

CORPORATION OF THE TOWN OF GANANOQUE

BY-LAW NO. 2019-125

BEING A BY-LAW TO AMEND THE DEVELOPMENT PERMIT BY-LAW NO. 2010-065, TO REGULATE LAND USE AND DEVELOPMENT ON LANDS WITHIN THE TOWN OF GANANOQUE, TO INCLUDE REFERENCE(S) TO SHORT-TERM ACCOMMODATIONS

WHEREAS Section 5 of the *Municipal Act*, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25, provided that the powers of every Council are to be exercised by By-law;

AND WHEREAS on September 21st, 2010, the Council of the Corporation of the Town of Gananoque adopted the Town of Gananoque Development Permit By-law No. 2010-065;

AND WHEREAS the Committee of the Whole reviewed Report COW-CD-2019-14, and concurs with the recommendation to amend the Development Permit By-law No. 2010-065, to remove, replace and add sections regarding Short-Term accommodations;

AND WHEREAS the Council of the Corporation of the Town of Gananoque deems it appropriate to pass this amending By-law.

NOW THEREFORE the Council of the Corporation of the Town of Gananoque enacts as follows:

1. AUTHORIZATION:

1.1 That Section 3.21 be removed and replaced with the following:

"3.21 HERITAGE TOURIST INN, BED AND BREAKFAST, SHORT TERM ACCOMMODATIONS

All Heritage Tourist Inns, Bed and Breakfast and Short Term Accommodations:

- Shall serve its guests only, and shall not offer services to non-guests
- Shall be subject to a Class III Development Permit
- Shall be subject to a Short Term Accommodations licence
- Shall conform to the provisions of the Ontario Building Code
- Shall prior to commencing operation of the business, obtain a license in accordance with the *Municipal Act* "following inspection of the premises by the Town Chief Building Official/Development Officer and Fire Department Official".

In addition to the above, the following provisions shall apply to a Bed and Breakfast:

- Shall be a room located within the principal residence
- May offer up to three guest rooms
- May offer breakfast to the registered guests
- Shall provide one (1) parking space per guest room in addition to the required residential parking requirements
- Shall not be located in any secondary units or accessory secondary units.

In addition to the above, the follow provisions shall apply to a Heritage Tourist Inn:

- Shall be a room located within the principal residence
- Shall be located in a building that is of heritage and architectural merit of the existing built form

- May offer up to six (6) guest rooms
- May offer breakfast to the registered guests
- Shall provide one (1) parking space per guest room in addition to the required residential parking requirements
- Shall not be located in any secondary units or accessory secondary units.
- A Heritage Resource Assessment shall be required to confirm the heritage and architectural merit of the existing built form by a qualified professional.

Short-Term Accommodations

- Shall not be permitted in any designation unless the proper approvals have been obtained
- Shall provide one (1) parking space per guest room unless as noted above
- May include approved Bed and Breakfast Establishments and Heritage Tourist Inns.

- 1.2 That **Section 4.0, LOWERTOWN MIXED USE, Subsection 4.1, USES, DISCRETIONARY USES**, be amended to include "Heritage Tourist Inn".
- 1.3 That **Section 5.5, ESTATE RESIDENTIAL, Subsection 5.5.1, Uses, DISCRETIONARY USES**, be amended to include "Bed and Breakfast and Heritage Tourist Inn".
- 1.4 That **Section 6.1, COMMERCIAL TRADITIONAL CORE, Subsection 5.5.1, Uses, DISCRETIONARY USES**, be amended to include "Short-Term Accommodations".
- 1.5 That **Section 15.0, DEFINITIONS**, be amended to remove and replace the following:

Bed and Breakfast Establishment

Means an owner-occupied private single-family dwelling that is the owner's principal residence and in which the owner has control of the environment. It provides temporary accommodations for no more than three guest rooms to the travelling public not exceeding twenty-eight (28) consecutive days and amenities and services auxiliary to guest accommodation and may include the preparation and service of breakfast for an all-inclusive fee.

Heritage Tourist Inn

Means an owner-occupied building with historic and architectural merit on a large property in which no more than six (6) guest rooms are made available for the temporary (no more than twenty-eight (28) days) accommodation of the travelling public. Such an establishment may offer meals to guests staying at the Inn, but shall not offer services to non-guests.

- 1.6 That **Section 15, DEFINITIONS** include the following:

Accommodation Unit

Means a room or suite of rooms within a bed and breakfast establishment or Short-Term Accommodation designed to provide accommodation, which may or may not include a kitchen. An accommodation unit is not a dwelling unit.

Owner-occupied

Means a property where the owner resides as his/her principal residence. Owner-occupied for the purposes of a Short-Term Accommodation means a property where the owner owns and operates a commercial store-front business at the same location.

Means a property where the owner resides as his/her principal residence.

Short-Term Accommodation

Means a portion of a dwelling or dwelling unit, that is owner-occupied and rented for a period of less than twenty-eight (28) days and may include a Bed and Breakfast, Heritage Tourist Inn, but does not include a motel, hotel or accommodations where there is no payment exchanged.

2. EFFECTIVE DATE:

- 2.1 This By-law shall come into full force and effect on the date it is passed by Council.

Read a first, second and third time and finally passed this 17th day of December, 2019.



Ted Lojko, Mayor



Penny Kelly, Clerk

(Seal)