



# Staff Report

Planning and Development Services – Planning Division

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**Report To:** Special Committee of the Whole  
**Meeting Date:** May 27, 2019  
**Report Number:** PDS.19.55  
**Subject:** Information Report for Zoning By-law Amendment for new Bed & Breakfast (Morgan)  
**Prepared by:** Denise Whaley, Planner II

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## A. Recommendations

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THAT Council receive Staff Report PDS.19.55 “Information Report for Zoning By-law Amendment for new Bed & Breakfast (Morgan)”, for information only.

## B. Overview

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This report provides an overview of the application and a preliminary review of the applicable planning policies regarding a zoning by-law amendment requesting permission for a new Bed and Breakfast use at 111 Marsh Street in Clarksburg. Following the public meeting, staff will review all comments received and any additional issues or concerns that are raised. This review will be included in a final recommendation report which will be brought to a future Committee of the Whole meeting for Council decision.

## C. Executive Summary

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**Application File #:** P2734

**Application Received:** April 11, 2019

**Application Deemed Complete:** April 18, 2018

**Official Plan Designation:** Community Living Area

**Zoning Bylaw Township of Collingwood 83-40:** Village Residential (VR)

**Location:** 111 Marsh Street (Clarksburg)

**Water and Sewer Servicing:** Private water and septic system

The applicants would like to establish a Bed & Breakfast use in their existing house, where they reside full time, in Clarksburg. This application for zoning by-law amendment is seeking approval to add the use of “Bed & Breakfast Establishment” to the property’s zone. A Bed & Breakfast is defined in the Zoning By-law as a dwelling that offers up to three (3) guest rooms,

where the dwelling is also the primary residence of the proprietor. The Bed & Breakfast would be owner-operated by the applicants who live on the property. Approval of this application would not permit Short Term Accommodation (STA) uses on the property.

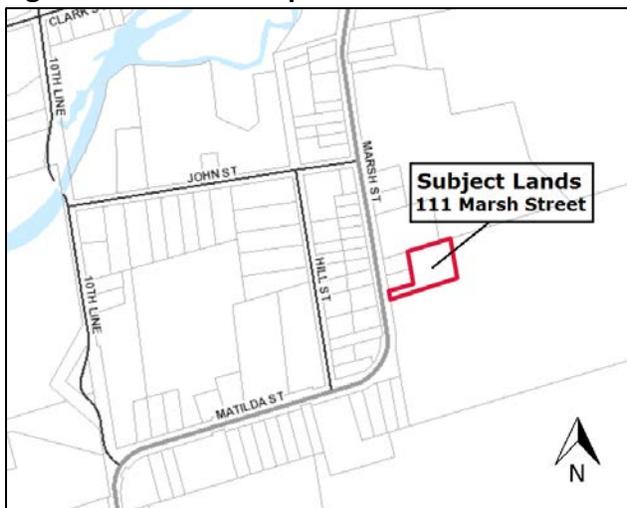
## D. Background

### Location

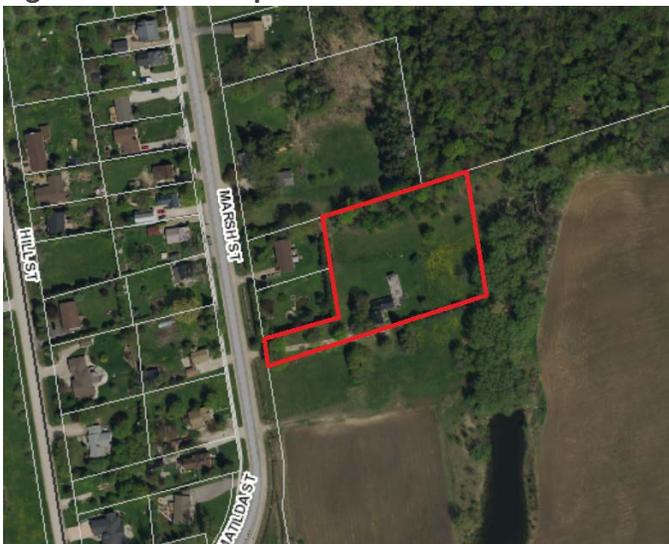
The property is located at 111 Marsh St. in Clarksburg (figure 1). The property is in an area of low-density residential uses and the last house before transitioning to a rural area, on the east side of Marsh Street. Adjacent to the property are agricultural uses, residential and vacant lands to the east (adjacent to the rear yard of the property – see figure 2). The property is approximately 7432 square metres (1.84 acres), with 15.24 m (50 feet) frontage on Marsh Street.

