



**Recommendations from
Planning Advisory Committee Meeting
December 3, 2024**

Short Term Rental Report

It was moved by Councillor Loren Cushing, seconded by Citizen Representative Warner Comeau that PAC recommends Council give First Reading and hold a Public Hearing to consider amending the text of the Municipality of the District of Yarmouth Municipal Planning Strategy and Land Use By-law to accommodate short-term rentals in a manner substantively the same as set out in Appendix A of the Public Participation Meeting report dated October 24, 2024.

Motion carried unanimously.

To: Warden and Members of Council, MODY
Submitted by: Madelyn LeMay, LPP, MCIP on behalf of C+D Community Design
Reviewed by: Victoria Brooks, CAO
Date: December 18, 2024 Council Meeting
Subject: Municipal Planning Strategy (MPS) and Land Use By-law (LUB) text amendments regarding Short-term Rental Accommodations

1. LEGISLATIVE AUTHORITY

Municipal Government Act, Section 230

2. RECOMMENDATION

that Council proceed with the proposed amendments by passing the following motion:

...that Council gives First Reading and will hold a Public Hearing to consider amending the text of the Municipality of the District of Yarmouth Municipal Planning Strategy and Land Use By-law to accommodate short-term rentals in a manner substantively the same as set out in Appendix A of the Public Participation Meeting report dated October 24, 2024.

3. BACKGROUND

The proposed amendments originated with changes to Provincial legislation regarding short-term rental accommodations.

The Planning Advisory Committee met on September 17, 2024, considered three options put forward by C+D Community Design and recommended that Option 3 of the report dated August 27, 2024, be further considered. The intention was to take the most open approach to short-term rentals by updating definitions and allowing short-term rentals for both primary and non-primary residences in every residential zone.

A Public Participation Meeting was held on October 24; two residents attended. The residents were interested in ensuring that short-term rentals can continue, and did not express any concerns with the amendments which would result from following Option 3 of the report dated August 27, 2024.(Appendix A of Attachment A,).

The proposed amendments were considered at a Planning Advisory Committee meeting held on December 3, 2024. The discussion included:

- the long-term potential impact of short-term rental accommodations on the fabric of community in residential zones;
- the encouragement of local entrepreneurs;

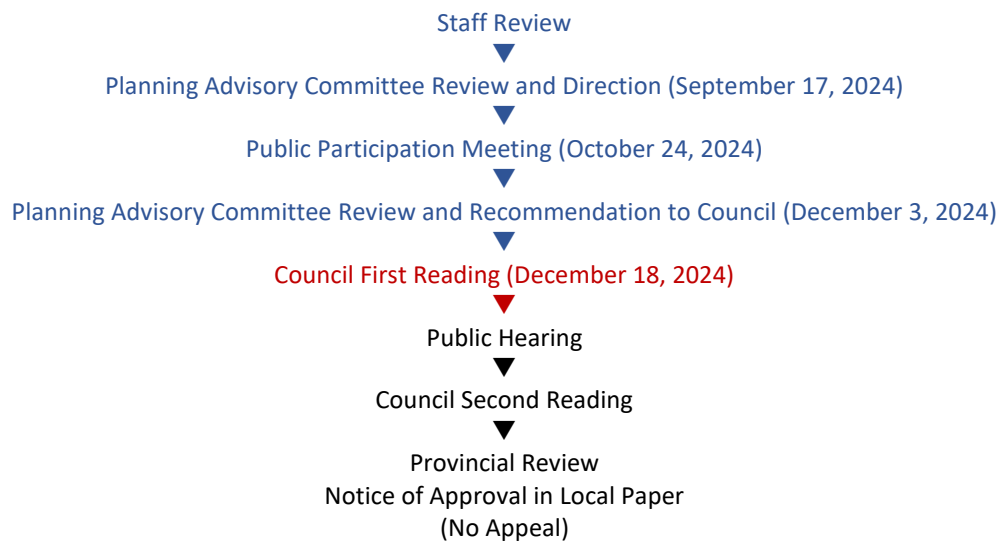
- data shows the demand is for single-unit dwellings in the rural areas and for multi-unit buildings in more urban areas where services are available;
- short-term rentals often are rented for longer periods over the winter;
- the ferry relies on tourist accommodation;
- planning documents are living documents – use of short-term rentals can be monitored now that they are required to register.

The Director of Development noted that the proposed amendments will effectively legalize the existing short-term rental accommodations.

Following discussion, PAC recommended Council proceed with the proposed amendments.

The proposed amendments have been considered within the context of the general policies of the MODY MPS and are consistent with the intent, objectives, and policies of the MODY MPS. As a result, it is reasonable to amend the text of the MPS and LUB.

