







## PLANNING ADVISORY/COMMITTEE OF ADJUSTMENT/ PROPERTY STANDARDS COMMITTEE AGENDA

On October 22, 2019 @ 6:00 PM

At Council Chambers – Second Floor, 30 King Street East, Gananoque


| Item | Title/Description   | Recommended Action/<br>Attachment | Draft Motion |
|------|---|-----------------------------------|--------------|
| 1    | <b>CALL TO ORDER</b>  |                                   |              |
| 2    | <b>ADOPTION OF THE AGENDA</b>   |                                   | Motion       |
| 3    | <b>DISCLOSURE OF PECUNIARY INTEREST &amp; THE GENERAL NATURE THEREOF</b>  |                                   |              |
| 4    | <b>MINUTES OF COMMITTEE (ADOPTION)</b>  |                                   |              |
|      | Minutes of August 27, 2019  |                                   | Motion       |
|      | Minutes of September 24, 2019   |                                   | Motion       |
| 5    | <b>DEPUTATIONS</b>  |                                   |              |
|      | None  |                                   |              |
| 6    | <b>REPORTS/NEW BUSINESS</b>   |                                   |              |
|      | Consent Application:<br><br> <b>B05/2019</b><br>TDL Group Ltd. – 709-713 King Street East  |                                   | Motion       |
| 7    | <b>CORRESPONDENCE/OTHER</b>   |                                   |              |
|      | Staff Report:<br> Short Term Accommodations<br><br>Updates:<br> Official Plan Update (verbal)<br> LPAT Hearing Update (verbal) | Receive for Information           |              |
| 8    | <b>MEMBERS OF THE PRESS QUESTIONS OR COMMENTS</b>   |                                   |              |
| 9    | <b>ADJOURNMENT</b>  |                                   | Motion       |




**PLANNING ADVISORY COMMITTEE/COMMITTEE OF ADJUSTMENT/  
PROPERTY STANDARDS COMMITTEE  
MINUTES**

Tuesday August 27, 2019 @ 6:00 PM  
At Council Chambers – Second Floor, 30 King Street East, Gananoque



| Item | Title/Description  |          |
|------|--|----------|
| 1    | <b>CALL TO ORDER</b><br>Major Ted Lojko called the meeting to order at 6:00 pm.<br><br>Chair: Mayor Ted Lojko<br><br>Members: Councillor Dave Anderson<br>John S. Beddows<br>Lynda Garrah<br>Emery Groen<br>Bernie Latremouille<br>Chris McDonald<br><br>Regrets: Jana Miller<br>Angie Tingren-Watkins<br><br>Staff: Brenda Guy, Manager of Community Development<br>Chanti Birdi, Assistant Planner |          |
| 2    | <b>ADOPTION OF THE AGENDA</b><br><br><b>MOTION NO. 2019-22</b><br><br><b>Moved by:</b> Chris McDonald<br><b>Seconded by:</b> Dave Anderson<br><br>BE IT RESOLVED THAT PAC/COA adopt the agenda dated August 27, 2019, as posted.   | Carried. |
| 3    | <b>DISCLOSURE OF PECUNIARY INTEREST &amp; THE GENERAL NATURE THEREOF</b>   | None.    |
| 4    | <b>MINUTES OF COMMITTEE (ADOPTION)</b><br><br><b>MOTION NO. 2019-23</b><br><br><b>Moved by:</b> Chris McDonald<br><b>Seconded by:</b> Dave Anderson<br><br>BE IT RESOLVED THAT PAC/COA/PSC hereby adopt the minutes dated August 7, 2019, as posted.   | Carried. |

|   |  |          |
|---|--|----------|
| 5 | <b>DEPUTATIONS</b>   | None.    |
| 6 | <b>REPORTS/NEW BUSINESS</b>  |          |
|   | <p>Consent Application:</p> <p> <b>B03/2019 AND B04/2019</b></p> <p>Bosica – 830 King Street West</p> <p>The application proposed to sever two residential vacant lots and retain one residential lot with an existing single family dwelling and garage situated on the retained property.</p> <p>Members of the committee inquired about the proximity of fire hydrants to the subject property and whether any comment had been received from the Fire Department regarding the proposal. No comments had been received from the Fire Department in this regard.</p> <p>The Committee inquired whether the previous use might be industrial or if lands may be contaminated. There is no known history of industrial use on the subject property.</p> <p>The Committee further inquired whether the comment from the CRCA regarding preservation of existing trees could be enforced. The Development Permit By-law addresses site alteration and tree preservation.</p> <p>Discussion between the Applicant and the Committee determine that the existing curb-cuts along the subject property may not align with the proposed severed lots. These existing curb-cuts may be considered during the entrance permit stage. The condition to retain an engineer for the location of the driveways may be required at the entrance permit stage, at the discretion of the Manager of Public Works.</p> <p><b>Motion No. 2019-24</b><br/> <b>Moved by:</b> Bernie Latremouille<br/> <b>Seconded by:</b> Emery Groen</p> <p>THAT COMMITTEE OF ADJUSTMENT grants consent to sever for applications B03/2019 and B04/2019 at 830 King Street West provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>• New reference plan of conveyed lands to be provided to the Town at the cost of the Owner,</li> <li>• New deeds prepared at the cost of the Owner,</li> <li>• An undertaking from the applicant's solicitor confirming that the deeds will be registered on title within two years from the date of the certificate,</li> </ul> | Carried. |



|  |   |          |
|--|---|----------|
|  | <ul style="list-style-type: none"> <li>• The Owner enter into an agreement agreeing that should municipal water and wastewater services be extended to the property, the Owner shall be required to connect to the municipal services,</li> <li>• Final approval from the Leeds Grenville Health Unit for the proposed private septic system,</li> <li>• At the discretion of the Manager of Public Works, new entrances may require the location to be endorsed by a qualified Engineer,</li> <li>• The balance of any outstanding taxes, including penalties and interest shall be paid to the Town, if required,</li> <li>• Cash-in-lieu of parkland be provided.</li> </ul>   |          |
|  | <p>Development Permit Application:<br/>  <b>DP2019-07</b><br/> Cummings – 995 King Street West</p> <p>The application proposed to amend the existing site plan to include the addition of two new commercial storage buildings and one parking lot with 12 standard parking spaces in the rear yard of the subject property.</p> <p>Public comment, received the day of the meeting, was circulated to the Committee for review.</p> <p>The Committee expressed the desire for natural buffering to be in place along both the eastern and southern property line where the subject property meets lands designated as Residential.</p> <p>A member of the public urged consideration be given to the impact of changing weather patterns on any Stormwater Management Plans.</p> <p><b>Motion No. 2019-25</b><br/> <b>Moved by:</b> Chris McDonald<br/> <b>Seconded by:</b> Dave Anderson</p> <p>THAT PLANNING ADVISORY COMMITTEE recommends to Council approval of Development Permit DP2019-07 for the property at 995 King Street West, provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>• That the owner enter into an amending agreement with the Town for the layout as approved by the property owner within one year of approval,</li> <li>• That Stormwater Management and drainage plans be submitted to the satisfaction of the Manager of Public Works and the CRCA,</li> <li>• That a final site plan, stamped by a qualified architect or engineer, be provided indicating the exact location of buildings and that appropriate fire and access separation requirements have been met,</li> <li>• That natural buffering be implemented along the south-east property line, adjacent the Residential designation, and</li> <li>• That one accessible parking space be incorporated in the parking plan.</li> </ul> | Carried. |