The legal description of the lands is Plan 562, Part of Lot 60, Part 2 of Reference Plan 16R2974 (formerly the Township of Collingwood), in the Town of The Blue Mountains.

**Figure 1: Location Map**



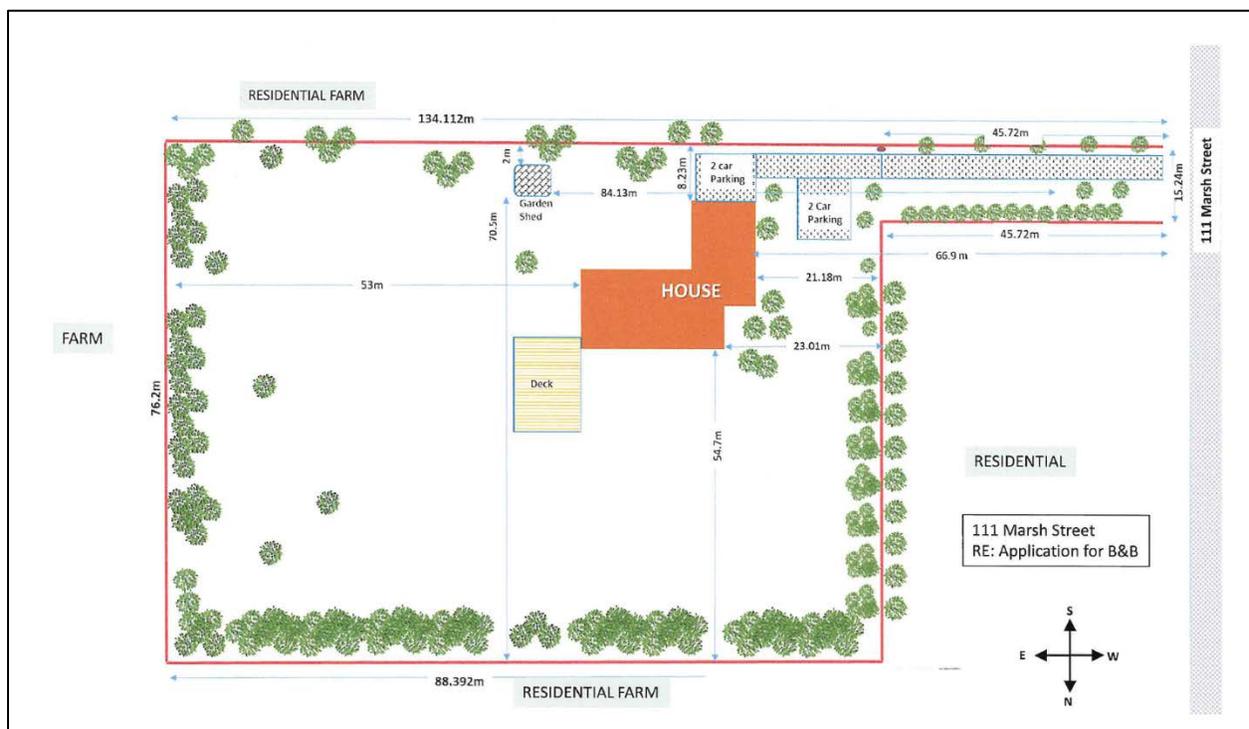
**Figure 2: Aerial Map**



### Current Proposal

All Bed and Breakfast proposals require a rezoning application, and may require a site plan approval application. The Town has received the required rezoning application, submitted by the owners Michael and Shari Morgan. A site sketch was submitted with the application, as seen in Figure 3. The Sketch shows the location dwelling, accessory uses and associated parking spaces. A Site Plan application can be requested, should it be deemed necessary as part of the approval of the zoning amendment by Council. In this case, no changes have been proposed to the site that would be required through a Site Plan Application. The proposed Bed & Breakfast use is located in the existing dwelling and required parking is already located on the site. However, should Council still wish this application to be subject to site plan control, Council has the authority to do so.

**Figure 3: Site Plan**



### Planning Policy Review

Staff completed a preliminary document review of the relevant policies that apply to this Proposal. A detailed set of policies that apply is attached to this report as Attachment #2.

### Planning Act

The Ontario Planning Act provides municipal Council with the authority to pass zoning by-laws, and amendments to existing zoning by-laws, under Section 34 of the Act. The Planning Act also requires that in making planning decisions Council must have regard for matters of Provincial Interest, as outlined by Section 2 of the Act and the Provincial Policy Statement. Council must also have regard for the policies of the Official Plan which apply to the lands.