4. **PROCESS and NEXT STEPS**



5. **ATTACHMENTS**

Attachment A Public Participation Meeting Report

Attachment A

Public Participation Meeting Notes

Short term Rental Accommodations

October 24, 2024

Meeting	A Public Participation Meeting (PPM) was held on October 24, 2024 at 6 p.m. at the Brooklyn Hall, 200 Brooklyn Road, Brooklyn.
Attending	In attendance were: Madelyn LeMay, LPP, MCIP MODY: Derek Robertson, Director of Development Kim Rowley, Development Technician Two (2) members of the public.
Origin of Proposed Amendments	Change to Provincial Legislation regarding Short-term Rental Accommodations.
Comments	Ms. LeMay reviewed the proposed amendments and the potential impact using a brief Power Point presentation, and provided the residents with a summary and details of the proposed amendments (Appendix A). General discussion followed. The residents were interested in ensuring that short term rentals can continue, and be legal, and didn't express any concerns with the proposed amendments. Three written submissions were received prior to the PPM. (Appendix B). One was in favour of supporting short-term rentals; two submissions were opposed to short-term rentals
Adjournment	The meeting adjourned at 7:00 p.m.

Appendix A

Proposed Amendment Summary and Details

October 24, 2024

Prepared for the Public Participation Meeting

By Madelyn LeMay, LPP, MCIP, for C+D Community Design

Amendment Summary

The detailed amendments are attached as Appendix A and Appendix B. In summary the amendments are:

Municipal Planning Strategy (MPS)

- add a policy to allow short-term rental accommodations as a main use of land in zones intended primarily for residential uses.

Land Use By-law (LUB)

- change the definition of accommodations to include Primary Residence Short Term Rental, Non- Primary Residence Short Term Rental and Traditional Tourist Accommodation (Appendix A);
- add Primary Residence Short Term Rental and Non- Primary Residence Short Term Rental to the list of permitted uses in the Residential General, Low Density Residential, Multi-unit Residential, Hamlet Residential, and Rural Development Zones;
- add Primary Residence Short Term Rental and Non- Primary Residence Short Term Rental to the list of uses considered by site plan approval in the Lakeside Residential Zone (Appendix A);
- in the Commercial General Zone (CG), modify the term “Accommodations” by noting that Primary Residence Short Term Rentals and Non-Primary (Commercial) Short Term Rentals are not permitted;
- Table 6, which shows what zones uses are permitted in, would be changed to add rows for Primary Residence Short Term Rental and Non- Primary Residence Short Term Rental (Appendix B);

Proposed Amendments

Municipal Planning Strategy

Proposed MPS Policy

1. In Section 4.7.8, Accommodations, immediately following Policy 4-75, insert Policy 4-76 as follows:

Policy 4-76 Council shall, through the Land Use By-law, permit Primary and Non-Primary Residence Short Term Rentals as a main use in zones that permit residential uses as a primary intent of the zone, subject to the same requirements as a dwelling.

Land Use By-law

1. In Section 32, Definitions, add the following material shown in *italics* to the definition of accommodations:

Accommodations

means the provision of a building, buildings, or part thereof to a single party or group of the travelling public, for payment or compensation, for a period of 28 days or less, and may include, but is not limited to, tourist facilities such as hotels; motels; hostels; bed and breakfast establishments; and entire home, individual room, cottage, cabin, geodesic dome, or yurt rentals. In addition to accommodations as home occupations, the land-use by-law shall in some circumstances regulate the type of accommodation, permitting *only the following defined accommodation uses within specific zones:*

- (a) **Primary Residence STR:** *means a short-term rental offered in the space where you live. A Primary Residence STR is the rental of your whole home (while you are away) or up to 4 bedrooms as rented rooms. Your primary residence, or dwelling, is the primary home where you spend most of your time, perform daily activities, and receive your mail. It is the residence that you consider to be your main home and the address you use when filing your taxes.*
- (b) **Non-Primary (Commercial) STR:** *means a dwelling unit that is not your primary residence and includes whole homes, condominium units, apartments, and backyard/secondary suites. It is an accommodation that would otherwise be suitable as long-term housing but is rented on a short-term basis. Cottages, Cabins, Yurts and Geodesic domes which meet the requirements of the Yarmouth Building By-law for a dwelling unit will be considered as Non-Primary (Commercial) STRs.*
- (c) **Traditional Tourist Accommodation:** *means accommodations that have traditionally served tourists (like hotels, motels and bed and breakfasts).*

In Chapter 11, RESIDENTIAL GENERAL ZONE (RG):

2. In Section 11.2, Permitted Main Uses, between the phrases “Institutional Uses” and “Places of Worship” insert the phrase “Non-Primary Residence Short Term Rentals”; and

3. In Section 11.2, Permitted Main Uses, between the phrases “Places of Worship” and “Private Recreational Uses – Outdoor” insert the phrase “Primary Residence Short Term Rentals” and re-number this Section.
4. In Section 11.6 Zone Standards, in the headings of Table 8: RG Zone Development Standards, add the phrase Primary & Non-Primary Residence Short Term Rentals immediately following the word “Dwellings”.

