



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of the Whole
Meeting Date: June 29, 2021
Report Number: PDS.21.077
Title: Recommendation Report – Short Term Accommodation
Commercial Resort Unit and Bed and Breakfast Zoning By-law Amendment
Prepared by: Shawn Postma, Senior Policy Planner

A. Recommendations

THAT Council receive Staff Report PDS.21.077, entitled “Short Term Accommodation, Commercial Resort Unit and Bed and Breakfast Zoning By-law Amendment”;

AND THAT Council enact a Zoning By-law Amendment to establish new Short Term Accommodation, Commercial Resort Unit and Bed and Breakfast regulations within The Blue Mountains Zoning By-law 2018-65.

B. Overview

The purpose of this recommendation report is to provide a final draft of the Short Term Accommodation, Commercial Resort Unit and Bed and Breakfast Establishment Zoning By-law to Council for enactment.

C. Background

In November 2018 Council enacted The Blue Mountains Zoning By-law 2018-65. Known as the Comprehensive Zoning By-law for the Town it included the amalgamation of the former Collingwood Township and Town of Thornbury Zoning By-laws as well as general updates and modernizations. At the time of enactment, the Short Term Accommodation (STA) requirements were not included, and the Town has continued to rely on the STA By-laws enacted in 2009 (and approved by the Ontario Municipal Board in 2011). The STA requirements were intended to be included in Zoning By-law 2018-65 by way of a Zoning By-law Amendment once further study had been completed and a decision of Council received.

Since the enactment of Zoning By-law 2018-65, Town Staff have undertaken a detailed review of all tourist accommodation types in the Town. A background study was prepared and presented to Council in October 2020 through [Staff Report PDS.20.96](#). As a result, Council received that report and directed Staff to complete stakeholder consultation and prepare a Notice of Draft Zoning By-law Amendment to be considered through a Public Meeting.

Planning Staff have hosted a number of stakeholder meetings in March, April and May 2021 to discuss the findings of the Tourist Accommodation Background Study, and the components of the Draft Zoning By-law Amendment. In staff's opinions, the discussions were valuable and collaborative, resulting in a number of minor revisions to the Draft Zoning By-law. That revised Draft Zoning By-law was then circulated in accordance with the *Planning Act* and Town Notification Policy. The Public Meeting was held on May 3, 2021.

In response to the Public Notice, the Town received a number of comments. A summary of those comments, and the original received comments, are found under Attachment #2 and Attachment #3 to this report, respectively.

D. Analysis

Ontario Planning Act

The Ontario Planning Act requires that in making planning decisions, Council must have regard to a list of matters of Provincial Interest as outlined by Section 2 of the Act. In review of the list, Staff have not identified any concerns. Specific matters are discussed later in this report.

Section 3 of the act requires that Zoning By-law Amendments be consistent with the Provincial Policy Statement.

Provincial Policy Statement

The Provincial Policy Statement 2020 (PPS) provides direction on appropriate development, effective land use and long-term economic prosperity while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources promoting resilient and vibrant communities. Tourism uses including supporting uses such as tourist accommodations are supported by the PPS for the provinces long term economic prosperity.

Based on the foregoing, the proposed Short Term Accommodation, Commercial Resort Unit and Bed and Breakfast Establishment Zoning By-law Amendment is consistent with the Provincial Policy Statement 2020.

County of Grey Official Plan

The County of Grey Official Plan is intended to guide development within the whole of the County of Grey and provides broad policy framework to be included in local Municipal Official Plans, Secondary Plans and Zoning By-laws. The County Plan encourages economic growth including the promotion of recreation and tourism uses throughout the County. Goals and Objectives of the Plan seek to market Grey County as a tourism destination to attract visitors from around the world. Tourism and recreation are identified as an important economic driver for the County and directs municipalities to develop positive and creative planning policies to accommodate these uses. The 'Recreational Resort Area' designation is where the predominant number of Short Term Accommodation, Commercial Resort Units and Bed and Breakfast Establishments are located. This area in particular is the focus for enhanced recreational and tourism uses including supporting uses such as tourist accommodations.

The Draft Zoning By-law Amendment provides specific permissions for new and existing tourist accommodation uses while respecting the balance and needs of neighbouring non-tourism uses such as permanent residential dwellings. Based on the foregoing, Planning Staff are satisfied that the proposed Zoning By-law Amendment conforms with the County of Grey Official Plan.

