

**THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS
BY-LAW NO. _____**

**Being a By-law to adopt Amendment No. 11 to the
Official Plan of the Town of The Blue Mountains**

The Council of the Corporation of the Town of The Blue Mountains in accordance with the provisions of Sections 17 and 21 of The Planning Act, R.S.O.1990, hereby enacts as follows:

1. Amendment No. 11 to the Official Plan of The Town of The Blue Mountains, is hereby adopted.
2. The Clerk is hereby authorized and directed to submit Amendment No. 11 together with the required record, to the appropriate Approval Authority for approval.
3. This By-law shall come into force and take effect on the day of the final passing by Council, subject to any approval necessary pursuant to The Planning Act R.S.O. 1990, as amended.

READ A FIRST TIME THIS _____ DAY OF _____, 2007.

READ A SECOND TIME THIS _____ DAY OF _____, 2007.

READ A THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____, 2007.

Ellen Anderson, Mayor

Stephen Keast, Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2007.

DATED at _____
this _____ day of _____, 2007.

Signed: _____
Stephen Keast, Clerk

NOTICE OF THE PASSING OF A BY-LAW TO ADOPT

AN AMENDMENT TO THE TOWN OF THE BLUE MOUNTAINS OFFICIAL PLAN

TAKE NOTICE THAT the Council of the Town of the Blue Mountains passed By-law No. 2007-_____ on the _____ day of October, 2007 to adopt Official Plan Amendment No. 11 in accordance with the provisions of Section 17(22) of the Planning Act, R.S.O. 1990, c.P. 13.

AND TAKE NOTICE that any person or public body will be entitled to receive notice of the decision of the approval authority if a written request to be notified of the decision is made to the approval authority, being the County of Grey Planning and Development Department, 595 – 9th Avenue East, Owen Sound, Ontario, N4K 3E3.

THE COMPLETE OFFICIAL PLAN AMENDMENT is available for inspection during regular office hours in the Planning Department at the Municipal Office, 26 Bridge Street, Thornbury, Ontario or by contacting the Planning Department directly at (519) 599-3131 extension 263.

DATED at the Town of The Blue Mountains, this _____ day of October, 2007.

Stephen Keast
Clerk
Town of The Blue Mountains
P.O. Box 310
26 Bridge Street
THORNBURY, Ontario
NOH 2P0 (519) 599-3131

PURPOSE AND EFFECT OF THIS BY-LAW

The purpose of this By-law is to establish policies for Short Term Accommodation uses with the Town of The Blue Mountains Official Plan.

The effect of this By-law is based on the need to recognize Short Term Accommodation Use policies within the Town of The Blue Mountains.

The Town also passed three Zoning By-law Amendments being Nos. 2007-_____, 2007-_____ and 2007-_____ to permit this policy and that this Amendment is required to permit these Zoning By-law Amendments to come into legal effect.

**AMENDMENT NO. 11
TO THE
OFFICIAL PLAN
OF THE
TOWN OF THE BLUE MOUNTAINS**

DRAFT

October 2007

**AMENDMENT NO. 11 TO THE
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TOWN OF THE BLUE MOUNTAINS**

INDEX	PAGE
The Constitutional Statement	(i)
PART A - THE PREAMBLE	
Purpose	(ii)
Location	(ii)
Basis	(ii)
PART B - THE AMENDMENT	
Introductory Statement	1
Details of the Amendment	1
Implementation and Interpretation	4

**AMENDMENT NO. 11
TO THE
TOWN OF THE BLUE MOUNTAINS
OFFICIAL PLAN**

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE does not constitute a part of this Amendment.

PART B - THE AMENDMENT consisting of the following text constitutes Amendment No. 11 to the Official Plan for the Town of The Blue Mountains.

PART C - THE APPENDIX which does not constitute part of this Amendment. This Appendix contains background data associated with this Amendment.

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PART A - THE PREAMBLE

1. PURPOSE

The purpose of this Amendment is to establish policies for Short Term Accommodation uses with the Town of The Blue Mountains Official Plan.

2. LOCATION

The policies of this Amendment are general in nature and apply to the entire the Town of The Blue Mountains.

3. BASIS

This Amendment is based on the need to recognize Short Term Accommodation Use policies uses within the Town of The Blue Mountains.

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PART B - THE AMENDMENT

All of this part of the document entitled “Part B - The Amendment” consisting of the following text constitutes Amendment No. 11 to the Official Plan of The Town of The Blue Mountains.

