



# Short Term Accommodation Program Update

SPECIAL COMMITTEE OF THE WHOLE-MARCH 29<sup>TH</sup>, 2018

# Meeting Overview

- ▶ Existing Short Term Accommodation (STA) program
- ▶ Intent and Direction of Updated STA Documents
- ▶ Proposed changes to:
  - ▶ Official Plan
  - ▶ Zoning By-law
  - ▶ Licensing By-law
- ▶ Timeline



# Existing STA program

- ▶ 7 Years since the creation of the STA program and policies (OMB approval 2011)
- ▶ 5 Years since the creation of the Licensing program (Council Approval 2013)
  - ▶ Need to Modernize
  - ▶ Need to Align
  - ▶ Need to Clarify
  - ▶ Need to Improve

This is not recreating the STA Program. This is an update to the STA Program.

No Decision Today.

Staff will provide recommendations to be considered at a future  
Committee of the Whole and Council meeting.

# Program Creation

- ▶ STA program was developed in response to the growth of the area as a tourist destination and the growing demand for a range of accommodation types.
  - ▶ Increased Noise, Parking, Garbage, Nuisance, Mischief, Vandalism
  - ▶ Council determined there was a need to lessen the conflicts between permanent residents and visitors –especially in low density residential areas



# How is it running?

- ▶ Changes in Community:
  - ▶ More Accountability –Owners and Town
  - ▶ More Predictability –How and Where STA's may be created
  - ▶ Improved Health and Safety –Fire Safety, Inspections, Min. Standards
  - ▶ Declining Noise Complaints
  - ▶ Less Other Complaints –Parking, Garbage, Other
- ▶ Concerns:
  - ▶ Interpretation of Policies and By-laws
  - ▶ Levels of Accountability –Demerit Points, Responsible Person Requirements
  - ▶ Licenses Issued in Error
- ▶ Changes to Date:
  - ▶ Licensing By-law Update in 2014
  - ▶ No Changes to 2011 Official Plan policies and Zoning By-law requirements



# The Hierarchy of the STA Program

- ▶ 1. Official Plan
  - ▶ Sets Municipal Wide Goals and Objectives
  - ▶ Sets Policy Direction
  - ▶ Sets Intentions
- ▶ 2. Zoning By-law
  - ▶ Implements the policies of Official Plan
  - ▶ General Provisions, Permitted Areas
  - ▶ Property Specific Rules and Requirements
- ▶ 3. STA Licensing By-law
  - ▶ Continuous monitoring to ensure compliance with Zoning By-law
  - ▶ On going accountability for Health and Safety, Inspections
- ▶ 4. Other Town By-laws
  - ▶ Property Standards, Parking, Noise, Sign, Fence, Swimming Pool, Security Alarm, ...

Objectives



Implementation



Monitoring

# Meeting Overview:

- ▶ History:
  - ▶ Why was a Short Term Accommodation program created?
  - ▶ How was it created?
  - ▶ How has it been running?
  - ▶ Why are we here?
- ▶ Short Term Accommodation Documents:
  - ▶ Official Plan
  - ▶ Zoning By-law
  - ▶ Licensing By-law
  - ▶ Property Standards By-law
- ▶ Proposed Changes / Updates / Modifications
  - ▶ Official Plan, Zoning By-law, Licensing By-law
  - ▶ Clarification
  - ▶ Modernization