Town of The Blue Mountains Official Plan

The Official Plan provides land use policy direction for the long-term growth and development of the municipality. The policies build and refine the direction provided under the County of Grey Official Plan. Tourism uses are encouraged and recognized for their important contributions to the Town.

Section B2.5 contains specific policy and direction related to Short Term Accommodation (STA) uses and was approved by the County of Grey in October 2019. The policies recognize the role of STA's as one part of the available Tourism Accommodation types in the Town, while also recognizing the potential impacts STA's can have on surrounding land uses, especially in existing residential neighbourhoods. The Plan directs new STA's to be considered under a strict policy review and not be permitted as of right outside of prescribed 'exception areas'.

Section B2.2 contains specific policy direction for Commercial Resort Units (CRU). Similar to STA's above, Commercial Resort Units are also recognized as an integral component to the range of tourist accommodation types available in the Town. Typically, CRU's are purpose built and the lands to be developed for CRU's are on a much larger scale than individual STA units. There are nine existing Commercial Resort Unit Complexes in the Town and lands have been set aside within the Tyrolean Village area for a future Commercial Resort Unit Complex (among other uses).

Section B2.5.1 contains policy direction for Bed and Breakfast Establishments (BNB). The policies recognize that BNB's are directed to new or existing single detached dwellings in certain residential land use designations. Prior to an owner establishing a new BNB on a property, a Zoning By-law Amendment must first be granted by Council including a Site Plan Approval and Agreement.

Further Official Plan policy analysis and discussion on all tourist accommodation can be found in the Tourism Accommodation Background Study attached to [Staff Report PDS.20.96](#)

The Draft Zoning By-law implements the Town Official Plan by providing very limited permissions for new STA growth within the 'exception areas'. Under the proposed new zoning bylaw amendment, existing legal STA, CRU and BNB uses are recognized and can continue to operate within the terms of the zoning bylaw and licences that have been granted (where applicable). Legal non-conforming uses (also referred to as 'Grandfathered' uses) are uses that were established in accordance with the applicable zoning requirements at time of construction and are no longer permitted under the applicable zoning currently in force today. Section 34(9) of the Planning Act recognizes Legal non-conforming uses and permits the continuation of the use so long as it continues to be used for that purpose. All other STA, CRU and BNB uses are required to obtain a Zoning By-law Amendment in accordance with the policies of the Official Plan prior to being established.

Based on the foregoing and the policy analysis contained in the Tourism Accommodation Background Study, the proposed Short Term Accommodation, Commercial Resort Unit and Bed and Breakfast Establishment Zoning By-law Amendment complies with the Town of The Blue Mountains Official Plan.

The Blue Mountains Zoning By-law 2018-65

The Blue Mountains Zoning By-law sets property specific regulations on how a property may be used and how it is to be developed. Section 1.5(a) of the By-law recognizes that the zoning provisions of the former Collingwood Township and Town of Thornbury Zoning By-laws as enacted in 2009 continue to apply to Short Term Accommodation uses. The continued use of these former Zoning By-laws to regulate STA's has been cumbersome for STA operators, the public and Town Staff alike. The need for concise STA provisions to be brought into current The Blue Mountains Zoning By-law 2018-65 is not being disputed. Regulations for Commercial Resort Units and Bed and Breakfast Establishments are presently included in Zoning By-law 2018-65 and have been flagged for updates in accordance with the direction of the Tourism Accommodation Background Study attached to [Staff Report PDS.20.96](#). The Study was used to develop the first draft of the Zoning By-law Amendment and after community stakeholder discussions were completed, the draft Zoning By-law Amendment has been further refined into the final draft version that is included as Attachment #1 to this report.

Based on the foregoing and the zoning analysis contained in the Tourism Accommodation Background Study, the proposed Short Term Accommodation, Commercial Resort Unit and Bed and Breakfast Establishment Zoning By-law Amendment is appropriate and will bring the Tourist Accommodation Uses into alignment with the Town's Official Plan and the requirements of current Zoning By-law 2018-65.

