



# Notice of Decision

**This is a notice about a decision of Council on a Zoning By-law Amendment application with Town-wide effects.**

**Council approved the application and passed By-law 2024-31 on April 15, 2024.**

**What was the purpose and effect of the By-law?**

The purpose of the amendment is to ensure conformity with the Planning Act, provide clarity around what constitutes an Additional Residential Unit, and encourage the construction of Additional Residential Units through increased flexibility.

The effect of the amendment is to permit a maximum of two Additional Residential Units on certain properties in the Town, to update associated definitions, and to modify various standards, including, but not limited to, setbacks, height, and floor area.

**Feedback from the Public**

Feedback from public agencies and area residents was considered in the decision of Council. Further details on comments received and how they were responded to can be found under Planning Staff Reports [PDS.24.015](#) and [PDS.24.071](#).

**Rights to Appeal the Decision**

If you disagree with this decision, you may file an appeal to the Ontario Land Tribunal. An appeal must include the required **Appellant Form** and **Applicable Fees** in a Certified Cheque or Money order, made out to the Minister of Finance. The Appellant Form must state the reasons for the appeal.

The Appellant Form and fees must be delivered in person or by registered mail to the Clerk of the Town of The Blue Mountains:

Town Clerk, Town of The Blue Mountains  
PO Box 310, 32 Mill Street  
Thornbury, Ontario N0H 2P0

The last date for filing an appeal is **Monday, May 6, 2024, by 4:30 pm.**

More information about how to file an appeal, including the forms and fees, is available on the Ontario Land Tribunal website at <https://olt.gov.on.ca/>.

Only individuals, corporations and public bodies may appeal a Zoning By-law Amendment to the Ontario Land Tribunal. 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.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

# The Corporation of the Town of The Blue Mountains

## By-Law Number 2024 – 31

Being a By-law to amend Zoning By-law No. 2018-65 which may be cited as "The Blue Mountains Zoning By-law".

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. 2018-65;

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. That the text of the By-law is hereby amended by deleting the term "accessory apartment" and replacing with the term "additional residential unit" wherever it appears, including PART 3.0, Section 4.2, subsection 4.11(b), Table 6.1, and Table 8.1.
2. That PART 3.0 DEFINITIONS is hereby amended by deleting the definition for ACCESSORY APARTMENT and adding the following new definitions:

ADDITIONAL RESIDENTIAL UNIT (ARU) means a legally constructed permanent or semi-permanent *dwelling unit* that can safely accommodate residents on a year-round basis. ARUs are generally contained within a *main building* (including a *single detached, semi-detached* or *rowhouse dwelling*), or within an *accessory building* (such as above a *private garage*). An ARU shall contain cooking, eating, living, sleeping, and sanitary facilities, be connected to adequate water and sanitary servicing, and meet all requirements of the Ontario Building Code. An ARU may also be known as an "additional dwelling unit", "accessory dwelling unit", "ADU", "accessory apartment", "secondary dwelling unit", or "secondary suite". An ARU may be considered as a *garden suite* where an approved temporary land-use by-law is in effect but shall not mean or include a *primary residential unit*, a *recreational trailer or vehicle*, or a *short-term accommodation*.

PRIMARY RESIDENTIAL UNIT Means the primary *dwelling unit* in a *single detached, semi-detached* or *rowhouse dwelling*. A *primary residential unit* shall not mean or include an *additional residential unit*.

3. That PART 4.0 is hereby amended by deleting Section 4.1 ACCESSORY APARTMENTS in its entirety and replacing with the following new section:

### 4.1 ADDITIONAL RESIDENTIAL UNITS (ARUs)

#### 4.1.1 Number of ARUs

A maximum of two ARUs may be permitted within a *main building* or in one *accessory building* on lots containing a *single-detached, semi-detached, or rowhouse dwelling*, in accordance with the following provisions:

- a) For lots connected to both municipal water and sanitary sewer services, a maximum of two ARUs are permitted.
- b) For lots connected to partial municipal services (either water or sanitary sewer) or that are serviced privately:
  - i. On lots less than 0.8 hectares in area, one ARU is permitted.
  - ii. On lots greater than 0.8 hectares in area, two ARUs are permitted.
- c) Notwithstanding the above provisions, on lots designated under the Niagara Escarpment Plan, a maximum of one ARU is permitted and shall be located within the *main building*.

4.1.2 All ARUs

ARUs located within a *main building* or within a detached *accessory building* shall be subject to the following provisions:

- a) The maximum *gross floor area* of an ARU shall not exceed 50% that of the *primary residential unit* or 100 square metres, whichever is greater.
  - i. In addition, on lots designated under the Niagara Escarpment Plan, the maximum *gross floor area* shall be less than that of the *primary residential unit*.
- b) The maximum number of bedrooms shall be 2.
- c) ARUs shall comply with *Minimum Distance Separation* requirements.

4.1.3 ARUs in a Detached Accessory Building

Notwithstanding the provisions of Section 4.3, a detached *accessory building* containing at least one ARU shall be subject to the following provisions:

- a) The minimum *rear yard* shall be 1.2 metres. All other *required yards* shall be in accordance with those required for the *main building*.
- b) The maximum *height* shall be 5 metres, except where the ARU is located above another *accessory use*, in which case the maximum *height* shall be 8 metres.
- c) The maximum *lot coverage* applicable to the *building* shall be permitted to exceed that applicable to *accessory buildings* by 5 percentage points per ARU.
- d) The *building* shall be located within 50 metres of the *main building*.

That PART 6.0 RESIDENTIAL ZONES is hereby amended by adding the following new Special Provision to Table 6.2.1 – Residential Zone Standards (Part A):

Zone Standard	R1-1	R1-2	R1-3	R1-4
Maximum <i>lot coverage</i>	30% (2)	35% (2)	40% (2)	20% (2)

Special Provisions:

- (2) *Main buildings* and detached *accessory buildings* containing *additional residential units* are permitted to exceed the maximum *lot coverage* by 5 percentage points per *additional residential unit*.

That PART 7.0 COMMERCIAL AND EMPLOYMENT ZONES is hereby amended by adding the following new Special Provision to Table 7.2 – Commercial and Employment Zone Standards:

Zone Standards	RR
Maximum <i>lot coverage</i>	30 (9)

Special Provisions:

- (9) *Additional residential units* and detached *accessory buildings* containing *additional residential units* are permitted to exceed the maximum *lot coverage* by 5% per *additional residential unit*.

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

Enacted and passed this 15<sup>th</sup> day of April, 2024

[Redacted Signature]

Andrea Matrosovs, Mayor

[Redacted Signature]

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2024-31 as enacted by the Council of The Corporation of the Town of The Blue Mountains on the 15<sup>th</sup> day of April, 2024.

Dated at the Town of The Blue Mountains, this 15<sup>th</sup> day of April, 2024.

[Redacted Signature]

Corrina Giles, Clerk