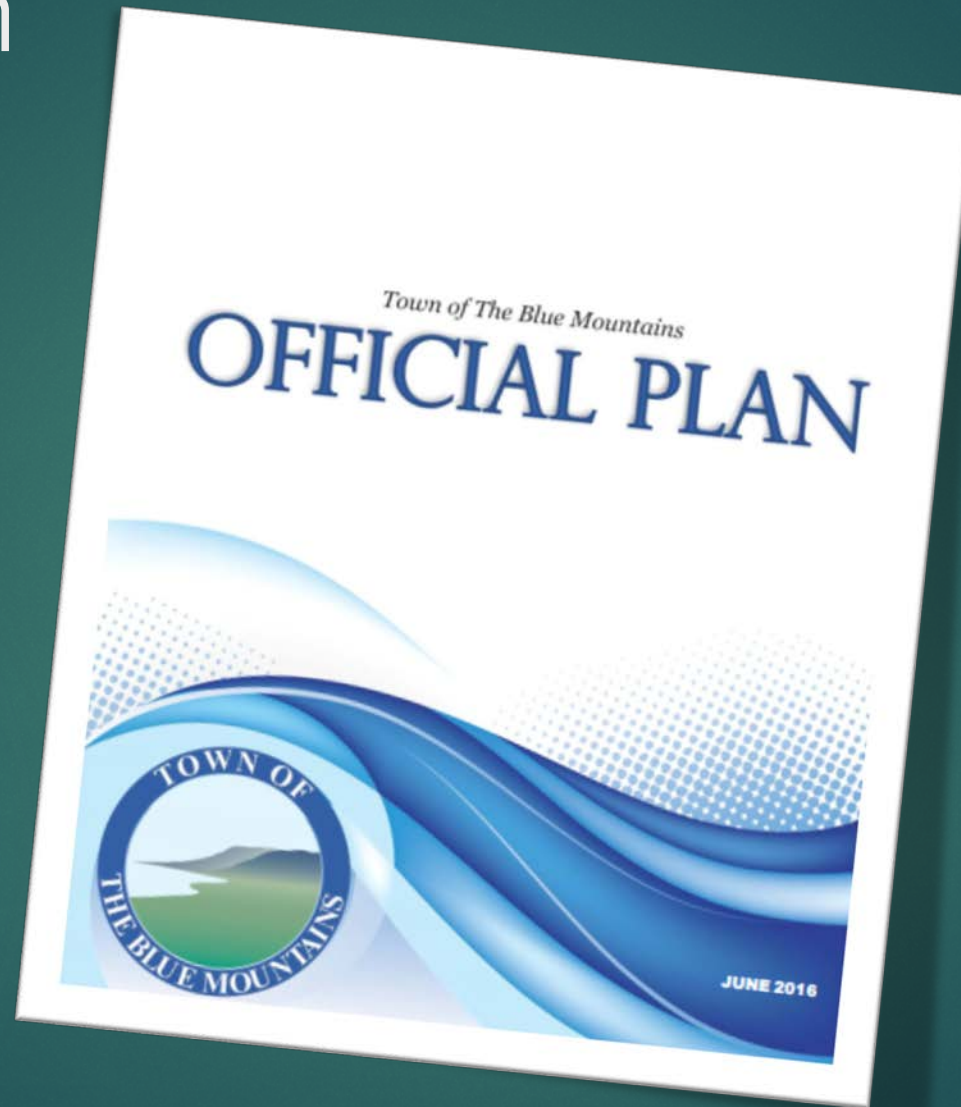


# Meeting Overview

- ▶ Future Public Meeting
  - ▶ To provide detailed amendment documents
  - ▶ To receive feedback from residents/stakeholders/others
  - ▶ To follow up with a final Staff Report with final recommendations
  - ▶ Tentative: May 28, 2018



# Official Plan



# Official Plan (OPA 11)

- ▶ Policy Direction on Resort Accommodation Uses. (STA's, BnB's, ...)
- ▶ STA's are recognized as Commercial Uses
- ▶ STA's require separation and buffering from residential uses
- ▶ New accommodation uses shall avoid disruption to adjacent residential uses through mitigation of potential impacts including noise control, waste management, setbacks, buffering, servicing and adequate on-site parking
- ▶ Where STA's can be permitted as of right, Where STA's are directed to, where STA's are directed away from:
- ▶ Section 3.4.2(6) Directs new STA uses:
  - ▶ a) to those land use designations that permit a range of housing type
  - ▶ b) to provide mitigation measures in the form of zoning provisions and site works; and
  - ▶ c) not be permitted in residential land use designations that restrict the use of land to only single detached dwellings.



# Official Plan (OPA 11)

2007 Plan





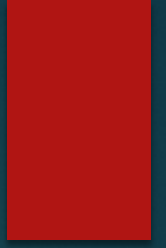
# Official Plan Policies

- ▶ Key Highlights:

- ▶ Maintain the intent of the original OMB decision
- ▶ To not become more permissive or more restrictive in the policy direction or the implementing By-laws
- ▶ To provide new policy language to align with the new Official Plan
- ▶ To provide clarification and new direction on identified issues



# Zoning By-law



# Zoning By-law

## (2009-03, 2009-04, 2009-05)

- ▶ 2009-03 – Collingwood Township
- ▶ 2009-04 – Town of Thornbury
- ▶ 2009-05 – Resort Residential Zone (technical changes)
- ▶ By-laws have the Same Requirements:
  - ▶ Permitted Areas (R5, R6, R7, R8, RR, RM1 zones)
  - ▶ Parking (Single Detached and Multi-Unit)
  - ▶ 120 metre Separation
  - ▶ Occupant Load (8 persons)
  - ▶ Buffer Requirements
  - ▶ Waste/Recycling Facility
  - ▶ Connection to Town Water / Town Sewer
  - ▶ Subject to Site Plan Control and Site Plan Agreement



# Exemption Areas: 120m and Occupants





# Legal Non-Conforming (Grandfathered)

- ▶ Is an STA that does not comply with one or more requirements of the STA By-law but was legally in place prior to the passage of the Zoning By-law.
- ▶ Protections under the Planning Act allow for the continued use of the STA.
- ▶ Expansion or intensification to a grandfathered STA can only occur in accordance with the requirements of the Zoning By-law.
- ▶ Overtime it is anticipated that the grandfathered use will cease and the lands will be put back into a use permitted by the Zoning By-law
- ▶ It is extremely unlikely that any new grandfathered STA's will come forward. Zoning and Licensing has been in place for too long now.



