



TOWN OF THE BLUE MOUNTAINS

DRAFT PRINCIPLES OF SHORT TERM ACCOMMODATION POLICIES

June 2007

Introduction

The purpose of the *Draft Principles of Short Term Accommodation Policies* report is to present the principles of a draft Official Plan policy along with two draft Zoning By-law amendments that are being considered. This report also outlines the principles of a draft Licensing By-law. Town staff are asking for public input into all four documents and therefore have provided the basic principles of each.

The Town has identified a course of action that involves the following:

- amend the Town of The Blue Mountains Official Plan to incorporate short term accommodation policies;
- amend the two existing Zoning By-laws (Town of Thornbury By-law No. 10-77 and Township of Collingwood Zoning By-law No. 83-40); and
- develop a Licensing By-law.

All three of these activities will take place in tandem.

This report has been divided into the following sections:

1. Official Plan Policy Principles.
2. Zoning By-law Amendment Principles.
3. Licensing By-law Principles.

1. Official Plan Policy Principles

This section outlines a number of Official Plan policy principles the Town is considering pertaining to short term accommodations and include the following:

- The *Town of The Blue Mountains Official Plan*, March 2007, recognizes a variety of commercial accommodation uses within the municipality.
- Existing operations will become legal non-conforming under the two Zoning By-laws but will be regulated under the Licensing By-law.
- Licensing is to allow for the number of businesses to be monitored and controlled by the municipality.
- 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.
- Short term accommodation shall be defined as accommodation in a residential dwelling for periods of thirty (30) days or less.
- 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.

2. Zoning By-law Amendment Principles

At present there are two existing Zoning By-laws in place which are used within the Town of The Blue Mountains being the Town of Thornbury By-law No. 10-77 (approved in 1977) and the Township of Collingwood Zoning By-law No. 83-40 (approved 1984). There are differences in the standards contained in each therefore both Zoning By-laws will need to be amended with regards to short term accommodations use.

Principles that are specific to each Zoning By-law are presented and include definitions and zones. Principles that will be common to both Zoning By-laws include site plan control, occupancy loads, separation distances and parking requirements and are explained.

Note these principles will apply to all new short term accommodation uses within the Town. Existing uses will be considered legal non-conforming.

Town of Thornbury Zoning By-law No. 10-77

Definitions

There will be new definitions added to the Zoning By-law including short term accommodation, bed and breakfast establishment, bedroom and dwelling (seasonal).

The definitions are as follows:

Short-term accommodation means a dwelling or any part thereof that operates or offers no more than three (3) bedrooms as 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 thirty (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.

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.

Bedroom means any habitable room in a dwelling unit other than a kitchen, bathroom, utility room or dining room.

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.

In addition the definition for boarding or rooming house will be amended. Existing definitions for commercial, hotel, motel, tourist cabin or cottage and residential will be deleted and replaced with new definitions for each. Definitions for tourism establishment and lodge will be also be deleted.

Zones

Short term accommodation uses will be permitted in the Residential Multiple (RM 1) Zone.

Township of Collingwood Zoning By-law No. 83-40

Definitions

There will be new definitions added to the Zoning By-law which are the same for the Town of Thornbury By-law and include short term accommodation, bed and breakfast establishment and bedroom. Two new additional definitions will also be added being boarding or rooming house and residential.

The definitions are as follows:

Boarding or Rooming House means:

- (i) 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.

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.

The definition for commercial will be amended by adding accommodations. Existing definitions for dwelling, dwelling (seasonal), hotel and motel will be deleted and replaced with new definitions for each.

Zones

Short term accommodation uses will be permitted in the following zones:

- Residential Fifth Density (R5) Zone;
- Residential Sixth Density (R6) Zone;
- Residential Seventh Density (R7) Zone; and
- Resort Residential (RR) Zone.

Common Principles to Both Zoning By-laws

Site Plan Control

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

Occupancy Loads

For each bedroom in a short term accommodation use the maximum number of persons per bedroom will be set at two (2).

Separation Distances

Short term accommodation uses and bed and breakfast establishments will not be allowed to locate closer than within 300 metres in a continuous path over the shortest distance from another short term accommodation use or bed and breakfast establishment.

Parking Requirements

The Town has retained the consulting firm of J. D. Barnes Ltd. under the direction of Bob Crews to develop a comprehensive parking strategy for the municipality. As part of this strategy recommendations will be forthcoming with regards to parking requirements and standards for short term accommodation uses. There has been dialogue between Town staff and the consultant as to proposed draft parking requirements for this use. The proposed maximum number of parking spaces is set at two (2) per bedroom. This is draft and will be presented as such as part of the *Comprehensive Parking Strategy* report.

3. Licensing By-law Principles

The Town of The Blue Mountains is considering adopting a short term accommodation use Licensing By-law. The municipality has the right to do so under Part IV of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended. This section states that the Council of every local municipality may pass by-laws for licensing, regulating and governing any business carried on within the municipality.

The main principles that are to be introduced as per the draft Licensing By-law include the following:

- Both existing (legal non-conforming short term accommodations uses) and new uses will be subject to the Licensing By-law.
- A license will be valid for one calendar year and every licensee shall renew the license by December 31st of each year.
- A license fee will be set by the municipality.
- Applications for licenses will be circulated to relevant departments and agencies for comment. The department or agency may require an inspection of the proposed place of business.

- Every application for a new license or a renewal or extension of a license shall be accompanied by the full license fee. This fee will be determined by the Department.
- A license will not be transferable.
- The Town will set up an Appeals Body to hear appeals on Licensing By-law applications.
- A person whose application for a new license or a renewal of a license has been refused or a person whose license has been suspended or revoked may, within fifteen days of being notified by the Department's decision apply to the Appeals Committee for a review of the decision.
- If a license has expired, been revoked or suspended, no person shall carry on any trade, business or occupation of short term accommodation for which a license is required.
- Any person who contravenes any provision of the Licensing By-law is guilty of an offence and, upon conviction, subject to a fine as provided in the *Municipal Act, 2001* or the *Provincial Offences Act*.