A. Recommendations

THAT Council receive Staff Report PDS.19.75, entitled “Public Meeting Information Report – Zoning By-law Amendment: Short Term Accommodation Uses”;

THAT Council direct Staff to further review the definition of ‘Rental or Lease Management Company’ and report back with a recommended definition.

THAT Council direct Staff to further review all properties that list a Short Term Accommodation Use as a permitted use and to report back to Council on the appropriateness of a Short Term Accommodation Use in those locations.

B. Overview

The purpose of this report is to provide an overview of the proposed amendment and preliminary planning analysis and comment.

This report provides an overview of the proposed amendment and a preliminary review of the applicable planning policies regarding the creation of new zoning provisions to deal with Short Term Accommodation Uses. The provisions are proposed to be inserted into the Blue Mountains Zoning By-law 2018-65. Following the Public Meeting, staff will review all comments received and any additional issues or concerns that are raised. This review will be included in a final recommendation report which will be brought to a future Committee of the Whole meeting and Council decision.

C. Background

Planning Staff brought Staff Report PDS.19.46 to Committee of the Whole and Council in May 2019. This report provided background details on the Official Plan and Zoning By-law portions of the Short Term Accommodation (STA) program in the Town. The report sought authorization to request the County to approve new STA Official Plan policies which have now been received by the County and are in process for a County decision. The report also sought authorization to
Committee of the Whole July 3, 2019
PDS.19.75 Page 2 of 4

proceed to a Public Meeting to consider new STA provisions for the Blue Mountains Zoning By-law 2018-65.

A Draft Zoning By-law Amendment has been included as part of Report PDS.19.46 and has now been updated based on comments received so far to date. The revised draft Zoning By-law Amendment is included as Attachment #1 to this report. The revised draft Zoning By-law provides a new definition and permission for tandem parking, expanded general provisions including more details on planting strip (buffer) requirements, garbage box requirements, parking requirements, and new parking area, fencing, outdoor amenity area and snow storage requirements. Provisions have also been added consistent with the Ontario Municipal Board decision regarding a number of lots along the south side of Arlberg Crescent.

Overall, the latest Draft Zoning By-law Amendment intends to carry forward all previous permissions and restrictions that exist under the current By-laws and to consolidate the By-laws into one document.

Since the release of Staff Report PDS.19.46 Planning Staff have received comments on the Draft Zoning By-law Amendment. Concerns regarding what is a Rental or Lease Management program have come forward particularly on what constitutes a Rental or Lease Management Program in the North Creek at Blue (former Mountain Springs) property. Existing Commercial Resort Unit (CRU) owners are concerned the impact the definition may have on forcing them to use an area Rental or Lease Management Company, or if their existing Homeowners Association may be sufficient. Planning Staff note that the intent of the definition is to ensure that a Rental or Lease Management Program has the infrastructure and capacity to deal with complaints, security, maintenance and other items in a timely manner similarly to the requirements for a ‘Responsible Person’ under the STA licensing program. This issue will be reviewed in greater detail after the Public Meeting with Staff reporting back to Committee.

A second concern has been raised on if the new By-law provisions would allow for more STA units to be created as of right across the Municipality. Planning Staff has completed a review of the existing zone permissions (Current STA By-laws 2009-03, 2009-04 and 2009-05) and have compared those permissions to the proposed Draft Zoning By-law Amendment. Attachment #2 provides a map showing those properties in the municipality where STA’s are listed as a permitted use in both the current and proposed draft Zoning By-laws. In order to have the current By-laws match the Draft Zoning By-law Amendment, a new exception has been added (Exception 110) stating that STA’s are not permitted on those properties subject to this exception. It is noted that the map only shows those properties where an STA is listed as a permitted use. Any new STA must still adhere to all other requirements of the By-laws including separation distances, servicing, parking and all other general provisions. If a new STA cannot meet all requirements of the By-law a site specific Zoning By-law Amendment is required.