# Zoning By-law Update

- ▶ New Zoning By-law regulations are required to:
  - ▶ maintain the objectives of the STA program,
  - ▶ not become more permissive nor restrictive,
  - ▶ to clarify known areas of confusion, and
  - ▶ to modernize the By-laws to match the new Official Plan policies and today's planning environment.
- ▶ A draft Zoning By-law has been prepared based on the direction of the Staff Report.

# Zoning By-law Update

## ► Key Highlights:

No change ► Permitted Areas (R5, R6, R7, R8, RR, RM1 zones)

Increase for Multi Units ► Parking (Single Detached and Multi-Unit)

No change ► 120 metre Separation

No change -clarification ► Occupant Load (8 persons)

No change ► Buffer Requirements

No change ► Waste/Recycling Facility

No change ► Connection to Town Water / Town Sewer

No change ► Subject to Site Plan Control and Site Plan Agreement



# Commercial Resort Units (CRU's)

- ▶ Purpose built commercial resort accommodation uses
- ▶ Included check-in desks and other services on site
- ▶ Today CRU's operate substantially different and our By-laws need to be updated.
- ▶ Village Commercial Resort Uses are still operating as intended. No changes are recommended here.

## OPTION 1:

- ▶ CRU's to be brought into compliance with By-laws
- ▶ By-laws to be modernized with updated definitions

## OPTION 2:

- ▶ CRU's that are not part of a group of 10 to be licensed.
- ▶ License would have similar requirements to an STA license.

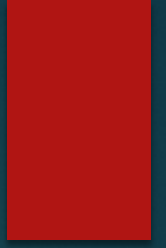
# Zoning By-law Update

## Key Highlights: Commercial Resort Units (CRU's) OPTION 1

Definitions:	Current	Proposed
Commercial Resort Unit	Which is part of a rental or lease management program of 10 CRU's on a single lot	Remove requirement for all CRU's to be located on a single lot
Commercial Resort Unit Complex	Means a building or group of buildings containing 10 or more CRU's on a single lot	Remove requirement for a Commercial Resort Unit Complex to be located on a single lot
Rental or Lease Management Program	Currently there is no definition.	means a program that provides for the management of a commercial resort unit including: rental bookings and 24-hour contact information to respond to maintenance, security and general complaints. Housekeeping, interior and exterior property management may also be provided.