In Chapter 12, LOW-DENSITY RESIDENTIAL ZONE (LDR)

5. In Section 12.2, Permitted Main Uses, between the phrases “Institutional Uses” and “Places of Worship” insert the phrase “Non-Primary Residence Short Term Rentals”; and
6. In Section 12.2, Permitted Main Uses, between the phrases “Places of Worship” and “Private Recreational Uses – Outdoor” insert the phrase “Primary Residence Short Term Rentals” and re-number this Section.
7. In Section 12.6 Zone Standards, in the headings of Table 9: LDR Zone Development Standards, add the phrase Primary & Non-Primary Residence Short Term Rentals immediately following the word “Dwellings”.

In Chapter 13, MULTIPLE UNIT RESIDENTIAL ZONE (MU)

8. In Section 13.2, Permitted Main Uses, between the phrases “Medical Clinics” and “Personal Service Shops” insert the phrase “Non-Primary Residence Short Term Rentals”; and
9. In Section 13.2, Permitted Main Uses, between the phrases “Places of Worship” and “Private Recreational Uses – Outdoor” insert the phrase “Primary Residence Short Term Rentals” and re-number this Section.
10. In Section 13.6 Zone Standards, in the headings of Table 10: MU Zone Development Standards, add the phrase Primary & Non-Primary Residence Short Term Rentals immediately following the word “Dwellings”.

In Chapter 14, COMMERCIAL GENERAL ZONE (CG),

11. In Section 14.2 Permitted Main Uses, in Subsection 14..1 (a), immediately following the word “accommodations”, add the phrase “excepting Primary Residence Short Term Rentals and Non-Primary (Commercial) Short Term Rentals”

In Chapter 15, HAMLET RESIDENTIAL ZONE (HR)

12. In Section 15.2, Permitted Main Uses, between the phrases “phrases “Institutional Uses” and “Places of Worship” insert the phrase “Non-Primary Residence Short Term Rentals”; and
13. In Section 15.2, Permitted Main Uses, between the phrases “Places of Worship” and “Private Recreational Uses – Outdoor” insert the phrase “Primary Residence Short Term Rentals” and re-number this Section.
14. In Section 15.6 Zone Standards, in the headings of Table 12: HR Zone Development Standards, add the phrase Primary & Non-Primary Residence Short Term Rentals immediately following the word “Dwellings”.

In Chapter 17, RURAL DEVELOPMENT ZONE (RD)

15. In Section 17.2, Permitted Main Uses, between the phrases “Institutional Uses” and “Places of Worship” insert the phrase “Non-Primary Residence Short Term Rentals”; and
16. In Section 17.2, Permitted Main Uses, between the phrases “Places of Worship” and “Private Recreational Uses – Outdoor” insert the phrase “Primary Residence Short Term Rentals” and re-number this Section.

In Chapter 25, LAKESIDE RESIDENTIAL ZONE (LR)

17. In Section 25.4, Developments Permitted by Site Plan Approval, between the phrases “Expansion of non-conforming uses” and “Small options homes” insert the phrases “Non-Primary Residence Short Term Rentals” and “Primary Residence Short Term Rentals” and re-number this Section.

Addition to Table 6: Permitted uses, Residential

Use	RG	LDR	MU	CG	HR	HC	RD	RC	AP	ANR	BIP	MI	GI	WS	LR	SE	FP	DL	LH	REC
Primary Residence STR	P	P	P	-	P	-	P	-	-	-	-	-	-	-	S	-	-	-	-	-
Non-Primary (Commercial) STR	P	P	P		P		P	-	-	-	-	-	-	-	S	-	-	-	-	-

Comments Received Regarding Short Term Rentals

To: John Cunningham <johnc@munyarmouth.ca>

Subject: AirBnB & Short term rentals

Good day,

I thought I would reach out after seeing Carla Allen's post regarding AirBnB & Short Term rentals.

With the shortage of housing in our region I think there should be much stricter regulations.