Through this exercise Staff noted that a number of properties (under the current zoning and Draft Zoning By-law Amendment) will continue to permit an STA use. However with the Ontario Municipal Board decision from June 2011 it is clear that the OMB intends to remove STA’s from low density residential areas based on the potential conflict they create (Page 15 to
17, OMB Case PL080455 Order June 22, 2011). Consideration of applying Exception 110 prohibiting STA uses on certain lands could be expanded to also include Multi-Unit dwellings in existing low density residential areas particularly in Lora Bay, Thornbury, Clarksburg and Camperdown.

Staff are committed to continue work on refining the Draft Zoning By-law Amendment and will be providing further updates as a result of the Public Meeting comments received.

D. Analysis

Following the public meeting, Staff will review all comments received and any additional matters that are raised. This review will be included in a final recommendation report which will be brought to a future Committee of the Whole meeting for Council Decision.

E. The Blue Mountains Strategic Plan

Goal #3: Support Healthy Lifestyles
Objective #3 Manage Growth and Promote Smart Growth

F. Environmental Impacts

Nil

G. Financial Impact

Nil

H. In consultation with

Council Direction as per Staff Report PDS.19.46 and May 13, 2019 Council Resolution Nathan Westendorp, Director of Planning and Development Services

I. Public Engagement

As noted in this report, the topic of this Staff Report is the subject of a Public Meeting on July 3, 2019, the day of the presentation of this report. Those who provide comments at the Public Meeting including anyone who as asked to received notice regarding this matter, will be provided notice of the follow up staff report.

J. Attached

1. Draft Short Term Accommodation Zoning By-law Amendment (Last Revised June 13, 2019)
2. Comparison of Existing and Proposed Zoning By-law Permissions: Short Term Accommodation Use listed as Permitted Use.
Committee of the Whole
PDS.19.75

Respectfully submitted,

___Shawn Postma__________________
Shawn Postma, BES, MCIP, RPP
Senior Policy Planner

___Nathan Westendorp_________________
Nathan Westendorp, RPP, MCIP
Director of Planning and Development Services

For more information, please contact:
Shawn Postma, BES, MCIP, RPP
Senior Policy Planner
planning@thebluemountains.ca
519-599-3131 extension 248
The Corporation of the Town of The Blue Mountains  

By-Law Number 2019 –

Being a By-law to insert provisions into Zoning By-law No. 2018-65 which may be cited as “The Blue Mountains Zoning By-law”;

Whereas the Council of The Corporation of the Town of The Blue Mountains enacted By-law 2018-65 being the Comprehensive Zoning By-law for the Town of The Blue Mountains which may be cited as “The Blue Mountains Zoning By-law”;

Whereas Short Term Accommodation Uses is one section of non-decision as identified under Section 1.5(a) to By-law 2018-65;

Whereas it is necessary and in the public interest to include Short Term Accommodation Use provisions in The Blue Mountains Zoning By-law 2018-65;

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 Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. That Section 1.5(a) to the Blue Mountains Zoning By-law 2018-65 is deleted in its entirety.

2. That Section 3.0 to the Blue Mountains Zoning By-law 2018-65 is amended by deleting and replacing the definition of ‘Commercial Resort Unit’ as follows:

   “COMMERCIAL RESORT UNIT
   Means one room or a group of rooms in a building used or designed or intended to be used as a single, independent and separate housekeeping establishment:
   a) In which food preparation and sanitary facilities are provided for the exclusive use of such occupants;
   b) Which has a private entrance from a common hallway either inside or outside the building;
   c) Which is part of a rental or lease management program which consists of a minimum of ten commercial resort units in one or more buildings on one or more properties;
   d) In which the maximum habitation per housekeeping unit is restricted to 120 days per year; and,
   e) Which has been established to provide accommodation for gain or profit, but does not mean or include a residential dwelling unit, a hotel unit, a motel unit, an inn unit, a lodge unit, a short term accommodation unit, a dormitory unit or a hostel unit”

3. That Section 3.0 to the Blue Mountains Zoning By-law 2018-65 is amended by deleting the definition of COMMERCIAL RESORT UNIT COMPLEX in its entirety.