# Licensing By-law



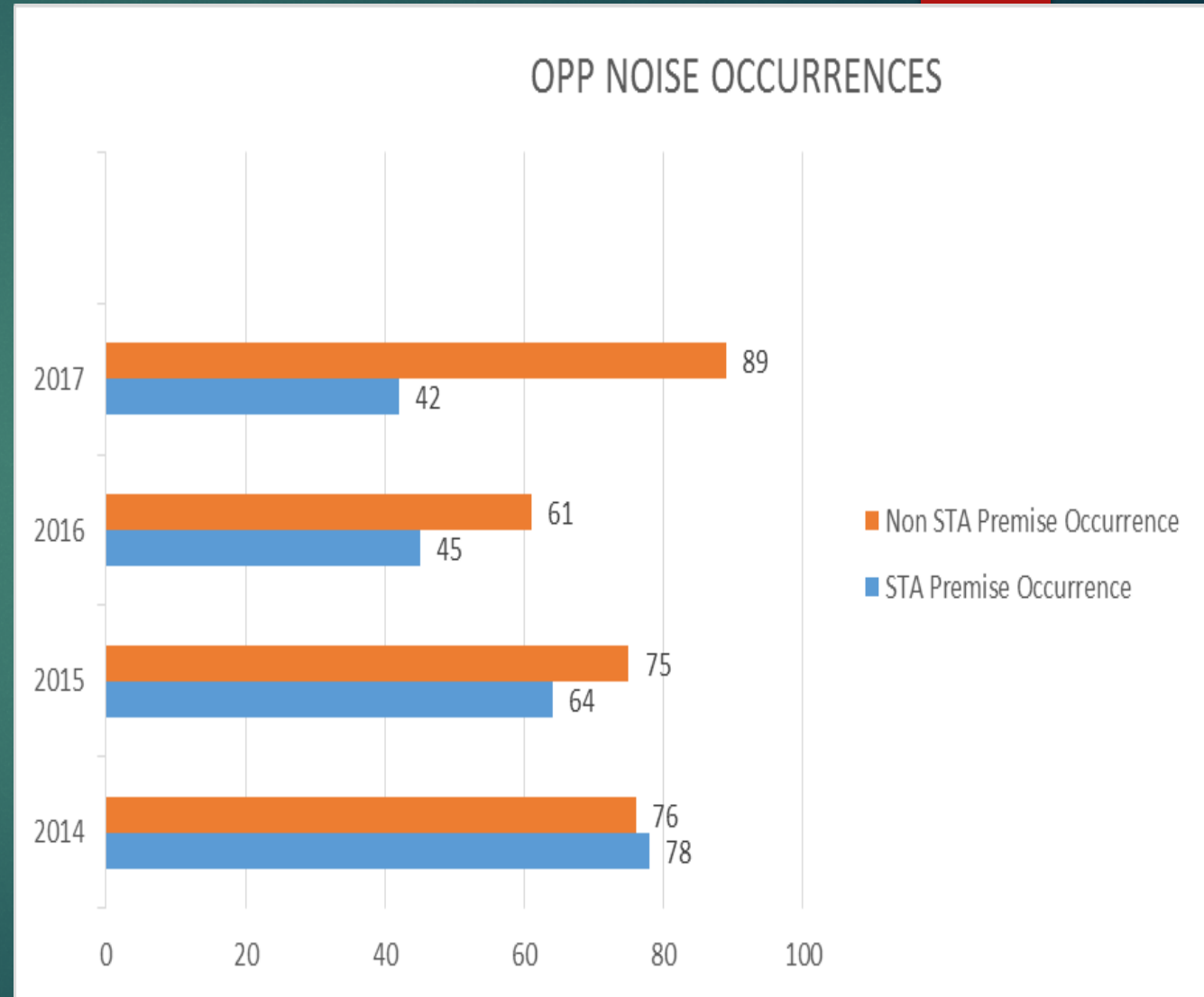
# How to Obtain an STA licence

- ▶ No one can operate an STA without a License
- ▶ Submission of a complete Pre-Screening request to the Planning Department
- ▶ Complete the STA Application Form
- ▶ STA Licence Fee
- ▶ Floor Plans of the STA Premise
- ▶ Parking Management
- ▶ Supporting Documents required by the STA licensing Bylaw
- ▶ Electrical Safety Authority (ESA) Certificate
- ▶ Fire Safety and Property Standards Inspection
- ▶ Licenses are valid for 2 years, and may be suspended or revoked



