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 Sections:

3.4.2 Short Term Accommodation Uses

(1) The Plan recognizes that there are a variety of commercial accommodation uses within the municipality. These may include bed and breakfast establishments, 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 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 shall avoid disruption to adjacent residences 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 show sensitivity to surrounding residential uses.

(2) For the purposes of the Official Plan, a "Short Term Accommodation" use is defined as a building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year. Short term accommodation shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use.

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

(4) Conventional residential rental accommodation in a residential dwelling for periods of thirty (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 accommodation uses do not apply to such leased conventional residential dwelling units.

(5) 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 is generally maintained. Such uses shall be directed toward a commercial or other appropriate designation and shall be prohibited within a single detached residential neighbourhood.

(6) Based on the commercial nature of this use and its potential to negatively affect adjacent residential property, new short term accommodation uses may;
(a) be permitted to locate in those residential designations permitting a range of housing types;

(b) provide mitigation measures in the form of zoning provisions and site works; and

(c) not be permitted in residential land use designations which restrict the use of land to only single detached residential dwellings.

(7) The implementing Zoning By-law shall establish appropriate provisions related to the scale of short term accommodation uses, occupant load per unit, parking requirements, separation distances, setbacks and buffering. The location, size and scale of the short term accommodation use shall be regulated in a manner which is considered compatible with surrounding uses. Certain types of commercial accommodation uses identified under paragraph (1) shall be distinguished from short term accommodation uses, and may only be permitted by site-specific Amendment to the Zoning By-law or in zones where they are specifically listed as a permitted use.

(8) In addition to zoning and site plan control by-laws, and associated agreements, short term accommodation uses may be subject, but not limited to, other municipal by-laws including on-street parking, noise, property standards and fire and safety regulations.

(9) In accordance with the Municipal Act, 2001, Council may pass a by-law to require a business license for the operation of short term accommodation uses.

(10) All short term accommodation uses shall be required to connect to municipal water and sewage services in accordance with Section 5, Servicing Policies, of this Plan.

(11) Section 13 entitled Exceptions of this Plan is hereby amended by adding the following:

No. 54. Notwithstanding Section 3.4.2(6)(c) of this Plan, those lands designated as Residential Infilling – Exception Area 5 may permit short term accommodation uses subject to the Implementing Zoning By-law.

3.4.3 Bed and Breakfast Establishments

(1) Notwithstanding anything else contained within this plan, a bed and breakfast use may be established in an existing single detached residential dwelling in an Agricultural, Rural and Residential Designation. The policies for establishing a bed and breakfast use are as listed below.

(2) A bed and breakfast is the use of a single detached residential dwelling for the rental of not more than three (3) guest rooms to the travelling public for overnight accommodation on a temporary basis. It is the intent that the following policies be adhered to prior to the establishment of a bed and breakfast use.

a) An amendment to the Implementing Zoning By-law will be required to permit this use.

b) Bed and breakfast uses should not be permitted unless the owner of the dwelling resides in the dwelling while the dwelling is operating.

c) That the use of the single detached residential dwelling for a bed and breakfast use shall not be detrimental to any adjacent use. Where necessary, neighbouring uses will be protected by the provision of areas for landscaping, buffering or screening, of
buildings, structures or uses, so as to reduce any detrimental affect caused by the use of the dwelling as a bed and breakfast establishment.

d) That adequate parking facilities over and above the parking requirement for single detached residential dwellings are available which shall be a minimum of one additional parking space per guest room.

e) That bed and breakfast uses may be subject to site plan control.

Item 2: Section 3.6 (1) is hereby amended by deleting the words "ancillary residential accommodations" and replacing it with "short term accommodation uses".

Item 3: Section 3.6 (5) is hereby amended by deleting the words "Ancillary residential accommodation" and replacing it with "short term accommodation".

Item 4: Section 4.8.4.2 Medium Density Residential MDR is hereby amended by deleting "ancillary residential accommodations" and replacing it with "commercial resort unit".

Item 5: Section 4.8.4.2 (1) is hereby amended by deleting "ancillary residential accommodation" and replacing it with "commercial resort unit".

Item 6: Section 11.12 (6) is hereby amended by deleting "ancillary residential accommodation" and replacing it with "short term accommodation uses".
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 Planning Act and other relevant legislation.
Schedule "A - 21"
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Residential Infilling - Exception Area 54
Schedule "A-21"
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Residential Infilling - Exception Area 54

AREA TO BE ADDED TO EXCEPTION #54