4. That Section 3.0 to the Blue Mountains Zoning By-law 2018-65 is amended by inserting a new definition for ‘Rental or Lease Management Program’ as follows:

   “RENTAL OR LEASE MANAGEMENT PROGRAM
   Means a program that provides for the full centralized management of a minimum of ten commercial resort units including, but not limited to: a registered business that provides for such full centralized management. The Program shall provide a point of contact being an individual or company available on a 24 hour basis for security,
housekeeping, maintenance, and accounting matters. In this definition, “full centralized management” means common, centralized or shared advertising, booking, operations, security, housekeeping, maintenance and accounting.”

5. That Section 3.0 to the Blue Mountains Zoning By-law 2018-65 is amended by deleting and replacing the definition of ‘Dwelling Unit’ as follows:

“DWELLING UNIT

Means 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 short term accommodation use, hotel, motel, mobile home, recreational vehicle, park model trailer, tent, commercial resort unit, institution, railroad car, or other railroad rolling stock, or living quarters for a caretaker, watchman, or other person or persons using living quarters which are accessory to a non-residential building or structure.”

6. That Section 3.0 to the Blue Mountains Zoning By-law 2018-65 is amended by inserting a new definition for ‘Seasonal Dwelling’ as follows:

“SEASONAL DWELLING

Means a dwelling unit that is not used for continuous habitation or as a permanent residence or a dwelling unit to be used for recreation but not occupied or intended to be occupied as a permanent residence or any combination of the two.”

7. That Section 3.0 to the Blue Mountains Zoning By-law 2018-65 is amended by deleting and replacing the definition of ‘Motel’ as follows:

“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:

a) Supply food;
b) Have an on-site management office;
c) Include permanent staff accommodation;
d) Include convention facilities;
e) Include one or more dining rooms;
f) Include recreational facilities for use by the guests;
g) Be licensed under the Liquor License Act of Ontario;”

8. That Section 3.0 to the Blue Mountains Zoning By-law 2018-65 is amended by deleting and replacing the definition of ‘Tandem Parking’ as follows:

“TANDEM PARKING

Means a maximum of three parking spaces arranged such that up to two motor vehicles that are parked do not have independent access to a private or public street.”

9. That Table 5.3 – Non-Residential Parking Requirements Under Section 5.4 to the Blue Mountains Zoning By-law 2018-65 is amended by inserting the following parking requirements:
<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Minimum Parking Spaces (per unit, unless otherwise specified)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short Term Accommodation Multiple Unit Building (Shared Parking)</td>
<td>1.75 parking spaces per unit having four (4) guest rooms used for sleeping or less plus 1.0 parking space for each additional guest room used for sleeping.</td>
</tr>
<tr>
<td>Short Term Accommodation Multiple Unit Building (Exclusive Use Parking)</td>
<td>0.5 parking space per occupant or 1.0 parking space per guest room used for sleeping, whichever is greater.</td>
</tr>
<tr>
<td>Short Term Accommodation Single Detached Building</td>
<td>0.5 parking spaces per occupant or 1.0 parking space per guest room used for sleeping, whichever is greater.</td>
</tr>
</tbody>
</table>

10. That Section 4.31 to the Blue Mountains Zoning By-law 2018-65 is amended by deleting and replacing Section 4.31 with the following:

“4.31 SHORT TERM ACCOMMODATION USES

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 ‘R1’, or Residential ‘R3’ Zone.

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.

c) No short term accommodation use hall be located closer than 120 metres in a continuous path over the shortest distance from another short term accommodation use or bed and breakfast establishment.

