

To Mayor and Council and Staff

Our comments are for the Public Meeting regarding Short Term Accommodation, Commercial Resort Unit, and Bed and Breakfast Establishment Zoning By-law Amendment

We support the proposal to have STAs, which are located in areas where this use is presently allowed, rezoned to the RR designation. However we feel strongly that they should not be allowed in future development! STA's have been a major source of problems for years: the Town doesn't need any more of the negative issues surrounding this use.

Our other concerns include:

1 There are a number of STA properties on Arlberg Cres that are subject to an OMB decision (PL080455) that have been given the designation of Exception code RR 127.

RR 127 does not have a cap on occupancy load but the properties on Arlberg Cr have an OMB decision that restricts the # of bedrooms to 6 and the occupancy load to Max of 14. It also doesn't allow front yard parking, parking is one spot per guest and there are stronger set back and buffering rules than other STAs in RR 127.

In the bylaw, Table 9.1 must be revised to include this unique area with its own exception number and mandated list of restrictions.

2 Parking has been addressed for Legal conforming STAs only. Legal non-conforming (Grandfathered) need rules also as parking problems are the #2 irritant to neighbours. As we know these units predate the current parking bylaw but they should be subject to bylaw 83 -40 and because they don't meet the definition of a family unit for parking, the bylaw states "if the use is not listed" it allows you to look at what describes them best which is a hotel/motel definition that requires 1 parking space per room.

3 We suggest for clarity in paragraph 4.32 "any Residential zone" should be replaced with R1, R2 and R3.

4 Also for clarity we feel that the new RR zone in the bylaw should have a list of the general restrictions that would apply to that zone including a maximum occupancy of 8 people and a separation distance of 120 meters between STA's as well as the other established restrictions.

We do hope these issues will be addressed. Thank you.

Terry Kellar Chair BMRA STA committee

April 29, 2021

**To: The Mayor and Members of Council
Town of the Blue Mountains**

From: Planning Committee, Blue Mountain Ratepayers Association

**Re: Short Term Accommodation, Commercial Resort Units and Bed and Breakfast
Establishments**

In addition to comments submitted by BMRA's Short Term Accommodation Committee, we would like to take this opportunity to reiterate our strong support for the prohibition of STAs in all residential zones (Section 4.32a of the proposed amendment the Blue Mountains Zoning By-law 2018-65).

This measure reflects the fact that STAs are a commercial use and serves as a fundamental component of an effective regulatory framework. It is also an essential step toward reducing the negative impact of STAs on our limited stock of affordable long-term rental housing.



By email to townclerk@thebluemountains.ca

April 28, 2021

Mayor Soever & Members of Council
The Town of The Blue Mountains
32 Mill Street
Thornbury, ON N0H 2P0

**RE: Draft Short-Term Accommodation, Commercial Resort Unit and Bed & Breakfast
Establishment Zoning By-law Amendment
Public Meeting Date: May 3, 2021**

The Blue Mountains Short Term Accommodation Owners Association (BMSTA) represents approximately 70% of the licensed and legitimate short term rental businesses in the Town and offers the following comments with respect to the subject matter.

BMSTA understands that the intent of the proposed Zoning By-law Amendment is to amend Zoning By-law No. 2018-65, as amended, consistent with the policy direction of the Town's Official Plan, specifically Sections B2.5 and B3.7.6.14 (approved by the County of Grey on October 18, 2019); and, to align/harmonize Zoning By-law No. 2018-65, as amended, consistent with the decisions of the Ontario Municipal Board in 2011 (General) and 2015 (Site Specific) respecting short term accommodation uses.

With respect to the proposed Zoning By-law Amendment, BMSTA commends Town planning staff in bringing forward the proposed amendments, especially considering the alignment/harmonization exercise necessary, the nuances associated with previous approvals and the built form of the numerous sites.