Based on a preliminary review, there does not appear to be concerns with respect to the provisions of the Planning Act.

### Provincial Policy Statement (PPS 2014)

The Provincial Policy Statement (PPS) provides more detailed policy direction on matters of provincial interests related to land use planning and development. Within the framework of the PPS, the subject lands are located within a settlement area; settlement areas are the focus of growth and development, and their vitality and regeneration shall be promoted. Since no buildings or structures are proposed, nor any change in use (property is still residential in nature), staff review did not identify issues related to the PPS.

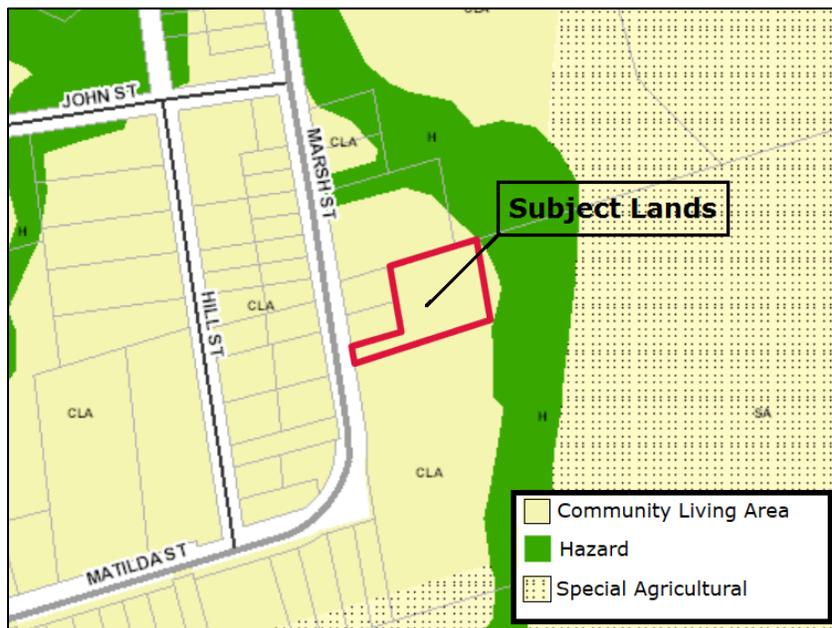
### County of Grey Official Plan

The County of Grey Official Plan designates the lands **Primary Settlement Area**. Primary Settlement Areas are larger settlements with full municipal servicing; a wide range of uses, services and amenities are intended to be the primary target for residential and non-residential growth. County policies are designed to be flexible and leave more detailed policy requirements for development in the Primary Settlement area to the local municipality.

### Town of The Blue Mountains Official Plan

The property is designated **Community Living Area (CLA)** within the Town's Official Plan as shown in Figure 4. The CLA designation supports a variety of residential uses and home occupations. Bed and Breakfast uses are permitted in the CLA designation, subject to a site-specific Zoning By-law Amendment.

**Figure 4: Official Plan Excerpt**



Other required criteria for these uses are:

- must be owner-operated and the owner must reside on the site
- adequate landscaping / screening from surrounding residences and
- adequate parking
- may be subject to site plan control

Site Plan Control is a tool that can be used to review the site in more detail (such as landscaping, siting parking, and outdoor amenity areas). Based on the location of the property, its size and existing landscaping, staff are satisfied that this proposal appears to be consistent with the intent and direction of both Official Plans.

### Zoning By-law

The former Township of Collingwood Zoning By-law 85-40 zoned the lands Village Residential (VR). The Town's new Comprehensive Zoning By-law intended to zone the lands Development (D). However, as the D zones remain area of deferred decision of Council and not yet in effect.

The VR zone permits single detached dwellings and accessory uses. The use of Bed and Breakfast may be added through a site-specific exception to this property's zone. The zoning by-law defines a "Bed and Breakfast Establishment" as a dwelling that operates or offers no more than three (3) guest rooms as places of temporary occupancy by way of commercial arrangement and operated by the owner and resident of the lot. Bed and Breakfasts must also have at least one (1) parking space per guest room. The proposed zoning amendment proposes to add the additional use of "bed and breakfast" as defined within the Zoning By-law, to the property's zone. In this case, the category to be applied would be VR-exception. The Exception would add the additional use, keeping the parent category as it is. Other matters may also be included, should additional requirements be necessary to ensure the proposed use is appropriate.

At the appropriate time, Staff will provide draft zoning by-law amendment for the upcoming staff recommendation report.