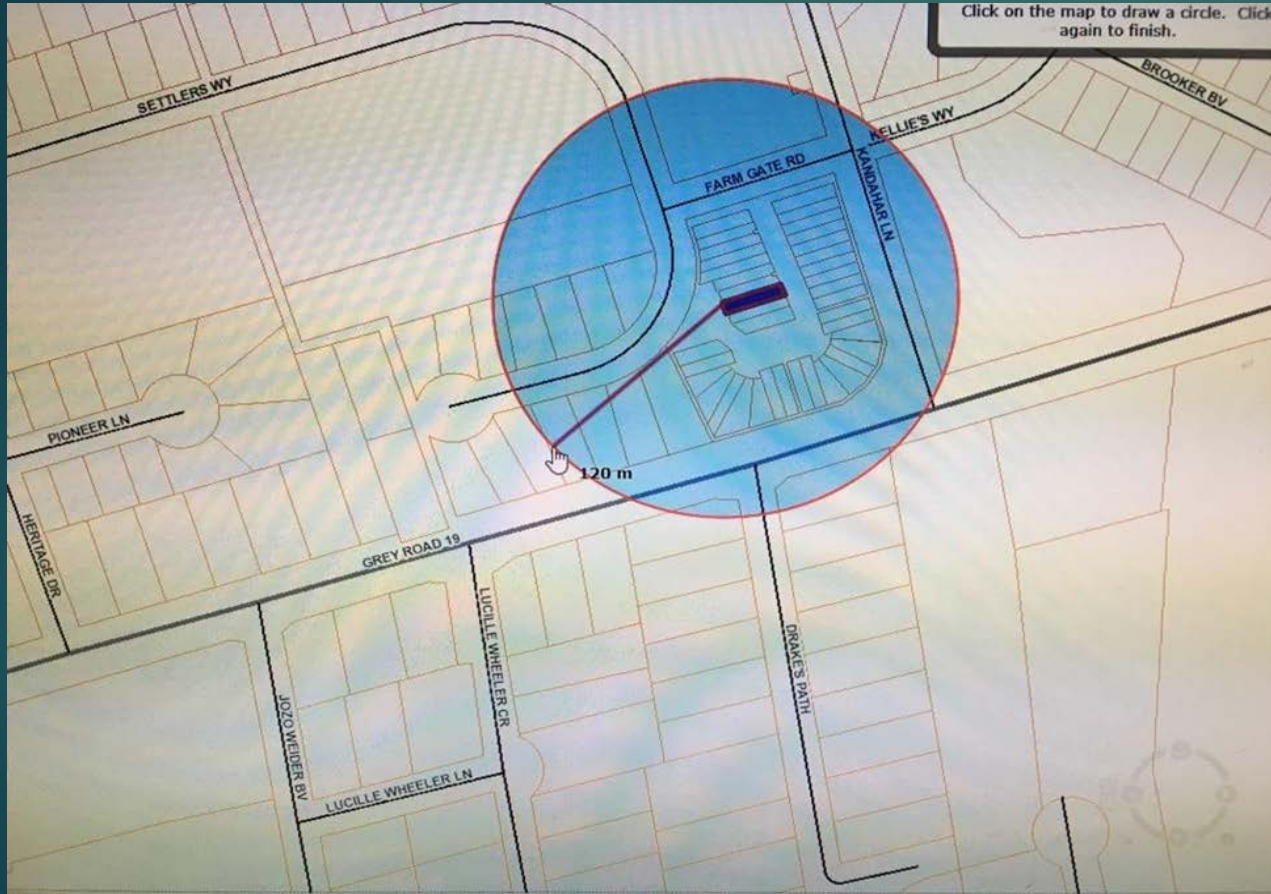
# Licensing By-law

- ▶ The Licensing bylaw has helped with regulating and the control of Short Term Accommodation uses within the Municipality.
- ▶ The implementation of the Licensing By-law, Zoning and Property Standards bylaw have established provisions related to occupant load per unit, parking requirements, noise complaints, and waste management.
- ▶ Since 2014 when the STA licensing came into effect statistics have shown a decline in noise complaints and noise charges laid for STA properties that appear directly related to the demerit point system in place.





