

The Corporation of the Town of The Blue Mountains

By-Law Number 2021 –

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

Whereas Short Term Accommodation Uses is one section of non-decision as identified under Section 1.5(a) to The Blue Mountains Zoning By-law 2018-65;

And Whereas it is necessary and in the public interest to include Short Term Accommodation and Commercial Resort Unit provisions in The Blue Mountains Zoning By-law 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 Section 1.5(a) to the Blue Mountains Zoning By-law 2018-65 is deleted in its entirety.
- 2. That Table 5.3 – Non-Residential Parking Requirements Under Section 5.4 to the Blue Mountains Zoning By-law 2018-65 is amended by inserting the following parking requirements:

Use	Number of Minimum Parking Spaces (per unit, unless otherwise specified)
Commercial Resort Unit	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.
Short Term Accommodation Building containing more than one unit	Where the Parking Spaces are located in a <i>parking area</i> : 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. Or Where the Parking Spaces are located in a private driveway, carport or garage: 0.5 parking spaces per occupant or 1.0 parking space per guest room used for sleeping, whichever is greater.
Short Term Accommodation Building containing one unit	0.5 parking spaces per occupant or 1.0 parking space per guest room used for sleeping, whichever is greater.

- 3. That Section 4.32 to the Blue Mountains Zoning By-law 2018-65 is amended by deleting and replacing Section 4.32 with the following:

“4.32 SHORT TERM ACCOMMODATION USES

 a) 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 Zone unless otherwise permitted by this By-law.

 b) 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.

- c) No short term accommodation use shall be located closer than 120 metres from another short term accommodation use or bed and breakfast establishment. For the purposes of this section, 120 metres shall be measured from the property line for a single detached building and from the main wall for a multiple unit building.
 - d) Short term accommodation uses shall be subject to site plan control.
 - e) Where a short term accommodation use abuts a Residential R1, R2 or R3 zone, Planting Strips shall be provided in accordance with Section 4.27.2 and 4.27.3 of this By-law, and in accordance with the following:
 - i. A minimum 3.0 metre wide planting strip adjacent to the full length of the rear lot line shall be provided.
 - ii. A minimum 3.0 metre wide planting strip adjacent to the full length of the exterior side lot line shall be provided, save and except within a sight triangle.
 - iii. A minimum 1.0 metre wide planting strip adjacent to the full length of the interior side lot line shall be provided.
 - f) One (1) enclosed waste/recycling depot consisting of a garbage box or solid waste enclosure shall be required.
 - g) A short term accommodation use shall have connection to municipal water and sewage services.
 - h) The number of parking spaces shall be provided in accordance with Table 5.3 – Non-Residential Parking Requirements. Required parking spaces for a short term accommodation use shall be provided in accordance with the Section 5.1 - General Parking Provisions and Section 5.3 Residential Zones – Parking and Access. In addition, the following parking provisions shall apply:
 - i. Tandem Parking shall be permitted for parking spaces permitted on a private driveway for single detached buildings and multiple unit buildings.
 - ii. A surface Parking Area located in the rear yard shall be setback the same distance from the rear lot line as required for the main building.
4. That Section 2.1 – Zones is amended by adding a new ‘Resort Residential’ RR Zone to the list of Commercial Zones.
5. That Table 7.1 –Commercial and Employment Zone Use Permissions under Section 7.1 to the Blue Mountains Zoning By-law 2018-65 is amended by inserting a new ‘Resort Residential RR’ column, ‘Short Term Accommodation’ and ‘Single Detached Dwelling’ row, and Special Provision (8) as follows:

Permitted Use	RR(8)
Short Term Accommodation	X
Single Detached Dwelling	X

Special Provisions:
(8) All Short Term Accommodations shall also be subject to the General Provisions of Section 4.32 to this By-law.

6. That Table 7.2 – Commercial Zone Standards is amended by adding a new Resort Residential Column as follows:

Zone Standard	RR
Minimum Lot Area (ha)	550
Minimum Lot Frontage (m)	18(1)
Minimum Front Yard (m)	7.5
Minimum Exterior Side Yard (m)	5.0
Minimum Interior Side Yard (m)	2.0
Minimum Rear Yard (m)	9.0
Maximum Height (m)	9.5
Maximum Lot Coverage (%)	30

(1) Minimum Lot Frontage shall be increased by 3 metres for corner lots.

7. Schedule ‘A’ to The Blue Mountains Zoning By-law 2018-65 is hereby amended by rezoning certain lands to the Resort Residential ‘RR’ Zone, Resort Residential ‘RR-Exception’ Exception Zone, and Open Space ‘OS’ Zone in accordance with Schedule ‘A-1’ to this By-law.
8. That Table 9.1 – Exceptions is amended by adding the following Exceptions as follows:

Exception Number	Zone	Special Provisions
130	RR-127	A Single Detached Dwelling or a Short Term Accommodation as well as uses, buildings and structures accessory thereto shall be permitted. A Short Term Accommodation shall be excluded from: a) The maximum number of occupants permitted within a short term accommodation use under Section 4.32(b). b) The minimum distance separation of 120 metres from another short term accommodation use or bed and breakfast establishment under Section 4.32(c).
131	RR-128	A Semi-Detached Dwelling, Duplex Dwelling or a maximum of two (2) Short Term Accommodation units as well as uses, buildings and structures accessory thereto shall be permitted. A Short Term Accommodation shall be excluded from: a) The maximum number of occupants permitted within a short term accommodation use under Section 4.32(b). b) The minimum distance separation of 120 metres from another short term accommodation use or bed and breakfast establishment under Section 4.32(c).

