

## The Corporation of the Town of The Blue Mountains

### By-Law Number 2024 –

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*.

DRAFT By-law – Additional Residential Unit (ARU) Zoning By-law Amendment

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

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_

Andrea Matrosovs, Mayor

\_\_\_\_\_

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2024-\_\_\_\_ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the \_\_\_\_ day of \_\_\_\_\_, 2024.

Dated at the Town of The Blue Mountains, this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_

Corrina Giles, Clerk