Staff Report
Planning and Development Services – Planning Division

Report To: Committee of the Whole
Meeting Date: October 6, 2020
Report Number: PDS.20.96
Subject: Short Term Accommodation, Bed and Breakfast, Commercial Resort Units, Village Commercial Resort Units, Hotel, Motel, Trailer Park, Campground (Resort Accommodations) Zoning By-law Update
Prepared by: Shawn Postma, Senior Policy Planner

A. Recommendations

THAT Council receive Staff Report PDS.20.96, entitled “Short Term Accommodation, Bed and Breakfast, Commercial Resort Units, Village Commercial Resort Units, Hotel, Motel, Trailer Park, Campground (Resort Accommodations) Zoning By-law Update”;

AND THAT Council direct Staff to initiate area stakeholder consultation to discuss and review the direction contained in the Town of The Blue Mountains Tourist Accommodation Background Study;

AND THAT Council direct Staff to prepare Draft Zoning By-law Amendment document(s) based on the direction provided by Council in the Town of The Blue Mountains Tourist Accommodation Background Study and stakeholder consultation for Short Term Accommodation, Bed and Breakfast and Commercial Resort Units;

AND THAT Council direct Staff to provide Notice of Public Meeting in accordance with the Planning Act for an upcoming Council Meeting to consider the Draft Zoning By-law Amendments;

AND THAT Council direct that the Town of the Blue Mountains will not consider any new site specific Short Term Accommodation Units or Bed and Breakfast Establishments until the enactment of the Short Term Accommodation and Bed and Breakfast Zoning By-law or October 19, 2021 whichever is sooner.

B. Overview

Following the September 22, 2020 Committee of the Whole discussion on the Licensing of Short Term Accommodation and Administrative Monetary Penalties By-laws (Staff Report FAF.20.152), the purpose of this report is to share a Resort Accommodation Background Study prepared by Town Staff and to update Council on the proposed direction of a Zoning By-law
amendment(s) related to Short Term Accommodation, Bed and Breakfast, and Commercial Resort Units in the Town.

### C. Background

Planning Staff have prepared a “Town of The Blue Mountains Tourist Accommodation Background Study” (attachment #1). The study provides a fulsome overview of the history of Short Term Accommodation, Bed and Breakfast, Commercial Resort Units, Village Commercial Resort Units, and other accommodation types including hotel, motel, trailer park, and campground uses. Together these uses are described as ‘Tourist Accommodations’. The Study summarizes the policy and regulation origins of various Tourist Accommodations, historical changes, areas of concern, discussion and options that can be considered through a future Planning Act process including public consultation and Council decision.

Comments are not provided on the Short Term Accommodation Licensing Program. It being noted that modifications to the Licensing program are occurring concurrent with, but separate to the modifications to the Official Plan, Zoning By-law.

### D. Analysis

Direction and recommendations are provided in the Town of The Blue Mountains Tourist Accommodation Background Study that will be used to develop new preliminary draft Zoning By-law Amendment document(s). The preliminary draft Zoning By-law Amendments would be made available alongside the Study and form the basis of discussions for public consultation.

When directed by Council, Planning Staff will then reach out to area stakeholders including but not limited to the Blue Mountain Short Term Accommodation Association, Blue Mountain Ratepayers Association, Blue Mountain Resorts, North Creek Resort, and Vacasa to finalize the draft Zoning By-law Amendment documents for consideration in a Public Meeting. Additional stakeholders can also request to meet with the Town prior to the development of draft Zoning By-law Amendment should they see benefit.

Upon finalization of the stakeholder meetings, the draft Zoning By-law Amendment will be prepared and proceed through the Planning Act process including the provision of Notice of Public Meeting, Holding of a Public Meeting, Council decision and required appeal period.

A final recommendation report and final versions of the By-law Amendments would be provided to the Committee of the Whole after the Public Meeting and all comments are received.

### E. The Blue Mountains Strategic Plan

- **Goal #1**: Create Opportunities for Sustainability
  - **Objective #1**: Retain Existing Business
  - **Objective #2**: Attract New Business
  - **Objective #3**: Promote a Diversified Economy
F. **Environmental Impacts**

There are no direct environmental impacts associated with this report.

G. **Financial Impact**

Financial costs of consultation and public notice:

- Stakeholder Consultation
- Public Consultation
- Virtual Public Meeting

H. **In consultation with**

- Nathan Westendorp, Director of Planning and Development Services
- Wayne Dewitt, By-law Enforcement Supervisor / Municipal Prosecutor
- Will Thomson, Director of Legal Services
- Shawn Everitt, CAO
- Peter Bordignon, Councilor

I. **Public Engagement**

The topic of this Staff Report will be the subject of a Public Meeting and/or a Public Information Centre in accordance with the following schedule:

- October 6: Committee of the Whole – Initial staff report PDS.20.96 with recommendation to proceed to public consultation;
- October 19 Council – Recommendations from October 6 Committee of the Whole confirmed;
- October 7: Preliminary contacts for stakeholder consultation to commence.
- October 19-30: Stakeholder meetings, Draft By-law Amendments finalized
- November 5: Draft Zoning By-law Amendments and Public Meeting Notice posted;
- November 5: Public Meeting advertised in Collingwood Connection;
• November 30: Council – Public Meeting at 5:00 p.m.
• January 2021: Committee of the Whole – Follow-up report with Public Meeting feedback;
• January 2021: Council – Recommendations from January 2021 Committee of the Whole confirmed, along with any required By-law(s)

Comments regarding this report should be submitted to Shawn Postma, planning@thebluemountains.ca

J. Attached

1. Town of The Blue Mountains Tourist Accommodation Background Study

Respectfully submitted,

_____________________________
Shawn Postma, MCIP RPP
Senior Policy Planner

_____________________________
Nathan Westendorp, RPP, MCIP
Director of Planning and Development Services

For more information, please contact:
Shawn Postma, Senior Policy Planner
planning@thebluemountains.ca
519-599-3131 extension 248
Town of The Blue Mountains
Tourist Accommodation Background Study

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<td>Short Term Accommodation</td>
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<tr>
<td>BNB</td>
<td>Bed and Breakfast</td>
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<td>CRU</td>
<td>Commercial Resort Unit</td>
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<tr>
<td>VCRU</td>
<td>Village Commercial Resort Unit</td>
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<td>OMB</td>
<td>Ontario Municipal Board</td>
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<td>LPAT</td>
<td>Local Planning Appeals Tribunal (former OMB)</td>
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<td>2007 OP</td>
<td>2007 Town of The Blue Mountains Official Plan</td>
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<td>OPA 11</td>
<td>OPA 11 (as approved by OMB in June 2011)</td>
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<td>2016 OP</td>
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This paper provides a fulsome overview of the history of Short Term Accommodation, Bed and Breakfast, Commercial Resort Units, Village Commercial Resort Units, and other accommodation types including hotel, motel, trailer park, and campground uses. Together these uses are described as ‘Tourist Accommodations’. This paper summarizes the origins of various Tourist Accommodations, historical changes, areas of concern, and options that can be considered through a future Planning Act process including public consultation and Council decision.

This paper does not include content on the Short Term Accommodation Licensing Program. It being noted that modifications to the Licensing program are occurring concurrent with, but separate to the modifications to the Official Plan, Zoning By-law and Site Plan.

Any questions or comments on this draft paper should be sent to Shawn Postma, Senior Policy Planner at spostma@thebluemountains.ca for consideration.
Ontario Municipal Board Decision (June 2011) Short Term Rentals

Ontario Municipal Board Decision Summary:

The Short Term Accommodation (STA) program in the Town of The Blue Mountains was created in June 2011 through Ontario Municipal Board (OMB) Decision PL080455 that approved Official Plan Amendment 11 (OPA 11) and Zoning By-laws 2009-03, 2009-04 and 2009-05.

The 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. With this growth there was also an increase in complaints from area residents about noise, parking, garbage, nuisance, mischief and vandalism to both private and public properties. The use of single detached dwellings in low density residential areas for STA use was the heart of the dispute in the OMB proceedings.

In 2007, the Council of the Town of The Blue Mountains determined that it needed to take steps to lessen the conflicts between permanent residents and visitors and in particular, the use of single detached dwellings in low density areas for STA uses. By January 2009 Council adopted OPA 11 and approved the above mentioned By-laws. The documents were appealed to the Ontario Municipal Board, and after a lengthy and detailed hearing process the Board approved the documents subject to modifications as contained in the Board Order dated June 22, 2011. (See Appendix 1 for the full June 2011 Ontario Municipal Board Decision.)

Through this Ontario Municipal Board process, the OMB concluded that the purpose of the proposed OPA and By-laws were not to eliminate or limit access to STA units within the Town, but to regulate this type of accommodation to create a more compatible situation in the Town. The OMB determined that STA units are distinct commercial entities with the goal of making a profit, and that it is the commercial entity that has the potential to conflict with the character and stability of existing neighbourhoods because of the constant turnover of people and the difficulty that turnover brings in controlling noise and other nuisances. The OMB found that the Town must ensure that compatibility is achieved between the commercial STA uses and existing residential neighbourhoods. (PL080455, June 22, 2011, Page 15). The OMB agreed (subject to modifications) that the Town’s Official Plan and By-laws were appropriate and directed STA units to: locations where servicing and appropriate levels of infrastructure are available; where the intensity of use can be better accommodated; and where future growth needs can be met. (PL080455, June 22, 2011, Page 13)
Legal Non-Conforming Protections

Legal non-conforming uses (sometimes referred to as Grandfathered uses) are existing land uses that were established at a time when they would have complied with the Zoning By-law that was in effect at the time the use was established. When a new Zoning By-law is enacted which has the effect of no longer permitting the use on the property, then the legal non-conforming rights may permit the use to continue. Legal non-conforming uses, buildings and structures are governed under Section 34(9) of the Ontario Planning Act:

Section 34(9)

No by-law passed under this section applies,

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under subsection 8 (1) of the Building Code Act, 1992, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under subsection 8 (10) of that Act. R.S.O. 1990, c. P.13, s. 34 (9); 2009, c. 33, Sched. 21, s. 10 (1).

