolerated.

Section 3.4.2(7) – Short term accommodation uses will be subject to the Ontario Fire Code, Ontario Building Code and other applicable municipal By-laws.

Section 3.4.2(8) – Council may pass a By-law under the *Municipal Act* that establishes a short term accommodation use licensing regime.

Section 3.4.2(9) – All short term accommodation uses must comply with licensing and other applicable legislation.

Section 3.4.2(10) – Existing and lawful short term accommodation uses may be recognized as non-conforming; however all short term accommodations uses within the Town will be subject to compliance with any required license or other applicable legislation.

Bed and Breakfast Establishments

The bed and breakfast establishment policies are being proposed as general development policies as the Official Plan currently does not contain any provisions for this use. The policies developed will recognize that bed and breakfast establishments can only be established in single detached residential dwellings with the Agricultural, Rural and Residential designations and should not be permitted unless the owner of the dwelling resides in the dwelling while the dwelling is operating. Adequate parking facilities over and above the parking requirement shall be a minimum of one additional parking space per guest room. A Zoning By-law amendment will be required to permit this use. Further bed and breakfast establishments may be subject to site plan control.

Zoning By-law Amendments

Both Zoning By-laws that are in place within the Town currently have no specific zoning provisions related to short term accommodation uses. As part of this process, three Zoning By-law Amendments are proposed, one to the former Town of Thornbury Zoning By-law 10-77 and two to the former Township of Collingwood Zoning By-law 83-40.

A new definition of short term accommodation use is being proposed for both By-laws. The intent of this definition is to define the use, limit the scale and operations of such use, and reduce land use impacts within residential areas. The proposed definition of “short term accommodation use ” is as follows:

- means a dwelling or any part thereof that operates or offers no more than eight (8) occupants a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period of 30 consecutive calendar days or less, throughout all or any part of a calendar year. Short term Accommodation shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, commercial resort unit, or similar commercial or institutional uses.

Town of Thornbury Zoning By-law Amendment

The proposed intent of the former Town of Thornbury Zoning By-law Amendment is to recognize that there are a variety of commercial accommodation uses within the municipality by adding new definitions for “Bed and Breakfast Establishment”, “Dwelling, Seasonal” and “Short Term Accommodation” and revising others such as “Boarding or Rooming House”, “Commercial”, “Commercial Resort Unit Complex”, “Dwelling, Single Detached Residential”, “Hotel”, “Motel”, “Residential”, and “Tourist Cabin or Cottage”. The effect of this By-law is to clarify a number of definitions and introduce new ones as a foundation for future requirements and regulations. Recognition of these new definitions will not be construed as an absolute right to operate such new business.

The By-law is also proposing to recognize short term accommodation as a permitted use within the Residential Multiple (RM1) Zone. As well, a new Resort Residential (RR) Zone is being proposed. It is the intent to utilize the Resort Residential (RR) Zone for site specific amendments to the Zoning By-law to allow for new short term accommodation uses to be established.

The By-law also outlines performance standards including parking area regulations, site plan control, occupancy loads and separation distances.

Township of Collingwood Zoning By-law Amendments

There are two proposed Zoning By-law Amendments to the former Township of Collingwood By-law.

The proposed effect of this first By-law is to clarify a number of definitions and introduce new ones as a foundation for future requirements and regulations. The intent of this amendment is to introduce that there are a variety of commercial accommodation uses within the municipality by adding new definitions for “Bed and Breakfast Establishment”, “Boarding or Rooming House”, “Residential”, “Short Term Accommodation” and “Tourist Cabin or Cottage”, and revising others such as “Commercial”, “Commercial Resort Unit Complex”, “Dwelling”, “Dwelling, Seasonal”, “Dwelling, Single Detached Residential”, “Hotel” and “Motel”. Introduction of these new definitions will not be construed as a permission to operate new business. Uses must comply with all zoning and licensing requirements.

This By-law is also proposing performance standards including parking area regulations, site plan control, occupancy loads and separation distances. In addition the By-law is proposing to recognize short term accommodation as a permitted use within the Residential Fifth Density (R5), Residential Sixth Density (R6), Residential Seventh Density (R7), Residential Eighth Density (R8) and Resort Residential (RR) Zones.

Further, Schedule “AA” of the Zoning By-law which outlines standards pertaining to the minimum for lot area, frontage, yard setback, lot coverage, floor area per dwelling unit, setback from centre of road allowance and maximum for lot coverage, number of units per lot and height, is proposed to be amended by deleting the “Resort” Column and replacing it with the standards in the “Third Density” Column of the Township of Collingwood Zoning By-law.

In addition the By-law is proposing to exclude lands identified on Schedule “A-1” from the number of bedrooms being operated or offered in a dwelling utilized for short term accommodation use, providing one (1) parking space for each bedroom and being located closer than within 300 metres in a continuous path over the shortest distance from another Bed and Breakfast Establishment or short term accommodation use.

Such Schedule “A-1” lands are currently zoned Residential Fifth Density (R5-108), Residential Sixth Density (R6-72), Residential Sixth Density (R6-125), Residential Sixth Density (R6-128), Residential Sixth Density (R6-145), Residential Sixth Density (R6-127-h), Residential Sixth Density (R6-128-h) and Residential Eighth Density (R8-69).

Such lands shown on Schedule “A-1” have zoning in place which would permit short term accommodation uses under this By-law. A number of properties within these lands are part of a centralized, controlled rental program operation. The intent is to allow for the continued operations of these lands as is.

The By-law is also proposing to identify lands on Schedule “A-2” in the Tyrolean Lane, Arlberg Crescent, Kandahar Lane and Birch View Trail location as an area where existing short term accommodation uses would be recognized. Short term accommodation uses exist now and have historically been concentrated in this specific area and therefore should be recognized. This is also intended to concentrate the land use within this specific area. The area is predominantly used for short term accommodation uses. It is an area for these uses within the municipality. By

acknowledging the existing short term accommodation uses in this area the rationale is to cluster new uses within this geographical space. There is a defined short term accommodation character to the area and this should continue.

The By-law is also proposing to identify lands on Schedule "A-3" as an area where commercial resort units shall be permitted.

The proposed effect of the second By-law would be to the lands comprised of Lots 1 to 31, 45 to 51 and 68 to 81 of Registered Plan 910 and Lots 1 to 2 and 4 to 35 of Registered Plan 921, known as the Thunder Hill Subdivision, which are proposed to be rezoned from the Resort Residential (RR) Zone to the Residential Third Density (R3-210) Zone. The only change for this area is the name or label of the category. Exception 210 will allow for existing provisions in the (RR) Zone to remain in the (R3-210) Zone. It is the intent to utilize the Resort Residential (RR) Zone for site specific amendments to the Zoning By-law to allow for new short term accommodation uses to be established.

All three Zoning By-laws have a provision included that states the By-laws will not come into effect until the Official Plan Amendment has been approved by the County of Grey.

Public Input

An invitation to provide written comments to the Town on the draft Official Plan Amendment and Zoning By-law Amendments was extended to the public and in response to this a total of 68 submissions were received (43 written submissions pertaining to the October 13, 2007, statutory public meeting and 25 submissions received pertaining to the May 12, 2008, public meeting). In an effort to communicate the issues reflected in the submissions and raised at both public meetings, an overview of the comments received is provided below. In addition to these broader issues, specific issues were addressed in the process of reviewing the comments.

Support of the Proposed Official Plan Amendment and Zoning By-law Amendments

A large number of comments submitted were from individuals residing in residential areas where existing short term accommodation uses are located and were in support of the proposed Official Plan Amendment and Zoning By-law Amendments.

Opposition to the Proposed Official Plan Amendment and Zoning By-law Amendments

Concerns were submitted by current operators of short term accommodation uses within the Town who have voiced concerns with the proposed Official Plan Amendment and Zoning By-law Amendments.

Support of the Proposed Licensing By-law

Comments were received in support of the enactment of a Licensing By-law to regulate short term accommodation uses within the Town. Input was received as to how licensing would assist in regulating this land use within the municipality.

Opposition to the Proposed Licensing By-law

Comments were received which expressed concern with the enactment of a Licensing By-law to regulate short term accommodation uses within the Town. A number of operators and owners of short term accommodation uses expressed concern over costing of a licensing regime to their operations.

Support of an Interim Control By-law

The majority of comments received in support of the Town enacting an Interim Control By-law (ICBL) were addressed when the Town enacted an ICBL on February 4, 2008, which prohibits on all lands zoned residential within the Town the establishment of short term accommodation uses in residential zones. The By-law was amended in April 2008, to remove certain zones from the area of interim control.

Policy Exemptions from Short Term Accommodation Performance Standards

Two submissions asked for policy exemptions from short term accommodation use performance standards. These submissions identify a number of properties within lands that are part of a centralized, controlled rental program operation and the Tyrolean Lane, Arlberg Crescent, Kandahar Lane and Birch View Trail area lands were accommodated.

Parking, Garbage, Noise and Public Health Issues

With regards to parking, garbage, noise and public health issues, a large number of comments submitted were from individuals residing in residential areas where existing short term accommodation uses are located.

Requested Property Redesignations

A number of property owners requested the redesignation of their properties in order to permit short term accommodation uses under the proposed Zoning By-law Amendments. All requests for redesignations have been accommodated

Individual Comments

Individual comments were received pertaining to: suggested wording changes to “minimum distance separation”; increasing the number of bedrooms to be included in the definition of short term accommodation; municipal enforcement costs; review of tax rates for properties utilized for short term accommodation uses; costs of legal work; suggested wording changes to additional sections of the Official Plan; and issue of condominium units being used for short term accommodation uses.

The Official Plan Amendment recommended by staff is to establish policies to recognize and regulate short term accommodation uses and bed and breakfast uses by providing a planning vision to direct future growth of such uses within the Town. The Zoning By-law Amendments recommended by staff provide a foundation for future requirements and regulations that will assist in the decrease of parking, garbage and noise problems currently associated with these types of uses.