# 120M Separation Distance



Example 1 No short term accommodation use shall be located closer than 120 metres from another STA use or bed and breakfast establishment.

- ▶ STA's within the "permitted" area is exempted from this section.
- ▶ There will be no changes made to the current By-laws regarding 120m Separation.
- ▶ Currently there are 9 Short Term Accommodation(STA) Licences were issued within the prescribed 120m separation distance.
- ▶ Staff Recommendation: that Council Consider revoking the current 6 licensed STA units on Delphi Lane and 3 Licensed STA units on Settlers Way immediately.



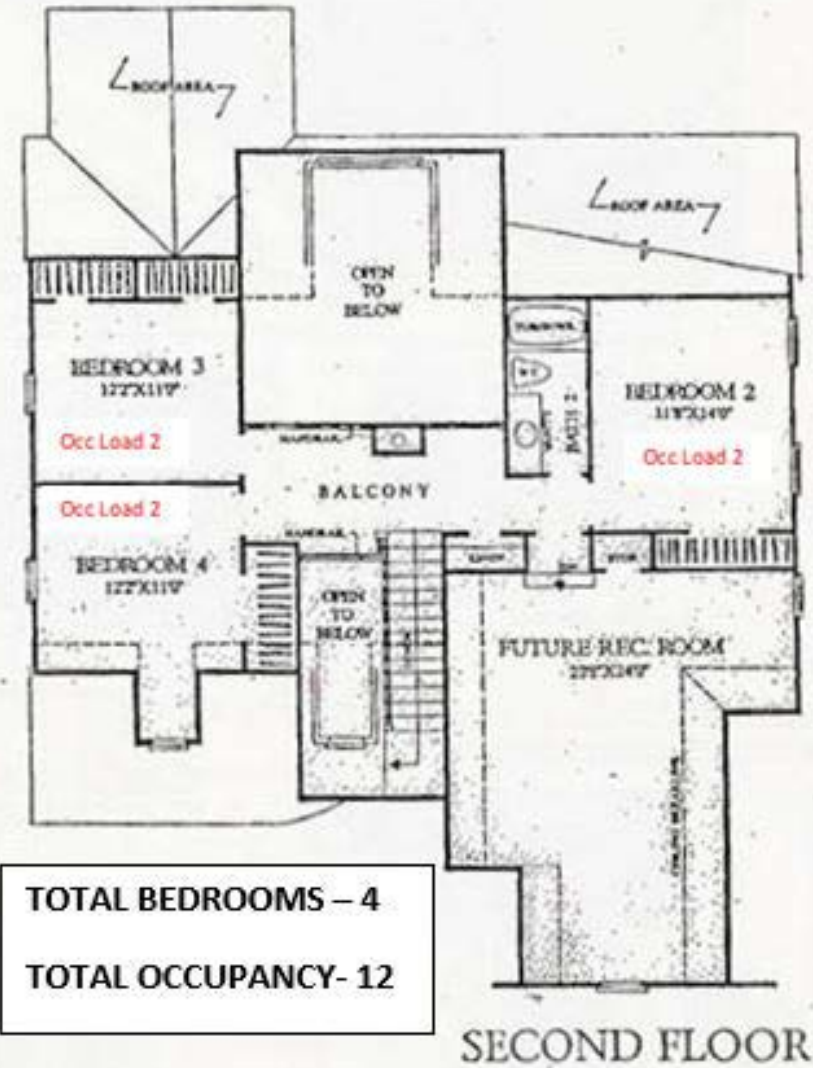
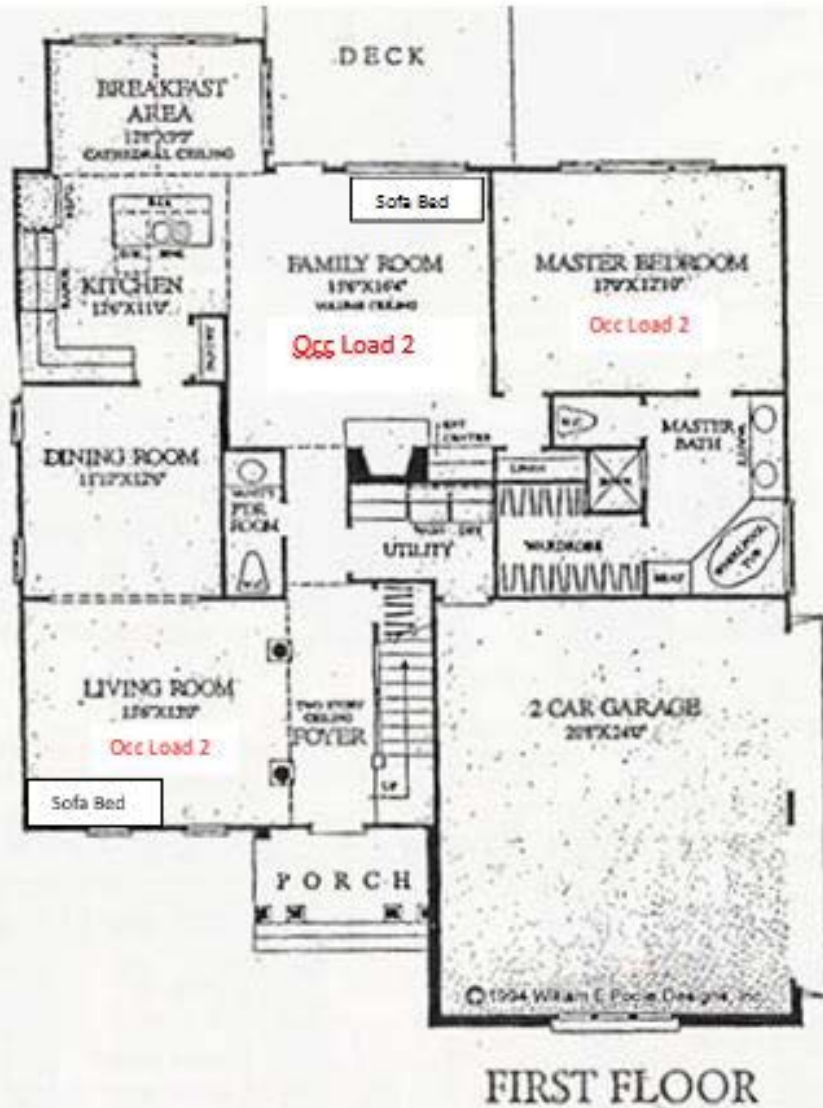
# Occupant Load Interpretation