|   |                 |
|---|-----------------|
| <p>Development Permit Application:<br/>  <b>DP2019-08</b><br/> Leeds Condo Corporation #8 – adjacent 235 South Street</p> <p>The application proposed changes to the previously approved shape and size of two docks adjacent 235 South Street. The original application received approval in July 2018 for improvements to an existing dock and for one new dock. Since the original approval, it was found that the original dock could not be repaired. The proposal was amended to include two identical docks, with 5 slips each.</p> <p>The Committee discussed the potential liability risk associated with the use of and installation of a concrete pad on the 3 meter wide parcel of municipally owned lands along the waterfront. This risk will be addressed through the standard liability and insurance conditions of the waterlot lease.</p> <p>Committee member Lynda Garrah expressed objection to the creation of new waterlots, the use of public lands for private use and the reduction of public access to the waterfront.</p> <p>The Applicant noted that the 3 meter parcel of public land is currently not accessible by the public and is used almost exclusively by residents of the adjacent condominium.</p> <p><b>Motion No. 2019-26</b><br/> <b>Moved by:</b> Bernie Latremouille<br/> <b>Seconded by:</b> Emery Groen</p> <p>THAT PLANNING ADVISORY COMMITTEE recommends to Council approval of Development Permit Amendment DP2019-08 for the docks at 235 South Street, provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>• Preparation of a survey plan to include both docks,</li> <li>• Obtain all necessary permits from the CRCA and all other applicable agencies,</li> <li>• Obtain approval from Council for a new waterlot lease to include the proposed docks and the maintenance and use of Parts 5 and Part 7 Plan 28R-4572 being lands owned by the Town, and</li> <li>• The owner enter into a Development Permit Agreement for the proposed docks within one year of approval.</li> </ul> | <p>Carried.</p> |
| <p>Development Permit Application:<br/>  <b>DP2019-09</b><br/> Dennis – 40 Princess Street</p> <p>The application proposed the operation of a Bed and Breakfast establishment, a discretionary use within the Development Permit Bylaw, containing two guest rooms.</p>  |                 |

|   |   |          |
|---|---|----------|
|   | <p>Tandem parking for 4 required spaces was proposed. Staff noted the potential for increased street parking as a result. The Committee discussed varying views on the potential impact of allowing tandem parking.</p> <p>The Owners suggested that overflow parking could be provided off-site at a nearby church. Staff and Committee members suggested that a formal agreement be obtained to this effect would be favourable. Staff also provided a summary of cash-in-lieu as an alternative to on-site parking however Committee members noted that this would not address concerns of street parking on Princess Street.</p> <p><b>Motion No. 2019-27</b><br/> <b>Moved by:</b> Dave Anderson<br/> <b>Seconded by:</b> John S. Beddows</p> <p>THAT PLANNING ADVISORY COMMITTEE recommends to Council approval of Development Permit DP2019-09 for the operation of a Bed and Breakfast with a maximum of two guest rooms at 40 Princess Street, provided the following conditions are met:</p> <ul style="list-style-type: none"> <li>• Allow tandem parking, as proposed by the applicant</li> <li>• The Owner obtain clearance letters from the Chief Building Official and the Fire Department, and</li> <li>• The Owner enter into an agreement with the Town within one year of approval.</li> </ul> | Carried. |
| 7 | <p><b>CORRESPONDENCE/OTHER</b></p> <p>Staff provided an updated Official Plan Review Work Schedule. The Kick-Off and initial work will begin in September 2019. Update work on the Development Permit Bylaw is anticipated to start alongside the Official Plan Review and be completed after the Official Plan receives final approval from the Ministry of Municipal Affairs and Housing (the approval authority).</p>  |          |
| 8 | <b>MEMBERS OF THE PRESS QUESTIONS OR COMMENTS</b>   | None.    |
| 9 | <b>ADJOURNMENT</b>  |          |
|   | <p><b>MOTION No. 2019-28</b><br/> <b>Moved by:</b> Chris McDonald<br/> <b>Seconded by:</b> Dave Anderson</p> <p>That PAC/COA/PSC be adjourned at 7:30 PM.</p>   | Carried. |

Chair, Mayor Ted Lojko

Committee Secretary, Brenda Guy



**PLANNING ADVISORY COMMITTEE/COMMITTEE OF ADJUSTMENT/  
PROPERTY STANDARDS COMMITTEE  
MINUTES**

Tuesday September 24, 2019  
At Town Hall, Council Chambers – 30 King Street East, Gananoque

| Item | Title/Description  |
|------|--|
| 1    | <b>CALL TO ORDER</b>   |
|      | Vice Chair called the meeting to order at 6:00 pm.   |
|      | Chair: Chris McDonald (Vice Chair)   |
|      | Members: Councillor Dave Anderson<br>Lynda Garrah  |
|      | Regrets: John S. Beddows<br>Emery Groen<br>Bernie Latremouille<br>Major Ted Lojko<br>Jana Miller<br>Angie Tingren-Watkins                        |
|      | Staff: Brenda Guy, Manager of Planning and Development<br>Chanti Birdi, Assistant Planner  |
| 2    | <b>ADJOURNMENT</b>   |
|      | Quorum was not obtained within fifteen minutes of being called to order. As per the Procedural Bylaw, the meeting was adjourned after this time. |

Chair, Mayor Ted Lojko

Committee Secretary, Brenda Guy



## PLANNING REPORT

TO: COMMITTEE OF ADJUSTMENT  
FROM: CHANTI BIRDI, ASSISTANT PLANNER  
MEETING  
DATE: TUESDAY, OCTOBER 22, 2019  
SUBJECT: CONSENT APPLICATION  
B05-19 – 709-713 King Street East

---

### **Background:**

Property: 709-713 KING STREET EAST  
Legal Desc: CON 1 PT LOT 16 RP 28R6174 PART 2  
Acreage: APPROX. 13,078 SQ. M.  
Lot Coverage: 40% MAXIMUM COVERAGE  
Official Plan: HIGHWAY COMMERCIAL  
Development Permit: GATEWAY COMMERCIAL

---

### **Purpose and Effect:**

The applicant, Dillon Consulting Limited, on behalf of TDL Group Corp., has applied for consent to enter into a lease agreement over portion of the subject lands for a period of more than 21 years, including renewal options.

There are no concurrent planning applications.

### **Background and Summary:**

The Planning Act requires consent for leases over a property or portion of a property where the lease is 21 years or more. Long-term leases allow the owner to retain ownership of the lands and allows the tenant to secure certain rights and benefits under the lease, such as a secured length of tenancy.

The existing tenant, Tim Horton's, is seeking to renew the existing lease agreement with the property owner which would exceed a period of 21 years. The proposed lease boundary is identified on Schedule A (attached) and includes the existing freestanding building and surrounding drive-through, at approximately 284 square meters.

No objections from agencies or the public have been received.

