



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of The Whole
Meeting Date: July 8, 2019
Report Number: PDS.19.86
Subject: Review of Bed and Breakfast Policy Framework
Prepared by: Travis Sandberg, Planner I

A. Recommendations

THAT Council receive Staff Report PDS.19.86, entitled “Review of Bed and Breakfast Policy Framework”;

THAT Council provide direction to Staff to investigate developing new municipal land use policies relating to Bed and Breakfast Uses and to provide recommendations through a future Staff Report;

AND THAT Council pass a resolution stating that Council will not consider any new site-specific re-zoning applications for Bed and Breakfast Establishments until the sooner of new policy recommendations being in place, or July 1st, 2020.

B. Overview

The purpose of this report is to outline the need for a comprehensive review of land use policies and zoning provisions in the municipality as they relate to Bed and Breakfast Uses. Further, this report recommends that Council pass a resolution stating that no new applications for these uses will be considered until the sooner of new policy recommendations being in place, or July 1st, 2020.

C. Background

Currently there are sixteen (16) properties within the Town of The Blue Mountains which have received site specific zoning approval to include a Bed and Breakfast as an additional permitted use of the lands. Historically, the Town has received on average about one re-zoning application per year proposing to establish a bed and breakfast. However, since June 2018, Planning Staff have received five separate applications. The status of these applications at the date of writing this report is included in Table 1 of this report.

<u>Municipal File Number</u>	<u>Legal Description</u>	<u>Municipal Address</u>	<u>Date Received</u>	<u>Current Status</u>
P2644 (Hannon)	Lot 2, Plan 425	120 Wards Road	June 2018	Approved by Council September 2018.
P2688 (Stepanovic)	Lot 31, Plan 915	116 Campbell Crescent	November 2018	Public Meeting Completed January 14, 2019. Pending confirmation of Primary Residence prior to proceeding.
P2725 (Lawson)	S/E Part Lot 13, Concession 4, Parts 4 and 5, Registered Plan 16R-2555, and Part 2, Registered Plan 16R-3058	N/A	March 2019	Endorsed by Committee of the Whole. By-law anticipated to be ratified by Council on July 15, 2019.
P2734 (Morgan)	Plan 563, Part of Lot 60, Part 2 of Reference Plan 16R-2974	111 Marsh Street	April 2019	Endorsed by Committee of the Whole. By-law anticipated to be ratified by Council on July 15, 2019.
P2740 (Sabourin)	Lot 53, Plan 1078	160 Grand Cypress Lane	April 2019	Public Meeting Completed July 3, 2019.

TABLE 1: Site Specific Zoning By-law Amendment Applications for Bed and Breakfasts since June 2018

Through the public consultation process for these applications, numerous concerns have been consistently raised by the public and Council with respect to the following general matters:

- 1) Enforcement of the Official Plan requirement for the dwelling to be occupied by the Owner during any rental;
- 2) Enforcement of the Zoning By-law Requirement for the residence to be the primary residence of the proprietor;
- 3) The maximum number of bed and breakfast uses that may be permitted within a given residential neighbourhood;
- 4) Licensing and integration of Bed and Breakfast Uses with the Short Term Accommodation policy framework.

The concerns above appear to be rooted in the overall concerns consistent with short term accommodation uses. It is recommended that a comprehensive review of the Town's current planning policies and zoning provisions be conducted. Through this review, Planning Staff will explore and recommend new comprehensive policy requirements for Council's consideration. The intent of developing new policy requirements for Bed and Breakfast Establishments is to provide clearer, more concise, comprehensive policy direction to guide the review and consideration of future Bed and Breakfast uses. Staff have outlined two options for considering a decision on this matter.

Option 1

In order to provide Staff and Council time to develop new policies and controls for dealing with these types applications, Council may consider the enactment of an Interim Control By-law (ICBL). The ICBL would apply to all lands within the municipality on which Bed and Breakfast Uses are permitted by the Official Plan. The impacted lands would essentially include all residential land use designations, the Downtown Area designation, and all rural land and Hamlet Area designations. It is important to note that ICBLs may not be passed on lands which have been subject to a previous ICBL for a period of three years, even if the two By-laws are dealing with separate matters. Given the statutory 'cooling-off' period required under the Planning Act, Staff do not recommend that an ICBL be enacted in this case, as other more pressing planning matters may arise in the next three years wherein Council may need to utilize this power.

Should Council decide to enact an ICBL, then Staff recommend that the following lands be excluded from the scope of the By-law:

- i) Lots 14, 15, 16 Plan 16M-24 (currently subject to ICBL # 2019-26);
- ii) Plan 563, Part of Lot 60, Part 2 of Reference Plan 16R-2974 (Morgan);
- iii) S/E Part Lot 13, Concession 4, Parts 4 and 5, Registered Plan 16R-2555, and Part 2, Registered Plan 16R-3058 (Lawson);
- iv) Lot 31, Plan 915 (Stepanovic);
- v) Lot 53, Plan 1078 (Sabourin); and
- vi) Those lands within land use designations of the Official Plan which do not permit Bed and Breakfast Establishments.

Option 2

While the enactment of an ICBL remains an option for Council to consider, Staff recommend instead that a formal resolution be passed stating that Council will not consider any new applications for Bed and Breakfast Establishments until the sooner of new policy recommendations being in place, or July 1st, 2020. This will provide sufficient time to complete the comprehensive review outlined above, without limiting Council's ability to enact a future ICBL should more pressing planning matters arise. Further, stipulating that Council will not consider new applications will provide a fair process to applicants whom already have active applications under review, while also providing a formal public statement of same.

Conclusion

Given the discussion and opinions provided above, Staff recommend that Council proceed with Option 2 as outlined by the report.

D. The Blue Mountains Strategic Plan

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

E. Environmental Impacts

Nil.

F. Financial Impact

Nil.

G. In consultation with

Nathan Westendorp, Director of Planning and Development Services

Municipal Legal Council

H. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting, as a Public Meeting is not required by the Ontario Planning Act. If passed by Council, Notice of Passing of an Interim Control By-law will be provided to prescribed persons and public bodies outlined by the Act.

I. Attached

1. Nil

Respectfully Submitted,

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