If the use is removed, discontinued, or changes to another use, the legal non-conforming rights may be lost and cannot be re-established again unless permitted by a new Zoning By-law Amendment to permit the use. There is significant case law in place with rulings and interpretations of how this Section applies to various situations.

Section 34(10) and 45(2) of the Planning Act provides opportunity for amendment or minor variances to legal non-conforming use for extension or enlargement of existing legal non-conforming uses. Both processes include public notice, public meeting, decision by Council or Committee of Adjustment, and appeal opportunities.

It is noted that a number of legal non-conforming Short Term Accommodation (STA) uses exist in the Town. The legal non-conforming aspect could include the use of the building for a STA Unit, as well as other Zoning By-law requirements such as deficient parking, deficient separation distance, deficient landscape buffers, unavailability of municipal water or sewer, etc. To determine the complexities of legal non-conforming aspects of a property used for a STA use, Planning Services has developed a pre-screening process at time of a new STA license or renewal STA license to identify the legal non-conforming aspects. It is noted that legal non-conforming rights are limited to established and continually used STA units. Should owners wish to make changes or upgrades to a legal non-conforming use the ability to make those changes are limited and may be subject to further Town approvals.
Town of The Blue Mountains Official Plan Policies

The purpose of Official Plan policies is to provide guidelines for development and how lands within a Municipality can be used. Detailed policies are intended to implement the goals and objectives stated in the Official Plan. Official Plan policies provide one level of criteria when evaluating new land uses and development proposals. Official Plan policies must align with County and Provincial policy documents and provide the framework for establishing more specific Zoning By-laws that can regulate individual properties on the use of land, lot standards, building standards and other more property specific regulations.

Figure 1: Hierarchy of Municipal Official Plans Zoning By-laws and Licensing By-laws

<table>
<thead>
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<th>1. Official Plan</th>
<th>Objectives</th>
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<tr>
<td>Sets Municipal Wide Goals and Objectives</td>
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<td>Sets Policy Direction</td>
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<td>Sets Intentions</td>
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<tr>
<th>2. Zoning By-law</th>
<th>Implementation</th>
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<tr>
<td>Implements the policies of Official Plan</td>
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<tr>
<td>General Provisions, Permitted Areas</td>
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<tr>
<td>Property Specific Rules and Requirements</td>
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<tr>
<th>3. Licensing By-law</th>
<th>Monitoring</th>
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<tr>
<td>Continuous monitoring to ensure compliance with Zoning By-law</td>
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<tr>
<td>On going accountability for Health and Safety, Inspections</td>
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<tr>
<th>4. Other Town By-laws</th>
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<tr>
<td>Property Standards, Parking, Noise, Sign, Fence, Swimming Pool, Security Alarm, ...</td>
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2007 Town of The Blue Mountains Official Plan

The 2007 Town of The Blue Mountains Official Plan (2007 OP) is no longer in effect, but the Plan did guide growth over a 10+ year period ending in 2016. The 2007 Plan established detailed policy direction on Resort Accommodations encouraging hotel/motel and commercial resort complexes particularly in the Blue Mountain Village Core area. Commercial Resort Units (including provisions for Time Share units) were permitted in certain Official Plan designations with limitations on owner occupancy (maximum 180 days) and requirements for a rental management program with necessary on-site facilities and provisions for full time on-site or off-site management.
Bed and Breakfasts were recognized alongside home based businesses, nursing homes, minor institutional and open space uses as a permitted use in certain residential designations where appropriate.

Short Term Accommodation policies were removed from the 2007 Plan as the Town was already underway with the Short Term Accommodation Review project that would ultimately be decided by the June 2011 OMB decision and the approval of Official Plan Amendment #11.

**Official Plan Amendment #11 (OPA 11) (June 2011)**

Official Plan Amendment 11 (OPA 11) amended the 2007 OP and was approved as part of June 2011 OMB Decision. OPA 11 established the first comprehensive set of policies for Short Term Accommodation (STA) and Bed and Breakfast (BNB) Uses for the Town. (See Appendix 2 for the full version of Official Plan Amendment 11). Below is a summary of OPA 11:

**Short Term Accommodation (STA) Uses** OPA 11 identified a STA use as a ‘commercial use’ and shall avoid disruption to residential areas through mitigation via Zoning Provisions and Site Plan Control. STA uses shall be directed toward a commercial or other appropriate designation and shall be prohibited within single detached residential neighbourhoods. (Section 3.4.2(5), OPA 11). STA’s are directed to those land use designations that permit a range of housing types (Section 3.4.2(6)(a), OPA 11) and not permitted in those land use designations that restrict the use of land to only single detached dwellings. (3.4.2(6)(c), OPA 11). OPA 11 further directs that the implementing Zoning By-laws are required to include provisions related to the scale of STA uses, occupant load, parking, separation distances, connection to municipal water and sewer, setbacks and buffering. OPA 11 also established an area of the municipality where STA uses shall be directed to. Exception #54 created through OPA 11 provides less restrictive STA provisions for the Tyrolean/Arlberg/Birchview/Pilsen Way area. (Schedule “A-21”, OPA 11)

**Bed and Breakfast (BNB) Uses** are directed to Residential, Rural and Agricultural designations. A Bed and Breakfast is: defined, limited to a maximum 3 rooms, must be owner occupied, may be required to provide a level of buffering from adjacent uses, and establishes minimum parking requirements. All new Bed and Breakfast Establishments require Council approvals through a Zoning By-law Amendment and may also be subject to Site Plan Control. (Section 3.4.3, OPA 11).

**Commercial Resort Units (CRU’s)** were not specifically addressed as part of OPA 11 or the June 2011 Ontario Municipal Board Decision.

**Town of The Blue Mountains Official Plan (June 2016 and October 2019)**

The Town of The Blue Mountains prepared a new Official Plan to replace the 2007 Official Plan. In preparation of the new Plan, it was recognized at the time that the Official Plan policies from OPA 11 were working well for Short Term Accommodation and Bed and Breakfast uses. This new Official Plan would maintain the intent and direction established by OPA 11 with some minor edits to the Short Term Accommodation use section in order to fit the format and structure of the new Official Plan. A number of objections were received on those edits, and at that time it was determined that a decision on the
Short Term Accommodation section would be deferred in order to get the remainder of the June 2016 Official Plan into full force and effect, the Short Term Accommodation policy section was refined and ultimately approved in October 2019 by the County of Grey. (See Appendix 3 for the County Decision and approved STA Official Plan Policies)

**Short Term Accommodation (STA) Uses** The STA policies were refined and processed through a Public Meeting and the policies were put into full force and effect in October 2019. Two main modifications were made to the original policies implemented by OPA 11:

Modified policy B2.5(e)(i): where new STA uses are listed as a permitted use on future development lands in RRA, CLA and Blue Mountain MDR designations. The policy is intended to only permit STA uses where they can be accommodated in future developments and as part of a detailed planning review (to ensure the compatibility function) and establish a requirement for Council approval. The policies do not provide an ‘as-of-right’ permission, but rather a ‘can be considered’ for approvals subject to the detailed planning review and Council approval.

Modified policy B2.5(e)(iii): The 2016 OP no longer had any land use designation that permits only single detached dwellings. This new policy section replaces policy 3.4.2(6)(c) of OPA 11 and now recognizes that STA uses shall not be permitted in existing residential plans of subdivision and other residential areas which have been substantially developed for single detached dwellings. The intent here is to recognize a general prohibition in all existing and future low density residential areas.

**Bed and Breakfast (BNB) Uses** The BNB policies were copied in their entirety from OPA 11 with no edits. (Section B2.5.1, 2016 OP)

**Commercial Resort Accommodations** the policies recognize both Commercial Resort Units (CRU’s) and Village Commercial Resort Units (VCRU’s) which are recognized as another type of tourist accommodation in the municipality. Generally speaking a Commercial Resort Complex is a condominium development with independent units, part of a rental management program (to make units available for tourist accommodation), include a range of supporting commercial services such as dining and convention facilities, and full time on-site or off-site hotel management staff. Unit owners are restricted to occupy their unit up to a maximum of 180 days per calendar year in order to ensure that the remainder of the year the unit can be used for tourist accommodation. (Section B2.2, 2016 OP)

**Other Accommodation Types: Hotel, Motel, Trailer Park, Campgrounds** are recognized as other types of tourist accommodations and are included as permitted uses in various land use designations in the Town. Specific policy direction is generally limited to scale and compatibility. New development is subject to Site Plan Control to ensure scale and compatibility matters can be adequately addressed on a site by site basis.