**Planning Act:**

Consent is required under the Planning Act to permit a lease of lands for a period of 21 years or more. Section 50 (2) of the Act states that *no person shall convey land by way of deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or change land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more.*

Note that Section 50 (9), allowing lease over a portion of a building or structure for any number of years, does not apply to a free standing building.

**Provincial Policy Statement:**

The proposed long-term lease does not conflict with the policies within the Provincial Policy Statement. Appropriate long-term leases can support the long-term financial well-being of the municipality as described in section 1.1.1 (a) of the Provincial Policy Statement.

**Official Plan:**

The subject property is designated Highway Commercial. Commercial policy recognizes King Street as the Town's primary commercial artery. It is an objective of the commercial lands to support a diverse range of commercial uses that meet the existing and future needs of the community.

The Highway Commercial Policy Area is intended for large format retail and service commercial development intended to serve the Town the region and the traveling public.

**Development Control – Consents**

Section 5.4.2 of the Official Plan states that consents may be granted for the purpose of any legal or technical reason which does not result in the creation of a new lot.

**Development Permit Bylaw:**

The subject property is designated Gateway Commercial. This designation is intended to provide opportunities for commercial development which require larger lot areas and which are designed to serve the traveling public. The designation also takes into consideration the need to provide an attractive entrance into the Town.

The existing restaurant is a permitted use within this designation. A drive-though facility is a discretionary use within the current Bylaw and is permitted under the previously registered site plan agreement. There are no proposed amendments to the site plan and no Development Permit application is required for the consent.

**Circulation and Comment:**

Notice of Public Meeting was issued to property owners within 60m of the property, posted onsite, posted to the website and circulated to agencies, Council Members and Staff.

At the time of composition of this report, the following agencies have provided comment:

|                          |                |                                      |
|--------------------------|----------------|--------------------------------------|
| Canada Post              |                |                                      |
| CRCA                     | No Concern.    |                                      |
| CBO                      | No Objections. |                                      |
| Eastern Ontario Power    |                |                                      |
| Leeds Grenville EMS      |                |                                      |
| Fire Department          |                |                                      |
| LG Health Unit           | No Comment.    | On municipal water & sewer services. |
| Police Department        |                |                                      |
| Public Works             |                |                                      |
| Culture and Recreation   |                |                                      |
| Adjacent Property owners |                |                                      |
| Other: MTO               |                |                                      |

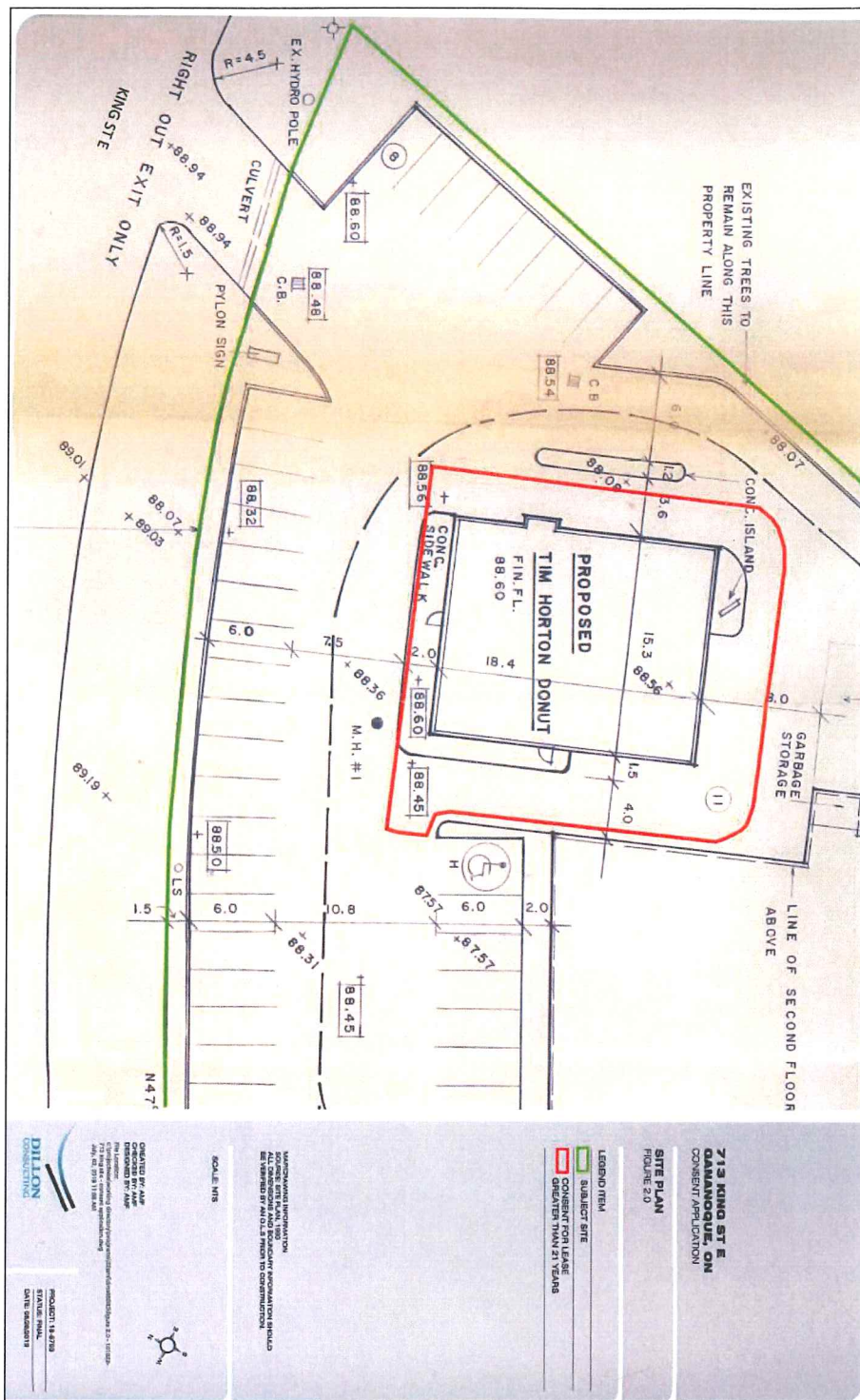
**Recommendation:**

Staff have no objection to the approval of the Application for Consent No. B05/19 provided the following conditions are met:

1. That the balance of any outstanding taxes, including penalties and interest (and any local improvement charges) shall be paid to the Town of Gananoque, if required,
2. That all conditions of this decision be fulfilled and the documents presented to the Town for issuance of the Certificate of Consent within a period not to exceed 12 months from the date of decision.



[illegible]







No. B-05/19

**APPLICATION FOR CONSENT**  
to the  
**COMMITTEE OF ADJUSTMENT FOR THE TOWN OF GANANOQUE**

A Complete Application consists of:

- ☒ One original and two copies of a complete application form signed including declaration of applicant.
- ☐ One copy of the deed of property
- ☒ Application fee in the amount of \$500 payable to the Town of Gananoque
- ☒ One copy of the most recent survey of the subject property
- ☒ One copy of the subject property showing the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained
- ☐ One copy, if applicable, of the property to whom the lands will be transferred to
- ☐ One copy of the location of all land previously severed from the parcel originally acquired by the current owner of the subject land
- ☒ One copy of the location of all natural and artificial features on the subject lands including buildings, water, roads, easements, wells and septic systems.