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

e) Where short term accommodation uses abut a residential zone that permits a single detached residential dwelling, the following landscaped open space provisions shall apply:

   a. A minimum 3.0 metre wide planting strip consisting of coniferous plantings, measured from the rear lot line, shall be provided.

   b. A minimum 3.0 metre wide planting strip consisting of coniferous plantings, measured from the exterior side lot line, shall be provided save and except within a sight triangle.

   c. A minimum 1.0 metre wide planting strip consisting of coniferous plantings, measured from the interior side lot line, shall be provided.

   f) One (1) enclosed waste/recycling depot consisting of a garbage box or solid waste enclosure shall be required.

   g) A short term accommodation use shall have connection to municipal water and sewage services.
h) The number of parking spaces shall be provided in accordance with Table 5.3 – Non-Residential Parking Requirements. Required parking spaces for a short term accommodation use shall be provided in accordance with the Section 5.1 - General Parking Provisions and Section 5.3 Residential Zones – Parking and Access. In addition, the following parking provisions shall apply:

a. Tandem Parking shall be permitted for single detached buildings and multiple unit buildings with exclusive use parking only.

b. For those lands identified under Exception 98 a surface Parking Area shall also be permitted in the rear yard provided that:

   i. The parking area is setback the same distance as required for the main building

   ii. A 3.0 metre deep planting strip measured from the rear lot line and consisting of new coniferous planting is provided across the entire width of the lot

   iii. A minimum 100 square metre outdoor recreational amenity area consisting of lawn, deck or combination thereof shall be provided.

   iv. A 2.0 metre high tight board fence shall be required along all interior side lot lines and rear lot lines and shall not be located closer to the street than the main building.

   v. A minimum 35 square metre snow storage area shall be provided.

11. That Table 6.1 –Residential Zone Use Permissions under Section 6.1 to the Blue Mountains Zoning By-law 2018-65 is amended by inserting the following:

<table>
<thead>
<tr>
<th>Permitted Use</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short Term Accommodation</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

12. That Table 8.1 – Agricultural, Rural, Recreational and Other Zone Use Permissions is amended by adding a new Column and Rows as follows:

<table>
<thead>
<tr>
<th>Permitted Use</th>
<th>RR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Detached Dwelling</td>
<td>X</td>
</tr>
<tr>
<td>Short Term Accommodation</td>
<td>X</td>
</tr>
</tbody>
</table>

13. That Table 8.2 – Agricultural, Rural, Recreational and Other Zone Standards is amended by adding a new Column as follows:

<table>
<thead>
<tr>
<th>Zone Standard</th>
<th>RR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (ha)</td>
<td>550</td>
</tr>
<tr>
<td>Minimum Lot Frontage (m)</td>
<td>18(1)</td>
</tr>
<tr>
<td>Minimum Front Yard (m)</td>
<td>7.5</td>
</tr>
<tr>
<td>Zone Standard</td>
<td>RR</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>----</td>
</tr>
<tr>
<td>Minimum Exterior Side Yard (m)</td>
<td>6</td>
</tr>
<tr>
<td>Minimum Interior Side Yard (m)</td>
<td>2</td>
</tr>
<tr>
<td>Minimum Rear Yard (m)</td>
<td>9</td>
</tr>
<tr>
<td>Maximum Height (m)</td>
<td>9.5</td>
</tr>
</tbody>
</table>