An inventory and description of all Tourist Accommodation types is found at *Figure 2: Inventory of Tourist Accommodation Types in The Blue Mountains*

The distribution of Tourist Accommodation types within the municipality (by property) is found at *Figure 3: Distribution of Tourist Accommodation Types by Property*
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<th>Use Description</th>
<th>Total Units</th>
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<tr>
<td><strong>List of Tourist Accommodation Types in The Blue Mountains:</strong></td>
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<tr>
<td><strong>Short Term Accommodation (STA)</strong></td>
<td>Means a building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of sale or lease agreement, permit, lease, licence, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year.</td>
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<tr>
<td><strong>Bed and Breakfast (BNB)</strong></td>
<td>Means a dwelling that operates or offers more than three guest rooms as places of temporary residence, lodging or occupancy by way of sale or lease agreement, permit, lease, licence, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year.</td>
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<tr>
<td><strong>Commercial Resort Unit (CRU)</strong></td>
<td>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 separate entrance from a common hallway or entryway 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; d) In which the maximum habitue 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 short term accommodation unit, a dormitory unit or a hostel unit.</td>
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<tr>
<td><strong>Commercial Resort Unit Complex</strong></td>
<td>Means a building or group of buildings containing a minimum of ten commercial resort units that is part of a rental or lease management program.</td>
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<td><strong>Village Commercial Resort Unit (VCRU)</strong></td>
<td>Means one room or a group of rooms forming a single commercial accommodation unit within a Village Commercial Resort Unit Complex in which: a) Culinary and sanitary facilities are provided for the exclusive use of the unit; and, b) Access to the unit is provided by a private entrance from a common hallway inside the building; and, c) Is not used or designated as a principal residence; but does not mean or include a residential dwelling unit, hotel unit, motel unit, inn unit, lodge unit, dormitory unit, hostel unit, or any other use defined herein.</td>
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<tr>
<td><strong>Lock Off Unit</strong></td>
<td>Means a village commercial resort unit that has a private, separate access to a common hallway and an access door in the common, shared wall with an adjacent village commercial resort unit.</td>
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<tr>
<td><strong>Village Commercial Resort Unit Complex</strong></td>
<td>Means a building or group of buildings containing 10 or more Village Commercial Resort Units which: a) Is serviced by a central lobby facility; and, b) Is part of a rental or lease management program, including housekeeping services, with a minimum of 80% of the Village Commercial Resort Units restricted to occupancy by any one individual person for one or more periods of time not to cumulatively exceed a total of 120 days per year; and, The Town of The Blue Mountains Zoning By-law November 29, 2018 41 c) The remaining 20% may be exempt from the 120 day per year occupancy limitation; and, d) Contain accessory recreational and/or commercial uses.</td>
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<td><strong>Hotel (1)</strong></td>
<td>Means an establishment that contains 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 or 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: 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 Licence Act of Ontario.</td>
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<td><strong>Motel (3)</strong></td>
<td>Means an establishment that contains guest rooms with no private cooking facilities that are rented on a temporary basis to the travelling public with each room being accessed from the outside. A motel may include such accessory uses as a restaurant, meeting rooms, swimming pool, recreational facilities for the use of guests, but shall not include any adult entertainment establishment.</td>
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<td><strong>Boarding or Rooming House</strong></td>
<td>Means a dwelling in which lodging with or without meals is supplied for gain to three or more persons other than the lessee, tenant or owner of said dwelling, or any member of his/her family, but does not mean or include a motel, hotel, short term accommodation, bed and breakfast establishment, hospital, similar commercial or institutional use or apartment building.</td>
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<tr>
<td><strong>Tourist Cabin</strong></td>
<td>Means a seasonal dwelling unit operated or offered as a place of temporary residence, lodging or occupancy by way of sale or lease agreement, permit, lease, licence, rental agreement or similar commercial arrangement, throughout all or any part of a calendar year.</td>
</tr>
<tr>
<td><strong>Trailer Park (1)</strong></td>
<td>Means an area of land used for the temporary or seasonal parking of travel/tent trailers, recreational trailer or vehicle, truck campers and/or tents occupied by the travelling or vacationing public.</td>
</tr>
<tr>
<td><strong>Campground (1)</strong></td>
<td>Means an establishment consisting of at least five camping sites for the overnight and/or temporary camping or parking of travel/tent trailers, truck campers, or tents for recreational or vacation use and designed for seasonal occupancy only.</td>
</tr>
<tr>
<td><strong>Seasonal Dwelling</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Residential Unit</strong></td>
<td>For the purposes of counting Tourist Accommodation Types, a Residential Unit is considered a unit that does not currently participate as a VCRU, CRU or STA however the opportunity is available to convert to a VCRU, CRU or STA at anytime (may be subject to conditions or approvals).</td>
</tr>
<tr>
<td><strong>Future Unit</strong></td>
<td>For the purposes of counting Tourist Accommodation Types, a Future Unit is considered a vacant lot or undeveloped lands located in a zone that permits a STA, CRU, VCRU unit. It is noted that a Residential Unit may or may not also be permitted.</td>
</tr>
</tbody>
</table>
## Inventory of Accommodation Types in The Blue Mountains

<table>
<thead>
<tr>
<th>Site</th>
<th>Total Units</th>
<th>STA</th>
<th>CRU</th>
<th>VCRU</th>
<th>Hotel</th>
<th>Motel</th>
<th>Trailer Park</th>
<th>Camp-ground</th>
<th>BNB</th>
<th>Residential</th>
<th>Future Units</th>
<th>% STA</th>
<th>% CRU/VCRU</th>
<th>% RES</th>
<th>% Future</th>
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<tbody>
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<td><strong>Chateaux Ridge</strong></td>
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<td><strong>Second Nature (Block 152 and 153)</strong></td>
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<td><strong>Tyrolean Village / Arlberg Exception Area</strong></td>
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<td>North Creek Resort</td>
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<td>*** Grand Georgian</td>
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<td>*** Mosaic at Blue</td>
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<td>15.2%</td>
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<td>10%</td>
<td>37%</td>
<td>13%</td>
<td>26%</td>
</tr>
</tbody>
</table>

* Zoning By-law Permits STA Units, CRU Units, or Residential (non-rented) Units

** Zoning By-law Exception Area. Zoning By-law permits STA Units or Residential (non-rented) Units.

*** Village Commercial Resort Buildings permit 10% or 20% of Units to be Residential (non-rented) Units.

**** Residential Units = Non-rented units that could be converted to a Rental Unit as the property zoning permits STA/CRU/VCRU and Residential Units

***** Future Units = vacant lots or undeveloped lands located in a Zone that permits STA/CRU/VCRU or Residential Units

It should be noted that more restrictive provisions may occur in subdivision covenants and/or condo by-laws that may further restrict use of lands for CRU/STA purposes.

August 2020
Town of The Blue Mountains Zoning By-laws

The purpose of a Zoning By-law is to control the use of land within the Municipality. The Zoning By-law states exactly how land may or may not be used, where buildings and other structures can be located, the types of buildings that are permitted and how they may be used. The Zoning By-law also establishes minimum and maximum lot sizes and dimensions, parking requirements, building heights and setbacks from property lines and the street. As applicable law, and enforceable under the Planning Act, the Zoning By-law implements the policies of the Official Plan and provides a legal way of managing land, future development and protecting from potential adverse conflicts.

A property can only be used and developed in accordance with the provisions of the Zoning By-law. If a use is not permitted by the Zoning By-law or a proposed development cannot meet the development requirements of the By-law an owner can apply for a Zoning By-law Amendment and is subject to planning review, public input and ultimately decided on by Town Council. In some cases modifications to the Zoning requirements can be dealt with through Minor Variance and decided upon by the Committee of Adjustment.

It should be noted that the Zoning By-law will only affect those areas where the Municipality has land use controls in place. The Niagara Escarpment Commission (NEC) has some form of authority over approximately 1/3 of the municipality. In general the NEC provides comments to Council on the impacts of a development proposal on the Niagara Escarpment Plan prior to a decision within the urban areas of the Municipality. In the more Rural areas and prominent slope areas, the NEC has full development control when the Town may provide comments to the NEC prior to a decision of the Niagara Escarpment Plan. The discussion of Short Term Accommodation and Bed and Breakfast uses is focused only in those areas where zoning is in place. Counts of STA units and BNB units do not include any STA’s or BNB’s created in areas of Niagara Escarpment Development Control. (See Figure 4 for areas of Niagara Escarpment Development Control)

Township of Collingwood By-law 83-40 and Town of Thornbury By-law 10-77 prior to 2009

The Township of Collingwood Zoning By-law 83-40 and Town of Thornbury Zoning By-law 10-77 were enacted in 1983 and 1977 respectively, and these documents controlled the use of land up until the passing of the new The Blue Mountains Zoning By-law in 2018. Much of the built form and land uses that is seen today in the Town were constructed under these By-law requirements. Prior to 2009:

- The Town of The Blue Mountains (and former Township of Collingwood and Town of Thornbury) did not have specific zoning provisions to regulate the Short Term Rental of dwelling units.
- Bed and Breakfast uses were permitted as of right in the former Town of Thornbury in Residential zones. A Bed and Breakfast was not permitted as of right in the former Township of Collingwood and therefore a new Bed and Breakfast use was required to receive Council Approval through a Zoning By-law Amendment.
- Commercial Resort Units, Village Commercial Resort Units, Campgrounds, Trailer Parks, Hotels and Motels and other tourist accommodation types were permitted as-of-right within certain zones only with each use having specific lot development requirements.
Information shown on these drawings is compiled from numerous sources and may not be complete or accurate. The Blue Mountains is not responsible for any errors, omissions or deficiencies in this drawing. This document is for reference purposes only. No part of this supplied data may be reproduced or transmitted to others in any way without the written permission of The Corporation of the Town of The Blue Mountains. © 2020.
In 2007 the Town of The Blue Mountains initiated a review of Short Term Rental properties within dwelling units. The intent of this review was to implement new regulations (permissions and prohibitions) within the Zoning By-law for Short Term Accommodation and Bed and Breakfast uses. The review process resulted in the enactment of Zoning By-law 2009-03, 2009-04 and 2009-05. These By-laws were appealed by various parties and after a lengthy Ontario Municipal Board process resulted in the approval of the By-laws in 2011 subject to minor amendments.

Three separate Zoning By-laws were created.

- 2009-03 was an amendment to Zoning By-law 83-40 for the former Township of Collingwood.
- 2009-04 was an amendment to Zoning By-law 10-77 for the former Town of Thornbury.
- 2009-05 was an administrative By-law to establish a new Resort Residential ‘RR’ Zone for new STA uses.

Below is a summary and description of each Zoning By-law Amendment:

**ZBA 2009-03 (Township of Collingwood 83-40):**

1. **Definitions:** have been created/modified for various tourist accommodation types: Short Term Accommodation, Bed and Breakfast, Hotel, Motel, Tourist Cabin or Cottage, Boarding or Rooming House, Residential Dwellings (various), Commercial Resort Unit and Commercial Resort Unit Complex.

2. **General Provisions:** have been created for STA units including new parking requirements for single detached (0.5 space per occupant or 1 space per guestroom - whichever is greater) and multi-unit buildings (1.75 spaces per unit up to 4 guest rooms. Plus 1 space per each additional guestroom), direction for new STA units to be permitted as-of-right within certain Residential zones (R5, R6, R7, R8 Zones), limitation on the number of Occupants (maximum 8), implementation of a minimum Separation Distance (120 metres), and other general requirements including: Site Plan Control (required), Landscape Open Space (3m buffer strip to Single Detached Dwellings), Waste/Recycling (1 enclosed facility required), connection to Town Water and Town Sewer (mandatory).