Applications may be subject to any Town incurred costs over and above the applications fees as set out in the General Fees and Rates By-law fees and rates for various services provided by the municipality  
Consent Application may be subject to review and a separate cheque payable to the Cataraqui Region Conservation Authority, in the amount of \$290. The Town of Gananoque recommends that you consult with a Conservation Authority Officer prior to making application.

|   |  |
|---|--|
| <b>Name of Applicant:</b><br>Dillon Consulting Limited                    | <b>Name of Property Owner (if different than applicant):</b><br>1873279 Ontario Inc. |
| <b>Address:</b><br>3200 Deziel Drive, Suite 608<br>Windsor, ON<br>N8W 5K8 | <b>Address:</b><br>1989 Leslie Street<br>Toronto, ON<br>M3B 2M3                      |
| <b>Telephone:</b><br>519-948-5000 ext. 3205                               | <b>Telephone:</b><br>416-445-1107  |

|                                  |                                       |                                   |                                 |   |  |
|----------------------------------|---------------------------------------|-----------------------------------|---------------------------------|---|--|
| <b>Purpose of Application:</b>   |                                       |                                   |                                 |   |  |
| <input type="checkbox"/> New Lot | <input type="checkbox"/> Lot Addition | <input type="checkbox"/> Easement | <input type="checkbox"/> Charge | <input checked="" type="checkbox"/> Lease | <input type="checkbox"/> Correction of Title |
| <input type="checkbox"/> Other   |                                       |                                   |                                 |   |  |

|  |
|--|
| <b>Name of Person To Whom the Land or an Interest in the land is to be transferred, charged or leased (if known):</b><br>The TDL Group Corp. |
| <b>Relationship, if any, to owner:</b><br>   |



|   |                     |                      |  |
|---|---------------------|----------------------|--|
| <b>Property Information:</b>  |                     |                      |  |
| Street or Property Address (if applicable): 713 King Street E (Highway 2)   |                     |                      |  |
| Legal Description including any reference plans:<br>PT LT 16 CON 1 LEEDS PT 2 28R6174; S/T LR262814 TOWN OF GANANOQUE |                     |                      |  |
| Frontage:<br>± 140 m  | Depth:<br>Irregular | Area:<br>13,078 sq m |  |

|                                   |                    |
|-----------------------------------|--------------------|
| <b>Official Plan Designation:</b> | Highway Commercial |
| <b>Zoning Designation:</b>        | Gateway Commercial |

|  |  |
|--|--|
| <b>History of the Subject Land:</b>  |  |
| Has the subject property ever been the subject of an application for consent under Section 53, or approval of a plan of subdivision under Section 51 of the Planning Act? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |  |
| If Yes, and if known, please provide the file number of each application and the decision made:<br>_____<br>_____  |  |
| Has the subject property been severed from the parcel originally acquired by the Owner of the subject land? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |  |
| If Yes, and if known, provide the date of transfer, the name of the transferee and the land use for each parcel severed:<br>_____<br>_____   |  |
| Is the subject property currently the subject of any other application under the Planning Act such as an Official Plan Amendment, Zoning By-law Amendment, Minor Variance, Consent or Approval of a Plan of Subdivision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |  |
| If Yes, and if known, please provide the file number of each application, and its status::<br>_____<br>_____   |  |

(To Be **LEASED**)

|                                 |              | To Be <b>SEVERED</b>                      | To Be <b>RETAINED</b> |
|---------------------------------|--------------|---|-----------------------|
| <b>Property Dimensions:</b>     | Frontage     | N/A                                       | ± 140 m               |
|                                 | Depth        | Irregular                                 | Irregular             |
|                                 | Area         | 284 sq m + Drive-thru                     | 13, 078 sq m          |
| <b>Use of Subject Property:</b> | Existing Use | Quick Service Restaurant<br>(Tim Hortons) | Commercial Plaza      |
|                                 | Proposed Use | N/A                                       | N/A                   |

| EXISTING BUILDINGS:                    |                        | Building 1                          | Building 2 |
|--|------------------------|-------------------------------------|------------|
| To Be <b>SEVERED</b>                   | Type of Structure      | Freestanding QSR with Drive-through |            |
|  | Front Line Setback:    | ± 17 m                              |            |
|  | Rear Lot Line Setback: | ± 25 m                              |            |
|  | Side Lot Line Setback: | ± 9 m                               |            |
|  | Side Lot Line Setback: | ± 4.5 m                             |            |
|  | Height                 | One Storey                          |            |
|  | Dimensions             | ± 15.3 x 18.4 m                     |            |
|  | Floor Area             | 284 sq m                            |            |
| To Be <b>RETAINED</b>                  | Type of Structure      | Commercial Plaza                    |            |
|  | Front Line Setback:    | ± 35 m (irregular)                  |            |
|  | Rear Lot Line Setback: | ± 13 m (Irregular)                  |            |
|  | Side Lot Line Setback: | ± 3 m (Irregular)                   |            |
|  | Side Lot Line Setback: | ± 8 m (irregular)                   |            |
|  | Height                 | One & Two Storey)                   |            |
|  | Dimensions             | Irregular                           |            |
|  | Floor Area             | ± 3,500 sq m                        |            |
| Attached Additional Page, if necessary |                        |                                     |            |

B 05 / 19

N/a - no changes to buildings

| PROPOSED BUILDINGS:                    |                        | Building 1 | Building 2 |
|--|------------------------|------------|------------|
| To Be <b>SEVERED</b>                   | Type of Structure      |            |            |
|  | Front Line Setback:    |            |            |
|  | Rear Lot Line Setback: |            |            |
|  | Side Lot Line Setback: |            |            |
|  | Side Lot Line Setback: |            |            |
|  | Height                 |            |            |
|  | Dimensions             |            |            |
|  | Floor Area             |            |            |
| To Be <b>RETAINED</b>                  | Type of Structure      |            |            |
|  | Front Line Setback:    |            |            |
|  | Rear Lot Line Setback: |            |            |
|  | Side Lot Line Setback: |            |            |
|  | Side Lot Line Setback: |            |            |
|  | Height                 |            |            |
|  | Dimensions             |            |            |
|  | Floor Area             |            |            |
| Attached Additional Page, if necessary |                        |            |            |

| Access (check appropriate box) |                           | Yes                                 | No                       |
|--------------------------------|---------------------------|-------------------------------------|--------------------------|
|                                | Town Road (open all year) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|                                | Town Road (seasonal)      | <input type="checkbox"/>            | <input type="checkbox"/> |
|                                | Unopen Road Allowance     | <input type="checkbox"/>            | <input type="checkbox"/> |
|                                | Right-of-Way              | <input type="checkbox"/>            | <input type="checkbox"/> |
|                                | Other (specify)           |                                     |                          |