Conclusion

The proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS), 2005, conforms with the County of Grey Official Plan and meets the overall intent and direction of the Town of The Blue Mountains Official Plan.

As well, a number of the concerns raised at the public meetings have been incorporated into the final proposed draft Official Plan and Zoning By-law amendments presented as part of this report.

C. The Blue Mountains' Strategic Plan

1. Managing growth to ensure the ongoing health and prosperity of the community.

D. Environmental Impacts

The proposed Official Plan Amendment and Zoning By-law Amendments do not appear to generate any significant environmental impacts that can be regulated by the Town.

E. Budget Impact

If the Zoning By-law Amendments are enacted there will be impacts on enforcement and levels of service within the Town.

F. Attachments

1. Official Plan Amendment Number 11.
2. Proposed Zoning By-law Amendments.
3. *Short Term Accommodation Use Study Report*, dated July 2008.

Submitted by:

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**THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS
BY-LAW NO. _____**

**Being a By-law to adopt Amendment No. 11 to the
Official Plan of the Town of The Blue Mountains**

The Council of the Corporation of the Town of The Blue Mountains in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c. P.13, hereby enacts as follows:

1. Amendment No. 11 to the Official Plan of the Town of The Blue Mountains, is hereby adopted.
2. The Clerk is hereby authorized and directed to submit Amendment No. 11 together with the required record, to the appropriate Approval Authority for approval.
3. This By-law shall come into force and take effect on the day of the final passing by Council, subject to any approval necessary pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

READ A FIRST TIME THIS _____ DAY OF _____, 2009.

READ A SECOND TIME THIS _____ DAY OF _____, 2009.

READ A THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____, 2009.

Ellen Anderson, Mayor

Corrina Giles, Deputy Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2009.

DATED at _____
this _____ day of _____,
_____, 2009.

Signed: _____
Corrina Giles, Deputy Clerk

NOTICE OF THE PASSING OF A BY-LAW TO ADOPT

AN AMENDMENT TO THE TOWN OF THE BLUE MOUNTAINS OFFICIAL PLAN

TAKE NOTICE THAT the Council of the Town of The Blue Mountains passed By-law No. 2009-_____ on the _____ day of _____, 2009 to adopt Official Plan Amendment No. 11 in accordance with the provisions of Section 17(22) of the *Planning Act*, R.S.O. 1990, c. P.13.

AND TAKE NOTICE that any person or public body will be entitled to receive notice of the decision of the approval authority if a written request to be notified of the decision (including the person's or public body's address) is made to the approval authority, being the County of Grey Planning and Development Department, 595 – 9th Avenue East, Owen Sound, Ontario, N4K 3E3.

THE COMPLETE OFFICIAL PLAN AMENDMENT is available for inspection during regular office hours in the Planning Department at the Municipal Office, 26 Bridge Street, Thornbury, Ontario or by contacting the Planning Department directly at (519) 599-3131, extension 263.

DATED at the Town of The Blue Mountains, this ____ day of _____, 2009.

Stephen Keast
Clerk
Town of The Blue Mountains
P.O. Box 310
26 Bridge Street
THORNBURY, Ontario
NOH 2P0 (519) 599-3131

PURPOSE AND EFFECT OF THIS BY-LAW

The purpose of this By-law is to establish policies for short term accommodation uses and bed and breakfast uses with the Town of The Blue Mountains Official Plan.

The effect of this By-law is based on the need to recognize and regulate short term accommodation uses and bed and breakfast uses within the Town of The Blue Mountains.

The Town also passed three Zoning By-law Amendments being Nos. 2009-____, 2009-____ and 2009-_____ to implement this policy and that this Amendment is required to permit these Zoning By-law Amendments to come into legal effect.

**AMENDMENT NO. 11
TO THE
OFFICIAL PLAN
OF THE
TOWN OF THE BLUE MOUNTAINS**

_____, 2009

**AMENDMENT NO. 11 TO THE
OFFICIAL PLAN OF THE
TOWN OF THE BLUE MOUNTAINS**

INDEX	PAGE
The Constitutional Statement	(i)
PART A – THE PREMABLE	1
Purpose	1
Location	1
Basis	1
PART B – THE AMENDMENT	3
Introductory Statement	3
Details of the Amendment	3
Implementation and Interpretation	6

**AMENDMENT NO. 11 TO THE
TOWN OF THE BLUE MOUNTAINS
OFFICIAL PLAN**

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE does not constitute a part of this Amendment.

PART B - THE AMENDMENT consisting of the following text constitutes Amendment No. 11 to the Official Plan for the Town of The Blue Mountains.

PART A - THE PREAMBLE

1. PURPOSE

The purpose of this Amendment is to establish policies for short term accommodation uses and bed and breakfast uses with the Town of The Blue Mountains Official Plan.

2. LOCATION

The policies of this Amendment are general in nature and apply to the entire Town of The Blue Mountains. A key map has not been provided due to the broad scope of the Official Plan Amendment.

3. BASIS

Overview

This Amendment is based on the need to recognize and regulate short term accommodation uses within the Town of The Blue Mountains. Bed and breakfast policies are also to be recognized. The Official Plan currently recognizes a variety of commercial accommodation uses within the municipality.

All short term (less than 30 days) accommodation uses should be regulated as a distinct land use in order to avoid adverse impacts on surrounding residential neighbourhoods.

In some cases, residential dwellings may be rented in conjunction with commercial hotel operations. Such commercial accommodations may be considered appropriate in some residential areas provided they are small scale and adequately regulated to avoid land use conflicts with the surrounding area. Residential neighbourhoods require special attention to ensure the quiet and undisturbed enjoyment of residential living which people expect. Short term accommodation uses shall avoid disruption to adjacent residences through mitigation of potential impacts including noise control, waste management, setbacks, buffering, servicing and adequate on-site parking, amongst other appropriate site performance standards and operational controls. All short term accommodation uses shall be subject to site plan control and shall have particular regard for waste management and show sensitivity to surrounding residential uses, including adequate screening of parking areas.

Zoning, site plan control, business licenses and other appropriate regulatory measures will be made available to implement this amendment. Where appropriate, small scale short term accommodation uses may be permitted in residential areas.

PART B - THE AMENDMENT

All of this part of the document entitled “Part B - The Amendment” consisting of the following text constitutes Amendment No. 11 to the Official Plan of The Town of The Blue Mountains.

DETAILS OF THE AMENDMENT

The Official Plan is hereby amended as follows:

Item 1: **Section 3.4 Resort Accommodations** is hereby amended by adding the following new Sections:

3.4.2 Short Term Accommodation Uses

- (1) The Plan recognizes that there are a variety of commercial accommodation uses within the municipality. These may include bed and breakfast establishments, care homes, farm vacation homes and dwellings rented for short term periods. In some cases, residential dwellings may be rented in conjunction with commercial hotel operations. Such commercial accommodations may be considered appropriate in some residential areas, provided they are small scale and adequately regulated to avoid land use conflicts with the surrounding area. Unlike accommodation uses in commercial areas, as described under 3.4.1, residential neighbourhoods require special attention to ensure the quiet and undisturbed enjoyment of residential living which people expect. Accommodation uses shall avoid disruption to adjacent residences through mitigation of potential impacts including noise control, waste management, setbacks, buffering, servicing and adequate on-site parking, amongst other appropriate site performance standards and operational controls. All short term accommodation uses shall be subject to site plan control and shall show sensitivity to surrounding residential uses.
- (1a) For the purposes of this Official Plan, a “Short Term Accommodation” use is defined as a dwelling or any part thereof that operates or offers no more than eight (8) occupants a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period of 30 consecutive calendar days or less, throughout all or any part of a calendar year. Short term accommodation shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, commercial resort unit, or similar commercial or institutional uses.
- (2) It shall be a policy of this Plan that any building used for short term accommodation purposes shall be considered a commercial use and shall only be permitted where recognized under the implementing Zoning By-law. It is the foundation of this Plan that such uses should not be considered conventional residential uses and that appropriate regulations shall be established.
- (3) Conventional residential rental accommodation in a residential dwelling for periods of 30 days or greater shall not be considered a commercial accommodation use, and shall be considered a principal residential use. The provisions of this Plan for short term accommodation uses do not apply to such leased conventional residential dwelling units.
- (4) The scale and intensity of any short term accommodation use may affect the degree of potential disruption in the surrounding neighbourhood. Such accommodation uses should be regulated to ensure that the principal residential character and use is generally maintained. Large scale operations, with high occupancy and frequent rentals, which are considered to be the principle commercial use of the property shall be subject to the requirements for commercial resort accommodations under Section 3.4.1 and only located where specifically permitted under the Zoning By-law. Such large scale uses shall be directed toward a commercial or other appropriate designation and shall be prohibited within a residential neighbourhood.

- (5) The implementing Zoning By-law shall establish appropriate provisions related to the scale of short term accommodation uses, occupant load per unit, parking requirements, separation distances, setbacks and buffering. The location, size and scale of the short term accommodation use shall be regulated in a manner which is considered compatible with surrounding uses. Certain types of commercial accommodation uses identified under paragraph (1) shall be distinguished from short term accommodation uses, and may only be permitted by site-specific Amendment to the Zoning By-law or in zones where they are specifically listed as a permitted use.
- (6) Nuisance factors related to short term accommodation uses shall not be tolerated.
- (7) In addition to fire and safety regulations, zoning and site plan control measures, the municipality may establish and enforce on-street parking, noise and property standards by-laws in order to ensure disruption is minimized. Occupancy restrictions, fire separations, servicing and other relevant matters should also be addressed. Short term accommodation uses shall also be subject to the requirements of other applicable legislation.
- (8) Council may also consider passing a by-law under the *Municipal Act* to require a business license for the operation of short term accommodation uses. Any required license shall not be issued for a short term accommodation use unless such use is permitted under the implementing Zoning By-law, and in compliance with all applicable requirements, including the matters referred to under paragraph (10). In the event that there is any non-compliance with any of the aforementioned controls, for any reason whatsoever, the Town may refuse to issue or renew, and may revoke, any required license, in which case the use must cease.
- (9) Recognition under the implementing Zoning By-law shall not be construed as an absolute right to operate such business. The implementing Zoning By-law shall clearly identify that such use is not permitted where there is any non-compliance with any required license or other applicable legislation.
- (10) Short term accommodation uses have not previously been recognized under any Zoning By-law within the municipality. It is recognized that some commercial accommodation uses in residential dwellings may exist which may not comply with the new zoning requirements pursuant to this Plan. The implementing Zoning By-law may provide that such existing uses may continue as non-conforming uses, so long as such use continues, and subject to compliance with any required license or other applicable legislation. Council shall encourage compliance, where possible, including any appropriate limitations regarding scale, occupancy, servicing, parking or other matters related to health and safety conditions and compatibility criteria. Council may also consider a temporary use by-law, as provided under Section 11.6, as a transition measure to permit any non-conforming use to continue in the short term, provided suitable provisions are incorporated to convert the non-conforming use once the temporary use period ceases.