DETAILS OF THE AMENDMENT

The Official Plan is hereby amended as follows:

Item 1: **Section 3.4 Resort Accommodations** is hereby amended by adding the following new Section:

3.4.2 Short Term Accommodations

(1) The Plan recognizes that there are a variety of commercial accommodation uses within the municipality. This may include bed and breakfast operations, care homes, farm vacation homes and dwellings rented for short term periods. In some cases, residential dwellings may be rented in conjunction with commercial hotel operations. Such commercial accommodations may be considered appropriate in some residential areas, provided they are small scale and adequately regulated to avoid land use conflicts with the surrounding area. Unlike accommodation uses in commercial areas, as described under 3.4.1, residential neighbourhoods require special attention to ensure the quiet and undisturbed enjoyment of residential living which people expect. accommodation uses should avoid disruption to adjacent neighbourhoods through mitigation of potential impacts including noise control, waste management, setbacks, buffering, servicing and adequate on-site parking, amongst other appropriate site performance standards and operational controls. All short term accommodation uses shall be subject to site plan control and shall have particular regard for waste management and show sensitivity to surrounding residential uses, including adequate screening of parking areas.

(2) It shall be a policy of this Plan that any building used for short term accommodation purposes shall be considered a commercial rental use and shall only be permitted where recognized under the implementing Zoning By-law. It is the intent of this Plan that such uses should not be considered conventional residential uses, and that appropriate regulations shall be established.

(3) Conventional residential rental accommodation in a residential dwelling for periods of 30 days or greater shall not be considered a commercial accommodation use, and shall be considered a principal residential use. The provisions of this Plan for short term accommodations do not apply to such conventional residential rentals.

(4) The scale and intensity of any short term accommodation use may affect the degree of potential disruption in the surrounding neighbourhood. Such accommodation uses should be regulated to ensure that the principal residential character and use is

generally maintained. Large scale operations, with high occupancy and frequent rentals, which are considered to be the principle commercial use of the property shall be subject to the requirements for commercial resort accommodations under Section 3.4.1 and only located where specifically permitted under the Zoning By-law. Such large scale uses shall be directed toward a commercial or other appropriate designation, and shall be prohibited within a residential neighbourhood.

(5) The implementing Zoning By-law shall establish appropriate provisions related to a number of bedrooms, occupant load, parking requirements, setbacks, buffers and other relevant site performance standards. Certain types of commercial accommodation uses identified under paragraph (1) may be distinguished, and may only be permitted by site-specific Amendment to the Zoning Bylaw or in zones where they are specifically listed as a permitted use.

(6) Nuisance factors related to short term accommodation uses shall not be tolerated. In addition to fire and safety regulations, zoning and site plan control measures, the municipality may establish and enforce on-street parking, noise and property standards by-laws in order to ensure disruption is minimized. Occupancy restrictions, fire separations, servicing and other relevant matters should also be addressed. Short term residential accommodation uses shall also be subject to the requirements of other applicable legislation.

(7) Council may also consider passing a by-law under the Municipal Act to require a business license for the operation of short term accommodation uses. Any required license shall not be issued for a short term accommodation use unless recognized under the implementing Zoning By-law, and in compliance with all applicable requirements, including the matters referred to under paragraph (9). In the event that there is any non-compliance with any of the aforementioned controls, for any reason whatsoever, the Town may refuse to issue or renew, and may revoke, any required license, in which case the use must cease.

(8) Recognition under the implementing Zoning By-law shall not be construed as an absolute right to operate such business. The implementing Zoning By-law shall clearly identify that such use is not permitted where there is any non-compliance with any required license or other applicable legislation.

(9) Short term accommodation uses have not previously been recognized under any Zoning By-law within the municipality. It is recognized that some commercial accommodation uses in residential dwellings may exist which may not comply with the new zoning requirements pursuant to this Plan. The implementing zoning by-law may provide that such existing uses may continue as non-conforming uses, so long as such use continues, and subject to compliance with any required license or other applicable legislation. Council shall encourage compliance, where possible, including any appropriate limitations regarding scale, occupancy, servicing, parking, or other matters related to health and safety conditions, and compatibility criteria. Council may also consider a temporary use by-law, as provided under Section 11.6, as a transition measure to permit any non-conforming use to continue in the short term, provided

suitable provisions are incorporated to convert the non-conforming use once the temporary use period ceases.

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IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan, as well as through Zoning By-law Amendments pursuant to the *The Planning Act* and other relevant legislation.

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