| Where access to the Subject Land is by Water Only |  | Yes                                 | No                       |
|---|--|-------------------------------------|--------------------------|
| Docking Facilities:                               | Distance from subject land                 |                                     |                          |
|   | Distance from nearest public road          |                                     |                          |
| Parking Facilities:                               | Distance from subject land                 |                                     |                          |
|   | Distance from nearest public road          |                                     |                          |
| Water Services                                    |  | Yes                                 | No                       |
| (check appropriate box)                           | Publicly-owned/operated                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|   | Privately owned/operated – individual well | <input type="checkbox"/>            | <input type="checkbox"/> |
|   | Privately owned/operated – communal well   | <input type="checkbox"/>            | <input type="checkbox"/> |
|   | Lake or other water body                   | <input type="checkbox"/>            | <input type="checkbox"/> |
|   | Other (specify):                           |                                     |                          |
| Sewage Services                                   |  | Yes                                 | No                       |
| (check appropriate box)                           | Publicly-owned/operated                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|   | Privately owned/operated – individual well | <input type="checkbox"/>            | <input type="checkbox"/> |
|   | Privately owned/operated – communal well   | <input type="checkbox"/>            | <input type="checkbox"/> |
|   | Privy                                      | <input type="checkbox"/>            | <input type="checkbox"/> |
|   | Other (specify):                           | Highway #2<br>(King St E)           |                          |

|   |
|---|
| <p><b>Other Information:</b></p> <p>Is there any other information that may be useful to the Town or other agencies in reviewing this application?</p> <p>If so, explain below:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> |
|---|

**Note:** Under Section 53 of the Planning Act, other information and material in addition to the foregoing, may be required, in order to process the proposed consent application. The expense of such will be the applicant's responsibility.

B 05/19

## AUTHORIZATION BY OWNER

I, the undersigned being the owner of the subject land of this application for a consent, hereby authorize

Dillon Consulting Limited (please print name)  
to be the applicant in the submission of this application.

Furthermore, I/we, being the registered owner(s) of the subject lands, hereby authorize the Members of the Town of Gananoque Committee of Adjustment and the Town of Gananoque staff members, to enter upon the property for the purpose of conducting a site inspection with respect to the attached application.

per: [Signature] Signature of Owner  
April 22, 2019 Date  
 Signature of Owner  
 Date

## DECLARATION OF APPLICANT

Amy Farkas,  
I, Dillon Consulting Limited of the City of Windsor in the  
County of Essex solemnly declare that:

All the statements contained in this application and provided by me are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath

Furthermore, I/we, being the applicant(s) of the subject lands, hereby authorize the Members of the Town of Gananoque Committee of Adjustment and the Town of Gananoque staff members, to enter upon the property for the purpose of conducting a site inspection with respect to the attached application.

Declared before me at the City of  
Windsor in the  
County of  
Essex this 2 day  
 of July, 2019

Melanie Anne Mulr,  
 a Commissioner, etc. Province of Ontario,  
 for Dillon Consulting Limited.  
 Signature of a Commissioner, etc.  
 Expires May 3, 2022.

[Signature]  
 Signature of Applicant

Signature of Applicant

|   |  |                                       |
|---|--|---------------------------------------|
| Office Use Only:  |  | Roll No:<br><u>0814000 020 299.01</u> |
| Sept. 03/19<br><u>Aug 30 2019</u><br>Date of Submission | Application Complete:<br><br>Signature | Date                                  |

Questions??

Brenda Guy, Manager of Community Development  
 Town of Gananoque  
 30 King Street East, Box 100  
 Gananoque, ON K7G 2T6

Telephone: (613) 382-2149 ext.126

Fax: (613) 382-8587

E-mail: bguy@gananoque.ca

Our File: 18-8793



August 30, 2019

Department of Community Development  
Town of Gananoque  
30 King St East, Box 100  
K7C 2T6

**Attention:** Brenda Guy, Manager of Community Development

**Re:** Application for Consent for a Lease Greater than 21 Years  
Tim Hortons Store #101011– 713 King St E, Gananoque, ON

Dillon Consulting Limited (Dillon) has been authorized by 1873279 Ontario Inc. (the Landlord) to facilitate the Consent process under the Planning Act to permit the lease agreement registered on title between the Landlord and The TDL Group Corp. (the Tenant) to be extended for a period of 21 years or greater at 713 King Street East in the Town of Gananoque, Ontario (subject lands).

As required by the *Planning Act*, any conveyance of land or the creation of any interest or entitlement in land if it exceeds a period of 21 years or more pursuant to s. 50(3) unless relief is granted under the specific exception of s. 50(3)(f):

*A consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of land or with the land*

We understand the intent of this application is to seek relief from the *Planning Act* in order for the TDL Group Corp. to remain in their current location for a period greater than 21 years, thus allowing the existing lease agreement to be extended. The purpose of giving Consent therefore is largely an administrative exercise. We confirm there are no other approvals under the *Planning Act* required or being applied for to create this interest in the property at this time.

### **Alignment with Provincial Policy**

Under subsection 3(5) of the *Planning Act*, all decisions rendered by the Committee of Adjustment must be consistent with the *Provincial Policy Statement, 2014* and must conform with all provincial plans that may apply to the subject lands.

### **Conformity with Provincial Plans**

At the time of this application, neither the dominant nor servient parcels fall within the regulated area of any provincial plan currently in effect.

3200 Deziel Drive  
Suite 608  
Windsor, Ontario  
Canada  
N8W 5K8  
Telephone  
519.948.5000  
Fax  
519.948.5054

**Dillon Consulting  
Limited**

## Application for Consent

This letter and associated submission materials constitute an application for Consent in support of the existing Tenant to continue operations. We request that this application be heard by the next available Committee of Adjustment hearing.

| Required Material                                | Copies | Dated         |
|--|--------|---------------|
| Application Form                                 | 1      | July 2, 2019  |
| Figure 1.0 – Property & Lease Boundary (11 x 17) | 1      | June 28, 2019 |
| Figure 2.0 – Site Plan (11 x 17)                 | 1      | 1993          |
| Schedule 'A', Lease (11 X 17)                    | 1      | 1993          |
| Application Fee cheque - \$500.00                | 1      | July 2, 2019  |

## Closing

On behalf of the landlord, we trust that this submission is to the satisfaction of the Town of Gananoque. Should you have any questions or wish to discuss this application, please contact Amy Farkas by phone (519-948-5000 ext. 3205) or by email ([afarkas@dillon.ca](mailto:afarkas@dillon.ca)).

Yours sincerely,

**DILLON CONSULTING LIMITED**



**Amy Farkas, MCIP, RPP**  
*Planner*

AMF:amf  
Enclosure(s) or Attachment(s)  
Our file: 18-8793

## STAFF REPORT & DISCUSSION PAPER

To: Planning Advisory Committee/ Committee of Adjustment/  
Property Standards Committee

From: Brenda Guy, Manager of Community Development  
Chanti Birdi, Assistant Planner

Meeting

Date: September 24, 2019

Subject: Short Term Accommodations - Discussion Paper

---

### **PURPOSE:**

The purpose of this report is to summarize an initial consolidation of Short Term Accommodation best-practice policies and explore how these policies may be incorporated into the Official Plan and Development Permit Bylaw.

The draft policy presented within this paper is not considered final and is presented for initial comment and discussion.

A Short Term Accommodation (STA) refers to a dwelling or dwelling unit, or any portion of it, that is rented for a period of less than 30 days and includes a Bed and Breakfast, Heritage Tourist Inn, but does not include a motel, hotel or accommodations where there is no payment exchanged.