3.4.3 Bed and Breakfast Establishments

- (1) Notwithstanding anything else contained within this plan, a bed and breakfast use may be established in an existing single detached residential dwelling in an Agricultural, Rural and Residential Designation. The policies for establishing a bed and breakfast use are as listed below.
- (2) A bed and breakfast is the use of a single detached residential dwelling for the rental of not more than 3 guest rooms to the traveling public for overnight accommodation on a temporary basis. It is the intent that the following policies be adhered to prior to the establishment of a bed and breakfast use.

- (a) An amendment to the implementing Zoning By-law will be required to permit this use.
- (b) Bed and breakfast uses should not be permitted unless the owner of the dwelling resides in the dwelling while the dwelling is operating.
- (c) That the use of the single detached residential dwelling for a bed and breakfast use shall not be detrimental to any adjacent use. Where necessary, neighbouring uses will be protected by the provision of areas for landscaping, buffering or screening, of buildings, structures or uses, so as to reduce any detrimental affect caused by the use of the dwelling as a bed and breakfast establishment.
- (d) That adequate parking facilities over and above the parking requirement for single detached residential dwellings are available which shall be a minimum of one additional parking space per guest room.
- (e) That bed and breakfast uses may be subject to site plan control.

- Item 2:** **Section 3.6 (1)** is hereby amended by deleting the “ancillary residential accommodations” and replacing it with “short term accommodation uses”.
- Item 3:** **Section 3.6 (5)** is hereby amended by deleting the “Ancillary residential accommodation” and replacing it with “short term accommodation”.
- Item 4:** **Section 4.8.4.2 Medium Density Residential MDR** is hereby amended by deleting “ancillary residential accommodations” and replacing it with “commercial resort unit”.
- Item 5:** **Section 4.8.4.2 (1)** is hereby amended by deleting “ancillary residential accommodation” and replacing it with “commercial resort unit”.
- Item 6:** **Section 11.12 (6)** is hereby amended by deleting “ancillary residential accommodation” and replacing it with “short term accommodation uses”.

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan, as well as through Zoning By-law Amendments pursuant to the *Planning Act* and other relevant legislation.

NOTICE OF THE PASSING OF A ZONING BY-LAW TOWN OF THE BLUE MOUNTAINS

TAKE NOTICE THAT the Council of the Town of The Blue Mountains passed By-law No. _____ on the _____ day of _____, 2009, under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board in respect of the by-law by first obtaining a prescribed Appellant Form and filing same with the Clerk of the Town of the Blue Mountains not later than the _____ day of _____, 2009 and completing said Form setting out the objection of the By-law and the reasons in support of the objection, together with the required \$125 fee made payable to the Minister of Finance.

AND TAKE NOTICE that only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

An explanation of the purpose and effect of the by-law is attached. The complete by-law is enclosed for inspection.

DATED at the Town of The Blue Mountains, this _____ day of _____, 2009.

Stephen Keast
Clerk
Town of The Blue Mountains
P.O. Box 310
26 Bridge Street
Thornbury, ON NOH 2P0
(519) 599-3070

PURPOSE AND EFFECT OF THIS BY-LAW

The purpose of this By-law is to recognize that there are a variety of commercial accommodation uses within the municipality by adding new definitions for “Bed and Breakfast Establishment”, “Boarding or Rooming House”, “Residential”, “Short Term Accommodation” and “Tourist Cabin or Cottage”, and revising others such as “Commercial”, “Commercial Resort Unit Complex”, “Dwelling”, “Dwelling, Seasonal”, “Dwelling, Single Detached Residential”, “Hotel” and “Motel”.

It is the policy of the Official Plan that any building used for short term accommodation purposes shall be considered a commercial use and shall only be permitted where recognized under the implementing Zoning By-law. Any such permissions will be done by Site Specific Zoning By-law Amendments, which is not the purpose of this Zoning By-law.

The effect of this By-law is to clarify a number of definitions and introduce new ones as a foundation for future requirements and regulations. Recognition of these new definitions shall not be construed as an absolute right to operate such new business. This By-law also outlines standards pertaining to short term accommodation uses.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. _____

Being a By-law to amend Zoning By-law No. 83-40
which may be cited as “The Township of Collingwood
Zoning By-law”

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

AND WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. SECTION 3: DEFINITIONS of By-law No. 83-40, as amended, is hereby amended by adding the following new definitions:
 - (i) 3.17 (a) “Bed and Breakfast Establishment” means a dwelling that operates or offers less than three (3) guest rooms as places of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement throughout all or any part of a calendar year and that is the principal residence of the establishment’s proprietor. Bed and Breakfast Establishment shall not mean or include motel, hotel, short term accommodation, tourist cabin or cottage, hospital or similar commercial or institutional uses.
 - (ii) 3.17 (c) “Boarding or Rooming House”
 - (i) means an owner occupied dwelling in which lodging with or without meals is supplied for gain to three (3) or more persons other than the lessee, tenant or owner of the said dwelling, or any member of his family, but
 - (ii) does not mean or include a motel, hotel, short term accommodation, bed and breakfast establishment, hospital or similar commercial or institutional use, or apartment house.
 - (iii) 3.139 (a) “Residential” means the use of land, buildings or structures for human habitation, but excluding temporary human habitation uses such as short term accommodation, bed and breakfast establishment, tourist cabin or cottage, hotel or motel.
 - (iv) 3.148 (b) “Short Term Accommodation” means a dwelling or any part thereof that operates or offers no more than eight (8) occupants a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period of 30 consecutive calendar days or less, throughout all or any part of a calendar year. Short term Accommodation shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, **commercial resort unit**, or similar commercial or institutional uses.
 - (v) 3.166 (a) “Tourist Cabin or Cottage” means a seasonal dwelling operated or offered as a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement, throughout all or any part of a calendar year.

2. SECTION 3: DEFINITIONS of By-law No. 83-40, as amended, is amended by revising the following existing definitions:

- (i) After “3.30 Commercial” means the use of land, building or structure for the purpose of buying, selling, leasing and renting commodities,” delete the comma and insert:

“or accommodations”.

- (ii) Delete 3.31 (iii) and replace with:

3.31 (iii) “which is part of a rental or lease management program which consists of a minimum of ten (10) commercial resort units in one or more buildings on a single lot; and”

- (iii) Delete definition 3.32 and replace with:

3.32 Commercial Resort Unit Complex” shall mean a building or group of buildings containing more than ten commercial resort units which is part of a rental or lease management program on a single lot.

- (iv) Delete definition 3.45 and replace with:

3.45 Dwelling” shall mean a building occupied or capable of being occupied exclusively as a permanent or temporary home, residence, accommodation or sleeping place by one or more persons, but shall not include hotels, motels, mobile homes, recreational vehicles, park model trailers, tents, commercial resort units, institutions, railroad car or other railroad rolling stock, or living quarters for a caretaker, watchman, or other person or persons using living quarters which are necessary to a non-residential building or structure.

- (v) Delete definition 3.54 and replace with:

3.54 Dwelling, Seasonal” means a dwelling that is not used for continuous habitation or as a permanent residence or a dwelling to be used for recreation but not occupied or intended to be occupied as a permanent residence or any combination of the two.

- (vi) Delete 3.56 and replace with:

3.56 Dwelling, Single Detached Residential” means a single dwelling unit which is not joined to any other dwelling.

- (vii) Delete definition 3.89 and replace with:

3.89 Hotel” means an establishment that consists of one building or two or more connected or adjacent buildings that, throughout all or part of a calendar year, caters to the needs of the public by furnishing guest rooms for a fee, including all such establishments as defined from time to time by the *Hotel Registration of Guests Act*, R.S.O. 1990, c.H.17, as amended, but not including any other establishment otherwise defined or classified in this By-law. A Hotel may or may not:

- (i) supply food;
- (ii) have an on-site management office;
- (iii) include permanent staff accommodation;
- (iv) include convention facilities;
- (v) include one or more dining rooms;
- (vi) include recreational facilities for use by the guests; and
- (vii) be licensed under the Liquor Licence Act of Ontario, R.S.O. 1990,c..

(viii) Delete definition 3.113 and replace with:

3.113 “Motel” means an establishment that consists of one building or two or more connected or adjacent buildings that, throughout all or part of a calendar year, caters to the needs of the public by operating or offering guest rooms for a fee, where each guest room is directly accessible from the exterior, but not including any other establishment otherwise defined or classified in this By-law. A Motel may also:

- (i) supply food;
- (ii) have an on-site management office;
- (iii) include permanent staff accommodation;
- (iv) include convention facilities;
- (v) include one or more dining rooms;
- (vi) include recreational facilities for use by the guests;
- (vii) be licensed under the Liquor License Act of Ontario.

3. Section 5.14 Parking Requirements of By-law No. 83-40, as amended, is amended by adding the following parking requirements:

Section 5.14(a)(xxiv) Short term accommodation – 0.5 parking spaces per occupant.