Exception Number	Zone	Special Provisions
132	RR-129	<p>A Triplex Dwelling or a maximum of three (3) Short Term Accommodation units as well as uses, buildings and structures accessory thereto shall be permitted. A Short Term Accommodation shall be excluded from:</p> <ul style="list-style-type: none">a) The maximum number of occupants permitted within a short term accommodation use under Section 4.32(b).b) The minimum distance separation of 120 metres short term accommodation use or bed and breakfast establishment under Section 4.32(c). <p>Notwithstanding the requirements of Table 7.2 “Commercial and Employment Zone Standards” for the Resort Residential ‘RR’ Zone, the following provisions shall apply:</p> <p>Minimum Lot Area - 650 square metres</p> <p>Minimum Lot Frontage – 25 metres</p> <p>Minimum Interior Side Yard – 5 metres</p> <p>Maximum Lot Coverage – 35%</p> <p>Maximum Height – 11 metres</p>
133	RR-130	<p>These lands may only be used for a commercial resort unit, a short term accommodation unit, or residential dwelling unit within those buildings and structures that existed on the date of passing of this By-law.</p> <p>A short term accommodation shall also be permitted with such use being excluded from:</p> <ul style="list-style-type: none">a) The maximum number of occupants permitted within a short term accommodation use under Section 4.32(b).b) The minimum distance separation of 120 metres from another short term accommodation use or bed and breakfast establishment under Section 4.32(c). <p>Notwithstanding the requirements of Table 7.2 “Commercial and Employment Zone Standards” for the Resort Residential ‘RR’ Zone, the following provisions shall apply:</p> <p>Minimum Lot Area - 650 square metres</p> <p>Minimum Lot Frontage – 25 metres</p> <p>Minimum Interior Side Yard – 5 metres</p> <p>Maximum Lot Coverage – 35%</p> <p>Maximum Height – 11 metres</p>

Exception Number	Zone	Special Provisions
134	RR-131	<p>These lands may only be used for a short term accommodation unit or residential dwelling unit within those buildings and structures that existed on the date of passing of this By-law.</p> <p>A short term accommodation shall also be permitted with such use being excluded from:</p> <ul style="list-style-type: none">a) The maximum number of occupants permitted within a short term accommodation use under Section 4.32(b).b) The minimum distance separation of 120 metres short term accommodation use or bed and breakfast establishment under Section 4.32(c).
135	RR-135	<p>A Single Detached Dwelling or a Short Term Accommodation as well as uses, buildings and structures accessory thereto shall be permitted. Notwithstanding the requirements for a Short Term Accommodation, the following provisions shall also apply:</p> <ul style="list-style-type: none">a) The minimum distance separation of 120 metres from another short term accommodation use or bed and breakfast establishment shall be Nil.b) The maximum number of occupants shall be fourteen (14).c) The maximum number of bedrooms shall be six (6).d) The minimum rear yard setback shall be thirty (30) metres.e) A 9.0 metre rear yard landscaping strip shall be provided along the entire rear lot line consisting of 6.0 metres of existing vegetation plus 3.0 metre deep new coniferous planting.f) A minimum 100 square metre outdoor recreational amenity area shall be provided in the rear yard consisting of lawn, deck or combination thereof; andg) A minimum snow storage area of 35 square metres shall be provided.

9. That Table 9.1 – Exceptions is amended by deleting Exception 93 and replacing Exception 93 with the following:

Exception Number	Zone	Special Provisions
93	RR-93	<p>This land may only be used for a Commercial Resort Unit Complex, Commercial Resort Unit, Short Term Accommodation, Residential Dwelling Unit, and an Administration/Recreation Building containing an eating establishment and a check-in desk for the administration of off-site Short Term Accommodation and Commercial Resort Units subject to the provisions of this exception. In addition, and further to the regulations of the Resort Residential ‘RR’ Zone, the following regulations shall also apply:</p>

