
SUBJECT: Short Term Accommodations- Briefing Notes 1 and 2
FROM: Bill Jones, Chief Administrative Officer
DATE: June 10, 2019

RECOMMENDATION:

THAT Council receives Briefing Notes 1 and 2 from Skelton Brumwell and Associates Inc. in regards to short term accommodations (STA's);

AND FURTHER THAT Council provides direction regarding bed and breakfast (B&B) establishments, specifically if Council directs the consultant to include B&B's in the Short Term Accommodation Project or chooses to regulate B&B's via zoning amendments;

AND FURTHER THAT Council supports the STA Strategy and Policy Development Study Process and the framework outlined in Briefing Note 2.

BACKGROUND:

At the May 28, 2019 Special Council Meeting, Michael Wynia from Skelton Brumwell and Associates Inc. discussed STA's and sought preliminary input from Council regarding STA's in Northern Bruce Peninsula (NBP). One of the action items coming from the discussion was the development of the Strategy and Policy Development Study Process and timeframes.

Secondly, Mr. Wynia is seeking clarification regarding how to address B&B establishments. Mr. Wynia has provided Briefing Notes 1 and 2 for Council's consideration.

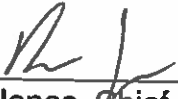
ATTACHMENTS:

- Municipal Briefing Note 1, MNBP, Skelton Brumwell and Associates Inc.
- Municipal Briefing Note 2, MNBP, Skelton Brumwell and Associates Inc.

MUNICIPAL STRATEGIC COMMITMENT:

By evaluating strategic objectives, it can be assured that the actions taken by the Municipality create value across all strategic priorities identified in the Strategic Plan. In doing so, the Municipality moves closer to its vision of providing a safe, progressive municipality that is committed to managing growth and providing a welcoming, diverse and environmentally sustainable community that enhances the quality of life for all residents and visitors.

Strategic Priority	Yes	No
Well managed and fiscally responsible municipal government is enhanced	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Conservation and protection of unique natural environment including the encouragement of well managed growth is enhanced	<input type="checkbox"/>	<input type="checkbox"/>
Health, safety and education of the community are enhanced.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development/promotion of cultural and recreational opportunities is enhanced.	<input type="checkbox"/>	<input type="checkbox"/>
Citizen involvement is enhanced.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Economic development strategies are enhanced.	<input type="checkbox"/>	<input type="checkbox"/>
Does the option(s) recommended create value across all strategic priorities?	<input type="checkbox"/>	<input type="checkbox"/>
Does the option(s) recommended make Northern Bruce Peninsula a municipality of choice for high performance public servants?	<input type="checkbox"/>	<input type="checkbox"/>



Bill Jones, Chief Administrative Officer

MUNICIPAL BRIEFING NOTE 1
MUNICIPALITY OF NORTHERN BRUCE PENINSULA

The Issue – Should Bed and Breakfast Establishments Fall within the Short-term Accommodation Strategy and Policy Development framework?

Background:

Bed and breakfast establishments are a traditional form of tourist related accommodation that pre-dated the internet facilitated expansion of the short-term accommodation uses. They offered an experience unique from that of other traditional tourist accommodations which included campgrounds, hotels, motels and lodges.

Municipalities have taken a variety of approaches to dealing with bed and breakfast establishments.

The approaches varied from establishing bed and breakfast as an as-of-right use in certain zone categories (on the basis of meeting specific provisions) to allowing bed and breakfasts only through a zoning amendment process. Sometimes the approach varied depending upon the zone category. For example, a bed and breakfast may be an as-of-right use in the agricultural or rural zones, but then be permitted only by an amendment in an urban or commercial zone.

In some cases, additional processes were also applied to bed and breakfast establishments through the application of site plan control and/or a municipal licencing requirement.

Although short-term cottage and home rentals have been a historic activity, the facilitation of short-term rentals through internet-based commerce has resulted in a substantial increase in such activities. While campgrounds, motels, hotels and lodges have continued to be viewed as distinct tourist accommodation uses, bed and breakfasts are sometimes viewed as falling into the same category as the more recent short-term accommodation forms. Municipalities are therefore having to make a determination of whether or not to incorporate bed and breakfast uses into strategies dealing with short-term accommodations.