4. SECTION 5: GENERAL PROVISIONS of By-law 83-40, as amended, is hereby amended by adding the following new Section: Section 5.24 Short Term Accommodation

Section 5.24 Short Term Accommodation

Section 5.24.1 (a) No person shall use any land or erect, alter or use any building or structure for the purpose of a short term accommodation use within any Residential First Density (R1), Residential Second Density (R2), Residential Third Density (R3) or Residential Fourth Density (R4) Zone.

Section 5.24.1 (b) No person shall use any land or erect, alter or use any building or structure that secures nine (9) or more occupants for the purpose of short term accommodation use.

Section 5.24.1 (c) No short term accommodation use shall be located closer than within 300 metres in a continuous path over the shortest distance from another short term accommodation use or Bed and Breakfast Establishment .

Section 5.24.1 (d) Short term accommodation uses shall be subject to site plan control.

5. Section 8.1 (b) of By-law No. 83-40, as amended, is amended by deleting “family detached” following “single” and replacing it with “detached residential”.

6. Section 9.1 (b) of By-law No. 83-40, as amended, is amended by deleting “family detached” following “single” and replacing it with “detached residential”.

7. Section 10.2.1 (a) of By-law No. 83-40, as amended, is amended by deleting “family detached” following “single” and replacing it with “detached residential”.

8. Section 10.3.1 (a) of By-law No. 83-40, as amended, is amended by deleting “family detached” following “single” and replacing it with “detached residential”.

9. Section 10.4.1 (a) of By-law No. 83-40, as amended, is amended by deleting “family detached” following “single” and replacing it with “detached residential”.

10. Section 10.6.1 of the Residential Fifth Density (R5) Zone of By-law No. 83-40, as amended, is amended by deleting and replacing with the following :
 - 10.6.1 Permitted Uses
 - a) horizontally attached dwellings;
 - b) short term accommodation;
 - c) uses, building and structures accessory to the uses permitted in Clauses a) and b).

11. Section 10.7.1 of the Residential Sixth Density (R6) Zone of By-law No. 83-40, as amended, is amended by deleting and replacing with the following:
 - 10.7.1 Permitted Uses
 - a) horizontally attached dwellings;
 - b) multi-attached dwellings;
 - c) short term accommodation;
 - d) uses, buildings and structures accessory to the uses permitted in Clauses a), b) and c).

12. Section 10.8.1 of the Residential Seventh Density (R7) Zone of By-law No. 83-40, as amended, is amended by deleting and replacing with the following:
 - 10.8.1 Permitted Uses
 - a) a rowhouse unit;
 - b) a linked unit;
 - c) short term accommodation;
 - d) uses, building and structures accessory to the uses permitted in Clauses a), b) and c).

13. Section 10.9.1 of the Residential Eighth Density (R8) Zone of By-law No. 83-40, as amended, is amended by deleting and replacing with the following:
 - 10.9.1 Permitted Uses
 - a) apartment houses;
 - b) short term accommodation;
 - c) uses, buildings and structures accessory to the use permitted in Clause a).

14. Section 10.10.1 (a) of By-law No. 83-40, as amended, is amended by deleting “family detached” following “single” and replacing it with “detached residential”.
15. Section 10.11.1 (a) of By-law No. 83-40, as amended, is amended by deleting “family detached” following “single” and replacing it with “detached residential”.
16. Section 10.12.1 (a) of By-law No. 83-40, as amended, is amended by deleting “family detached” following “single” and replacing it with “detached residential”.
17. Section 10.13.1 of the Resort Residential (RR) Zone of By-law No. 83-40, as amended, is amended by deleting and replacing with the following:
 - 10.13.1 Permitted Uses
 - a) a single detached residential dwelling;
 - b) short term accommodation;
 - c) uses, buildings and structures accessory to the uses permitted in Clauses a) and b).

18. Section 10.14.1 (a) of By-law No. 83-40, as amended, is amended by deleting “family detached” following “single” and replacing it with “detached residential”.
19. Section 30.1 (a) of By-law No. 83-40, as amended, is amended by deleting “family detached” following “single” and replacing it with “detached residential”.
20. That Schedule ‘AA’ of the Township of Collingwood Zoning By-law No. 83-40, as amended, is amended by deleting “Single Family” in the “Use” Row and replacing it with “Single Detached”.

21. That Schedule ‘AA’ of the Township of Collingwood Zoning By-law No. 83-40, as amended, is amended by deleting the Resort Column and replacing with the following:

SCHEDULE ‘AA’		ZONE	RESORT
		USE	SINGLE DETACHED
		SYMBOL	RR
MINIMUM AREA (METRES)	LOT (SQ. METRES)	PUBLIC WATER AND SEWER	550’
		PUBLIC WATER PRIVATE SEWER	695
		PRIVATE WATER AND SEWER	1,390
MINIMUM FRONTAGE (METRES)	LOT	PUBLIC WATER AND SEWER	18 SQ. M.
		PUBLIC WATER PRIVATE SEWER	22
		PRIVATE WATER AND SEWER	24
MINIMUM SETBACK (METRES)	YARD	FRONT	7.5
		REAR	9
		INT. SIDE	2
		EXT. SIDE	6
MAXIMUM COVERAGE	LOT	%	30
MINIMUM AREA PER DWELLING UNIT (SQ. METRES)	FLOOR PER UNIT	1 STOREY	83
		1.5 STOREY	87
		2-2.5 STY.	100
		BACHELOR	A
		1 BEDROOM	A
		2 BEDROOM	A
		3+ BEDRM.	A
MAXIMUM NO. OF UNITS PER LOT			1
MINIMUM SETBACK FROM CENTRE OF ROAD ALLOWANCE (METRES)		PROVINCIAL	30
		COUNTY	27
		OTHER	17.5
MAXIMUM HEIGHT (METRES)			2.5 STY.

A – PROVISION NOT APPLICABLE

1 – THE MINIMUM LOT AREA SET OUT IN THIS SCHEDULE SHALL BE INCREASED BY 50 SQ. M. FOR CORNER LOTS

22. That Schedule “A-1” is hereby declared to form part of this by-law.
23. In addition to the uses permitted on the lands set out on Schedule “A-1”, short term accommodation use shall be permitted with such use being excluded from:
- the total number of occupants permitted within a short term accommodation use.
 - being located closer than within 300 metres in a continuous path over the shortest distance from another short term accommodation use or Bed and Breakfast Establishment.
 - Section 5.14(a)(xxiv) – “Parking Requirements”.
24. That the defined areas as depicted on Schedule “A-1” which are used for short term accommodation shall comply with the Parking Requirements of Section 5.14 (a)(i) of By-law No. 83-40 for a “A building containing 2 or more dwelling units” or, 5.14 (a)(ii) “A building containing 3 or more dwelling units”, whichever is applicable to the building.
25. That Schedule “A-2” is hereby declared to form part of this by-law.
26. In addition to the uses permitted on the lands set out on Schedule “A-2”, short term accommodation use shall be permitted with such use being excluded from:
- the total number of occupants permitted within a short term accommodation use.
 - being located closer that within 300 metres in a continuous path over the shortest distance from another short term accommodation use or Bed and Breakfast Establishment

c) Section 5.14(a)(xxiv) – “Parking Requirements”.

- 27. That the defined areas as depicted on Schedule “A-2” which are used for short term accommodation shall comply with the Parking Requirements of Section 5.14 (a)(i) of By-law No. 83-40 for a “A building containing 2 or more dwelling units” or, 5.14 (a)(ii) “A building containing 3 or more dwelling units”, whichever is applicable to the building.
- 28. That Schedule “A-3” is hereby declared to form part of this by-law.
- 29. In addition to the uses permitted on the lands set out on Schedule “A-3”, a commercial resort unit shall be permitted.
- 30. This By-law shall come into full effect upon the date of approval of the Town of The Blue Mountains Official Plan Amendment No. 11.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this _____ day of _____, 2009.

Ellen Anderson, Mayor

Corrina Giles, Deputy Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2009.

DATED at The Blue Mountains this _____ day of _____, 2009.

Signed: _____
Corrina Giles, Deputy Clerk

Town of The Blue Mountains

Key Map Schedule A-1

By-law No. _____



Town of The Blue Mountains

Key Map Schedule A-2

By-law No. _____



Town of The Blue Mountains

Key Map Schedule A-3

By-law No. _____



NOTICE OF THE PASSING OF A ZONING BY-LAW TOWN OF THE BLUE MOUNTAINS

TAKE NOTICE THAT the Council of the Town of The Blue Mountains passed By-law No. _____ on the _____ day of _____, 2009, under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board in respect of the by-law by first obtaining a prescribed Appellant Form and filing same with the Clerk of the Town of the Blue Mountains not later than the _____ day of _____, 2009 and completing said Form setting out the objection of the By-law and the reasons in support of the objection, together with the required \$125 fee made payable to the Minister of Finance.

AND TAKE NOTICE that only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

An explanation of the purpose and effect of the by-law is attached. The complete by-law is enclosed for inspection.

DATED at the Town of The Blue Mountains, this _____ day of _____, 2009.

Stephen Keast
Clerk
Town of The Blue Mountains
P.O. Box 310
26 Bridge Street
Thornbury, ON NOH 2P0
(519) 599-3070

PURPOSE AND EFFECT OF THIS BY-LAW

The purpose of this By-law is to recognize that there are a variety of commercial accommodation uses within the municipality by adding new definitions for “Bed and Breakfast Establishment”, “Dwelling, Seasonal” and “Short Term Accommodation” and revising others such as “Boarding or Rooming House”, “Commercial”, “Commercial Resort Unit Complex”, “Dwelling, Single Detached Residential”, “Hotel”, “Motel”, “Residential” and “Tourist Cabin or Cottage”.

It is the policy of the Official Plan that any building used for short term accommodation purposes shall be considered a commercial use and shall only be permitted where recognized under the implementing Zoning By-law. Any such permissions will be done by Site Specific Zoning By-law Amendments, which is not the purpose of this Zoning By-law.