Last year, after my marriage fell apart I lost my home. I could not find a rental for the life of me. Both of my kids and I were left homeless, from July 2023 until the end of Jan 2024. No one would rent to me or even get back to me about rentals. I had a dog, I am a small business owner (not a real job??). Year-round rentals were few and far between, but I couldn't even rent short term (Oct-May) because I had a dog and didn't have a real job so I didn't qualify. I had even offered to pay upfront for the entire rental duration, and still no one would rent to me.

I feel I am a good human and run a business that I feel inspires people to visit our region. Yet I was one of many that became homeless. During that time, my son was in school and in May 2024 became one of our newest & youngest paramedics in the province, while homeless. My daughter dropped out school in her grade 12 year because she couldn't bare to go to school homeless (her dad leaving was hard enough on her). She's doing much better now and will be finishing her last couple of credits at NSCC and then she will be beginning her PCP program. 2 homeless kids, still wanting to serve there province.

As a mother, this was devastating, I let my children down. I have never felt so hopeless and defeated. My kids and I didn't deserve to be homeless... no one does.

At the same time I was homeless, I was feature in SaltScape Magazine as one of the hidden gems in our region, I was featured in NS tourism marketing and supported by YASTA through their marketing campaigns.

My children and I have been featured in 2 episodes Eastlink TV's HalfSpeed Adventures. And I currently have an interview scheduled on Sept 13 for another Eastlink TV show highlighting me, my business, and what my business bring to the region.

I still don't understand why no one would rent to me, I don't understand why I ended up homeless, why my kids were homeless. I was able to buy a camping trailer and live in that, but it was cold and hard to manage each day. I cried every day, I still cry, I failed as a mother, I failed my children. My children were homeless. And to add to it all, while living in the trailer, I had gone outside with my dog so that he could pee. He chase something into the road and was hit by a truck, he lost mobility of his back end, and I tried for a month to care for him and get him mobile again. I had to rip out the kitchen table to make space, he couldn't move with out help and I couldn't care for him, he was starting to get infections from laying in his urine and I finally had to put him down.

I am so glad that some folks made a bunch of money off of their short term rentals, while others are struggling to have a home.

Please stop allowing short term rentals and AirBnB when families are homeless, or at least don't let folks buy up all the houses and turn them into exclusive & expensive short term rentals.

John Cunningham
Warden
Municipality of Yarmouth
902-740-5332

Sent: Tuesday, September 17, 2024 11:02:29 AM
To: John Cunningham <johnc@munyarmouth.ca>
Subject: Airbnb at Outer False Harbour

Good day - I know the municipality is not the entity behind the drive to encourage short-term-rental owners to switch to long term, but I thought I'd send this letter to let you know how important being an Airbnb host is to us. It's not all about the money, though the income is welcome for taxes, heat, the electric bill, etc. Equally as important, if not moreso, the interaction with our guests is something we would really miss. We greet all guests in person for a short introductory tour of the cottage. We've had hundreds of glowing reviews since we began sharing our rental through Airbnb.

Our cottage overlooks Outer False Harbour, with a fine view of the Cape Forchu Lighthouse across the bay. My partner Brent built the one-bedroom cottage, cladding it in cedar shingles, with one deck facing east where you can watch people strolling on the beach, hear the children laughing with glee or witness the surfers trying to catch the big waves in winter. There's also a patio in back where you can sit and marvel at the hummingbirds and a deck on the south where you can see the dark sky with minimal light pollution.

My background includes owning a plant nursery and there are extensive gardens around the building.

Many of our guests return annually and all spend much, much more than if our cottage were a long-term rental.

The majority of Airbnb owners are proud of the rental they've created and take great care in its construction and appeal. Most, like us, are passionate about the beauty and attraction of this region.

Over the years I've recommended nearby restaurants, trails, where to buy lobster, whale watching experiences, Tuskent Island tours, beautiful beaches and more. We've had guests rent our cottage for several days while they shop for a home in the area. The promotional aspect of dozens of short term rental hosts is invaluable for local businesses.

We hope to be able to continue doing this for many more years, instead of being overwhelmed with complicated paperwork and barriers.

We thank you in advance for any assistance you can provide to short-term rental owners.

I'm including a link to the website I created for The Cape Cottage. I included many regional attractions and some events. I'm happy to share the website info with local airbnb owners who have asked me in the past.

Sent: Thursday, September 5, 2024 3:06:51 PM
To: John Cunningham <johnc@munyarmouth.ca>
Subject: Support for STR regulations

I would like to voice my support for any regulation that controls the spread of short term rentals.

STRs have destroyed housing affordability as realestate agents use it as a means to convince buy to go well over asking as Airbnb will absorb the cost of a higher mortgage. It takes rental housing off the market and prevents skills persons from moving to the area.

I support the ban of Airbnb