3. **Resort Residential ‘RR’ Zone:** This zone was created specifically for Short Term Accommodation units including lot development standards. It is noted that this zone had not been used during the life of the STA program and that no properties within the Town has the Resort Residential ‘RR’ Zone on it.

4. **By-law Exception One:** Exception states that STA use is permitted and shall be excluded from maximum 8 persons occupant load and 120m separation distance. (applies to condo lands at Monterra Ridge, Snowbridge and Second Nature. Also applies to Historical Tyrolean Village lands) (See Schedule ‘A-1’ and Schedule ‘A-2’ to By-law 2009-03)

5. **By-law Exception Two:** Exception states that an STA use and a CRU use are permitted and that the STA shall be excluded from maximum 8 persons occupant load and 120m separation distance. (applies to the ‘legacy condos’ being Chateaux Ridge, Mountain Walk Phase 1, Mountain Walk Phase 2, Wintergreen, Sierra Lane, and Rivergrass) (See Schedule ‘A-3’ to By-law 2009-03)

See Appendix 4 for the full version of Zoning By-law 2009-03
6. **By-law 2009-03 Issues and Concerns**: Staff Report FAF.18.42 identified issues during the implementation of By-law 2009-03 including:

a. Units seeking legal non-conforming status- Concern that legal non-conforming status was not stringent enough and details on the areas of non-compliance were not clear. Town Staff has since responded by now requiring a “Planning Screening Process” on all new/renewal STA licenses to identify and document all areas of legal non-conforming.

b. Provision of adequate Parking- (insufficient parking provided on some multi-unit STA’s where shared parking facilities do not exist). Through the implementation of the Zoning By-law a concern was raised that the parking ratio for STA units in a multi-unit building continued to lead to parking problems. It is noted that visitor parking spaces may be double counted, and where no shared parking spaces exist, that the assigned parking spaces were not sufficient. Staff responded with a Draft STA Zoning By-law in July 2019 to provide a new parking ratio for multi unit STA’s that have individual private driveways. (The July 2019 Draft By-law is summarized later in this paper but changes to parking requirements have not been implemented at this time)

c. 120 metre Separation Distance- clarification required on where 120m is measured from. Is it from the building or from the property line? It being noted that an STA use could be in a single detached dwelling on a 100 acre parcel, or multiple STA uses could be located on one larger condominium parcel) Staff has responded in a Draft STA Zoning By-law in July 2019 that the separation distance is measured from the edge of the use which may be limited to the inside of the building, or to the property line if outside amenity areas, parking, etc. are directly related to the STA unit. (The July 2019 Draft By-law is summarized later in this paper but changes have not been implemented at this time.)

ZBA 2009-04 (Town of Thornbury 10-77):

1. By-law 2009-04 generally mirrors the requirements of 2009-03 and applies to the former Town of Thornbury lands.

2. **Definitions**: same as 2009-03

3. **General Provisions**: Parking (same), direction for new STA units to be permitted as-of-right within the Residential ‘RM1’ Zone only, Occupant Load (same) Separation Distance (Same), Site Plan Control (same), Landscape Open Space (same), Waste/Recycling (same), Connection to Town Water/Sewer Services (same)

4. **Resort Residential ‘RR’ Zone**: same as 2009-03

5. **Exception Areas**: None

6. **Bed and Breakfast**: Continued to be a permitted use as of right and no requirement for Site Plan Approval.

   See Appendix 5 for the full version of Zoning By-law 2009-04

7. **By-law 2009-04 Issues and Concerns**: Same as 2009-03.

**Key Differences between By-laws 2009-03 (former Collingwood Township) and 2009-04 (former Town of Thornbury)**
Both By-laws provide similar regulations, however there are differences in the structure and format of each parent By-law leading to subtle differences between the two By-laws:

1. By-law 2009-03 permits STAs in Apartment Dwellings. 2009-04 did not.
2. By-law 2009-03 prohibits STAs in Duplex Dwellings. 2009-04 did not.
3. By-law 2009-03 prohibits BNB’s as of right in a residential zone. 2009-04 did not.

ZBA 2009-05 (Township of Collingwood 83-40):

1. By-law 2009-05 is specific to the Castle Glen (Thunderhill) community only. The By-law rezoned the lands from Resort Residential ‘RR’ to Residential ‘R3-210’. This rezoning shifted the Resort Residential ‘RR’ zone into a site specific STA zone and continued the previous ‘RR’ permissions for Thunderhill under a new Exception 210 (new lot coverage, and minimum floor area requirements). By-law 2009-05 makes no further changes to the STA regulations.

See Appendix 6 for the full version of Zoning By-law 2009-05.

ZBA 2009-03 as modified by the OMB via Arlberg Lands Decision.

By-law 2009-03 was further amended by the OMB in June 2015. Lands along Arlberg Crescent were part of an unresolved appeal to the STA By-law specific to those lands only. This amendment as approved by the OMB in June 2015 inserted two new sections (section 28 and section 29 added) into By-law 2009-03. The June 2015 OMB decision implemented a settlement reached between the Town and the appellant.

1. **By-law Exception Added**: Exception states that STA are also listed as permitted use, STA shall exclude 120m separation distance provision, maximum occupant load shall be 14 people, maximum bedrooms shall be 6, Minimum Parking shall be 1 space per occupant, Front Yard parking prohibited, Staggering Front Yard Setback of 7.5 metres and 12.5 metres, minimum 30m rear yard setback, Fencing Requirements, Landscaping Requirements, Outdoor Recreational Amenity Areas required, Snow Storage Required, Holding ‘-h’ provision on all lands subject to Site Plan Approval

2. It is noted that the above-mentioned requirements for STA uses on these lands are more onerous than on all other STA permitted lands.

See Appendix 7 for the full Ontario Municipal Board Decision and Zoning By-law Amendment.

New Town of The Blue Mountains Zoning By-law 2018-65

In November 2018 the Town enacted a new comprehensive Zoning By-law for the Town of The Blue Mountains. The comprehensive Zoning By-law replaced the former Township of Collingwood Zoning By-law 83-40 and former Town of Thornbury Zoning By-law 10-77.

**Short Term Accommodation Uses** Zoning By-law 2018-65 did not replace the regulations for Short Term Accommodation uses. The former 83-40 and 10-77 By-laws as amended by 2009-03, 2009-04 and 2009-05 continue to apply today to Short Term Accommodation uses.
**Bed and Breakfast Uses** the previous as of right permission for a bed and breakfast in the former Town of Thornbury was removed. Section 4.8 to By-law 2018-65 now requires all bed and breakfasts to obtain a zoning by-law amendment before one can be established.

**Commercial Resort Complex, Village Commercial Resort Unit Complex, Hotel, Motel, Trailer Park, and Campgrounds** are permitted as of right in various commercial, Rural and Recreational zones. No general provisions are provided in the By-law and development of one of these uses to occur in accordance with the Zone Standards of Section 7.2 or 8.2 of the By-law and further reviewed through Site Plan Control and Development Review process.

**DRAFT STA Zoning By-law Amendment considered at July 3, 2019 Public Meeting:**

After Town Council adopted new Official Plan policies for Short Term Accommodation uses, Staff began work on preparing a new Zoning By-law Amendment. The Draft By-law intends to insert new STA and CRU Zoning provisions for the Blue Mountains Zoning By-law 2018-65 by consolidating the previous Zoning By-laws 2009-03 (as amended), 2009-04, 2009-05 that regulate STA uses as well as providing some additional clarification and direction with updated definitions, general provisions and parking requirements. A Draft By-law was prepared, notice provided, and a Public Meeting was held on July 3, 2019. Below is a summary of the components of that Draft By-law, Public Comments received and Council direction

**By-law Components:**

1. **Definitions:** Commercial Resort Unit definition updated to recognize that the unit is part of a lease or management program with 10 units in one or more buildings on one or more properties. Commercial Resort Unit Complex definition is deleted. Rental or Lease Management Company is defined. (definition based on industry discussions and legal review). New Definition for Tandem Parking introduced to allow for up to 3 cars to park nose to tail. Modified definitions for Dwelling Unit, Seasonal Dwelling, and Motel consistent with definitions in 2009-03 and 2009-04 By-laws.
2. **Parking:** Parking requirements remain the same for single detached building and multiple unit building where shared parking exists. New parking requirement for multiple unit building where unit has a private driveway parking that cannot be shared with other units to match the parking requirements for a single detached building.
3. **General Provisions:** STA listed as a permitted use (R2 Zone *see exception 5c below for prohibited properties. Prohibited in R1 and R3 Zones), Occupant Load (maximum 8), Separation Distance (120 metres), Site Plan Control (required), Landscape Open Space (3m buffer strip to SDD *terms updated to planting strip), Waste/Recycling (1 enclosed facility required *garbage box added), connection to Town Water and Town Sewer. Tandem Parking introduced, elements from Martinek OMB decision carried forward for all STA properties including requirements for parking area locations, planting strips, recreational area, fencing and snow storage
4. **Resort Residential ‘RR’ Zone:** added as a new zone to the By-law permitting Single Detached Dwelling or STA and includes minimum lot development requirements.
5. **Exceptions:** Four new exceptions proposed to:
   a. Maintain the previous two exceptions in By-law 2009-03,
b. Maintain portions of the one exception in the amended Martinek By-law 2009-03,
c. Create a new exception that specifically prohibits STA uses on various R2 lands that previously did not permit STA uses.

See Appendix 8 for the full version of the Draft July 2019 Zoning By-law Amendment.