The effect of this By-law is to clarify a number of definitions and introduce new ones as a foundation for future requirements and regulations. Recognition of these new definitions shall not be construed as an absolute right to operate such new business. A new Resort Residential (RR) Zone is being proposed. It is the intent to utilize the Resort Residential (RR) Zone for site specific amendments to the Zoning By-law to allow for new short term accommodation uses to be established. This By-law also outlines standards pertaining to short term accommodation uses.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. _____

Being a By-law to amend Zoning By-law No. 10-77, as amended,
which may be cited as “The Zoning By-law
of the Town of Thornbury”

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 10-77;

AND WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13., the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. SECTION 2: DEFINITIONS of By-law No. 10-77, as amended, is hereby amended by adding the following new definitions:

- (i) 2.17 (a) “Bed and Breakfast Establishment” means a dwelling that operates or offers no more than three (3) guest rooms as places of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement throughout all or any part of a calendar year and that is the principal residence of the establishment’s proprietor. Bed and breakfast Establishment shall not mean or include a motel, hotel, short term accommodation, tourist cabin or cottage, hospital or similar commercial or institutional uses.
- (ii) 2.46 (a) “Dwelling, Seasonal” means a dwelling that is not used for continuous habitation or as a permanent residence or a dwelling to be used for recreation but not occupied or intended to be occupied as a permanent residence, or any combination of the two.
- (iii) 2.109 (a) “Short Term Accommodation” means a dwelling or any part thereof that operates or offers no more than eight (8) occupants a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period of 30 consecutive calendar days or less, throughout all or any part of a calendar year. Short term Accommodation shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, **commercial resort unit**, or similar commercial or institutional uses.

2. SECTION 2: DEFINITIONS of By-law No. 10-77, as amended, is hereby amended by revising the following existing definitions:

- (i) Delete definition 2.18 and replace with:

2.18 “Boarding or Rooming House”
 - (i) means a dwelling in which lodging with or without meals is supplied for gain to three (3) or more persons other than the lessee, tenant or owner of the said dwelling, or any member of his/her family, but
 - (ii) does not mean or include a motel, hotel, short term accommodation, bed and breakfast establishment, hospital or similar commercial or institutional use, or apartment house.

- (ii) Delete definition 2.31 and replace with:

2.31 “Commercial” means the use of land, building or structure for the purpose of buying, selling, leasing and renting commodities or accommodations, and/or supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

- (iii) Delete 2.33 (iii) and replace with:

2.33 (iii) “which is part of a rental or lease management program which consists of a minimum of ten (10) commercial resort units in one or more buildings on a single lot; and”

- (iv) Delete definition 2.34 and replace with:

2.34 “Commercial Resort Unit Complex” shall mean a building or group of buildings containing more than ten commercial resort units which is part of a rental or lease management program on a single lot.

- (v) Delete definition 2.48 and replace with:

2.48 “Dwelling, Single Detached Residential” means a single dwelling unit which is not joined to any other dwelling.

- (vi) Delete definition 2.72 and replace with:

2.72 “Hotel” means an establishment that consists of one building or two or more connected or adjacent buildings that, throughout all or part of a calendar year, caters to the needs of the public by furnishing guest rooms for a fee, including all such establishments as defined from time to time by the *Hotel Registration of Guests Act*, R.S.O. 1990, c.H.17, as amended, but not including any other establishment otherwise defined or classified in this By-law. A Hotel may or may not:

- (i) supply food;
- (ii) have an on-site management office;
- (iii) include permanent staff accommodation;
- (iv) include convention facilities;
- (v) include one or more dining rooms;
- (vi) include recreational facilities for use by the guests;
- (vii) be licensed under the Liquor Licence Act of Ontario, R.S.O. 1990,c..

- (vii) Delete definition 2.90 and replace with:

2.90 “Motel” means an establishment that consists of one building or two or more connected or adjacent buildings that, throughout all or part of a calendar year, caters to the needs of the public by operating or offering guest rooms for a fee, where each guest room is directly accessible from the exterior, but not including any other establishment otherwise defined or classified in this By-law. A Motel may also:

- (i) supply food;
- (ii) have an on-site management office;
- (iii) include permanent staff accommodation;
- (iv) include convention facilities;
- (v) include one or more dining rooms;
- (vi) include recreational facilities for use by the guests; and
- (vii) be licensed under the Liquor Licence Act of Ontario.

- (viii) Delete 2.103 and replace with:

2.103 “Residential” means the use of land, buildings or structures for human habitation, but excluding temporary human habitation uses such as short term accommodation, bed and breakfast establishment, tourist cabin or cottage, hotel or motel.

- (ix) Delete definition 2.121 “Tourism Establishment”.

- (x) Delete definition 2.121(i) “Lodge”.

- (xi) Delete definition 2.121(ii) “Motel”.

- (xii) Delete 2.121(iii) and replace with:

2.121 “Tourist Cabin or Cottage” means a seasonal dwelling operated or offered as a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement, throughout all or any part of a calendar year.

3. Section 3.1 of By-law No. 10-77 is hereby amended by adding under the Zone category, after “Residential Multiple RM2”, “Resort Residential RR” and under the Symbol category, after “RM2”, “RR”.

4. Section 6.9 (a) of By-law No. 10-77, as amended, is amended by deleting under “Type of use”, “family detached” after “single” and replacing with “detached residential”.

5. Section 6.9 PARKING AREA REGULATIONS of By-law No. 10-77, as amended, is amended by adding the following parking requirements:

Section 6.9 (a) Requirements

<u>Type of Use</u>	<u>Minimum Parking Space Requirements</u>
Short term accommodation	0.5 parking spaces per occupant.

6. Section 7.1 Residential Zones of By-law No. 10-77 is hereby amended by adding under the Zone category, after “Residential Multiple RM2”, “Resort Residential RR” and under the Symbol category, after “RM2”, “RR”.

7. Section 7.2 (a) of By-law No. 10-77 is hereby amended by deleting “family detached” following “one” and replacing it with “detached residential”.

8. Section 7.2 (c) of By-law No. 10-77 is hereby amended by deleting “family detached” following “single” and replacing it with “detached residential”.

9. Section 7.2 (d) of By-law No. 10-77 is hereby amended by deleting “family detached” following “single” and replacing it with “detached residential”.

10. Section 7: GENERAL PROVISIONS FOR RESIDENTIAL ZONES of By-law 10-77, as amended, is hereby amended by adding the following new Section:

Section 7.6 SHORT TERM ACCOMMODATION

- (a) Not Permitted

No person shall use any land or erect, alter or use any building or structure for the purpose of a short term accommodation use within any Residential (R1), Residential (R2), Residential (R3) or Residential Multiple (RM2) Zone.

(b) Number of Occupants

No person shall use any land or erect, alter or use any building or structure that secures nine (9) or more occupants for the purpose of short term accommodation use.

(c) Site Plan Control

Short term accommodation uses shall be subject to site plan control.

(d) Separation Distances

No short term accommodation uses shall be located closer than within 300 metres in a continuous path over the shortest distance from another short term accommodation use or Bed and Breakfast Establishment .

11. Section 8.1 (a) of By-law No. 10-77, as amended, is hereby amended by deleting “family detached” following “one” and replacing it with “detached residential”.
12. Section 9.1 (a) of By-law No. 10-77, as amended, is hereby amended by deleting “family detached” following “one” and replacing it with “detached residential”.
13. Section 10.1 (a) of By-law No. 10-77, as amended, is hereby amended by deleting “family detached” following “one” and replacing it with “detached residential”.
14. Section 11.1 of By-law No. 10-77, as amended, is hereby amended by deleting and replacing with the following:
 - 11.1 Permitted Uses
 - a) Semi-detached dwelling
 - b) Duplex dwelling
 - c) Triplex dwelling
 - d) Fourplex dwelling
 - e) Townhouse dwelling
 - f) Short term accommodation
 - g) Uses, buildings and structures accessory to the foregoing permitted uses.

15. That By-law No. 10-77, as amended, is hereby amended by adding the following new Section after SECTION 12:

SECTION 12B: RESORT RESIDENTIAL RR ZONE

No person shall, within any Resort Residential RR Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

12B.1 PERMITTED USES

- (i) One single detached residential dwelling on one lot.
- (ii) Short term accommodation.
- (iii) Uses, buildings and structures accessory to the foregoing permitted uses.

12B.2 REGULATIONS FOR USES PERMITTED IN CLAUSE (A) AND (B) OF SUBSECTION 12B.1

- (a) Minimum Lot Frontage interior lot 18 metres

- corner lot 21 metres
- (b) Minimum Lot Area interior lot 555 square metres
corner lot 650 square metres
- (c) Maximum Lot Coverage interior lot 35%
corner lot 30%
- (d) Minimum Front Yard 9 metres
- (e) Minimum Side Yard 2.0 metres except as provided in
paragraph (i) of this clause:
 - (i) On a corner lot, the minimum side yard abutting a public street shall be 7.5 metres.
- (f) Minimum Rear Yard 10 metres
- (g) Minimum Floor Area
 - (i) 1 storey or split level 83 square metres
 - (ii) 1 ½ storey 100 square metres
 - (iii) 2 or 2 ½ storey 120 square metres
- (h) Maximum Height 2 ½ storey

16. Section 13.1 (a) of By-law No. 10-77, as amended, is hereby amended by deleting “family detached” following “one” and replacing it with “detached residential”.
17. Section 22.1 (b) of By-law No. 10-77, as amended, is hereby amended by deleting “family detached” following “one” and replacing it with “detached residential”.
18. This By-law shall come into full effect upon the date of approval of the Town of The Blue Mountains Official Plan Amendment No. 11.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this _____ day of _____, 2009.

Ellen Anderson, Mayor

Corrina Giles, Deputy Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2009.

DATED at The Blue Mountains this _____ day of _____, 2009.

Signed: _____
Corrina Giles, Deputy Clerk

NOTICE OF THE PASSING OF A ZONING BY-LAW
TOWN OF THE BLUE MOUNTAINS

TAKE NOTICE THAT the Council of the Town of The Blue Mountains passed By-law No. _____ on the _____ day of _____, 2009 under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board in respect of the by-law by first obtaining a prescribed Appellant Form and filing same with the Clerk of the Town of the Blue Mountains not later than the _____ day of _____, 2009 and completing said Form setting out the objection of the By-law and the reasons in support of the objection, together with the required \$125 fee made payable to the Minister of Finance.

