

NOTICE OF THE PASSING OF A ZONING BY-LAW TOWN OF THE BLUE MOUNTAINS

TAKE NOTICE THAT the Council of the Town of The Blue Mountains passed By-law No. _____ on the _____ day of _____, 2007 under Section 34 of the Planning Act.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board in respect of the by-law by filing with the Clerk of the Town of The Blue Mountains not later than the _____ day of _____, 2007 a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, together with the required \$125 fee made payable to the Minister of Finance.

AND TAKE NOTICE that only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

An explanation of the purpose and effect of the by-law is attached. The complete by-law is enclosed for inspection.

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

Stephen Keast
Clerk
Town of The Blue Mountains
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26 Bridge Street
Thornbury, ON NOH 2P0
(519) 599-3070

PURPOSE AND EFFECT OF THIS BY-LAW

The purpose of this By-law is to recognize that there are a variety of commercial accommodation uses within the municipality by adding new definitions for "Short -term Accommodation", "Bed and Breakfast Establishment", "Residential" and "Boarding or Rooming House", and, revising others such as "Commercial", "Dwelling", "Dwelling, Seasonal", "Hotel" and "Motel".

It is the policy of the Official 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. This will be done by Site Specific Zoning By-law Amendments, which is not the purpose of this Zoning By-law.

The effect of this By-law is to clarify a number of definitions and introduce new ones as a foundation for future requirements and regulations. Recognition of these new definitions shall not be construed as an absolute right to operate such new business. This By-law also outlines standards pertaining to short term accommodation uses.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. _____

Being a By-law to amend Zoning By-law No. 10-77, as amended,
which may be cited as “The Zoning By-law
of the Town of Thornbury”

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 10-77;

AND WHEREAS pursuant to the provisions of Section 34 of the Planning Act, the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Section 2: DEFINITIONS of the Town of Thornbury Zoning By-law No. 10-77, as amended, is hereby amended by adding the following new definitions:
 - (i) 2.109.1 “Short term Accommodation” means a dwelling or any part thereof that operates or offers no more than three (3) bedrooms as a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period of 30 consecutive calendar days or less, 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, or similar commercial or institutional uses.
 - (ii) 2.17.1 “Bed and breakfast Establishment” means a dwelling that operates or offers no more than three (3) guest rooms as places of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement throughout all or any part of a calendar year and that is the principal residence of the establishment’s proprietor. Bed and breakfast Establishment shall not mean or include a motel, hotel, short term accommodation, tourist cabin or cottage, hospital or similar commercial or institutional uses.
 - (iii) 2.17.2 “Bedroom” means any habitable room in a dwelling unit other than a kitchen, bathroom, utility room or dining room.
 - (iv) 2.46.1 “Dwelling, Seasonal” means a dwelling that is not used for continuous habitation or as a permanent residence or a dwelling to be used for recreation but not occupied or intended to be occupied as a permanent residence, or any combination of the two.
2. Section 2: DEFINITIONS of the Town of Thornbury Zoning By-law No. 10-77, as amended, is hereby amended by revising the following existing definitions:
 - (i) Delete definition 2.18 and replace with:

2.18 “Boarding or Rooming House”

 - (i) means a dwelling in which lodging with or without meals is supplied for gain to three (3) or more persons other than the lessee, tenant or owner of the said dwelling, or any member of his/her family, but

(ii) does not mean or include a motel, hotel, short term accommodation, bed and breakfast establishment, hospital or similar commercial or institutional use, or apartment house.

(ii) Delete definition 2.31 and replace with:

2.31 “Commercial” means the use of land, building or structure for the purpose of buying, selling, leasing and renting commodities or accommodations, and/or supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

(iii) Delete definition 2.72 and replace with:

2.72 “Hotel” means an establishment that consists of one building or two or more connected or adjacent buildings that, throughout all or part of a calendar year, caters to the needs of the public by furnishing guest rooms for a fee, including all such establishments as defined from time to time by the *Hotel Registration of Guests Act*, R.S.O. 1990, c.H.17, as amended, but not including any other establishment otherwise defined or classified in this By-law. A Hotel may or may not:

- (i) supply food;
- (ii) have an on-site management office;
- (iii) include permanent staff accommodation;
- (iv) include convention facilities;
- (v) include one or more dining rooms;
- (vi) include recreational facilities for use by the guests;
- (vii) be licensed under the Liquor Licence Act of Ontario, R.S.O. 1990,c..

(iv) Delete definition 2.121 “Tourism Establishment”.

(v) Delete definition 2.121(i) “Lodge”.

(vi) Delete definition 2.121(ii) and replace with:

2.121(i) “Motel” means an establishment that consists of one building or two or more connected or adjacent buildings that, throughout all or part of a calendar year, caters to the needs of the public by operating or offering guest rooms for a fee, where each guest room is directly accessible from the exterior, but not including any other establishment otherwise defined or classified in this By-law. A Motel may also:

- (i) supply food;
- (ii) have an on-site management office;
- (iii) include permanent staff accommodation;
- (iv) include convention facilities;
- (v) include one or more dining rooms;
- (vi) include recreational facilities for use by the guests; and
- (vii) be licensed under the Liquor Licence Act of Ontario.

(vii) Delete 2.121(iii) and replace with:

2.121(ii) “Tourist Cabin or Cottage” means a seasonal dwelling operated or offered as a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement, throughout all or any part of a calendar year.

(viii) Delete 2.103 and replace with:

2.103 "Residential" means the use of land, buildings or structures for human habitation, but excluding temporary human habitation uses such as short term accommodation, bed and breakfast establishment, tourist cabin or cottage, hotel or motel.

3. Section 6.9 Parking Area Regulations of the Town of Thornbury Zoning By-law No. 10-77, as amended, is amended by adding the following parking requirements:

Section 6.9 (a)

<u>Type of Use</u>	<u>Minimum Parking Space Requirements</u>
Short term accommodation	One (1) parking space for each bedroom.

4. Section 6: GENERAL PROVISIONS of the Town of Thornbury Zoning By-law 10-77, as amended, is hereby amended by adding the following new Section: Section 6.19 SHORT TERM ACCOMMODATION.

Section 6.19.1 (a) Site Plan Control
Short term accommodation uses shall be subject to site plan control.

Section 6.19.1 (b) Occupancy Loads
For each bedroom there shall be a maximum of two (2) persons per bedroom.

Section 6.19.1 (c) Separation Distances
No short term accommodation uses shall be located closer than within 300 metres in a continuous path over the shortest distance from another Bed and Breakfast Establishment or short term accommodation use.

5. Section 11.1 of the Town of Thornbury Zoning By-law No. 10-77, as amended, is hereby amended by deleting and replacing with the following:

- 11.1 Permitted Uses
- a) Semi-detached dwelling
 - b) Duplex dwelling
 - c) Triplex dwelling
 - d) Fourplex dwelling
 - e) Townhouse dwelling
 - f) Short term accommodation
 - g) Uses, buildings and structures accessory to the foregoing permitted uses.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and 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 The Blue Mountains this _____ day of _____, 2007.

Signed: _____
Stephen Keast, Clerk