Public Meeting Comments Received:

The Public Meeting was well attended. Planning Staff prepared an information report PDS.19.75 and provided an overview of the proposed By-law. Staff recognized that the Zoning By-law for STA uses was working well and intended to carry forward the Zoning By-law requirements implemented by the OMB in 2011 into our current Zoning By-law. General comments on this approach were mixed. Some in full support of maintaining the status quo and respecting the previous work and process that ultimately led to the By-laws approved in the 2011 OMB decision. Other comments received were to fix certain areas of the By-laws that weren’t working or that weren’t totally clear. The discussion also identified changes to the tourist accommodation industry, new uses of technology, and the creation of major home sharing platforms. Issues were also raised as to how people book their stays and how properties are now managed today versus 9 years ago when the STA program for the Town was first initiated. The Public Meeting discussion then expanded with comments regarding Commercial Resort Units and Bed and Breakfast Establishments. Through this Public Meeting, Council and Staff quickly learned that the Town is simply not looking at just an STA issue, but a more general tourist accommodations issue. The tourist accommodation issues have historically been treated separately and modified as required. It is noted that the rules between accommodation use are significantly different leading to confusion and inconsistencies. Regulations for STAs CRUs and BNBs in particular need to be reviewed together and updated to meet today’s needs and requirements. It is also noted that later that month Council also directed that new policy framework be developed for Bed and Breakfast uses.

Below is a summary of the comments received at the Public Meeting:

1. Blue Mountain Short Term Accommodation Association (BMSTA) – critical that new Zoning respect the direction of the OMB’s order and approved Zoning By-laws. Certain definitions, regulations and provisions of 2009-03, 2009-04 and 2009-05 have not been brought forward. BMSTA requests a listing/matrix/document compare. BMSTA requests clarification on CRU definition. BMSTA requests clarification on shared vs exclusive use parking for multi-unit buildings. BMSTA objects to the various Martinek OMB by-law requirements to be also applied to all STA lands. BMSTA also notes that some of these provisions are better addressed through Site Plan vs. Zoning provision. Additional notes on formatting, revisions, seasonal units, Hazard Zone permitting STA’s, and other general comments.

2. Blue Mountain Ratepayers Association (BMRA) – reiterates their strong opposition to permitting STA’s as of right in any zone, worldwide trend is to better control STA’s through clear and strict regulation. R2 Zone should be modified to remove the as of right permission for STA’s as a permitted use.

3. Ontario Restaurant Hotel and Motel Association (ORHMA) raised concerns over multiple properties being commercialized by one host. Need to keep the playing field level with taxes/rules/regulations regarding accommodation uses.
4. Napier-Victoria Thornbury Residents Group – object to the R2 permission for STA’s at Thornbury Meadows and should be eliminated. There was surprise to see that the Thornbury Residential ‘RM1’ zone currently permit STA’s as of right (Other RM1 Zones in Thornbury- Applejack, Far Hills, Riverwalk, etc.)

5. Question about how a Zoning By-law may also be able to implement subdivision covenants and/or condominium By-laws.

6. Real Estate profession have continuously identified concerns and confusion over the varying rules for different condominium properties and single detached buildings. In particular the CRU provisions being different from one condominium property to another.

7. Parking concerns over use of visitor spots for STA’s vs. guests of a primary residence.

8. Requests made to the Town in addressing and adding further resources to eliminate illegal STA uses and penalize illegal STA operators

9. Additional clarity required on describing the ‘RR’ zone in the list of zones section of 2018-65

_Council Direction:_

1. The Council discussion recognized a diverse list of concerns and comments and that a more fulsome review of the STA and other tourist accommodation regulations were required prior to considering an updated draft Zoning By-law. The following resolution of Council was passed on July 15, 2019:

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

   2. AND THAT Council direct Staff to further review the definition of 'Rental or Lease Management Company' and report back with a recommended definition;

   3. AND THAT Council direct Staff to further review all properties that list a Short Term Accommodation Use as a permitted use;

   4. AND THAT Council direct staff to consider the comments received and report back to Council on recommendations for recommended adjustments to the Short Term Accommodation land use planning framework for the Town of The Blue Mountains to ensure clarity regarding where Short Term Accommodation uses are permitted.

It is noted that concurrent to the Council Direction provided through the STA Public Meeting that additional Council Direction was provided on Bed and Breakfast uses. Details of the BNB direction is discussed later in the Bed and Breakfast Discussion section of this paper.
Short Term Accommodation Discussion

Introduction

1. In the development of a Draft Short Term Accommodation (STA) Zoning By-law, consideration must be given to the significant work and precedence that resulted in the June 2011 OMB decision and approved zoning by-laws, and the Official Plan policies approved in October 2019. Staff have also considered the lessons learned over the implementation period of these original STA By-laws as well as the evolution of the tourist accommodation industry including the needs/demands of the travelling public and the advent of the home sharing economy (AirBNB, VRBO, Homestay, FlipKey, and others)

2. The use of residential dwelling units for Short Term Accommodation uses remains a divided issue in the Town of The Blue Mountains. The Town has attempted to balance the need to provide a wide range of accommodation uses while also trying to minimize the impacts those uses may have on adjacent properties and in particular, within existing established neighbourhoods. A significant number of Public Meetings have occurred since 2011 that have proposed modifications and upgrades to the Short Term Accommodation program in the Town including the creation of a Licensing Program, Interpretation Policies, and other general updates to the policy and regulation documents. Public meetings on the Short Term Accommodation issue remains a topic of great interest that draws attention from STA operators and owners as well as area residents and ratepayers groups. Both sides do agree that the STA program has resulted in significant improvements to previous known issues, however the program has become complex with varying rules over many properties in the Town, the needs and expectations of the travelling public are constantly changing, and that a new By-law can provide simple, clear and fair rules across the Municipality and all properties. A key component to the By-law should include clear mapping. Zone Maps can add substantial clarity where existing and future STA uses may be located in the Town. Outreach through a dedicated website and information documents would benefit future residents and STA owners to better understand the program here in The Blue Mountains.

3. *Map 1* provides an inventory of all existing licensed STA units in the Town. *Map 2* identifies all properties within the Town that list a STA as a permitted use in the Zoning By-law. It is noted that although a STA is listed as a permitted use, a new STA must still meet all other requirements of the STA By-laws before one can be established.
Map 1: Location of Short Term Accommodation Units (STA)

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Map 2: Location of Zones That Permitt Short Term Accomodation (STA)

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4. Updated Official Plan (OP) policies are now in effect (October 2019). The OP directs new STA uses it can be demonstrated that they can be accommodated in future developments and appropriate planning review is completed to ensure the compatibility function. This does not direct Zoning By-laws to provide an ‘as-of-right’ permission, but rather a ‘can be considered’ as part of a more detailed planning review process. It is noted that most future development parcels in the Official Plan are placed in the Development ‘D’ (or similar holding type zone) under the Zoning By-law that generally requires a re-zoning process prior to a site being developed. This Zoning By-law Amendment process is essential to evaluate the merits of including or not including STA uses within a project. The Official Plan continues to place strict prohibitions on new STA uses as of right in low density residential areas further confirming that new STA uses should be subject to ZBA process. The density provisions of the Official Plan limit new residential developments in the Resort Recreational Area designation to 10 or up to 15 units per hectare which can be considered low density in comparison with neighbouring communities of Thornbury and Collingwood. It should also be noted that the Official Plan policies requires that a new Bed and Breakfast Establishment can only be permitted by way of a Zoning By-law Amendment. There are no ‘permitted as of right’ locations for Bed and Breakfast Establishments in the Town.

June 2011 OMB Decision

5. The June 2011 OMB Decision does note that the hearing focused on conflicts between STA uses and single detached dwellings in low density residential areas. Concerns related to noise, nuisance and other impacts that may also exist in higher density residential (including Townhouse and Low Rise Apartment units). As the OMB pointed out, although there can be an increased expectation that higher density areas will have higher levels of residential noise and nuisance, it was not demonstrated that complaints associated with commercial accommodation guests are similar to residential complaints. Complaints in high density areas such as Toronto condominium buildings significantly increased with short term rentals through AirBNB and resulted in the City of Toronto implementing their own Short Term Rental program for the City. It is further noted that many higher density zoned properties in the Town (townhouse, low rise apartments) are now scattered within low density residential neighbourhoods. Town Official Plan policies have been modified since the June 2011 OMB decision now encouraging new development to provide a larger range of housing types from single detached to low-rise apartments all co-existing in the same neighbourhood. The Introduction of new STA uses as of right in higher density neighbourhoods no longer appears appropriate.

Zoning By-law

Permitted Areas:

6. Planning Staff will prepare a Draft Zoning By-law to initiate discussions on the framework and contents of the By-law. The Draft Zoning By-law does recommend:
   a. That all permitted STA Uses be moved into the Resort Residential ‘RR’ Zone in the new Zoning By-law. The RR zone would include an STA as a permitted use. Alternative
names of the Zone category will be considered to recognize the commercial nature of the use versus a residential use.

b. That the Exception Areas of By-law 2009-03 (Tyrolean Village and Legacy Condominiums) continue to be recognized.

c. That all legal non-conforming STA uses continue as legal non-conforming with the intent that when the STA use ceases that the property revert back to a permitted use under the Zoning By-law,

d. The elimination of any zones that would permit a new STA’s as of right in low to high density residential zones.

e. That Site Plan Approval will continue to apply. The Zoning By-law provisions will also need to provide guidance on accessibility and lighting requirements while balancing the residential character of the area with the commercial nature of the STA use.

f. That all new STAs outside of the exception areas identified above be considered only by way of Zoning By-law Amendment, public process and Council approval.