## Policy POL.STAL.14.02

- ▶ The STA Licensing By-law defines a “Bedroom” as a room or area used , designed, equipped or intended for sleeping;
- ▶ The STA Licensing By-law interpretation Policy was intended to provide clarity as to the use of a room for sleeping purposes when applying provisions of the STA Licensing By-law.
- ▶ Interpretation states: Where a sleeping area is intended to be located partially or wholly within a living room, family room, recreation room or similar space; a maximum of one such sleeping area will be permitted within each dwelling.



# Interpretation Policy: "Bedroom"



Current Occupant Load for an STA in the occupant exempted area is calculated at 2 persons per bedroom plus up to 4 persons where additional sleeping areas are identified.

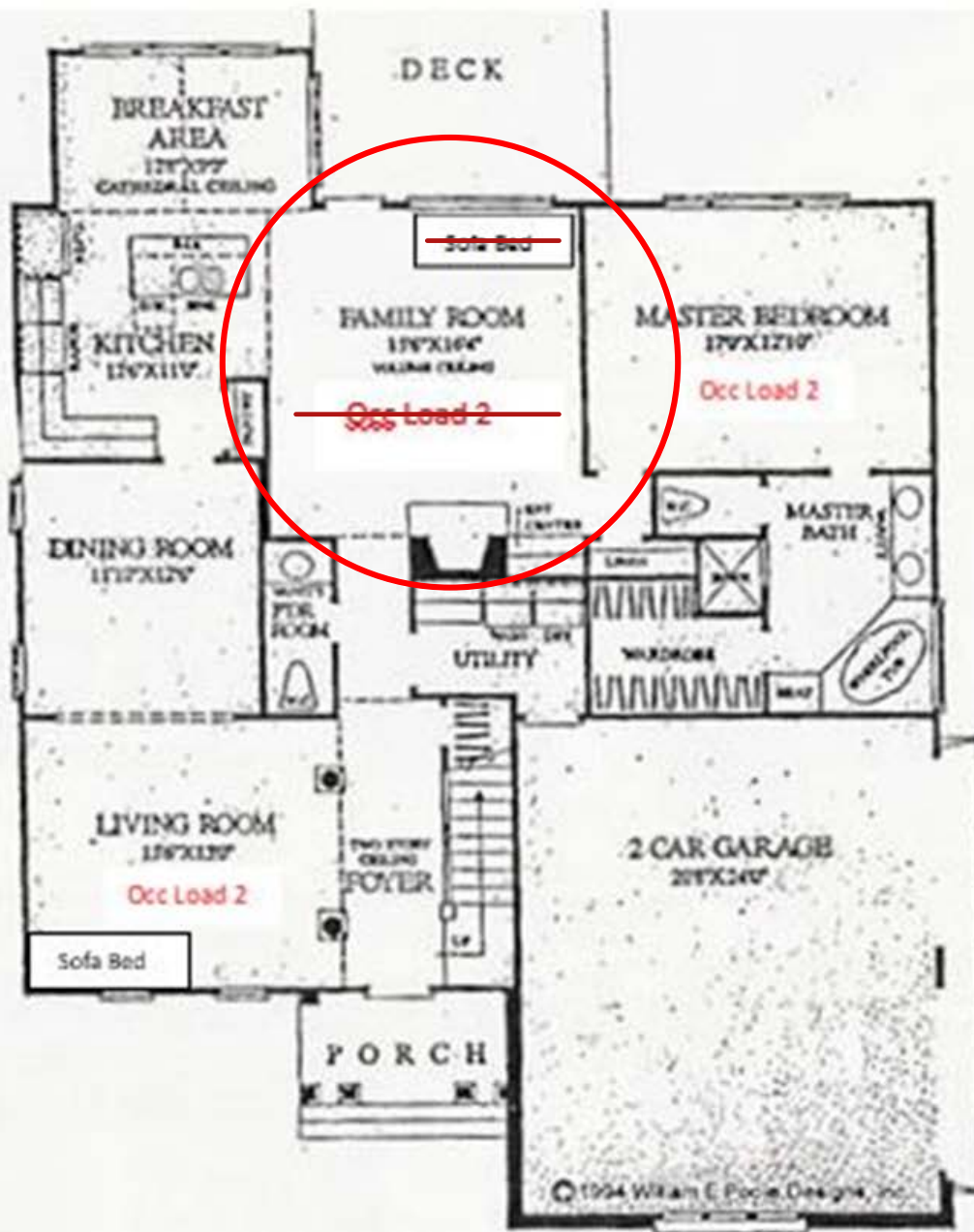


# Proposed Occupant Load Changes

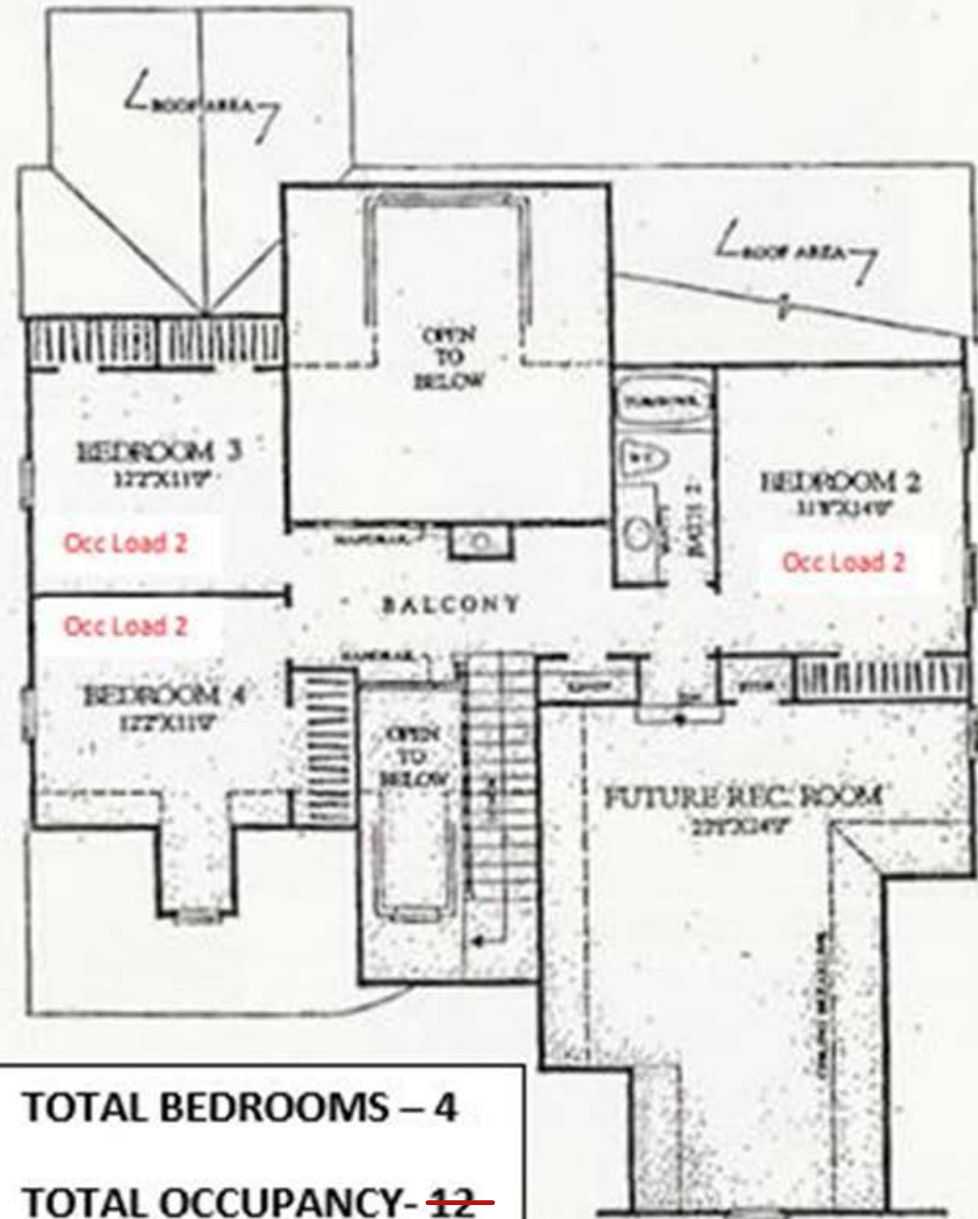
Staff Recommendation- That Council maintain the current occupant load requirements as set out in the Zoning By-law and Property Standards By-law that permits a maximum of 2 persons per bedroom plus 2 additional persons.