### **CONTEXT:**

Websites including Airbnb, Vrbo, and Homestay have increased in popularity, allowing users to advertise individual rooms or entire homes for short term rental. Some listings are used as advertisement for existing commercial rentals (such as established bed and breakfasts or motels) however many are private home owners seeking to rent single rooms. The later type of rental does not currently pay a commercial tax.

A Municipal Accommodation Tax is proposed to begin implementation at the end of the calendar year which will address the taxation of all STA's.

### **PREVALENCE:**

As of September 2019, the website Airbnb listed:

- 60 'places to stay' (total listings),
- 32 'entire place' stays which include entire homes and entire apartment units, and
- 28 private room stays which general refer to individual rooms in a home either shared with the permanent residents or with other guests.



**OFFICIAL PLAN:**

The Official Plan policy on accommodations is currently as follows:

| Section      | Existing Policy  |
|--------------|--|
| 3.2.1<br>(7) | Permit a range of activities in residential areas including home-based businesses, local commercial, bed and breakfasts, Heritage Tourist Inn, group homes, churches, schools, community facilities and open space.  |
| 3.2.2.1      | Permitted residential uses shall include the full range of dwelling types from low density single-detached dwellings to high density apartment dwellings. In addition uses which complement residential neighborhoods may also be permitted. These could include home occupation uses, institutional uses such as schools, nursing homes, group homes and churches, open space uses such as parks and community centres, neighbourhood commercial uses such as convenience stores, licensed daycares and bed and breakfast establishments. Non-residential uses which are permitted in a residential area shall be subject to Site Plan Control. Particular attention will be required to ensure that non-residential uses are compatible with the neighborhood in terms of architectural design and intensity of use. |

Short Term Accommodations are not specifically referred to within the Official Plan however the existing policies are considered to be permissive to include short term accommodations. No amendments are proposed to the Official Plan at this time however clarifications or improvements may be included during the Official Plan Review and Update.

**DEVELOPMENT PERMIT BYLAW:**

Short Term Accommodations such as Airbnb's are currently enforced under and subject to Bed and Breakfast provisions within the Development Permit Bylaw. The following definitions and provisions may be amended to address STA's more specifically.

**DEFINITIONS (Section 15)****Accommodation Unit**

Means a room or suite of rooms within a tourist establishment, institutional establishment, ~~or a~~ bed and breakfast establishment **or short term accommodation** designed to provide accommodation, which does not include a kitchen. An accommodation unit is not a dwelling unit.

**Bed and Breakfast**

Means an owner occupied private residential 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 **28 30** consecutive days and amenities and services auxiliary to guest accommodation including the preparation and service of breakfast for an all-inclusive fee.



**Heritage Tourist Inn**

Means a building with historic and architectural merit on a large property in which no more than six guest rooms are made available for the temporary (no more than 30 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.

**Short Term Accommodations (new)**

Means a dwelling or dwelling unit, or any portion of it, that is rented for a period of less than 30 days and includes a Bed and Breakfast, Heritage Tourist Inn, but does not include a motel, hotel or accommodations where there is no payment exchanged.

**GENERAL PROVISIONS (Section 3.0)****Accommodations - Bed and Breakfast, Heritage Tourist Inns, Short Term (new)**

Bed and Breakfast, Heritage Tourist Inns, and Short Term Accommodations are permitted in Residential designations and may include a single detached, semi-detached, duplex, or triplex dwelling units.

The Bed and Breakfast Accommodations shall serve its clients only, and shall not offer services to non-guests.

All Accommodations shall conform to all the provisions of the Development Permit By-law and shall be subject to Site Plan Control for the provision of parking. Where the Chief Building Official/Development Officer is satisfied that adequate street parking is available he/she may recommend to Council to permit "cash-in-lieu" of parking.

All Accommodations shall conform to the provisions of the Building Code. Prior to commencing operation of the business, a license will be required in accordance with Section 208 (61) of the Municipal Act "following inspection of the premises by the Town Chief Building Official/Development Officer and Fire Department Official.

*Bed and Breakfast Provisions:*

- Subject to a Class III Development Permit
- Shall serve its guests only, and shall not offer services to non-guests
- May offer meals to the registered guests

*Heritage Tourist Inn:*

In addition to the Bed and Breakfast Provisions, all Heritage Tourist Inns shall be required to submit a Heritage Resource Assessment to confirm the heritage and architectural merit of the existing built form prior to commencement of the use.

*Short Term Accommodations:*

- All Bed and Breakfast and Heritage Tourist Inn's may offer short term accommodations.

- Permitted within the Residential, Lowertown Residential and Lowertown Mixed-Use Designations and Commercial Traditional Core where residential units are permitted within the upper stories.

#### **Other Considerations:**

Policy updates are an on-going process. In addition to the above draft policy updates, the following may be considered for updates:

- Currently, bed and breakfasts may have up to three guest rooms. Provisions may limit the number of guest rooms per property by either a finite number or by percentage of surrounding residential density. For example, a residential zones may be limited to 15% of total residential units within 120 m of the subject property. In other zones, up to 15% may be permitted within 220 m of the subject property. Density limits help maintain a proportionate number of rental units to permanent units the surrounding neighbourhood. Where residential densities are fairly consistent, a finite number may be more appropriate and easier to determine for those interested in operating a short term accommodation.
- Currently, 1 parking space is required per guest room in addition of 2 spaces required for the proprietor of a bed and breakfast establishment. This requirement may be amended, if considered desirable.
- Licensing is proposed to ensure safety and policy compliance. A licensing bylaw may establish specific requirements related to size, condition and type of STA's permitted. As an example, the recently adopted licensing bylaw (2019) for STA's in Prince Edward County can be found at: <https://princeedwardcounty.civicweb.net/filepro/documents/4349?preview=182613>.

END

### Short Term Accommodation Discussion Paper – Committee Comments

Summary of comments received as of Friday, October 18, 2019 in response to Short Term Accommodation Discussion Paper originally presented in Planning Advisory Agenda for September 24, 2019.

- B&B definition includes wording “owner occupied”. This is not in the definition of Heritage Inn – does it apply to HI? If so that should be included in the definition now. Is it the intent that it apply to STAs? I would suggest that it should.
- B&B can be up to 3 rooms and Heritage Inns up to 6 rooms – is there an upper limit on the number of rooms and/or occupants for STA?
- How do the parking requirements apply for an STA? This is somewhat dependant on whether or not they must be owner occupied.
- I am not clear on the implications or intent of the point in General Provisions – “Short Term Accommodations all Bed and Breakfast and Heritage Tourist Inn’s may offer short term accommodations.”
- There is a very real possibility of numerous STAs in the new condos. Is that a Town regulation issue in terms of number of spaces or is it a Condo regulations requirement and if so can it be part of the registering of the Condo agreement?
- Licensing – who is going to be in charge of tracking down all these STAs and licensing them?
- Secondary Units – should there be something in the STA definition that specifies that these are in the Primary Dwelling only. Other restrictions will be in the DPS to address uses in Secondary Units – requirements re neighbourhood compatibility, buffering, number of residents, etc.
- Heritage Inns should be updated to include more than 6 rooms as there are several in town that I believe do (although that does not really relate to Airbnbs).
- Wondering if there should be some bylaw parameters such as access to bathroom facilities or running water, etc. in terms of health and safety?
- <https://ici.radio-canada.ca/info/2019/04/airbnb-annonces-location-logements-plateforme-montreal-canada/index-en.html>

## Chanti Birdi

---

**From:** John Beddows [REDACTED]  
**Sent:** Tuesday, October 15, 2019 5:27 PM  
**To:** Brenda Guy  
**Cc:** Chanti Birdi; Angie Tingren-Watkins; Bernie Latremouille; [REDACTED]; Dave Anderson; Emery Groen; Jana Miller; Lynda Garrah; Ted Lojko  
**Subject:** Re: PAC Meetings

Hi Brenda,

Thank you very much for your reply, and the additional detail.