General Provisions:

7. The General Provisions for STA uses established by By-law 2009-03 (as amended by June 2015 OMB) and By-law 2009-04 are required to be updated with one set of development criteria for all new STA’s. Staff recommend merging the General Provisions requirements as follows:

a. Parking: Parking requirements remain the same for single detached building and multiple unit building where shared parking exists. A new parking requirement for a multiple unit building where each unit has a private driveway that does not have shared parking opportunities with other units in the same building. Staff recommend that a new definition be prepared to identify the differences in exclusive vs. shared parking arrangements for multiple unit buildings, where units with exclusive use only parking will match the parking requirements of a single detached building. Illustrations can also be provided to add clarity to the different parking scenarios. It should also be noted that the required parking spaces are to be provided on-site and are not permitted off-site or within Town Road Allowances.

b. Occupant Load: No change. Maximum of 8 occupants (outside of exception areas)

c. Separation Distance: No Change. Minimum of 120 metres. Update is required to clarify where the 120 metres is measured from. It is noted that measuring from the lot boundary or unit wall may not be consistent, in particular with single detached (urban/rural) lots vs. condo properties. The June 2011 OMB decision was clear that the clustering of STA uses cumulatively can increase the potential for conflicts with residential areas and that a minimum separation distance between uses is required. Planning Staff recommend that the 120 metres be measured from property line for single detached buildings and from unit wall for multiple unit buildings.

d. Landscape Open Space Requirement: the purpose of the Landscape Open Space requirement is to provide an additional level of buffering between an STA and adjacent use. The existing STA By-laws 2009-03 as amended and 2009-04 have similar requirements for a 3m landscaping strip along rear and exterior side lot lines. 1m from interior side lot lines. Some lots have a requirement for a 9m landscaping strip in the rear yard (Arlberg Crescent). Planning Staff do recommend that the Landscape Open
Space be modified to carry forward the width of landscaping for all lots. To clarify that Landscape Open Space to include more substantial vegetation plantings as defined under Section 4.27.2 and 4.27.3 of Zoning By-law 2018-65, and to implement an Open Space OS zone at the rear of the Arlberg Lots to carry forward the existing 9m rear yard open space requirement.

d. **Site Plan Control:** No Change. Site Plan Approval is required for all new STA’s.

e. **Waste Enclosure:** No Change to requirement for 1 enclosed facility. Update is required to clarify that a 1.5 square metre garbage box meets the requirement of an enclosed facility and that metal dumpsters are not permitted.

f. **Municipal Water and Municipal Sewer:** No Change. Municipal Water and Municipal Sewer connections are required for all STA units.

**Short Term Accommodation Zone**

h. **Resort Residential ‘RR’ Zone:** added as a new zone to the By-law permitting Single Detached Dwelling or STA and includes minimum lot development requirements. Staff Recommend maintaining this Zone in the new By-law. The intent is to reserve for new purpose built STA units in the Town (generally as part of future development properties or new site specific ZBA’s for new STA), and to clearly depict the location of STA units on the Zoning By-law Schedule.

**Mapping / Schedules**

i. **Mapping:** Clarity is required to easily identify where existing and future STA uses may be permitted in the Municipality. To help identify where existing or future STA units may be located, Staff recommend:

   i. That all Tyrolean Village / Arlberg properties in the Residential ‘R1-1’ and ‘R2’ Zone be rezoned to Resort Residential ‘RR’ Zone (or similar alternative zone) and an exception be added to those properties that currently permit a multiple unit building.

   ii. That all legacy condos move to the Resort Residential ‘RR’ zone with exceptions to identify the specific permissions for each property.

   iii. That the future development parcels located within the By-law 2009-03 exception areas be recognized under the Resort Residential ‘RR’ Zone with an exception and holding ‘-h’ symbol to be added to ensure development proceeds in accordance with current zone provisions.

**Exceptions**

j. **Exceptions:** Limit use of exceptions where possible to eliminate duplication and/or merge similar requirements of many exceptions into one exception.

Proposed By-law Enhancements for Discussion:
Within the Thornbury, Clarksburg and Craigleith downtown areas there are residential units located above commercial businesses. There has been interest in the past for commercial property owners to provide short term rentals in these units. As noted later in this paper, Niagara-on-the-lake currently permits this type of use as a “Vacation Apartment”.

Although it is not recommended for the proposed Draft By-law, consideration can be given to permitting Short Term Accommodation in these units. Current By-laws do not permit the use, and these units can generally be owner occupied or rented for long term stays (greater than 30 days). The short term rental of these units may remove long term rental housing stock from downtown areas and may increase on-street parking demands. However the introduction of vacation apartments provides an additional opportunity for tourist accommodation and visitors to our downtown areas of Thornbury, Clarksburg and/or Craigleith.
Bed and Breakfast Establishment Discussion

Introduction

As noted earlier in this paper, historically Bed and Breakfast uses were permitted as of right in the former Town of Thornbury in all Residential zones. A Bed and Breakfast was not permitted as of right in the former Township of Collingwood and therefore a new Bed and Breakfast use was required to receive Council Approval through a Zoning By-law Amendment. These rules were updated and consolidated through the approval of the new Comprehensive Blue Mountains Zoning By-law 2018-65 that removed the ‘as of right’ permission for the Thornbury. Under Section 4.8 to By-law 2018-65 all bed and breakfast establishments are now required to obtain a zoning by-law amendment before one can be established.

*Map 3* provides an inventory of all known Bed and Breakfast Establishments within the Town.

Previous public meetings and reports on Bed and Breakfast uses have identified that BNBs generate less of a neighbourhood impact compared to a Short Term Accommodation use. The requirement for the Owner to be on site as a primary residence, and that no noise complaints have been received by the Town on any BNB property can attest to this impact. Additional regulatory measures including the requirement for a BNB to obtain a business license can further strengthen compliance and enforcement matters if desired.

History

Council has previously considered changes to the regulations for Bed and Breakfast establishments. An Options Report was prepared on February 25, 2019. (See *Appendix 9* for Staff Report PDS.19.23). The report provided an overview of the current regulatory framework, consistent comments and concerns raised on new BNB’s, and options on potential new regulations:

**Comments/Concerns:**

1. Potential illegal conversion of BNB to STA
2. Proof/confirmation that the Owner will permanently reside in the BNB
3. Proof/confirmation that the Owner/Operator primary residence

**Report Options:**

1. Maintain status quo – evaluate new bed and breakfast establishments and monitor existing ones on site specific basis
2. Utilize Holding ‘-h’ to establish conditions – Site Plan Approval and Site Plan Agreement. Agreement to include annual confirmation of full time residence
3. Licensing – similar to STA program. Consider permitting BNBs as of right subject to getting a license
4. Community Planning Permit System- massive overhaul and implementation. Some efficiencies in zoning/site plan/licensing and enforcement by way of revoking permit
Map 3: Location of Bed & Breakfast Establishments

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Other Comments:

1. Report also provides Jurisdictional Review of comparable municipalities and BNB rules
2. Staff Recommendation was to implement the rezoning and Holding ‘-h’ option to recognize that a BNB can be permitted on a property subject to meeting certain conditions

Council Resolution:

THAT Council receive Staff Report PDS.19.23 entitled "Bed and Breakfast Establishments - Options Report";

AND THAT Council direct staff to implement Approach #1, being Status Quo, as detailed in Staff Report PDS.19.23, together with application refinements as recommended by the Director of Planning, including requirements for:

   i) annual confirmation of principal residence
   ii) site plan requirement for annual confirmation of Bed and Breakfast operations

AND THAT Staff be directed to provide a report on the next steps regarding all short term accommodation rentals following the upcoming short term accommodation workshop and Community Planning Permit Presentation.

Following that resolution of Council, Planning Staff prepared a second report PDS.19.86 on July 8, 2019 proposing a new policy framework. (See Appendix 10 for Staff Report PDS.19.86). At the same time, additional applications for Bed and Breakfast Establishments were being received and processed by the Town. In summary the report provides a recommendation that a more fulsome review of land use policies and zoning provisions related to Bed and Breakfast Establishments are needed. Additional highlights of the report include:

1. Initiate a moratorium to not consider any new BNB applications until new policies are in place or July 2020 whichever comes first.
2. Recognition that there are 16 properties in TBM with BNB approvals in zoning. Typically 1 new request for a BNB per year is received, 5 new requests were received in one year between June 2018 and June 2019, and additional requests were made after June 2019 but no formal applications were received due to the moratorium.
3. 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:
   a. Enforcement of the Official Plan requirement for the dwelling to be occupied by the Owner during any rental;
   b. Enforcement of the Zoning By-law Requirement for the residence to be the primary residence of the proprietor;
   c. The maximum number of bed and breakfast uses that may be permitted within a given residential neighbourhood;
   d. Licensing and integration of Bed and Breakfast Uses with the Short Term Accommodation policy framework.
Ultimately, Council passed the following resolution:

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.

Official Plan

Official Plan policies are in place under the 2016 Town of The Blue Mountains Official Plan. Section B2.5.1 to the Plan states that BNB’s may be permitted in existing Single Detached Dwellings provided: approvals from council are obtained by way of Zoning By-law Amendment, the use is owner occupied, the use will not be detrimental to adjacent uses, that one additional parking space is provided, that the use may be subject to Site Plan Control. The Official Plan identifies that a BNB is a permitted use in Community Living Area, Downtown Area, Recreational Residential Area, Blue Mountain LDR and MDR, Agricultural, Special Agricultural, Rural, Hamlet designations. A BNB cannot be built in any other designation unless an Official Plan Amendment is first obtained. The Zoning By-law then implements this policy direction.

Planning Staff note that the 2016 Official Plan Policies are similar to and consistent with OPA 11 (approved as part of the June 2011 OMB decision).

Planning Staff recommend that the policies provide sufficient policy direction and do not recommend any further changes to the Official Plan. Property specific concerns and issues can be better addressed in further detail in the Zoning By-law regulations.

Zoning By-law

Permitted Areas:

The Blue Mountains Zoning By-law 2018-65 Section 4.8 states that BNB’s shall only be permitted in a single detached dwelling through an amendment to this By-law in accordance with the policies of the Official Plan. By-law 2018-65 prohibits a BNB use as of right anywhere in the Municipality. New BNB’s must receive council approval via a Zoning By-law Amendment and all existing BNBs are recognized in the By-law under a site specific exception (or legal non-conforming). It is noted that most BNBs have been subject to Site Plan Approval (to review parking, landscaping and other on site requirements).

Should Council wish to permit a Bed and Breakfast Establishment as of right in any zone, an amendment to the Official Plan will be required to modify the current policy direction.

General Provisions:

Bed and Breakfast Establishments are required under the By-law to provide: additional on-site parking (1 additional space per guestroom (See Section 5.2 By-law 2018-65)); additional landscape-buffer requirements are considered through the Amendment process only and are not
mandatory, and; a Site Plan Approval process to be determined at time of the amendment based on the complexity of the site that may warrant extra layer of controls.