Current Approach:

The current comprehensive zoning by-law contains the following provisions with respect to a Bed and Breakfast Establishment:

6.11 HOME BASED BUSINESS - BED AND BREAKFAST ESTABLISHMENT

6.11.1 Where permitted by this by-law, a bed and breakfast establishment will be subject to the following provisions. The lot and detached dwelling in which the bed and breakfast establishment is located must meet all the requirements of the zone in which it is located.

6.11.2 No person, other than members of the family who operate and reside in the establishment shall be employed except as is necessary for housekeeping purposes.

6.11.3 Each guest room shall have a minimum floor area of 10.5 m² (113 ft²).

6.11.4 Guest rooms are not permitted within an attic.

6.11.5 No bed and breakfast establishment shall provide more than 3 guest rooms for overnight accommodation.

6.11.6 No food or drink shall be offered or kept for sale for persons who are not guests of the establishment.

6.11.7 In addition to the two parking spaces a detached dwelling is required to have by this by-law, a Bed and Breakfast Establishment shall provide one parking space for each guest room.

6.11.8 A sign shall be permitted provided such sign is not greater than 0.4 m² in area (4 ft²).

6.11.9 Maximum number of occupants or guests, in addition to staff and host family, permitted to stay within a Bed and Breakfast Establishment - eight (8).

6.11.10 All Bed and Breakfast establishments must be licensed by the corporation.

The zoning by-law also provides a definition of a bed and breakfast:

"BED & BREAKFAST ESTABLISHMENT" means a detached dwelling, licensed by the corporation containing not more than three rooms available for sleeping accommodation of the vacationing or travelling public for not more than eight (8) persons in which breakfast shall be offered. A bed and breakfast establishment shall not include a restaurant and the owner/operator must occupy said dwelling.

A bed and breakfast is currently permitted in the following zone categories:

- Rural Zone 1 (General Rural)
- Residential Zone 1 (Detached Residential)
- Residential Zone 2 (Resort Residential)
- Commercial Zone 1 (Business district Commercial)
- Commercial Zone 2 (Hamlet Commercial)

The current approach is therefore to allow bed and breakfasts within specific zone categories subject to provisions both within the specific zone category and generally as they relate to the

use. However, the zoning provisions also specify that the use must be licenced by the municipality.

Analysis of Current Approach:

The current approach of the municipality is to be fairly permissive with respect to the use as a bed and breakfast is a permitted use in a wide variety of zone categories and the provisions are not overly restrictive. Site plan control is not utilized to regulate bed and breakfast establishments.

There is however a problematic aspect to the current approach in that the Zoning By-law establishes a provision that all bed and breakfast establishments must be licenced by the municipality. As there is not currently a licencing process for bed and breakfast establishments in the municipality, there is no ability to comply with this provision. While the municipality has the discretion to enforce by-laws and their provisions, this creates a situation of technical non-compliance for any bed and breakfast which may be established in the municipality. Certain establishments may benefit from a legal non-complying/non-conforming status if they predate the licencing provision. The licencing provision therefore must either be removed from the by-law, or a licencing system must be established to remedy this problem.

The provisions regarding bed and breakfast establishments as well as the definition of a bed and breakfast could also benefit from some adjustments to improve public understanding; to provide clear direction and avoid technical interpretation issues; and to reflect appropriate standards. For example, the current definition sets out that the bed and breakfast cannot include a restaurant and that the owner/operator must occupy the dwelling. These are actually provisions and would be better set out as such rather than being incorporated in the definition. Their wording is also problematic and could benefit from clarification. For example, an owner and an operator may be separate individuals or entities and it may desirable to clearly set out whether or not the requirement applies to both or just one.

Should Bed and Breakfast Establishments be Included in the Short-Term Accommodation Strategy and Policy Project?

Bed and breakfast operations share some common elements with the more recent trends in short-term accommodation uses. Most notably, they are almost always located in a private residential use as opposed to a clearly commercial establishment such as a hotel.

It is clear that the current approach requires some revisions to the zoning by-law and possibly a licencing process.

The short-term accommodation strategy and policy project will incorporate a review of options which includes an examination of zoning and licencing options.

It could be reasonable to include bed and breakfast uses in the project. This does not necessarily imply that the outcome and recommendations will be common. It is possible that there may be different recommendations for bed and breakfast establishments than for other short-term accommodation uses.

