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CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2008-

Being a By-law to establish an Area of Interim Control
Pursuant to Section 38 of the *Planning Act*.

WHEREAS Section 38 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, authorizes the Council of a municipality to pass an interim control by-law where the Council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, or any defined area(s) thereof;

AND WHEREAS Council has passed a resolution directing the preparation of a study be undertaken which outlines options regarding the regulating of short term accommodation uses within the municipality including licensing;

AND WHEREAS the municipality has received numerous complaints from the public related to short term accommodation uses including public nuisance, garbage, noise, parking concerns, overcrowding and safety;

AND WHEREAS the municipality continues to receive numerous complaints from the public related to short term accommodation uses including public nuisance, garbage, noise, parking concerns, overcrowding and safety;

AND WHEREAS Council held a public open house on June 20, 2007, to present draft short term accommodation use principles and seek input from the public regarding these principles;

AND WHEREAS the municipality has drafted policies which address short term accommodation uses for inclusion in the Town's Official Plan by way of an Official Plan Amendment but has not finalized them;

AND WHEREAS the municipality has drafted provisions relating to short term accommodation uses for inclusion in the Town's Zoning By-laws, Zoning By-law No. 83-40, as amended and Zoning By-law No. 10-77, as amended, by way of Zoning By-law Amendments but has not finalized them;

AND WHEREAS the municipality has begun to draft a by-law to license, regulate and govern short term accommodation uses;

AND WHEREAS Council held a public open house on October 9, 2007, to give the public an opportunity to receive information and ask questions concerning the draft Official Plan Amendment and Zoning By-law Amendments;

AND WHEREAS Council held a statutory public meeting under the *Planning Act* on October 13, 2007, to give the public an opportunity to make representations in respect of the draft Official Plan Amendment and Zoning By-law Amendments;

AND WHEREAS Council by resolution dated February 4, 2008, has directed that the review or study being undertaken with respect of land use policies in the municipality regarding the regulating of short term accommodation uses be completed;

AND WHEREAS Council has deemed it necessary and expedient to pass an interim control by-law with respect to short term accommodation uses;

AND WHEREAS Council has directed staff to report back to Council with a final report related to regulating of short term accommodation uses within the municipality including licensing;

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

1. For the purposes of this By-law, the following terms shall have the corresponding meanings;
 - 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 motel, hotel, short term accommodation, tourist cabin or cottage, hospital or similar commercial or institutional uses.
 - b) "Bedroom" means any habitable room in a dwelling unit other than a kitchen, bathroom, utility room or dining room.
 - c) "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..
 - d) "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.
 - e) "Short Term Accommodation" means a dwelling or any part thereof that operates or offers three (3) or more 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 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, hospital, or similar commercial or institutional uses.
2. Except as noted, words or phrases found in this By-law shall have the same meaning as found in By-law No. 83-40, as amended.
3. The provisions of this by-law shall apply to those lands, building or structures within the areas zoned Residential First Density (R1), Residential Second Density (R2),

Residential Third Density (R3), Residential Fourth Density (R4), Residential Fifth Density (R5), Residential Sixth Density (R6), Residential Seventh Density (R7), Residential Eighth Density (R8), Village Residential (VR), Rural Residential (RUR), Estate Residential (ER), Resort Residential (RR) and Rural Estate Residential (RER) as established and declared in the Township of Collingwood Zoning By-law 83-40, as amended, and within the areas zoned Residential R1, Residential R2, Residential R3, Residential Multiple RM1 and Residential Multiple RM2 as established and declared in the Town of Thornbury Zoning By-law 10-77, as amended.

4. Notwithstanding any other by-laws to the contrary, no person shall, within those areas noted in Section 3 of this By-law use any land, buildings or structure for the purposes of short term accommodation.
5. This By-law shall come into full force and effect on the date of enactment and shall expire six months there from unless the term is extended pursuant to Section 38 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Enacted and passed this _____ day of _____, 2008.

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 _____, 2008.

DATED at _____

this _____ day of

_____, 2008.

Signed: _____
Corrina Giles, Deputy Clerk