		<ul style="list-style-type: none">• Maximum number of on-site Commercial Resort Units or Short Term Accommodation Units 144;• Minimum number of parking spaces 241;• Maximum floor area for on-site Commercial Resort Units or Short Term Accommodation Units 81 square metres;• Maximum floor area for the Administration/Recreation Building 635 square metres;• Minimum Lot Area and Lot Frontage shall be as existing on the date of passing of this By-law;• Minimum yard setback from the westerly lot line 70 metres;• Maximum number of beds 504;• Maximum floor area for an eating establishment 130 square metres;• Maximum floor area for meeting rooms 187 square metres; and,• Maximum floor area for a Laundry Facility 140 square metres;• A short term accommodation use shall be excluded from the minimum distance separation of 120 metres short term accommodation use or bed and breakfast establishment under Section 4.32(c). <p>The following definitions shall apply to this land only:</p> <p>"Administration/Recreation Building" may include administration offices and facilities, meeting rooms, an eating establishment, and a check-in desk for the administration of off-site Short Term Accommodation and off-site Commercial Resort Units or the use of the general public. The Administration/Recreation Building may also include indoor and outdoor recreational facilities and maintenance facilities for the use of the Patrons and Guests only.</p> <p>"Bed" is defined as a bed capable of accommodating one (1) person. As an example, a double, queen or king size bed is counted as two beds.</p> <p>"Building Area" shall mean the area comprised of buildings and structures.</p> <p>"Patrons and Guests" shall mean the owners of the Commercial Resort Units or Short Term Accommodation Units and registered guests residing on this land.</p> <p>"Landscaped Open Space" shall mean open space comprised of lawn and ornamental shrubs, flowers and trees and may include space occupied by paths, walks, pedestrian bridges, signs, unenclosed wheelchair lifts or ramps, courts, patios, decks and swimming pools and associated pumphouse facilities, but shall not include parking areas, traffic aisles, driveways or vehicular ramps. All buildings and structures within the Landscape Open Space areas shall comply with applicable yard setback requirements, except that the required setback from a watercourse shall not apply, subject to any required site plan, construction or engineering design approvals in accordance with any other applicable statute, by-law or regulation.</p> <p>"Laundry Facility" shall include the launder and the transfer of on-site laundry materials as well as the storage and sorting of</p>
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		<p>laundry generated at off-site Short Term Accommodation and Commercial Resort Units. For greater certainty, the Laundry Facility will not be used for the cleaning of laundry generated off-site.</p> <p>"Parking Area" means an area provided for the parking of motor vehicles and may include aisles, parking spaces, and related ingress and egress lanes but shall not include any part of a highway, street, road or lane. Parking Area may include a tennis court structure and garbage collection receptacles which do not obstruct aisles, parking spaces and ingress and egress lanes.</p> <p>No enlargement of the existing buildings and structures are permitted without an amendment to this By-law.</p>
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10. That Section 3 – Definitions to the Blue Mountains Zoning By-law 2018-65 is amended by deleting and replacing the definition of Rental or Lease Management Program with the following:

“RENTAL OR LEASE MANAGEMENT PROGRAM
Means a program that provides for the full centralized management of a minimum of ten commercial resort units including, but not limited to: a registered business that provides for such full centralized management. The Program shall provide a point of contact being a company that shall be available on a 24 hour basis for security, housekeeping, maintenance, and accounting matters. In this definition, “full centralized management” means common, centralized or shared advertising, booking, operations, security, housekeeping, maintenance and accounting.” Under full centralized management it would be required that any reservations/booking within a Commercial Resort Unit (CRU), being brokered, for any monetary gain or profit, be managed exclusively by the CRU Rental Lease Management Program Manager and not by the CRU unit owner, independent of the CRU Rental or Lease Management Company.”

11. That Section 4.8 to the Blue Mountains Zoning By-law 2018-65 is amended by deleting and replacing Section 4.8 with the following:

- “4.8 Bed and Breakfast Establishments
- a) No person shall use any land or erect, alter or use any building or structure for the purpose of a Bed and Breakfast Establishment use within any Residential Zone unless otherwise permitted by this By-law.
 - b) A Bed and Breakfast Establishment shall only be permitted in a single detached dwelling and shall not contain more than three (3) guest rooms.
 - c) No Bed and Breakfast Establishment shall be located closer than 120 metres from another Bed and Breakfast Establishment or Short Term Accommodation Use. For the purposes of this section, 120 metres shall be measured from the property line of a single detached dwelling and from the main wall for a multiple unit building.
 - d) A Bed and Breakfast Establishment shall have the owner, residing on the premises.
 - e) On-site parking for a Bed and Breakfast Establishment shall be provided in accordance with Section 5 to this By-law.
 - f) A minimum two (2) metres of *landscaping* shall be provided adjacent to parking areas where 4 or more cars are parked.
 - g) A minimum of 50% of a rear yard shall be maintained as *landscaping*.

- h) Bed and Breakfast Establishments shall be subject to site plan control.
- i) Bed and Breakfast Establishments shall be subject to licensing.

12. That Schedule ‘A-1’ is declared to form part of this By-law.

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

Enacted and passed this _____ day of _____, 2021.

Alar Soever, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2021-_____ as enacted by the Council of The Corporation of the Town of The Blue Mountains on this _____ day of _____, 2021.

Dated at the Town of The Blue Mountains, this _____ day of _____, 2021.

Corrina Giles, Clerk

Town of The Blue Mountains

Schedule 'A-1'

By-Law No. _____