### Planning Services Comments

Subject to further comments and review, Planning Services not yet identified any substantial matters of concern with the proposal. There is adequate room for parking and some significant landscape cover on the lands already. However, should any site plan issues be raised as part of the public process, a site plan application can ensure that the requirements of Section B2.5.1 of the Official Plan are adequately addressed.

## **E. Analysis**

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The intent of this report is to provide an overview of the proposal and to provide a preliminary review of the applicable planning policy only to highlight matters that may require resolution. Following the public meeting, staff will review all comments received and any additional matters that are raised. This review will be included in a final recommendation report which will be brought to a future Committee of the Whole meeting for Council decision.

## **F. The Blue Mountains Strategic Plan**

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- Goal #1: Create Opportunities for Sustainability
- Objective #2 Attract New Business
- Objective #3 Promote a Diversified Economy
- Objective #5 Improved Visibility and Local Identity

## **G. Environmental Impacts**

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None at this time.

## **H. Financial Impact**

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None at this time.

## **I. In consultation with**

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Comments have been requested from the public, municipal departments, and public agencies through circulation of the Notice of Public Meeting.

## **J. Public Engagement**

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The topic of this Staff Report is subject of a Public Meeting on May 14, 2019. Those who provide comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, will be provided notice of this Staff Report.

## **K. Attached**

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1. Public Notice
2. Detailed Policy Analysis

Respectfully submitted,

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Denise Whaley, MSc MCIP RPP  
Planner II

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Nathan Westendorp, MCIP RPP  
Director of Planning and Development Services

For more information, please contact:  
Denise Whaley  
[planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)  
519-599-3131 extension 262

Michael and Shari Morgan

Roll: 424200001202405

Attachment #1  
PDS.19.55



# Notice of Public Meeting

## Application for Zoning Amendment

Property Location: 111 Marsh St. (Clarksburg)

Public Meeting: **May 27, 2019 at 5:00 PM**  
**Town Hall, Council Chambers**  
**32 Mill Street, Thornbury, ON**

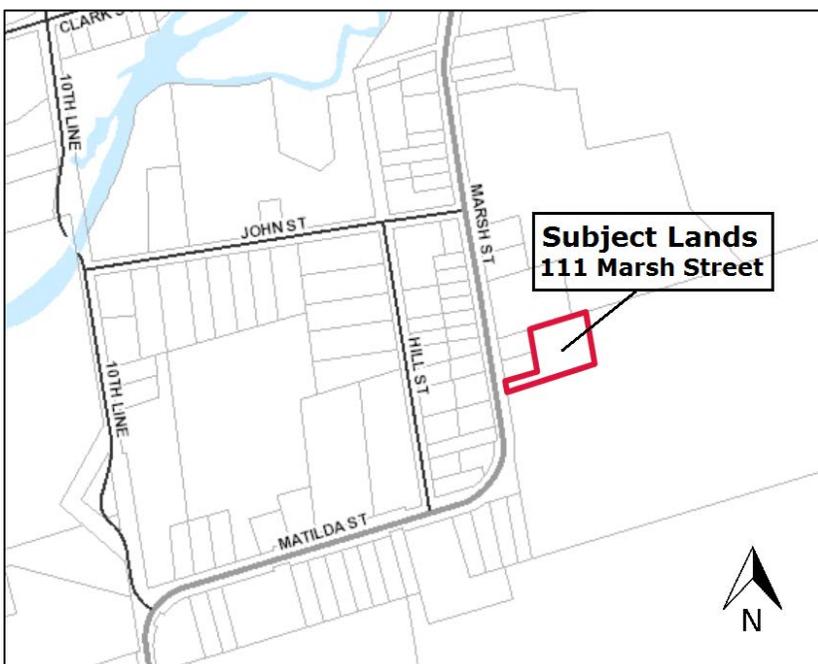
### What is being proposed?

The applicants would like to establish a Bed & Breakfast use in their existing house at 111 Marsh Street in Clarksburg. This application for zoning by-law amendment is seeking approval to add the use of "Bed & Breakfast Establishment" to the property's zone. A Bed & Breakfast is defined in the Zoning By-law as a dwelling that offers up to three (3) guest rooms, where the dwelling is also the primary residence of the proprietor. The Bed & Breakfast would be owner-operated by the applicant who lives also on the property.

Please note that if this application is approved, it **would not** allow for a Short Term Accommodation (STA) use on these lands.

The property is designated **Community Living Area** in the Town of The Blue Mountains Official Plan.