Should Council wish to establish additional controls or requirements on BNBs changes to the General Provisions under Section 4.8 can be considered. It is noted that the primary consideration is to maintain BNB properties in character/harmony with the residential neighbourhood. Options may include:

i) Introduction of a Minimum Separation Distance,
ii) Minimum landscaping requirements (along property lines adjacent to residential uses),
iii) Minimum requirements for fencing,
iv) Location of parking areas,
v) Signage requirements (above and beyond current Sign By-law requirements)
vi) Requirements for a Bed and Breakfast License

At a minimum, Planning Staff recommend that Section 4.8 be updated with the following General Provisions:

1. The bed and breakfast establishment shall have the owner/operator and host or principal shareholder of a corporation where the building owner is a corporation, residing on the premises;
2. A bed and breakfast establishment shall only be permitted in a single detached dwelling and shall not contain more than three (3) guest rooms;
3. The bed and breakfast operation shall be a secondary use to the main residential use of a single detached dwelling and the owners shall maintain the residential character of the dwelling;
4. A minimum of one (1) parking space provided on the lot for each guest bedroom;
5. A minimum two (2) metre planting strip shall be required adjacent to parking areas where 4 or more cars are parked;
6. A minimum of 60% of the rear yard shall be maintained as landscaping;
7. No Bed and Breakfast establishment shall be located within 120 metres from another Short Term Accommodation Use or Bed and Breakfast establishment.
8. Subject to Licensing to provide extra layer of control, monitoring and enforcement. Should a property not be operating within terms of license, license can be revoked.

Additional housekeeping items to the By-law Amendment should also include:

9. Updates to Table 7.1 to delete Bed and Breakfast as permitted use in C1, C6 and C7 zones in accordance with the direction of the Official Plan.
Commercial Resort Complex and Commercial Resort Units Discussion

Introduction

The Town of The Blue Mountains has consistently recognized a need for alternative forms of tourist accommodations beyond the typical hotel and motel units. The Town has encouraged these alternative accommodation types as early as the 1980's as the concept was introduced in the Craigleith Camperdown Secondary Plan (June 1982). Even today, policies recognize the importance of these purpose built commercial resort accommodations.

A Commercial Resort Complex includes Commercial Resort Units as well as all the supporting uses that may be included such as convention facilities, restaurants, outdoor amenity areas, parking and other uses. A Commercial Resort Unit is an individual unit within the Complex and is typically purchased by an owner and has independent kitchen and washroom facilities. Limitations of use are in place so that an owner can only use their unit up to a maximum of 120-180 days per year. The remainder of the time the unit must be available for short term rental stays.

CRU’s were a popular form of resort ownership and accommodation developed in the 1980’s and 1990’s in the Town. These original developments typically included destination based amenities (such as a convention facility or banquet hall) as well as on-site check in desk, laundry, maintenance, security, etc. When developed, CRU properties were recognized to have the potential for increased levels of noise and nuisance and these issues were typically addressed through Zoning and Site Plan Approvals prior to development. Landscape buffers, fencing, berms and separation distance were all considered at the design stage to mitigate the potential for off-site noise and nuisance impacts. It has been noted by Bylaw Enforcement and Planning Staff (Staff Report FAF.18.42) that the use of some CRU properties in the Town have slowly matured and transformed since their original creation. Changes in ownership controls, desire for convention and similar facilities, new technology and tourist accommodation demands have resulted in the elimination of central check-in facilities and on site management and operation. In its place, the management of units has moved online resulting in less supervision and administration presence on site.

Reviewing the current Official Plan policies and direction from Council, clarification is required on where CRU’s remain an appropriate use in the Town, what constitutes a rental or lease management program, and to consider options within CRU properties for CRU owners that may or may not wish to be part of a CRU program and instead operate as an individual unit more similar to a STA use.

Inventory of Commercial Resort Complex Properties:

1. North Creek Resort
2. Embarc Blue Mountain
3. Craigleith Shores
4. Royal Harbour Resort
5. *Chateaux Ridge
6. *Mountain Walk
7. *Rivergrass
8. *Wintergreen
9. *Sierra Lane

*NOTE: In addition to being a Commercial Resort Unit Complex, the Zoning By-law permits STA units, CRU units, or Residential (non-rented) units. Units are permitted to move from one type to another.

Map 4 provides an inventory of all Commercial Resort Unit Complexes (and Village Commercial Resort Unit Complexes) as well as the number of Commercial Resort Units / Village Commercial Resort Units.

Map 6 provides an inventory of all Commercial Resort Units that also permit an STA and/or a Residential (non-rented) Unit, as well as an inventory of future development parcels that may also include CRU, VCRU, STA, Hotel/Motel or similar accommodation type.

Blue Mountain Resorts partners with many of the Commercial Resort Complex properties near the ski hill. These properties utilize the ski hill and other Blue Mountain amenities and share check-in, maintenance, security and other amenities with Blue Mountain Inn. Other Commercial Resort Complex properties operate independently and originally included on-site amenities, check-ins and other uses.

Of the Commercial Resort Complex properties listed above, many units within each complex would appear to operate differently than what they were originally intended and designed for. Original CRU complexes included on-site (or nearby supporting amenities) more similar to a traditional hotel. If guests needed help or had an issue with their unit or an adjacent unit they could simply call the front desk to have it addressed. Today more and more check-in desks are being eliminated and replaced by an online check in system. General maintenance/laundry/security is contracted out off-site or only available through the unit owner. The current system is not as ‘self sufficient’ as the previous system as there can be gaps in service and difficult to find points of contact -especially after hours. Many of the supporting functions to a CRU complex have also been eliminated. Not only have the check in desks and on-site services been eliminated, but some of the convention facilities, restaurants and other similar uses have been removed or repurposed.

CRU’s are different from STA’s in that CRU’s are managed as a group of units tied to the Commercial Resort Unit Complex property. The group function of CRU’s continues to work well for the self sufficient CRU Complex properties and larger Rental and Lease Management companies that have put the resources in place to deal with many of the nuisance and maintenance requirements that can come with short term stays.

Issues have come forward in the change of how these developments previously operated with a central check-in desk and an overall management company. It was the overall management company that provided responsibility for many short term issues including noise, parking, garbage and nuisance. Over time new CRU owners opted out of the central check-in and management company and therefore became non-compliant with the CRU requirements of the Zoning By-law as they were no longer part of a rental/lease management program with 10 or more CRU’s on the same property. Enforcement of these By-law infractions were difficult to enforce as the Town does not track unit ownership, rental management, length of stays, etc. In the past, enforcement was done by the CRU Complex that maintained an interest to have a constant supply of rooms available for short term stays in order to support the CRU Complex.
Map 4: Location of Commercial Residential Units (CRU / VCRU)

Information shown on these drawings is compiled from numerous sources and may not be complete or accurate. The Blue Mountains is not responsible for any errors, omissions or deficiencies in this drawing. This document is for reference purposes only. No part of this supplied data may be reproduced or transmitted to others in any way without the written permission of The Corporation of the Town of The Blue Mountains. © 2020
It would appear that the shift in the use and function of CRU properties needs to be addressed. CRU’s continue to form an important type of accommodation in the Town, and the group management of CRU’s does provide efficiencies in the control of nuisance and maintenance concerns. It is important that the Rental and Lease Management of these units is clearly defined so that the required resources are in place to manage a group of units. Clarity is needed to understand who the rental and lease management companies are and that there are not multiple companies operating sporadically throughout the municipality adding confusion to who manages what units. Multiple rental and lease management companies within one CRU complex can also lead to varying degrees of quality between units and also who to call in case of complaint or concern. A clear line must be established between the roles and responsibilities of a CRU owner, rental and lease management company, and the condominium corporation(s).

Commercial Resort Units remain specific to a particular property. Although one company may manage multiple Commercial Resort Units, it is important to recognize that the critical mass of having a minimum of 10 units on one lot is integral for on-site amenities such as having an on-site presence and other on-site facilities.

Consideration was given in the past to the operation of Commercial Resort Units by way of a rental management company without limitations on where the CRU’s are located. This approach appears to work to meet the critical mass of 10 units for a rental and lease management company, but with those 10 units spread out across the municipality, the critical mass needed to efficiently operate at any one location is lost. The idea of removing the requirement for 10 CRU’s on one lot appears to provide flexibility that should be considered through alternative methods, such as group licensing or licensing of Short Term Accommodation Operators that have multiple Short Term Accommodation units. Staff are of the opinion that Commercial Resort Units within a complex should be managed by its own rental management company in order to maintain the property to a standard level of quality and consistent set of contacts, rules and regulations.

It would appear that there has been a breakdown of some Commercial Resort Unit Complexes that operated as a whole. Operations such as North Creek Resort has lost the convention space and central check-in desk that existed for years since it opened. North Creek Resort still provides a needed accommodation function and has many other attributes that contribute to a great guest experience. Without a central check-in desk facility, Owners within North Creek Resort have had to seek out private third-party Rental and Lease Management Companies or create their own contrary to the Zoning By-law requirements for Commercial Resort Units. It would appear that many of these units whether part of a Rental and Lease Management Company or not now operate more closely as a STA rather than a CRU complex. Council can consider a Zoning change to also permit STA’s in North Creek Resort (similar to the CRU and STA properties near the village) which gives owners the option to operate on their own, or to develop a proper bonafide Rental and Lease Management Company for the complex in order to operate the CRU’s as a group. Consideration of the visitor and guest experience using the unit is also required as one unit operating as part of a CRU group and an adjacent unit operating as in individual STA can create difficulties in resolving issues and concerns that may arise during a stay.

Having multiple CRU companies as well as individual STA units creates confusion for guests and the Town as to lines of responsibility and accountability on a CRU property. Staff and Council will need to
consider if CRU’s should be an all-in or nothing approach. Some operations work extremely well and would appear to meet the full requirements of a CRU complex, others get by, and others have significantly departed from the CRU complex use.