In consideration of what you've sent below regarding the definitions of "hotel", and "motel", I would strongly recommend the following changes to the definitions (changes in red **bold**):

**Hotel:** Means a building designed or used for the accommodation of the traveling or vacationing public, containing therein **one (1)** or more guest rooms served by a common building entrance. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms, or similar uses.

### **Motel**

Means a building or buildings designed or used for the accommodation of the traveling or vacationing public, containing therein **one (1)** or more guest rooms, each guest room having a separate entrance directly from outside and may include an accessory eating establishment.

These two changes to the definitions would allow for by-laws to define a single residential unit which is not the primary residence of a private owner or family who inhabit it for more than 50% of the year to be classed as a "hotel", or "motel" and therefore fall under that class of commercial property for tax purposes. PAC does not set the levy, but PAC has as a core function determining the nature of use, which informs the determination of which levy should be paid by the owner. In the case of an STA property which is being operated as a hotel, whether it has a single unit or multiple units in the same location, that use is commercial.

Thanks for confirming that there are seasonal properties within the town limits. As these are not primary residences, the by-law will have to scope their use as rental properties to determine if they are in fact "hotels" and should therefore fall under the same class of levy paid by other hotels and motels.

Unless the levy is applied evenly to all properties which are determined by PAC to have as a primary purpose the generation of short-term rental income, then we are potentially facing a situation where the by-laws are not applied evenly across the board.

I invite the rest of the PAC to comment on this position.

Cheers,

John

**From:** Brenda Guy <BGuy@gananoque.ca>

**Sent:** October 15, 2019 4:50 PM

**To:** [REDACTED] <[REDACTED]>

**Cc:** Chanti Birdi <assistantplanner@gananoque.ca>

**Subject:** RE: PAC Meetings

Hi John

Thank you for your comments.

I will note that what we provided was a draft working sheet of changes and or additions to the existing Development Permit bylaw. The intent is to get feedback from the PAC members before drafting a bylaw. Internally, Staff have continued to look at other municipalities as this is a hot topic.

While a Bed and Breakfast and Heritage Tourist Inn are defined in the bylaw there were some proposed changes. The definition of hotel and motel is currently defined in the Bylaw under Section 15. My apologies, they were not included in the worksheet as there was no proposed change. They are defined as follows:

**Hotel**

Means a building designed or used for the accommodation of the traveling or vacationing public, containing therein five (5) or more guest rooms served by a common building entrance. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms, or similar uses.

**Motel**

Means a building or buildings designed or used for the accommodation of the traveling or vacationing public, containing therein three (3) or more guest rooms, each guest room having a separate entrance directly from outside and may include an accessory eating establishment.

In answer to your question, there are a few seasonal properties in Gananoque, not a lot but a few locations come to mind.

For the purposes of this exercise Planning Advisory Committee is included from a land use perspective as the tax levy is outside of our mandate. Thank you for your comments in this regard, however, I will forward them on to Melanie. How properties are levied is a finance department and Council matter in conjunction with the Municipal Property Assessment Corporation.

Have a great day!

*Brenda Guy*

**From:** John Beddows <[REDACTED]>

**Sent:** Friday, October 11, 2019 2:56 PM

**To:**

**Cc:** Chanti Birdi <assistantplanner@gananoque.ca>

**Subject:** Re: PAC Meetings

Hello Brenda,

I have re-drafted the document in Word using "track changes" to reflect what I see as critical gaps in the document as it is drafted.

Missing in the list of definitions of the type of accommodations is the definition of "Hotel / Motel". The reason that this matters is that there are essentially two types of STA in the airbnb model:

1. a residential unit (apartment, condo, attached or detached single family dwelling) which is the primary full-time residential address, and is owned by a private individual or family who rents part or all of the residential unit for periods of less than 30 days. The residential unit is not owned by a corporation or registered company of any kind. (This is the "rent out a bedroom in our home" model.)
2. a residential unit (apartment, condo, attached or detached single family dwelling) which is not the primary full-time residential address of the private individual or family who owns it. It is rented for periods of less than 30 days. The residential unit may be owned by a corporation or registered company of any kind as opposed to being owned by a private individual or family. The primary function of the residential unit is to serve as an income generator by means of short-term rentals and is owned as an investment income property.
3. Note: In the case of para 2 (above), the owner of the residential unit may own more than one such property and is essentially operating a hotel or motel of one or multiple units which may be dispersed across more than one address. The owner (private individual or under the cover of corporate entity or registered company) brokers rentals through airbnb or similar sites.

The term "sharing economy" is often bantered about by organizations such as Uber and airbnb but their use of the term mis-represents the fact that statistically a very small number of owners of airbnb listings account for a disproportionately large percentage of total rentals. As an example, CBC Montreal research and analysis of publicly available data revealed that 10% of airbnb hosts in Montreal in the period of their study received 63% of posted reviews. This type of owner is essentially operating a "dispersed" hotel.

Missing in the document is any kind of discussion or recommendation of how the Town of Gananoque intends to tax properties which are being operated as hotels by their owners. I can make a very strong argument that short-term accommodation rental properties which are not owner-occupied should pay the same property tax levy as hotels and motels. That levy should be based on their revenue generation and not just their assessed value as a residential unit (long-term rental or private single family dwelling). (I brought this up during the election campaign).

Three advantages to creating this class of tax levy:

1. This would level the playing field with existing hotels and their tax levies,
2. This would eliminate confusion about whether an airbnb owner is operating a hotel, or renting a room in their primary residence.
3. Increase Town revenue with the higher levy paid by airbnb enabled hotels
4. Decrease the value of private dwellings operated solely as hotels providing short term rentals by increasing costs associated with this business model
5. Possibly restore properties to the long term rental market
6. Because of para 4 (above), enhance affordability of housing in Gananoque.

Note: This initiative might constitute a new class of tax levy, and should be discussed with other municipalities and the Province.

A last question: are there any privately owned two or three season dwellings within Gananoque? These are not permanent residences and their use as short-term rentals should be scoped in any municipal by-law which addresses STA. If there aren't any, then it's a moot point but grateful if you'd have a look and let me know.

I look forward to discussing this draft paper at the next PAC.