Public Meeting Comments

The Statutory Public Meeting was held virtually on May 3, 2021. In response, the Town received six letters and verbal comments. Comments received were generally minor in nature with general support of the proposed Zoning By-law Amendment. A detailed summary of all comments received including Town Staff response to specific comments raised can be found under Attachment #2 to this report. Attachment #3 contains all original comments as they were submitted. All comments have also been circulated to members of Council prior to the Public Meeting date.

By-law Revisions

Since the Public Meeting and comments received on the first Draft, a number of modifications have been made to the original Draft Zoning By-law:

- 1- Wording clarification to Section 4.32(a) to remove the numerical reference to one (1) short term accommodation use.
- 2- Wording clarification to Section 4.32(a) to remove the residential zone references of R1, R2 and R3 and to replace with "any residential zone".
- 3- Missing text added to Section 4.32(c) to add "metres" after 120.
- 4- Additional clarity added to Table 7.1 to add a special provision that directs readers back to Section 4.32 for further details on the general development provisions for STA uses.

- 5- Modification to Table 7.2 to reduce the required exterior side yard setback for STA uses from 6 metres to 5 metres. It is noted that the original 6 metre exterior setback was set as per the 'RR' Zone created by amending By-law 2009-03. In comparison, By-law 2018-65 requires exterior side yard setbacks from 5 metres (single detached), a range 3 to 7.5 metres (for semi, triplex, 4+ unit multiple buildings), and a range of 2.0 to 6.0 metres (for commercial uses). It would appear appropriate to consider a reduced exterior setback of 5 metres. It is also noted that the Draft Zoning By-law requires a 3.0 metre planting strip within the 5 metre setback along exterior yards.
- 6- Modification to the "Arlberg Lots" that were subject to the June 2015 Ontario Municipal Board decision that implemented specific STA development requirements. The Draft By-law as circulated sought to remove those additional requirements and to have all STA's within the 'exception areas' be developed under the same rules. Objections were received that there is insufficient merit to remove these requirements due to the proximity of the lots to existing single detached dwellings and that the buffering/separation requirements that were imposed should be maintained. The Final Draft Zoning By-law seeks to add a number of these development requirements back in. Excluded from the exception are the minimum fencing and minimum/maximum front yard setbacks, and minimum parking requirements (parking to be provided in accordance with the updated parking requirements of Table 5.3).
- 7- Removal of Cachet Crossing (Grey Condominium Corporation #24) from the lands affected by the Zoning By-law Amendment.

Conclusion

Based on the foregoing, Planning Staff are satisfied that the proposed Zoning By-law Amendment is appropriate for the Town of The Blue Mountains.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

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F. Environmental Impacts

There are no adverse environmental impacts anticipated from the recommendations contained within this report.

G. Financial Impacts

There are no adverse financial impacts anticipated from the recommendations contained within this report.

H. In Consultation With

The following individuals have been involved in the consideration and development of the Tourism Accommodation Zoning Bylaw:

Nathan Westendorp, Director of Planning and Development Services

Will Thomson, Director of Legal Services

Wayne Dewitt, By-law Enforcement Supervisor / Municipal Prosecutor

Shawn Everitt, CAO

Peter Bordinon, Councilor

I. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting and/or Public Information Centre which took place on **May 3, 2021**. Those who provided comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report. Any comments regarding this report should be submitted to Shawn Postma, planning@thebluemountains.ca

J. Attached

1. PDS.21.077 Attachment 1 Final Draft Zoning By-law Amendment
2. PDS.21.077 Attachment 2 Public Meeting Comments (Comment Summary and Staff Response)
3. PDS.21.077 Attachment 3 Public Meeting Comments (Original letters as received)

Respectfully submitted,

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Report Approval Details

Document Title:	PDS.21.077 Recommendation Report - Short Term Accommodation.docx
Attachments:	<ul style="list-style-type: none">- PDS.21.077 Attachment 1 Public Comment Response Matrix Attachment 2.docx- PDS.21.077 Attachment 2 May 3 2021 Public Meeting Comments RA Attachment 3.pdf- PDS.21.077 Attachment 3 STA+CRU+BNB Zoning By-law Amendment.docx
Final Approval Date:	Jun 21, 2021

This report and all of its attachments were approved and signed as outlined below:

Trevor Houghton - Jun 17, 2021 - 2:03 PM

Nathan Westendorp - Jun 21, 2021 - 8:28 AM

Shawn Everitt - Jun 21, 2021 - 9:40 AM