AND TAKE NOTICE that only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

An explanation of the purpose and effect of the by-law, describing the lands to which the by-law applies, and a key map showing the location of the lands to which the by-law applies (or, alternatively, an explanation as to why a key map is not provided) are attached. The complete by-law is enclosed for inspection.

DATED at the Town of The Blue Mountains, this _____ day of _____, 2009.

Stephen Keast
Clerk
Town of The Blue Mountains
P.O. Box 310
26 Bridge Street
THORNBURY, Ontario
NOH 2P0
(519) 599-3070

PURPOSE AND EFFECT OF THIS BY-LAW

The purpose of this By-law is to rezone the lands to more accurately reflect the types of uses that are situated on the land.

The effect of this By-law is to rezone the subject lands from Resort Residential RR Zone to Residential Third Density R3-210 Zone. The only change for this area is the name or label of the category. Exception 210 allows for existing provisions in the RR Zone to remain in the R3-210 Zone. The Resort Residential RR Zone is a more appropriate zone for short term accommodation uses.

The subject lands of this By-law are comprised of Lots 1 to 31, 45 to 51 and 68 to 81 of Registered Plan 910 and Lots 1 to 2 and 4 to 35 of Registered Plan 921, known as the Thunder Hill Subdivision.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. _____

Being a By-law to amend Zoning By-law No. 83-40 which may be cited as "The Township of Collingwood Zoning By-law".

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

AND WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13., the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. That Schedule "A-1" is hereby declared to form part of this By-law.
2. Map 23 to Schedule "A" of By-law No. 83-40 is hereby amended by rezoning the subject lands from Resort Residential RR Zone to Residential Third Density R3-210 Zone, those lands lying and being in the Town of The Blue Mountains, comprised of Lots 1 to 31, 45 to 51 and 68 to 81 of Registered Plan 910 and Lots 1 to 2 and 4 to 35 of Registered Plan 921 (Thunderhill – Castle Glen) as indicated in the cross-hatching on the attached key map Schedule "A-1".
3. That Section 32, as amended, is hereby further amended by adding the following:

"210 The maximum lot coverage shall be 15%; the minimum floor area per dwelling unit for 1 storey shall be 65 square metres; and the minimum floor area per dwelling unit for 1.5 storey shall be 80 square metres.
4. This By-law shall come into full effect upon the date of approval of the Town of The Blue Mountains Official Plan Amendment No. 11.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this _____ day of _____, 2009.

Ellen Anderson, Mayor

Corrina Giles, Deputy Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2009.

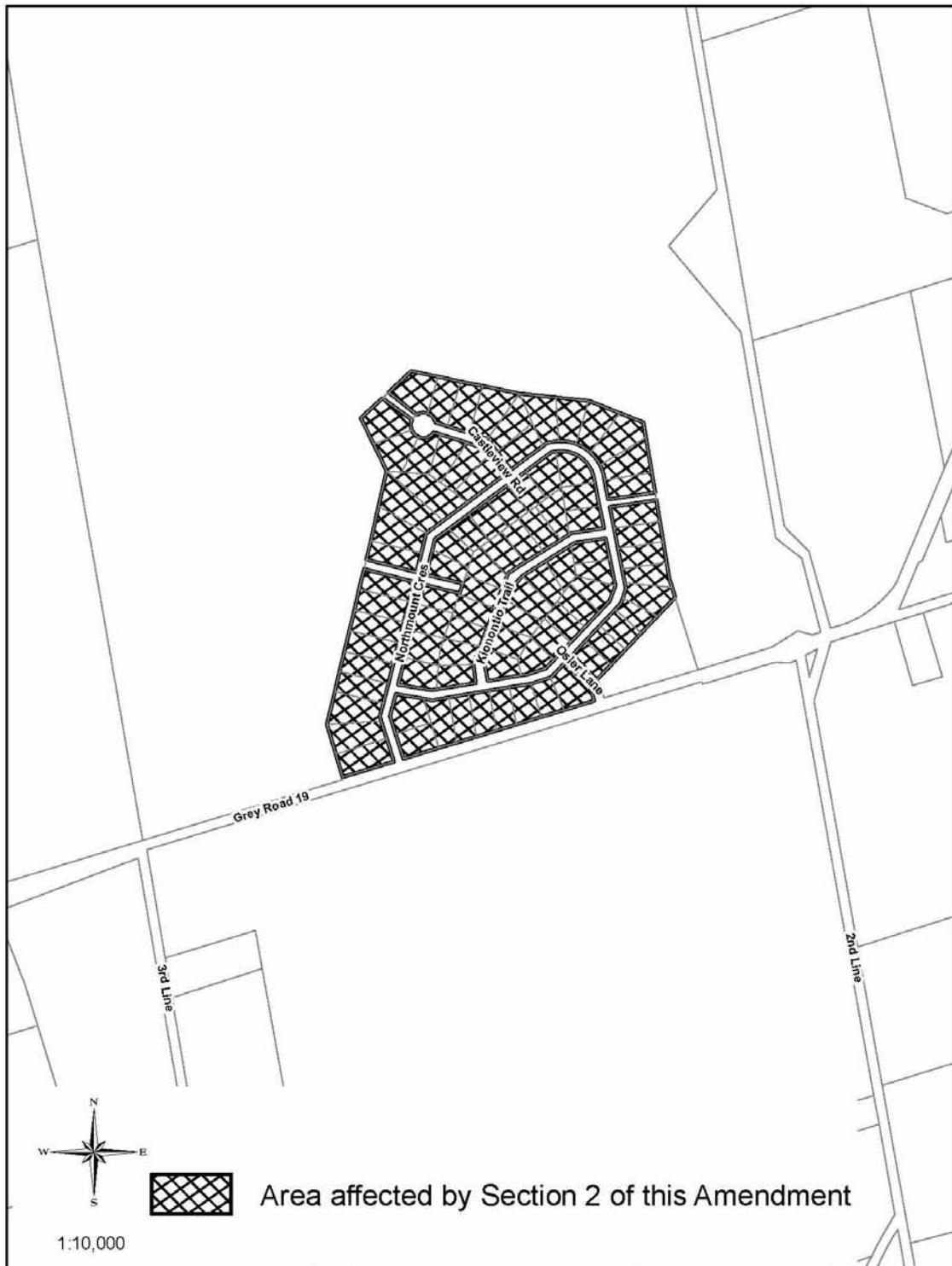
DATED at _____ this _____ day of _____, 2009.

Signed: _____
Corrina Giles, Deputy Clerk

Town of The Blue Mountains

Key Map Schedule A-1

By-law No. _____





Short Term Accommodation Use Study

Town of The Blue Mountains

July 2008

1.0 BACKGROUND

Short term accommodation has been a concern for Town of The Blue Mountains residents for a number of years. The municipality has received complaints pertaining to residential properties being used for short term stays. As a result, Council directed staff to seek a legal opinion on short term accommodation.

In October 2005, Mr. Leo Longo of Aird & Berlis recommended an amendment to the Town's Official Plan to ensure the Town's intentions with regard to short term rentals are enunciated and implemented. Further, it was recommended that an effective means of addressing short term rentals in residential areas is to amend the Town's two Zoning By-laws to include a clear and precise definition of the use of short term accommodation. In January 2006, Council directed staff to proceed with an Official Plan Amendment and Zoning By-law Amendments to provide for the regulatory tools necessary for enforcement.

On November 1, 2006, the Town hosted a Public Information meeting pertaining to the Town wide Comprehensive Zoning By-law review process. At that meeting, a number of residents expressed concern regarding short term accommodation use (ancillary residential accommodations was a term previously used by the municipality when describing and considering this issue) problems in their neighbourhoods (i.e. noise, parking issues, garbage, nuisance and mischief). Staff indicated short term accommodation would be reviewed in a separate process to that of the comprehensive Zoning By-law review program to expedite the process.

A public open house was held on June 20, 2007, where Planning Staff introduced the principles of short term accommodation regulations in a proposed Official Plan Amendment and Zoning By-law Amendment policies. The principles of the draft Licensing By-law were presented by Mr. Longo. The public was asked to provide comments on the documents to the Town.

The second public open house was held on October 9, 2007, where Planning Staff presented the draft Official Plan Amendment and draft Zoning By-law Amendments. The public was asked to provide comments pertaining to these documents.

A statutory public meeting was held on October 13, 2007, providing notice of the amendments required to the Town of The Blue Mountains Official Plan, the Township of Collingwood Zoning By-law 83-40 and the Town of Thornbury Zoning By-law 10-77. The meeting was well attended by the public and the Town received additional comments at that time.

On February 4, 2008, Council passed an Interim Control By-law on all lands zoned residential within the Town prohibiting the establishment of such short term accommodation uses in residential zones. On April 7, 2008, Council approved an amendment to the Interim Control By-law.

A staff report entitled “Short Term Accommodation Study” was presented to Council on April 2, 2008, and staff were authorized to proceed to a public meeting for the draft Official Plan Amendment and Zoning By-law Amendments; to report back to Council on the implementation of a Licensing By-law; and to provide Council with a Supplemental Report to include budget impact detail including revenue projections.

A second statutory public meeting was held on May 12, 2008, to consider recommendations of the Short Term Accommodation Study. The meeting was also to advise of and consider changes to the original Official Plan Amendment and Zoning By-law Amendments that were presented at the October 13, 2007, statutory public meeting.

Changes to the proposed Official Plan Amendment included minor wording changes and the addition of performance standards.

With regards to the two draft amendments proposed to the Township of Collingwood Zoning By-law No. 83-40, the following changes were proposed. The first proposed change would be to identify a further area within the municipality where existing and new short term accommodation uses would be permitted in the Tyrolean Lane, Arlberg Crescent, Kandahar Lane and Birch View Trail area.