Given the constructive dialogue that has occurred during the development of the proposed Zoning By-law Amendment, BMSTA's comments are limited and are as follows:

Item	Draft ZBLA Section Reference	Comprehensive. ZBL Part/Section Reference	Comment(s)
1	3	Table 5.3	It appears that the proposed parking requirement for a Multiple Unit Building where parking spaces are in a private driveway, carport or garage will create numerous non-conforming uses, specifically within some of the proposed RR-131 Zones where an STA is located in a townhouse dwelling and parking is provided in both a private driveway and in a common parking area.

			It is requested that the words following the word “Or” be deleted. This would be consistent with By-law No. 2009-03, approved by the OMB, which was supported by the Town’s expert transportation planner/engineer at the OMB.
2	4	Section 4.32 4 a)	Should the wording be “for the purpose of a short term accommodation use” versus “for the purpose of one (1) short term accommodation use”? We believe the use of “one (1)” may lead the reader to believe that two (2) or more may be permitted.
3	4	Section 4.32 4 h)	Given the definition of Parking Space, specifically the word “unobstructed” contained therein, it is suggested that the Town review the permissibility of tandem parking for house form buildings (which we believe may not be permitted).
4	7	Table 7.2	<p>The proposed Minimum Exterior Side Yard Setback of 6.0 metres appears to be excessive, especially considering:</p> <ul style="list-style-type: none"> i. the RR lots that are NOT constructed upon do not abut Major Collector, County or Provincial highways; ii. the exterior side yard setback requirements for other house form buildings in the area, which range from 2.4 metres to 4.0 metres; iii. the RR Zone is proposed to permit Single Detached Dwellings; and, iv. the proposed requirement for a 3.0 metre wide planting strip (see 4.32 e) b.). <p>It is requested that the minimum exterior side yard setback be established at 3.0 metres.</p>
5	11	Section 3 Definitions – Rental or Lease Management Program	It is BMSTA’s opinion that the proposed definition is consistent with the intent and purpose of the Town’s planning documents and, as such, BMSTA supports the proposed amendment.

We have no comments with regard to the proposed Bed and Breakfast Establishment Establishments regulations.

BMSTA would appreciate receiving notice of any decisions Council might make in respect of this matter.

Respectfully,

BMSTA

The Blue Mountains Short Term Accommodation Owners Association

c. Shawn Postma, MCIP, RPP, Senior Policy Planner, The Blue Mountains

County comments for Zoning Amend - STA, CRU & BB provisions



Hello Mr. Postma,

County planning staff have reviewed the proposed zoning by-law amendment re: short term accommodations, commercial resort units, and bed and breakfast establishments. Under section 4.3.2(c), the first reference to 120 is missing (metres). Generally, staff wonder how 4.8(j) provision was determined, limiting 3 guest rooms per bed and breakfast establishment. Staff would encourage review of existing B&B establishments to see whether limiting 3 guest rooms per B&B would be in line with what is currently being operated today, and whether this may affect the ability for a B&B operator to operate a viable business.

Let us know if you have any questions.

Best regards,

Stephanie Lacey-Avon

Planning & Development, Grey County, Owen Sound ON

April 30, 2021

Raj Kehar
[REDACTED]
[REDACTED]
[REDACTED]

VIA EMAIL

Corrina Giles, Town Clerk
Town of The Blue Mountains
Town Hall, 32 Mill St. Box 310
Thornbury, ON N0H 2P0

Attn: Corrina Giles, Town Clerk

Dear Mayor and Members of Council:

**Re: Notice of Public Meeting on May 3, 2021
Municipally Initiated Zoning By-law Amendment
Modification to Permitted Uses at Grey Condominium No.24 (Cachet Crossing)**

Written Submission from Grey Condominium Corporation No. 24.