Best regards,



## **STAFF REPORT & DISCUSSION PAPER**

To: Planning Advisory Committee/ Committee of Adjustment/ Property Standards Committee

From: Brenda Guy, Manager of Community Development Chanti Birdi, Assistant Planner

Meeting Date: September 24, 2019

Subject: Short Term Accommodations - Discussion Paper

### **PURPOSE:**

The purpose of this report is to summarize an initial consolidation of Short Term Accommodation best-practice policies and explore how these policies may be incorporated into the Official Plan and Development Permit Bylaw.

The draft policy presented within this paper is not considered final and is presented for initial comment and discussion.

A Short Term Accommodation (STA) refers to a dwelling or dwelling unit, or any portion of it, that is rented for a period of less than 30 days and includes a Bed and Breakfast, Heritage Tourist Inn, but does not include a motel, hotel or accommodations where there is no payment exchanged.

### **CONTEXT:**

Websites including Airbnb, Vrbo, and Homestay have increased in popularity, allowing users to advertise individual rooms or entire homes for short term rental. Some listings are used as advertisement for existing commercial rentals (such as established bed and breakfasts or motels) however many are private home owners seeking to rent single rooms. The latter type of rental does not currently pay a commercial tax.

A Municipal Accommodation Tax is proposed to begin implementation at the end of the calendar year which will address the taxation of all STA's.

**PREVALENCE:** As of September 2019, the website Airbnb listed:

- 60 'places to stay' (total listings),
- 32 'entire place' stays which include entire homes and entire apartment units, and
- 28 private room stays which general refer to individual rooms in a home either shared with the permanent residents or with other guests.

**OFFICIAL PLAN:** The Official Plan policy on accommodations is currently as follows:

Section Existing Policy

3.2.1 (7) Permit a range of activities in residential areas including home-based businesses, local commercial, bed and breakfasts, Heritage Tourist Inn, group homes, churches, schools, community facilities and open space.

3.2.2.1 Permitted residential uses shall include the full range of dwelling types from low density single-detached dwellings to high density apartment dwellings. In addition uses which complement residential neighborhoods may also be permitted. These could include home occupation uses, institutional uses such as schools, nursing homes, group homes and churches, open space uses such as parks and community centres, neighbourhood commercial uses such as convenience stores, licensed daycares and bed and breakfast establishments. Non-residential uses which are permitted in a residential area shall be subject to Site Plan Control. Particular attention will be required to ensure that non-residential uses are compatible with the neighborhood in terms of architectural design and intensity of use.

Short Term Accommodations are not specifically referred to within the Official Plan however the existing policies are considered to be permissive to include short term accommodations. No amendments are proposed to the Official Plan at this time however clarifications or improvements may be included during the Official Plan Review and Update.

**DEVELOPMENT PERMIT BYLAW:** Short Term Accommodations such as Airbnb's are currently enforced under and subject to Bed and Breakfast provisions within the Development Permit Bylaw. The following definitions and provisions may be amended to address STA's more specifically. **DEFINITIONS** (Section 15)

#### Definitions:

Commented [JB1]: This section requires a header.

**Accommodation Unit:** Means a room or suite of rooms within a tourist establishment, institutional establishment, or a bed and breakfast establishment or short term accommodation designed to provide accommodation, which does not include a kitchen. An accommodation unit is not a dwelling unit.

**Bed and Breakfast:** Means an owner occupied private residential 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 28 30 consecutive days and amenities and services auxiliary to guest accommodation including the preparation and service of breakfast for an all-inclusive fee.

**Heritage Tourist Inn:** Means a building with historic and architectural merit on a large property in which no more than six guest rooms are made available for the temporary (no more than 30 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.

**Short Term Accommodations (new):** Means a dwelling or dwelling unit, or any portion of it, that is rented for a period of less than 30 days and includes a Bed and Breakfast, Heritage Tourist Inn, but does not include a motel, hotel or accommodations where there is no payment exchanged.

#### Hotel / Motel

Commented [JB2]: Missing and critical to the context of the document is the definition of "Hotel / Motel" as recognized by the Town of Gananoque.

#### **GENERAL PROVISIONS (Section 3.0)**

Formatted: Font: Bold

**Accommodations - Bed and Breakfast, Heritage Tourist Inns, Short Term (new) Bed and Breakfast, Heritage Tourist Inns, and Short Term Accommodations** are permitted in Residential designations and may include a single detached, semi-detached, duplex, or triplex dwelling units.

The Bed and Breakfast Accommodations shall serve its clients only, and shall not offer services to non-guests.

All Accommodations shall conform to all the provisions of the Development Permit Bylaw and shall be subject to Site Plan Control for the provision of parking. Where the Chief Building Official/Development Officer is satisfied that adequate street parking is available he/she may recommend to Council to permit "cash-in-lieu" of parking.

All Accommodations shall conform to the provisions of the Building Code. Prior to commencing operation of the business, a license will be required in accordance with Section 208 (61) of the Municipal Act "following inspection of the premises by the Town Chief Building Official/Development Officer and Fire Department Official.

*Bed and Breakfast Provisions:*

- Subject to a Class III Development Permit
- Shall serve its guests only, and shall not offer services to non-guests
- May offer meals to the registered guests

*Heritage Tourist Inn:*

In addition to the Bed and Breakfast Provisions, all Heritage Tourist Inns shall be required to submit a Heritage Resource Assessment to confirm the heritage and architectural merit of the existing built form prior to commencement of the use.

*Short Term Accommodations:*

- All Bed and Breakfast and Heritage Tourist Inn's may offer short term accommodations.
- Permitted within the Residential, Lowertown Residential and Lowertown Mixed-Use Designations and Commercial Traditional Core where residential units are permitted within the upper stories.
- Short term accommodations may be offered by owners in all or a portion of their privately owned permanent legal residence (address for federal and provincial voting purposes) for periods of less than 30 days provided they are resident in that dwelling for 183 days per year or more
- A residential unit (apartment, condo, attached or detached single family dwelling) which is not the primary full-time residential address of the private individual or family who owns it, or is owned by a corporation or registered company, and which is let for short term rentals in periods of less than 30 days, is deemed a hotel / motel, and is subject to the same regulations and municipal property tax levy which apply to all hotels / motels, and must collect and transfer to the town of Gananoque the municipal accommodation tax, as levied, if any.

**Other Considerations:**

Policy updates are an on-going process. In addition to the above draft policy updates, the following may be considered for updates:

- Currently, bed and breakfasts may have up to three guest rooms. Provisions may limit the number of guest rooms per property by either a finite number or by percentage of surrounding residential density. For example, a residential zones may be limited to 15% of total residential units within 120 m of the subject property. In other zones, up to 15% may be permitted within 220 m of the subject property. Density limits help maintain a proportionate number of rental units to permanent units the surrounding neighbourhood. Where residential densities are fairly consistent, a finite number may be more appropriate and easier to determine for those interested in operating a short term accommodation.
- Currently, 1 parking space is required per guest room in addition of 2 spaces required for the proprietor of a bed and breakfast establishment. This requirement may be amended, if considered desirable.
- Licensing is proposed to ensure safety and policy compliance. A licensing bylaw may establish specific requirements related to size, condition and type of STA's permitted. As an example, the recently adopted licensing bylaw (2019) for STA's in Prince Edward County can be found at:  
<https://princeedwardcounty.civicweb.net/filepro/documents/4349?preview=18261> 3.

END