The second draft change would allow for the lands comprised of Lots 1 and 2 and 4 thru 81, Plan 910, known as the Thunder Hill Subdivision to be rezoned from Resort Residential (RR) Zone to Residential Third Density (R3-210) Zone. The only change for this area is the name or label of the category. Exception 210 will allow for existing provisions in the (RR) Zone to remain in the (R3-210) Zone.

There were no proposed changes to the Town of Thornbury Zoning By-law No. 10-77 from what was presented in October 2007.

2.0 ISSUE

The municipality has received complaints over the years pertaining to residential properties being used for short term stays. Many of these complaints have been identified by neighbouring residents and include: noise issues (including public drunkenness); public disturbances; traffic safety and parking issues (including both on-street and on-lot parking congestion and blocked driveways); number of occupants in buildings; property standards issues; Ontario Fire Code issues; personal safety and security issues (including unknown and transient individuals and trespassing); vandalism to both private and public properties; loss of property values; and sustainability of public costs to the Town of The Blue Mountains and the Ontario Provincial Police for enforcement programs.

Two of the most common complaints neighbours of short term accommodation uses have pertain to noise and parking issues. There are restrictions on both matters that may be appropriately dealt with under applicable by-laws approved under the *Municipal Act*. The Town has a By-law dealing with noise (By-law No. 2002-9) and a By-law

relating to parking (By-law No. 2003-11). Enforcement of these By-laws is carried out by the Ontario Provincial Police.

There are a number of other common complaints neighbours have expressed such as the nature and intensity of the short term accommodation use (such as number of occupants) and its incompatibility with residential uses.

Another factor affecting the compatibility of short term accommodation uses is the form of management. A number of operations are strictly controlled by management agencies while others have minimal supervision from absentee landlords. This presents a problem with uneven landowner/lessor enforcement.

3.0 PLANNING JUSTIFICATION

Land use policies and zoning regulations can only address certain aspects including but not limited to use, densities, parking, landscaping, buffering and setbacks. Issues such as human behaviour, the relationship of residents within the same dwelling unit, property standards, noise and on-street traffic matters cannot be addressed at the land use planning level.

3.1 Provincial Policy Statement

The Provincial Policy Statement (PPS), 2005, does not specifically address short term accommodation use but it does address land use compatibility.

The *Planning Act* requires all planning decisions to be consistent with the Provincial Policy Statement (PPS), 2005. The focus of the PPS is on strong communities, strong economies and a healthy natural environment. The Town has an interest in resource-based recreational activities and the tourism which accompanies it, and therefore must plan land use patterns that are compatible within this context.

As a land use, short term accommodation uses must be cognizant of the PPS. One Section of the PPS that is of particular interest is:

- 1.1.1 c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.

3.2 County of Grey Official Plan

The County of Grey Planning and Development Department staff have indicated that they have not identified any concerns with respect to the proposed amendment to the Official Plan (OPA#11) for short term accommodation which would require approval from the County.

3.3 Town of The Blue Mountains Official Plan

Official Plan Policies relating to short term accommodation use were developed as part of the formulation of the current Town of The Blue Mountains Official Plan. These policies, along with a number of other sections, were subsequently removed from the Plan in 2003, in order to facilitate approval of the balance of the Official Plan from the County of Grey and limit the number of appeals to the Ontario Municipal Board (OMB). It was the intention of both the Town and the County at that time to bring these policies forward in a subsequent Official Plan Amendment.

Those policies that were originally drafted for inclusion in the Town's Official Plan provide the background for the new short term accommodation use policies which are proposed to be added as "Section 3.4.2 Short Term Accommodation Uses". Additionally, there are five current sections of the Official Plan which contain references to the former unapproved and deleted "ancillary residential accommodation" section.

For housekeeping purposes, it is proposed to replace "ancillary residential accommodation (s)" with "short term accommodation(s)" in three of these sections (3.6 (1), 3.6 (5) and 11.12 (6)). In Sections 4.8.4.2 Medium Density Residential MDR and 4.8.4.2(1), "ancillary residential accommodations" will be replaced with "commercial resort unit".

Bed and breakfast policies will also be added to the Town's Official Plan under Section 3.4.3. Currently there are no provisions in the Official Plan that recognize this use.

The basic premise of the proposed Official Plan policies is that short term accommodation use is a land use capable of definition and should be regulated in order to ensure compatibility with residential uses in neighbourhoods. The following planning justification is provided for all ten proposed policies identified in Section 3.4.2.

Section 3.4.2(1) – This section reorganizes a variety of commercial accommodation uses within the municipality, including short term accommodation. It also states that this use may be considered appropriate in some residential areas, provided they are small scale in nature and appropriately regulated to avoid land use conflicts.

The use of Site Plan Control is also intended under the proposed Official Plan Amendment to ensure compatible development by means of securing the provision and maintenance of on-site landscape buffering as well as siting such uses sensitively to surrounding residential uses.

A definition of Short Term Accommodation Uses is also being proposed to be added.

Section 3.4.2(2) – Any building used for short term accommodation purposes shall be considered a commercial use and shall only be permitted where recognized under the implementing Zoning By-law.

Section 3.4.2(3) – Such uses are only considered short term accommodation uses and should not be located within a commercial designation.

Section 3.4.2(4) – Large scale operations which have high occupancy and frequent rentals will be directed toward a commercial or other appropriate designations and will be prohibited in a residential neighbourhood.

Section 3.4.2(5) – A Zoning By-law amendment which outlines appropriate provisions related to the operation of a short term accommodation use shall be enacted. As part of this, occupancy loads within a residential dwelling are considered to be a land use issue. There are a number of short term accommodation dwellings that are being utilized by more occupants than would normally be expected within a residential dwelling. Residential dwellings are not typically designed for this type of concentrated commercial use with large numbers of occupants.

New short term accommodation uses may only be permitted by a site-specific Zoning By-law Amendment or allowed in zones where they are specifically listed as a permitted use.

Section 3.4.2(6) – Nuisance factors resulting from short term accommodation uses will not be tolerated.

Section 3.4.2(7) – Short term accommodation uses will be subject to the Ontario Fire Code, Ontario Building Code and other applicable municipal by-laws.

Section 3.4.2(8) – Council may pass a by-law under the *Municipal Act* that establishes a short term accommodation use licensing regime.

Section 3.4.2(9) – All short term accommodation uses must comply with licensing and other applicable legislation.

Section 3.4.2(10) – Existing and lawful short term accommodation uses may be recognized as non-conforming; however all short term accommodations uses within the Town will be subject to compliance with any required license or other applicable legislation.

It is considered the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS), 2005, conforms with the County of Grey Official Plan and meets the overall intent and direction of the Town of The Blue Mountains Official Plan.

3.4 Zoning By-law Amendments

Both Zoning By-laws that are in place within the Town currently have no specific zoning provisions related to short term accommodation uses. As part of this process, three zoning by-law amendments are proposed, one to the former Town of Thornbury Zoning By-law 10-77 and two to the former Township of Collingwood Zoning By-law 83-40.

Short term accommodation use provisions are proposed to be added to both Zoning By-laws currently in place.

Provisions

In addition to a definition of short term accommodation use, the following provisions are being proposed: parking requirements, occupancy loads and minimum distance separation.

A new definition of short term accommodation use is being proposed for both by-laws. The intent of this definition is to define the use, limit the scale and operations of such use, and reduce land use impacts within residential areas. The proposed definition of “short term accommodation use” is as follows:

- means a dwelling or any part thereof that operates or offers no more than eight (8) occupants a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period of 30 consecutive calendar days or less, throughout all or any part of a calendar year. Short term Accommodation shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, or similar commercial or institutional uses.

The rationale for proposing to use 30 consecutive calendar days or less include the following reasons: where a month or four weeks is used as the length of term, 30 days is the default in terms of number of consecutive calendar days or less (typically jurisdictions which regulate short term accommodation uses rely on the above).

Parking requirements of 0.5 parking spaces per occupant have been proposed as a solution to the parking complaints the Town has received. All vehicles belonging to overnight occupants of short term accommodation uses will be required to be parked on the property.

The occupancy load of no more than eight (8) occupants is being proposed as a reasonable limitation in order to ensure a safe and comfortable rental occupancy.

The minimum distance separation of 300 metres is proposed as a means of lessening the density of, and separating and minimizing incompatible land uses from one another by imposing a measured distance between the two. In this case the incompatible land uses are single detached residential dwellings in residential zones being utilized as short term accommodation uses. This is so short term accommodation uses do not cluster in an area but are spread out to soften the impact on the residents.

Former Town of Thornbury Zoning By-law Amendment

The proposed intent of the former Town of Thornbury Zoning By-law Amendment is to recognize that there are a variety of commercial accommodation uses within the

municipality by adding new definitions for “Bed and Breakfast Establishment”, “Bedroom”, “Dwelling, Seasonal” and “Short Term Accommodation” and revising others such as “Boarding or Rooming House”, “Commercial”, “Dwelling, Single Detached Residential”, “Hotel”, “Motel”, “Tourist Cabin or Cottage” and “Residential”.

The effect of this By-law is to clarify a number of definitions and introduce new ones as a foundation for future requirements and regulations. Recognition of these new definitions will not be construed as an absolute right to operate such new business. Uses must comply with all zoning and licensing requirements. This by-law is also proposing to recognize short term accommodation as a permitted use within the Residential Multiple (RM1) Zone. The By-law also outlines performance standards including parking area regulations, site plan control, occupancy loads and separation distances.

Zoning By-law Amendments to the former Township of Collingwood By-law

The proposed effect of this first By-law is to clarify a number of definitions and introduce new ones as a foundation for future requirements and regulations. The intent of this amendment is to introduce that there are a variety of commercial accommodation uses within the municipality by adding new definitions for “Bed and Breakfast Establishment”, “Bedroom”, “Boarding or Rooming House”, “Residential”, “Short Term Accommodation” and “Tourist Cabin or Cottage”, and revising others such as “Commercial”, “Dwelling”, “Dwelling, Seasonal”, “Dwelling, Single Detached Residential”, “Hotel” and “Motel”. Introduction of these new definitions will not be construed as a permission to operate new business. Uses must comply with all zoning and licensing requirements.