We have recently been retained by Grey Condominium Corporation No. 24 with respect to the above-referenced matter. Our client is the condominium corporation for lands at [REDACTED] the "Subject Property")

We understand that the Town of Blue Mountains (the "Town") is seeking to pass a municipally initiated zoning by-law amendment to rezone certain lands, including the Subject Property. As described in the Public Notice issued April 7, 2021, the rezoning of the Subject Property is to modify the permitted uses by removing the development from the area of non-decision in the Blue Mountain Village Resort Core Area and including Commercial Resort Units, Short Term Accommodation and Residential Dwelling units as a permitted use (the "Proposed Amendments").

Our client has several concerns with the Proposed Amendments including that it will inappropriately cause the Subject Property to be legal non-complying.

This correspondence serves as our client's written submission to Town Council on the Proposed Amendments. As detailed in our request below, we are hopeful to meet with Town staff to discuss the Proposed Amendments as they apply to the Subject Property. Our hope is to obtain certain further modifications that may, if passed, eliminate any need for our client to appeal the Proposed Amendments to the Local Planning Appeal Tribunal (the "LPAT").

Request

Our client hereby makes the following requests of the Town:

1. To take a “prudent pause” in passing the Proposed Amendments as they apply to the Subject Property, in order to permit our client to engage in a dialogue with Town Staff and conduct a thorough analysis of the Proposed Amendments and any other emerging zoning controls that may apply to the Subject Property. Our client may then seek further modifications to the Proposed Amendments to address any of their concerns including, concerns that the Proposed Amendments, as currently drafted, will inappropriately cause the Subject Property to be legal non-complying.
2. In the alternative, leave the Subject Property in a status quo situation by retaining the area of non-decision in the Blue Mountain Village Resort Core Area and continue with the application of Section 1.5(f) of the Town’s new Comprehensive Zoning By-law 2018-65 (“**Zoning By-law 2018-65**”) to the Subject Property.

Background

The Subject Property was developed more than 32 years ago. It consists of 42 residential units. At this time, 16 of these units are being rented through rental management companies.

The Subject Property originally formed part of the Blue Mountain Village Resort Area Core, a comprehensively planned resort community. While it has gained its autonomy over the years, transitioning into a condominium corporation, it remains a physical presence within the resort despite its revised legal structure.

At the time of the original approvals granted for the Subject Property and the broader resort community, site specific zoning regulations were passed that were included in the then Township of Collingwood Zoning By-law 83-40 (“**Zoning By-law 83-40**”). These site-specific zoning regulations zoned the Subject Property “C5-Exception 67”, and included regulations dealing with lot area, lot coverage, setbacks and other typical zoning standards. The development on the Subject Property was site plan approved in accordance with these site-specific zoning standards.

The Town has more recently passed Zoning By-law 2018-65. This new zoning by-law identifies the Blue Mountain Village Resort Area Core as a “non-decision”. In order not to create unintended conflicts between the existing built form in the resort community, including the Subject Property, and the zoning regulations in Zoning By-law 2018-65, subsection 1.5(f) of that by-law indicates that the entirety of the resort community, including the Subject Property, is subject to the zoning provisions in Zoning By-law 83-40. More specifically, subsection 1.5(f) of Zoning By-law 2018-65 states:

The provisions of the former Township of Collingwood 83-40, and all amendments and variances thereto, shall continue to apply to Lots 6, 10,

*14, 15 and Village Crescent Plan 1065, former Township of Collingwood
(Blue Mountain Village Resort Core Area).*

Discussion

While our client is not opposed to the creation of new zoning provisions that apply to the Subject Property, it is concerned that the Proposed Amendments may cause the Subject Property to be legal non-complying and/or may not reflect the realities of the activities occurring at the Subject Property. The development on, and activities in, the Subject Property have existed and/or have been occurring for several decades, generally in a positive fashion. The Proposed Amendments should facilitate the development and activities to continue to occur in a positive fashion, and not act as a potential hindrance.