However, if the municipality is content with bed and breakfasts as a traditional accommodation use and wishes to expeditiously correct any issues with that use, this can be dealt with through a zoning amendment process.

The determining factor is essentially whether or not the municipality wishes to licence bed and breakfast uses. If the municipality is going to consider licencing for bed and breakfast uses, as implied by the current zoning provisions, it makes sense to incorporate this use in the short-term accommodation project. If the municipality has determined that licencing is not necessary to regulate this particular use, and that zoning provisions are adequate to deal with any issues, a zoning amendment process would be more appropriate.

Prepared for Council's consideration by Skelton, Brumwell and Associates Inc.

MUNICIPAL BRIEFING NOTE 2 MUNICIPALITY OF NORTHERN BRUCE PENINSULA

Short-term Accommodation Strategy and Policy Development Study Process

The Short-term Accommodation Strategy and Policy Development Study will proceed on the basis of a number of tasks. Fundamental to the entire process, is effective engagement and consultation with the public and various interest groups. The development of a strategy and policies requires constructive input from the community to ensure that the outcome addresses the particular issues and needs of the community.

Critical tasks in the process will include the following:

- Preparation of a Best Practices Summary. This summary will highlight various approaches, strategies and policies utilized by other jurisdictions. It will serve as a reference, or “toolkit”, that can be utilized in the discussion and considerations leading to the development of a strategy and policies for the Municipality of Northern Bruce Peninsula.
- Preparation of a dedicated web site. This web site will serve as an ongoing communication and consultation tool throughout the study process. It will allow the community to access all of the relevant information and discussions as the strategy is developed as well as facilitating community input and dialogue.
- Stakeholder identification. Broad public and community input will be encouraged throughout the process. Identification of key stakeholders will also allow for input from all community interests and will assist in providing the most comprehensive information to understand the opportunities and issues related to short-term accommodation. Development of a full understanding of all points of view on the issue will assist in establishing recommendations that truly meet the needs of the community.
- Community survey. A survey will be prepared to collect information concerning the opportunities and issues associated with short-term accommodation. The survey results will provide information about perceptions, experiences, needs, priorities, benefits and issues associated with short-term accommodation. The survey will be made available digitally and in hard copy to provide maximum opportunity for participation. The goal is to have a wide range of respondents including STA providers, STA users, STA neighbours, the business community, and the general public.

- A workshop will be organized to explore issues, opportunities and possible approaches to dealing with short-term accommodation. The workshop format will facilitate dialogue amongst the various interests and identify key priorities and considerations in the development of a strategy and policies. Dialogue amongst various interests will help develop and strengthen the outcomes of the process.
- Development of a strategy and policies. Community input will form the basis for development of a strategy that works effectively to meet the needs of the community. A draft strategy and policies will be prepared for further public consultation and consideration by municipal staff and council. In response to further input received through consultation and a public meeting process, a final strategy and policies will be the final outcome for council consideration.

The attached chart sets out the anticipated process and timelines for each of the components of the study.

Prepared for Council's consideration by Skelton, Brumwell and Associates Inc.

Process Milestones - Municipality of Northern Bruce Peninsula Short-Term Accommodation Policy and Regulation Review



	May 2019 Initiation	June 2019 to July 2019	August 2019 - October 2019	October 2019 - November 2019	December 2019 - March 2020
Major Tasks	Orientation meeting with Council	Update meeting with Council (July)	Public Workshop (August) followed by Summary Report (October)	Update Meeting with Council	Final Public Meeting (February)
		Best Practices Research	Completion of Best Practices Summary Document prior to Workshop	Draft of Recommendations Report with Input from Workshop, Best Practices Review and ongoing consultation	Final Recommendations Report (January)
	Survey Preparation	Survey Initiation	Survey - Ongoing with Interim Report prior to Public Workshop	Completion of Survey and Final Summary Report	
	Web Site Preparation	Web site launch (June) and updates	Web site updates with Workshop and Survey Reports	Web site updates with Draft Recommendations Report	Web site updates with Final Recommendations Report (January)
	Review of Existing Background Information	Ongoing review/public engagement comments	Ongoing review/public engagement comments	Ongoing review/public engagement comments	Consideration of final public meeting comments (February) in preparation of Final Implementation Package
					Preparation and Delivery of Final Implementation Package for Council Adoption (March)