

The Corporation of the Town of The Blue Mountains

By-Law Number 2009 – 04

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, R.S.O. 1990, c. P.13., the By-law may be amended by Council of the Municipality;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. **Section 2: Definitions** of By-law No. 10-77, as amended, is hereby amended by adding the following new definitions:
 - i. 2.17 (a) "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.
 - ii. 2.46 (a) "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.
 - iii. 2.109 (a) "Short Term Accommodation" means 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 or similar commercial or institutional use.

2. **Section 2: Definitions** of 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 2.33 and replace with:

2.33 (iii) "which is part of a rental or lease management program which consists of a minimum of ten (10) commercial resort units in one or more buildings on a single lot; and"

- iv. Delete definition 2.34 and replace with:

2.34 "Commercial Resort Unit Complex" shall mean a building or group of buildings containing ten (10) or more commercial resort units which is part of a rental or lease management program on a single lot.

- v. Delete definition 2.48 and replace with:

2.48 "Dwelling, Single Detached Residential" means a single dwelling unit which is not joined to any other dwelling.

- vi. 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..

- vii. Delete definition 2.90 and replace with:

2.90 "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.

- 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.

- ix. Delete definition 2.121 "Tourism Establishment".

- x. Delete definition 2.121(i) "Lodge".

xi. Delete definition 2.121(ii) "Motel".

xii. Delete 2.121(iii) and replace with:

2.121 "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.

3. Section 3.1 of By-law No. 10-77 is hereby amended by adding under the Zone category, after "Residential Multiple RM2", "Resort Residential RR" and under the Symbol category, after "RM2", "RR".

4. Section 6.9 (a) of By-law No. 10-77, as amended, is amended by deleting under "Type of use", "family detached" after "single" and replacing with "detached residential".

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

Section 6.9 (a) Requirements

Type of Use

Short Term Accommodation

Multiple Unit Building

Minimum Parking Space Requirements:

- 1.75 parking spaces per unit having four (4) guest rooms used for sleeping or less plus 1.0 parking space for each additional guest room used for sleeping.

Single Detached Building

Minimum Parking Space Requirements:

- 0.5 parking space per occupant or 1.0 parking space per guest room used for sleeping, whichever is greater.

6. Section 7.1 Residential Zones of By-law No. 10-77 is hereby amended by adding under the Zone category, after "Residential Multiple RM2", "Resort Residential RR" and under the Symbol category, after "RM2", "RR".

7. Section 7.2 (a) of By-law No. 10-77 is hereby amended by deleting "family detached" following "one" and replacing it with "detached residential".

8. Section 7.2 (c) of By-law No. 10-77 is hereby amended by deleting "family detached" following "single" and replacing it with "detached residential".

9. Section 7.2 (d) of By-law No. 10-77 is hereby amended by deleting "family detached" following "single" and replacing it with "detached residential".

10. Section 7: General Provisions for Residential Zones of By-law 10- 77, as amended, is hereby amended by adding the following new Section:

Section 7.6 Short Term Accommodation

a) Not Permitted

No person shall use any land or erect, alter or use any building or structure for the

purpose of a short term accommodation use within any Residential (R1), Residential (R2), Residential (R3) or Residential Multiple (RM2) Zone.

b) Number of Occupants

No person shall use any land or erect, alter or use any building or structure that secures nine (9) or more occupants for the purpose of short term accommodation use.

c) Site Plan Control

Short term accommodation uses shall be subject to site plan control.

d) Separation Distances

No short term accommodation uses shall be located closer than 120 metres in a continuous path over the shortest distance from another short term accommodation use or bed and breakfast establishment.

e) Landscaped Open Space Provisions

Where short term accommodation uses abut a residential zone that permits a single detached residential dwelling, the following landscaped open space provisions shall apply:

- (i) A minimum 3.0 metre wide buffer strip, measured from the rear lot line, shall be provided.
- (ii) A minimum 3.0 metre wide buffer strip, measured from the exterior side lot line, shall be provided save and except within a sight triangle and driveway entrance.
- (iii) A minimum 1.0 metre wide buffer strip, measured from the interior side lot line, shall be provided.

f) Waste/recycling Depot

One (1) enclosed waste/recycling depot shall be required.

g) Municipal Services

A short term accommodation use shall be connected to municipal water and sanitary sewage services.

11. Section 8.1 (a) of By-law No. 10-77, as amended, is hereby amended by deleting "family detached" following "one" and replacing it with "detached residential".

12. Section 9.1 (a) of By-law No. 10-77, as amended, is hereby amended by deleting "family detached" following "one" and replacing it with "detached residential".

13. Section 10.1 (a) of By-law No. 10-77, as amended, is hereby amended by deleting "family detached" following "one" and replacing it with "detached residential".

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

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.
15. That By-law No. 10-77, as amended, is hereby amended by adding the following new Section after Section 12:

Section 128: Resort Residential RR Zone

No person shall, within any Resort Residential RR Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

12B.1 Permitted Uses

- (i) One single detached residential dwelling on one lot.
- (ii) Short term accommodation.
- (iii) Uses, buildings and structures accessory to the foregoing permitted uses.

12B.2 Regulations for uses Permitted in Clause (A) and (B) of Subsection 12B.1

- a. Minimum Lot Frontage:
 - interior lot – 18 metres
 - corner lot – 21 metres
 - b. Minimum Lot Area
 - interior lot – 555 square metres
 - corner lot – 650 square metres
 - c. Maximum Lot Coverage
 - interior lot – 35%
 - corner lot – 30%
 - d. Minimum Front Yard – 9 metres
 - e. Minimum Side Yard – 2.0 metres except as provided in paragraph (i) of this clause:
 - (i) On a corner lot, the minimum side yard abutting a public street shall be 7.5 metres.
 - f. Minimum Rear Yard – 10 metres
 - g. Minimum Floor Area
 - (i) 1 storey or split level – 83 square metres
 - (ii) 1 ½ storeys – 100 square metres
 - (iii) 2 or 2 ½ storeys – 120 square metres
 - h. Maximum Height – 2 ½ storeys
16. Section 13.1 (a) of By-law No. 10-77, as amended, is hereby amended by deleting "family detached" following "one" and replacing it with "detached residential".
17. Section 22.1 {b} of By-law No. 10-77, as amended, is hereby amended by deleting "family detached" following "one" and replacing it with "detached residential".
18. This By-law shall come into full effect upon the date of approval of the Town of The Blue Mountains Official Plan Amendment No. 11, in accordance with Section 24 (2) of the Planning Act.