The Proposed Amendments seek to rezone the Subject Property "(Resort Residential- RR), Exception 130". Our preliminary review indicates that this proposed rezoning creates regulatory conflicts in terms of the minimum lot area, lot frontage and setbacks for the Subject Property. The proposed parking standards may also be an issue. We are reviewing the Proposed Amendments in further detail, including any minor variances that may have been granted, and we may have further comments and/or concerns regarding the Proposed Amendments as they apply to the Subject Property, which we hope to discuss with Town staff.

Conclusion

We request Town Council to implement the prudent pause described above in request no.1 as it relates to the application of the Proposed Amendments to the Subject Property. Alternatively, in accordance with request no.2 above, we seek the protection afforded to the Subject Property by Section 1.5(f) of Zoning By-law 2018-65 to remain.

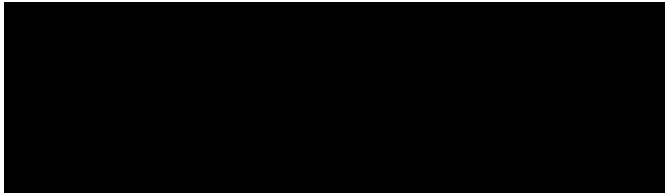
We trust the above submission will be read into the public record and recorded as a written submission received as part of the public hearing process.

Kindly acknowledge receipt of this correspondence and advise of future meetings related to this Town initiative. Also, please accept this correspondence as our written request for notice of any decision of Council on this proposal.

In the interim, should you have any questions, please do not hesitate to contact the undersigned, or Paul Chronis, Planner in our office at [REDACTED] or by email at [REDACTED]

Yours truly,

WeirFoulds LLP



Raj Kehar
Partner

RK/PC

cc. Client
Paul Chronis

Mr. Mayor, Councillors of the Town of The Blue Mountains...

Our names are Steve and Jane Moysey. We live in the Town of The Blue Mountains, at [REDACTED]
[REDACTED]

Along with our neighbours, we are trying to save the residential and non-commercial character of our neighbourhood.

We write today regarding the proposed Licencing By-Law and how its provisions for Bed and Breakfast establishments will affect Monterra Estates and other similar residential neighbourhoods.

As other letters cover other aspects of the proposed By-Law, we concentrate here on the rule referring to "A Licensee of a Type D Licence shall: c) " be on site at the premise during the stay of a Renter during the hours of 2300 and 0700 hours."

We find it unacceptable that a home next to us could conceivably have a continuous stream of strangers going in and out of that house seven days a week and the Owner would only be required to be there from eleven o'clock at night to seven o'clock in the morning. Who is minding the place for the other sixteen hours a day?

By-Law Officers do not work nights or weekends. The Police are not able to cover these kinds of disturbance complaints as priorities.

Why would the Owner not be required to be in residence for the full time there are paying guests at the B&B, save perhaps a two or three hour period during the day to run errands? What kind of hotel allows its guests the run of the place without supervision?

The Owner is in effect the Proprietor. Neighbours have the right to take comfort in the fact that the Proprietor is on site for a majority of the time it is being used in a commercial manner.

We request that Rule C be revised to read:

"be on site at the premise during the stay of a paying guest at all times said guest is in residence save for two or three hours a day, unless there are extenuating circumstances around family or health needs."

A basic right is for people to feel safe in their own neighbourhoods. Allowing a B&B Owner to be absent for sixteen hours every day does nothing to further that cause and is totally unfair to the rest of us.

Thank you for your time and consideration of this important issue.

Jane Moysey

Mr. Mayor, Councillors of the Town of The Blue Mountains...

My name is Stephanie Fillingham. I live in the Town of The Blue Mountains, at

[REDACTED]

I have written or spoken to you before. Every time my purpose has been the same. Along with my neighbours, I am trying to save the residential and non-commercial character of my neighbourhood.

Today I am here about the proposed Licencing By-Law and how its provisions regarding Bed and Breakfast establishments will affect the Monterra Estates subdivision. But my concerns may be applied to any Town of The Blue Mountains citizens now faced with the prospect of commercial operations being allowed in their previously residential only neighbourhoods.