(1) Minimum Lot Frontage shall be increased by 3 metres for corner lots

14. That Table 9.1 – Exceptions is amended by adding the following Exceptions as follows:

<table>
<thead>
<tr>
<th>Exception Number</th>
<th>Zone</th>
<th>Special Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>98</td>
<td>R2-98</td>
<td>A short term accommodation use shall also be permitted with such use being excluded from:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>a) The maximum number of occupants permitted within a short term accommodation use under Section 4.31(b)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b) The minimum distance separation of 120 metres in a continuous path over the shortest distance from another short term accommodation use or bed and breakfast establishment under Section 4.31(c)</td>
</tr>
<tr>
<td>99</td>
<td>R2-99</td>
<td>A short term accommodation shall also be permitted with such use being excluded from:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>a) The maximum number of occupants permitted within a short term accommodation use under Section 4.31(b)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b) The minimum distance separation of 120 metres in a continuous path over the shortest distance from another short term accommodation use or bed and breakfast establishment under Section 4.31(c)</td>
</tr>
<tr>
<td>100</td>
<td>R1-1-100</td>
<td>A short term accommodation shall also be permitted with such use being subject to the following provisions:</td>
</tr>
<tr>
<td></td>
<td>R1-1-100-h7</td>
<td>a) Accessory uses, buildings and structures to a short term accommodation shall be permitted.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b) Short term accommodation shall be excluded from the minimum separation distance of 120 metres in a continuous path over the shortest distance from another short term accommodation use or bed and breakfast establishment under Section 4.31(c).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c) The maximum number of occupants shall be fourteen (14).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>d) The maximum number of bedrooms shall be six (6).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>e) Parking shall be provided in accordance with Table 5.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>f) Parking shall not be permitted in a front yard.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>g) The minimum front yard setback shall be staggered between 7.5 metres and 12.5 metres with a 1.0 metre...</td>
</tr>
<tr>
<td>Exception Number</td>
<td>Zone</td>
<td>Special Provisions</td>
</tr>
<tr>
<td>------------------</td>
<td>----------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>minimum variation with front yard setback of abutting side lots.</td>
</tr>
<tr>
<td>h)</td>
<td></td>
<td>The minimum rear yard shall be 30 metres</td>
</tr>
<tr>
<td>i)</td>
<td></td>
<td>A 2.0 metre high tight board fence shall be required along all interior side lot lines and rear lot lines and shall not be located closer to the street than the main building.</td>
</tr>
<tr>
<td>j)</td>
<td></td>
<td>A minimum 9.0 metre planting strip is required in the rear yard measured from the rear lot line comprised of 6.0 metre existing deciduous vegetation strip plus 3.0 metre new interior coniferous planting strip across the entire width of the lot.</td>
</tr>
<tr>
<td>k)</td>
<td></td>
<td>A minimum 100 square metre outdoor recreational amenity area consisting of lawn, deck or combination thereof shall be provided.</td>
</tr>
<tr>
<td>l)</td>
<td></td>
<td>A minimum 35 square metre snow storage area shall be provided.</td>
</tr>
<tr>
<td>110</td>
<td>Various</td>
<td>A short term accommodation use shall not be permitted on these lands.</td>
</tr>
</tbody>
</table>

15. Schedule ‘A’ to The Blue Mountains Zoning By-law 2018-65 is hereby amended by placing Exception 98, Exception 99 and Exception 100 on lands in accordance with Schedule ‘A-1’ to this By-law.

16. Schedule ‘A’ to The Blue Mountains Zoning By-law 2018-65 is hereby amended by placing Exception 110 on lands in accordance with Schedule ‘A-2’ to this By-law.

17. Schedule ‘A-1’ and Schedule ‘A-2’ are hereby declared to form part of this By-law.

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

Enacted and passed this ____ day of ___, 2019

______________________
Alar Soever, Mayor

______________________
Corrina Giles, Clerk
I hereby certify that the foregoing is a true copy of By-law No. 2019-___ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the ___ day of ________, 2019.

Dated at the Town of The Blue Mountains, this _____ day of _____, 2019.

___________________________
Corrina Giles, Clerk
Town of The Blue Mountains
Schedule 'A-1'
By-Law No.__________

- Subject Lands of this Amendment
- Exception 98
- Exception 99
- Exception 100
Town of The Blue Mountains
Schedule 'A-2'

By-Law No._________

Exception 110

** Note **

This map shows those properties that did not permit an STA use in By-laws 2009-03 or 2009-04 and through the amalgamation of Zone Categories in 2018-65 an STA use would be permitted.

Exception 110 intends to remove an STA as a permitted use in 2018-65 to match those permissions as established by the original STA By-laws.
STA Listed as Permitted use
ByLaw 2009-03, 2009-04, 2018-65

Permitted STA Properties