This By-law is also proposing performance standards including parking area regulations, site plan control, occupancy loads and separation distances. In addition the By-law is proposing to recognize short term accommodation as a permitted use within the Residential Fifth Density (R5), Residential Sixth Density (R6), Residential Seventh Density (R7), Residential Eighth Density (R8) and Resort Residential (RR) Zones as these area are mostly condominium corporation complexes that have self governing boards that can self-regulate.

Further, Schedule “AA” of the Zoning By-law which outlines standards pertaining to the minimum for lot area, frontage, yard setback, lot coverage, floor area per dwelling unit, setback from centre of road allowance and maximum for lot coverage, number of units per lot and height, is proposed to be amended by deleting the “Resort” Column and replacing it with the standards in the “Third Density” Column of the Township of Collingwood Zoning By-law. It is also proposed to amend Schedule “AA” by deleting “Single Family” in the “Use” Row and replacing it with “Single Detached”.

In addition the By-law is proposing to exclude lands identified on Schedule “A-1” from: the total number of occupants permitted within a short term accommodation use; being located closer than within 300 metres in a continuous path over the shortest distance from another short term accommodation use or Bed and Breakfast Establishment; and providing 0.5 parking spaces per occupant.

Such Schedule “A-1” lands are currently zoned Residential Fifth Density (R5-108), Residential Sixth Density (R6-125), Residential Sixth Density (R6-128), Residential Sixth Density (R6-145), Residential Sixth Density (R6-127-h) and Residential Sixth Density (R6-128-h)

Such lands shown on Schedule “A-1” have zoning in place which would permit short term accommodation uses under this by-law. A number of properties within these lands are part of a centralized, highly-controlled rental program operated by Blue Mountain Resort and Intrawest. The intent is to allow for the continued operations of these lands as is.

The by-law is also proposing to identify lands on Schedule “A-2” in the Tyrolean Lane, Arlberg Crescent, Kandahar Lane and Birch View Trail location as an area where existing and new short term accommodation uses would be recognized. Short term accommodation uses exist now and have historically been concentrated in this specific area and therefore should be recognized. This is also intended to concentrate the land use within this specific area. The area is predominantly used for short term accommodation uses. It is a pocket area for these uses within the municipality. By acknowledging the existing short term accommodation uses in this area the rationale is to cluster new uses within this geographical space. There is a defined short term accommodation character to the area and this should continue.

The effect of this second By-law would be to the lands comprised of Lots 1 and 2 and 4 thru 81, Plan 910, known as the Thunder Hill Subdivision, which are proposed to be rezoned from Resort Residential (RR) Zone to Residential Third Density (R3-210) Zone. The only change for this area is the name or label of the category. Exception 210 will allow for existing provisions in the (RR) Zone to remain in the (R3-210) Zone. It is the intent to utilize the Resort Residential (RR) Zone for site specific amendments to the Zoning By-law to allow for new short term accommodation uses to be established.

All three Zoning By-laws will need to include a provision that the By-laws will not come into effect until the Official Plan Amendment has been approved by the County of Grey.

4.0 PUBLIC INPUT

An invitation to provide written comments to the Town on the draft Official Plan Amendment and Zoning By-law Amendments was extended to the public and in response to this a total of 68 submissions were received (43 written submissions pertaining to the October 13, 2007, statutory public meeting and 25 submissions were received pertaining to the May 12, 2008, public meeting). Council has previously received submissions numbered one to 57 that were part of the two statutory public meeting packages.

In an effort to communicate the issues reflected in the submissions and raised at both public meetings, an overview of the comments received is provided below, excluding

the Licensing comments received. In addition to these broader issues, specific issues were addressed in the process of reviewing the comments.

Comments were received in support of the proposed Official Plan Amendment and Zoning By-law Amendments. A large number of comments submitted were from individuals residing in residential areas where existing short term accommodation uses are located (Submission Numbers 2, 5, 13, 19, 21, 24, 26, 29, 30, 31, 32, 36, 42, 43, 46, 48, 49, 50, 53 and 54). The comments received in support present an overview of the issues which have generated the need to recognize and regulate short term accommodation uses within the Town of The Blue Mountains.

A few comments submitted voiced concerns with the proposed Official Plan Amendment and Zoning By-law Amendments. A number of concerns were submitted by current operators of short term accommodation uses within the Town (Submission Numbers 3, 14, 15, 20, 23, 37, 41, 56, 58, 62 and 63). Operators concerns included not having the ability to rent out their residential dwellings to large numbers of occupants as has been done historically due to the proposed occupancy load restrictions as well as increasing the number of dwellings used for short term accommodation. Additional comments included the Town's legal right to recognize and regulate short term accommodation uses via land use planning tools. The Town has received a legal opinion indicating that land use planning tools can be used to recognize and regulate short term accommodation uses.

A number of comments received were in support of the Town enacting an Interim Control By-law (ICBL). These comments were addressed when the Town enacted an ICBL on February 4, 2008 (Submission Numbers 9, 19, 21, 22, 24, 26, 29, 30, 32, 33, 35, 38, 50 and 67). Council further passed By-law No. 2008-67 on July 7, 2008, which will extend the period of time that the ICBL will be in effect until January 4, 2009.

Five submissions asked for policy exemptions from short term accommodation use performance standards. The submissions cited specific areas of the municipality where these exemptions should occur. These submissions, which identify a number of properties within lands that are part of a centralized, highly-controlled rental program operated by Blue Mountain Resort and Intrawest, and the Tyrolean Lane, Arlberg Crescent, Kandahar Lane and Birch View Trail area lands, were reviewed by Town Planning Staff (Submission Numbers 6, 6B, 39, 47 and 65).

With regards to the Blue Mountain Resort and Intrawest lands, a number of properties within these lands have zoning in place which would permit short term accommodation uses under the proposed zoning by-law amendment. The intent is to allow for the continued operations of these lands as is. With regards to the Tyrolean Lane, Arlberg Crescent, Kandahar Lane and Birch View Trail locations short term accommodation uses exist now and have historically been concentrated in this specific area and therefore should be recognized. There is a defined short term accommodation character to the area but it should be confined to this neighbourhood only and defined geographically by a zoning schedule map.

With regards to parking, garbage, noise and public health issues, a number of comments submitted were from individuals residing in residential areas where existing short term accommodation uses are located (Submission Numbers 10, 12, 13, 30, 33, 50, 51 and 52). These issues can be addressed via municipal by-laws enforced by Municipal By-law Enforcement Officers and the Ontario Provincial Police.

Two submissions from property owners requested the designation of their properties in order to permit short term accommodation uses under the proposed Zoning By-law Amendments (Submission Numbers 47 and 56). A review of the location of the properties was conducted which indicated these two properties are located within the Tyrolean Village area. Both properties are therefore proposed to be included in the designated area to allow for short term accommodation uses since they are adjacent to the boundary and are still contained in the defined neighbourhood.

Individual comments were received pertaining to; suggested wording changes to “minimum distance separation”, increasing the number of bedrooms to be included in the definition of short term accommodation, municipal enforcement costs, review of tax rates for properties utilized for short term accommodation uses, costs of legal work, suggested wording changes to additional sections of the Official Plan and the issue of condominium units being used for short term accommodation uses (Submission Numbers 27, 44, 46, 55, 56, 58, 66, 67 and 68).

Of the seven individual comments that were received, three are related to the Official Plan and Zoning By-law Amendments. With regards to “minimum distance separation”, the use of 300 metres has not changed. It is felt that 300 metres is a means of lessening the density of, and separating and minimizing incompatible land uses from one another by imposing a measured distance between the two. In this case the incompatible land uses are single detached residential dwellings in residential zones being utilized as short term accommodation uses. This is so short term accommodation uses do not cluster in an area but are spread out to soften the impact on the residents.

With regards to increasing the number of bedrooms to be included in the definition of short term accommodation, the term “bedroom” has been removed from the original definition and replaced with occupancy loads. The use of occupancy loads (no more than eight (8) occupants) is being proposed as a reasonable limitation in order to ensure a safe and comfortable rental occupancy.

A comment suggesting wording changes to sections of the Town’s Official Plan were received and has resulted in a “housekeeping” item. It is proposed to replace “ancillary residential accommodation (s)” with “short term accommodation(s)” in three sections, being (3.6 (1), 3.6 (5) and 11.12 (6)). In Sections 4.8.4.2 Medium Density Residential MDR and 4.8.4.2(1), “ancillary residential accommodations” will be replaced with “commercial resort unit”. This proposed change has resulted in lands designated as “Medium Density Residential” in the Town’s Official Plan previously identified on Schedule A-1 of the proposed Zoning By-law Amendment to the former Township of Collingwood By-law, to be removed from Schedule A-1. These lands are now being

proposed to be used for “Commercial Resort Units” rather than short term accommodation uses within the Town’s Official Plan.

The remaining four individual comments pertaining to municipal enforcement costs, review of tax rates for properties utilized for short term accommodation uses, costs of legal work and the issue of condominium units being used for short term accommodation uses have not been addressed in this planning justification report. These items do not pertain to land use planning issues however, the comments are duly noted.

Some concerns raised at both public meetings have been incorporated into the final proposed draft Official Plan and Zoning By-law amendments presented as part of this report.

5.0 SUMMARY

The proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2005), does not present any concerns related to the County of Grey Official Plan and addresses the land use issue of short term accommodation uses in the Town of The Blue Mountains Official Plan. Further the three Zoning By-law Amendments proposed will be consistent with the draft Official Plan Policies relating to short term accommodation uses.

The policies set out above provide clarification regarding the use of short term accommodations within the municipality. Provisions which must be met pertaining to new proposed short term accommodation uses are also provided.

Staff have received public input on the Official Plan Amendment and Zoning By-law Amendments. Input received indicates there is both support and opposition to the proposed changes. All comments were reviewed with concerns having been incorporated into the final proposed draft Official Plan and Zoning By-law Amendments.