The Monterra Estates subdivision is small: two streets, 80 lots, 73 homes. Every property and property owner is legally bound by contract law to covenants registered on title, running with the land. Those covenants disallow the use of any home except as a private single family residence for the sole purpose of housing a single family. As such, regardless of zoning, no Bed and Breakfast or Short Term Accommodation establishments are permitted.

And yet, for nearly two years our neighbourhood has been dealing with a homeowner whose main purpose in buying on Grand Cypress Lane was to set up a Bed and Breakfast. After two rezoning refusals by The Council of the Town of The Blue Mountains, an appeal to reverse your decision was granted at the Provincial level.

Under your proposed By-Law, this Bed and Breakfast will now have to be licensed in order to operate.

We know that one of your purposes in this By-Law is to give the Town a strong say in regulating such Bed and Breakfast businesses from the standpoint of safety regulations, health standards, consumer protection and the preservation of the character of neighbourhoods and the rights of their homeowners.

Section 7.0 is about Grounds for Refusal, Revocation or Suspension

Before I go on I would like to bring to your attention what I believe to be a typing error in Section 7.1, Subsection h. As it appears in the published document, it reads as follows:

*“The Applicant or Licensee is carrying on or engaging in activities that are, or will be, if the Applicant **of** Licensee is licensed, in contravention of this By-Law or any other applicable law.”*

I have presumed it was meant to read:

*“The Applicant or Licensee is carrying on or engaging in activities that are, or will be, if the Applicant **or** Licensee is licensed, in contravention of this By-Law or any other applicable law.”*

Having pointed that out, I will continue based on a correction having been made and hope that is satisfactory.

Thus,

7.1., Subsection h states :

“The Applicant or Licensee is carrying on or engaging in activities that are, or will be, if the Applicant or Licensee is licensed, in contravention of this By-Law or any other applicable law. “

If, in your estimation, this provision does not include contractual agreements of existing and active restrictive covenants registered on title at the time of application, I am asking that you add the phrase

“or active restrictive covenants currently registered on title of the property proposed to be licenced”.

Similarly, in Schedule F, Type D Licence, Section 2.3 of Terms and Conditions, I would ask that you add a subsection to this effect:

“Confirmation of Resolution of any issues arising from any active restrictive covenants registered on title of the property to be licensed which would or could legally prevent that property from being used as per the licence”.

A provision like that would not obligate you to rule on the issue, but merely to acknowledge its existence and require proof of resolution before a licence would be granted.

We are also very concerned about the minimum distance allowed between such establishments. One hundred and twenty meters between property lines means that in a neighbourhood of sixty foot lots, there could conceivably be a Bed and Breakfast operating in every seventh house. It is impossible to think that this amount of density would not totally change the character of the neighbourhood. We propose the distance be changed to one thousand metres if the neighbourhood is primarily deemed to be residential only.

In light of pandemic threats, we would like health standards to be much more detailed and particularly strict.

We wish prospective Licensees to be advised in this By-Law that Licenced Premises will be subject to surprise inspections, not ones where the Licensee has prior warning and thus time to correct any infractions. Those inspections would include but not be limited to Health Department, Fire Department, and/or By-Law Inspectors.

We strongly request that a mechanism be included in the By-Law whereby Owners of properties which may be impacted are given notice of the application prior to any licence being granted and in addition are given the right to publically dispute the application at the Council level in order to show why they believe the licence should not be granted.

I would like to add that I believe Locally Elected Representatives should be the ones to steer the future of the community they have been chosen to oversee, particularly as those duties apply to the fine points of balancing Residential and Commercial ventures.

I appreciate having the opportunity to speak to you today and hope you will give my suggestions the full weight of your time and consideration.

Thank you.

Hi Ms. Giles.

This is what I will be adding to Page 3.

We do not understand why the Owner would only be obligated to be on the premises from 11 at night until 7 in the morning. Surely that can't be right.