The chart below can be used during stakeholder meetings with the various CRU complexes in order to provide a summary of how certain aspects of CRUs function and key similarities and differences between them all. It is noted in general that STA’s as a group operate in a similar manner, Hotels operate in a similar manner, VCRU’s operate in a similar manner, but CRU’s currently operate very differently from one another. Should the CRU program remain in place for all or some of the properties, modifications are required to develop a consistent playing field for all CRU properties in the Town.

**Figure 5: Commercial Resort Unit Complex Comparisons:**

<table>
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<tr>
<th></th>
<th>Check in Location</th>
<th>Requests for Maintenance</th>
<th>Guest Complaint</th>
<th>Adjacent Guest Complaint</th>
<th>Neighbour Complaint</th>
<th>Condo /Property Responsibilities</th>
<th>Other comparable factors</th>
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</thead>
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<tr>
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</tbody>
</table>

Comparison of CRU operations to STA operations

<table>
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<th>STA Unit</th>
<th>Check in Location</th>
<th>Requests for Maintenance</th>
<th>Guest Complaint</th>
<th>Adjacent Guest Complaint</th>
<th>Neighbour Complaint</th>
<th>Condo /Property Responsibilities</th>
</tr>
</thead>
</table>

Proposed Zoning By-law

Similar to STA’s, there appears to be a need to have resort accommodation uses controlled in a way that can provide efficient response to complaints and concerns, that clear and understandable regulations are in place to manage Commercial Resort Units, and that the visitor/guest experience is kept to a high quality standard in the Town. Staff recognize three potential options that could be considered:

**Option 1: Bring Commercial Resort Units and Commercial Resort Unit Complexes back into compliance**
Individual Commercial Resort Units must move into compliance (if not already) and become part of the Commercial Resort Unit Complex. The Commercial Resort Unit Complex definition could be modified to no longer require a physical check-in desk, and certain on-site facilities, but at a minimum a clearly defined rental or lease management program must provide a point of contact that is available 24 hours a day to deal with guest questions and concerns/complaints that may arise from all other units. All guests should expect a certain level of accountability and responsibility of other guests and their unit owners. Only one rental or lease management program will be permitted for each complex eliminating the confusion of having multiple operators in the same complex. Although it is not clear in the current By-laws, having multiple rental or lease management programs could be considered upon further legal interpretation of current Zoning By-law regulations. At a minimum only a rental or lease management program that has 10 CRU’s would be permitted in a CRU complex.

Option 2: Permit a Hybrid of CRU and STA units within a Commercial Resort Unit Complex

Similar to what is happening with the legacy condo’s near the mountain, certain Commercial Resort Unit Complexes could include expanded permissions to allow units to move between a CRU / STA (and potentially a Residential Unit) as desired. Enhancements to the rules and regulations for these properties will be required to ensure the visitor/guest experience is kept at a high standard when concerns/complaints may arise. Existing complying Commercial Resort Unit Complexes may not include the flexibility for CRU and STA uses in order to protect the existing use. Consideration of using multiple rental or lease management companies could be considered provided that a minimum of 10 CRUs are managed by that company.

Option 3: Eliminate the CRU and CRU Complex use from certain properties

Of the nine (9) identified Commercial Resort Unit Complex properties in the Town, some operate as true Commercial Resort Complexes and others do not. The ones that no longer function as a CRU complex could be rezoned to move all units from a CRU to a STA. Residential uses would not be permitted. Long term rentals (greater than 30 days but less than 120-180 days) would not be subject to an STA license, but rentals less than 30 days would be required to obtain a STA license.

Of the above three options, Staff are recommending that a Draft Commercial Resort Unit By-law Amendment based on Option 2 be prepared and considered at a future Public Meeting.
Village Commercial Resort Units Discussion

1. By far the VCRU’s make up the largest segment of Tourist Accommodation Types in the Town (35%) and are concentrated entirely within the Blue Mountain Village Core. These units provide a unique and important function for tourist accommodation for Village and area guests.

2. VCRU’s are different to CRU’s where a VCRU cannot be a principal residence, is serviced by a central lobby, and where a minimum 80% of the units created must not be occupied for more than 120 days. A Village Resort Unit Complex is a building or group of buildings containing 10 or more VCRU’s. VCRU’s exist in the Blue Mountain Village Core area with additional buildings still to be developed (Building B, E, F of Village Master Plan).

3. Staff note that VCRU’s appear to be operating in compliance with the Zoning By-law and continue to operate as originally design. Staff do not recommend any modifications to how VCRU’s are controlled in the Zoning By-law.
Hotel, Motel, Trailer Park and Campground Units Discussion:

1. This review has not considered implications around Hotel, Motel, Trailer Park and Campground units. It is noted that these uses appear to operate sufficiently within the existing Zoning By-law framework and that there are no recommendations to further review or to modify current zoning provisions at this time.

2. *Map 5* provides an inventory of all Hotel, Motel, Trailer Park and Campground properties within the Town.
Review of Other Municipality Tourist Accommodation By-laws

City of Toronto STA By-law / LPAT Decision:

1. November 19, 2019 LPAT decision upheld the City’s Zoning By-law Amendments (December 2017 and January 2018) for Short Term Rentals (STR).
2. STR’s are permitted across the city in all housing types within principal residences only. Both homeowners and tenants can participate.
3. Licensing is in place for STR operators and STR companies (those facilitating/brokering short term rental reservations online and receiving payment). Operators must register their unit with the City, must prove principal residence with government issued identification (such as drivers license), owners must collect and submit 4% Municipal Accommodation Tax.
4. Implementation is phased with full compliance by Summer 2020. By-law Enforcement will commence at that time.

Niagara-on-the-Lake STA By-law:

1. Zoning By-law 4316AI-13 regulates short term rentals in Niagara on the Lake.
2. Definitions: includes Cottage Rental (similar to TBM Tourist Cottage or Cabin. Requirements for road frontage, parking, bedrooms, amenity space), Vacation Apartment (STA on commercial lands above a business with limits on bedrooms, parking, servicing and licensing), Country Inn and Villa (similar to TBM STA and includes requirements for road frontage, municipal services, requirements in rural area, site plan control, amenity area, parking and licensing)
3. All above uses have been added to various zone categories as of right.

Collingwood STA By-law:

1. No property is permitted to be used for Short Term Accommodation except for a Bed and Breakfast. Bed and Breakfast is permitted as of right subject to meeting requirements of the Zoning By-law such as maximum bedrooms, owner occupied dwellings only, may include food, mandatory requirement to be connected to Municipal Water and Sewer.
2. Short Term Accommodation is defined in the Zoning By-law but not permitted in any zone.

Wasaga Beach STA By-law:

1. Wasaga Beach permits STAs on certain commercial zoned properties subject to obtaining a license. STA’s in all residential zones and local commercial zones are prohibited.

Meaford STA By-law:

1. STA is described as a ‘Cottage Rental’.
2. Cottage Rental is permitted within any legal single detached dwelling with limited conditions for operation.

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**Stratford Bed and Breakfast Units**

89 Bed and Breakfast units are available on Google (also includes Inns and historic hotels)

Bed and Breakfast Units are subject to an annual license. To obtain license, the owner must provide:

- Site plan -indicating the location and dimensions of the house, property lines, driveway, parking, landscape open space.
- Floor plan showing bedrooms for exclusive use and guests
- Two million dollars in insurance coverage
- The license plate numbers and list of motor vehicles of the permanent residents
- A daily guest register with name, home address, phone number, date, room #, duration of stay and number of vehicles.
- Acknowledgement that guests are to be told where to park and not to be in road allowance
- Municipal License must be posted at visible place and within each guest room

Bed and Breakfast Units must also meet the requirements of the Zoning By-law:

- For Residential R1, R2 and R3 Zones: a BNB is a permitted use up to 4 bedrooms on certain higher level roads (collector and arterial)
- For Mixed Use and Commercial MUR, C2, C3 Zones a BNB is a permitted use up to 4 bedrooms
- An additional parking requirement of 1 space per guestroom shall be provided
- For Parking Areas: a minimum 1 metre setback is required from interior property lines, a minimum 1 metre setback from rear lot line is required provided 60% of the rear yard is landscaped open space, a minimum 2 metre planting strip is required adjacent to a parking area where 4 or more cars are parked, and Tandem Parking is permitted (Tandem Parking means the parking of a vehicle directly behind another vehicle in a driveway)

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**Niagara on the Lake BNB’s**

Permitted only by way of council approval by Zoning By-law Amendment. Rules and regulations are very similar to TBM:

**BED AND BREAKFAST ESTABLISHMENTS** Where permitted by this By-Law, bed and breakfast establishments are subject to the following regulations: (a) The bed and breakfast establishment shall have the owner/operator and host or principal shareholder of a corporation where the building owner is a corporation, residing on the premises; (b) A bed and breakfast establishment shall only be permitted in a single detached dwelling and shall not contain more than three (3) rooms for hire. (as amended by 4316F-10, OMB Decision PLO90441) (c) The bed and breakfast operation shall be a secondary use to the main residential use of a single detached dwelling and the owners shall maintain the residential character of the dwelling; (d) The floor area of the dwelling devoted to the bed and breakfast establishment may exceed twenty-five per cent (25%); (e) In addition to any off-street parking required
for the dwelling containing the bed and breakfast establishment, there shall be a minimum of one (1)
parking space provided on the lot for each guest bedroom, and these parking spaces shall not be located
in front of the dwelling. The required parking spaces may include tandem or stacked parking to a depth
of two (2) vehicles; (as amended by 4316J11) (f) In addition to having adequate on-site parking, a bed
and breakfast establishment shall have a minimum site area of 47 m² (505.92 ft²) to accommodate on-
site outdoor amenity area(s) and provide a buffer strip between adjacent uses; (g) (as deleted by 4316F-
10, OMB Decision PL090441) (h) See Section 6.31 for Niagara Parks Commission’s requirements for
access onto the Niagara River Parkway; (i) Bed and breakfast establishments must front on a public road
or the Niagara River Parkway and be fully serviced with water and sewage disposal services approved by
the Town on lands within the urban boundary, and by the Niagara Regional Public Health Department
for lands located outside an urban area boundary.