The additional permissions currently contained in the interpretation policy would no longer be permitted





FIRST FLOOR



TOTAL BEDROOMS – 4

TOTAL OCCUPANCY- ~~12~~  
= 10

SECOND FLOOR



# Assessment of Penalties and Demerit Points

## Current Process:

- ▶ The Licensing Committee shall hear appeals as set out in Section 4.20 and 4.21 of By-law 2013-50 , as amended.
- ▶ Noise infractions are confirmed by the courts decision and the Committee relies on the Provincial Offence Act conviction.
- ▶ Once the Conviction is confirmed the owner is then issued Demerit Points and an Administrative Penalty.

## Proposed Process:

- ▶ The Provincial Offences Court hear all offences that contravene the STA Licensing By-law.
- ▶ Owner will be charged separately with violating the provisions of the STA By-law
- ▶ Allows the Operator(s) to present evidence of “due diligence” in Provincial Court.
- ▶ The Licensing Committee would no longer have to hear infraction related appeals.

## Staff Recommendation

Staff are recommending that the application of demerit points be done via Provincial Offences Act charges for violations of the STA bylaw and that the current practice of the STA committee hearing appeals of Administrative Penalties and Demerit Points be discontinued.



# Demerit Point System

- The Proposed Changes to the assessment of penalties and demerit points would require the additional column which references to Section 5.19 of By-law 2013-50, as amended.
- New section into the Demerit Table;
  - Allowing activity that causes a disturbance.
- Separate charge to owner would be under Section 5.19 of the STA Licensing By-law " Every Licensee shall ensure that the short term accommodation premises is operated and used in a fashion such that the operation or use will not cause a disturbance.

Table 1		
Column 1	Column 2	Column 3
Infraction	Reference	Demerit Points
Fire Protection & Prevention Act/Fire Code	FPPA	15(1)
Operating without a licence	3.1	7
Building Code Act (Construction w/o a permit)	BCA	7(2)
Sleeping in excess of maximum permitted	5.4(1) & 5.9	5
Non-availability of Responsible Person	5.14	5
Noise By-law Infraction	N/A	5
Allowing activity that causes a disturbance	5.19	5
Not providing updated information	4.4	3
Contrary to Parking Management Plan	5.10	3
Contrary to Property Management Plan	5.10	3
Not posting licence	5.12	3
Property Standards	N/A (2)	3
Long Grass	N/A (2)	2
Waste/Garbage Collection	N/A (2)	2





# Responsible Person(RP)

- ▶ During the implementation of the STA program, Council, staff and the STA operators worked together to implement the Responsible Person (RP) system.
- ▶ Ensure that there is a Responsible Person available to attend to the STA premises at all times within one hour of a Complaint received.
- ▶ In order to facilitate this program, the bylaw department implemented an afterhours answering service in order to direct STA related complaints to the RP.
- ▶ Currently the system is not being used to its full potential by all residents.

## Staff Recommendation

Staff are recommending that any complaint regarding an STA premise be dealt with through the Town's after hour service as this would then prompt the Responsible Person to take action.

It is noted that any complaint that is not dealt with using the Responsible Person will not lead to the assessment of demerit points , but there could still be a POA Charge against the operator.



# Existing Interpretation Policies

- ▶ Currently there are 2 Interpretation Policies with respect to the STA program. The 2 interpretation Policy Statements Include;
  - POL.STAL.16.09 Parking Management Plan
  - POL.STAL.14.02 STA Premises: Definition of a Bedroom
- ▶ These Policy statements provide some additional direction to areas of the STA program that require further clarification.
- ▶ Our intent that the Policy Statements referenced above be incorporated into the Proposed Official Plan Policies, Zoning By-law Amendment and Licensing By-law updated.