Do the Bed and Breakfast guests have the house to themselves all the rest of the time?

What happens on nights and weekends when there are no by-law officers on duty?

Surely you can't intend these Bed and Breakfast establishments to have no Owner on site for 16 hours a day.

That's incomprehensible and frankly very dangerous.

At the very least, the Owner should be there when no by-law officers would be available because they are off duty.

april 29, 2021

To: Corrina Gile, CMO
Ref # 519-599-7783

From: Patricia Yeager
[REDACTED]

Pages: 4 - plus covering note or 5

"attached are my comments for Mayor Sawyer and Council covering the proposed Application for zoning amendment to be discussed at the Public Meeting on May 3, 2021 at 5:00 P.M.

Would you please confirm that you have received this info today?

Thank you!
[REDACTED]

April 28, 2021

Mayor Alar Soover
& Council
Town of the Blue Mts.
32 Mill Street
Tadoussac, ON N0H 7P0

Subject: Application for Zoning Amendment
Regarding Short Term Commercial Rental
and Bed and Breakfast Accommodation

First of all, thank you. It's great to see that after many years, the Town is going to address the growing problem of "short-term rentals" with an amendment, as well as with a new licensing by-law.

Back in the day, the only "short-term rentals" allowed were in Tadoussac Village. And everyone knew that if they valued peace and quiet and the enjoyment of their property, they'd better move as far away as possible.

Then came traditional bed and breakfasts, ie, where the owner lived full-time on the

zoning Amendment - 2 -

April 28, 2021

premises, twenty-four hours, seven days a week, serving up breakfast and company.

Now "bed and breakfast" (as defined in the proposed new Licensing By Law draft and in this proposed Amendment) can be run by an "agent" or "corporation" and only made monitoring between the hours of 2300 and 0700.

Finally, platforms such as Airbnb and various local management groups came onto the scene turning short-term rentals into big business breaking the long-term rental market and disrupting neighborhoods.

Over the years, both "bed and breakfast" and "short-term accommodations" have cropped up in residential neighborhoods as "non-conforming" or "exceptions" or ignored altogether as Airbnb-type platforms... most sans consultation with affected neighbors.

I would suggest that to correct past wrongs, the new proposed amendment include a clause eliminating such uses in affected neighborhoods once a property is sold.

As I recall, a provision of this type was included in the original draft By-Law

zoning Amendment - 3 -

April 28, 2021

many years ago ... but subsequently disappeared from sight.

I would argue that any original covenants that applied at the outset of a subdivision's development should take precedence over or out-grandfather, if you will, any grandfather clauses to follow.

Mayor and Council, it is difficult, if not impossible, to discern any difference between a "short-term accommodation" or "bed and breakfast" as defined, or a bed and breakfast such as Airbnb and its ilk.

All of the above are short-term commercial enterprises and should be licensed and taxed accordingly. Further, none should be allowed to exist in or near a residential area ... especially one in which they have previously been banned.

In addition, regarding Zone RR-131, Exception number 131, as shown on Schedule "A", as far as I can tell, these buildings are incomplete and so, do not presently "exist." Ergo, as of now, they should be zoned "Residential" and should not be reformed or excepted.

Zoning Amendment

-4-

April 28, 2021

Unless, of course, the passing of this Amendment is held up until the buildings are completed.

If that is the case (and I hope it is not) and if the maximum number of occupants permitted can be more than eight per unit, and if the units are no longer required to be at least 120 metres apart from each other, these buildings are going to look a lot like hotels... with no monitor in sight.

And if that is the case, I would say that this is clearly a commercial zone... abutting a long-term residential zone. And even though there's a road between, I doubt the two zones are 120 metres apart... with no buffering.

Shades of Tyrolean Village!

Sincerely,

P.S.: Please send me a notice in writing of any decision of Council on this proposed zoning amendment as well as of any decision of Council on the proposed Licensing By-Law and Administrative Monetary Penalties. Thank you.