The legal description of the lands is Plan 562, Part of Lot 60, Part 2 of Reference Plan 16R2974 (formerly the Township of Collingwood), in the Town of The Blue Mountains.



### What happens at a Public Meeting?

The public meeting is your chance to hear more about the proposal and make your views about it known. You may also speak at the meeting or submit written comments. Information from the public will help Council in their decision-making process, so make sure to have your say!

Any person or agency may attend the Public Meeting and/or make verbal or written comments either in support or in opposition to the proposed amendment.

### Where do I find more information?

Visit us in Planning Services, Town Hall during regular office hours Monday to Friday 8:30 a.m. to 4:30 p.m. or contact the planner for this file.

### Where do I submit my comments?

Your written comments may be sent to the Town Clerk, Corrina Giles:

#### By Mail or in Person:

32 Mill St. Box 310,  
Thornbury ON, N0H 2P0

Fax: (519) 599-7723

Email: [townclerk@thebluemountains.ca](mailto:townclerk@thebluemountains.ca)

**Written comments are requested by Friday, May 24, 2019**, so that they may be read at the public meeting for the benefit of everyone in attendance.

### When will a decision be made?

A decision on this proposal has NOT been made at this point and will NOT be made at the Public Meeting.

After reviewing the application and any comments received, Town staff will bring a recommendation on this project to a future council meeting.

### Want to be notified of a decision?

You must make a request in writing if you wish to receive a notice of any decision of Council on this proposal.

### Your rights to appeal a decision:

If a person or public body does not make oral submissions at a public meeting or make written submissions to Town of The Blue Mountains before the by-law is passed, the person or public body is not entitled to appeal the decision of Council to the Local Planning Appeal Tribunal.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to Town of The Blue Mountains before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

### Questions? Want more information? Ask the Planner!

Denise Whaley, MSc MCIP RPP

Phone: (519) 599-3131 ext 262 or Toll Free (888) 258-6867 Email: [planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)

## Detailed Planning Analysis Section

This attachment provides the most relevant sections of the Planning Act, Provincial Policy, the Official Plans and any other policies and legislation that were considered by staff in review of this proposal. As this proposal is not to create any new land uses and does not create a new lot, rather for a lot boundary adjustment, limited sections of the documents apply.

### Relevant Sections of the Planning Act, R.S.O. 1990, c. P.13

Staff reviewed all the sections under Section 2 - Matters of Provincial interest as well as Section 51 (24). The below quoted sections were determined to be most relevant and staff provided comments on how these sections were considered.

### Planning Act

Provincial interest

**2** The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

(a) the protection of ecological systems, including natural areas, features and functions;

**Staff Comment:** The Subject Lands do not contain natural heritage features, but are adjacent to features. However, none of these features will be affected by the proposal.

(k) the adequate provision of employment opportunities;

**Staff Comment:** Policies for home-based work allow for additional employment opportunities, beyond commercial and employment lands.

(o) the protection of public health and safety;

**Staff Comment:** Staff have no concerns of public health and safety. The lands front a public road which is a County Highway. The number of cars that the use could generate would be consistent with typical residential uses.

### Public works and by-laws to conform with plan

**24** (1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.

**Staff Comment:** The proposal was reviewed for conformity with the relevant Official Plans. Staff are satisfied that the proposal is supported by Town and County Official Plan Policies.

## **Part V - Land Use Controls and Related Administration - Zoning by-laws**

**34** (1) Zoning by-laws may be passed by the councils of local municipalities:

### Restricting use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

### Restricting erecting, locating or using of buildings

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

**Staff Comment:** Zoning By-laws are used by Councils to restrict the uses and buildings on lands. However they may be amended by applying for a Zoning By-law Amendment (Subsection 10 of Section 34).

## **Provincial Policy Statement 2014 (PPS 2014)**

Section 4.1 of the PPS states that the policies apply to all decisions made by an approval authority on a planning matter and Section 4.2 confirms that a decision of the council of a municipality shall be consistent with the Provincial Policy Statement. The following excerpts from the PPS were considered relevant to this application and formed part of the staff planning review.

### **1.0 Building Strong Healthy Communities**

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

#### **1.1.3 Settlement Areas**

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

**Staff Comment:** The property is within a settlement area. However the proposal would not be considered development as the residential use is well established (no new buildings or structures are proposed).

In review of the PPS, no issues were identified. The proposal does not impact any natural heritage, natural hazard or any provincial resources. Staff are satisfied that the proposal is consistent with the PPS.

## **Official Plans**

### **County of Grey Official Plan**

#### **2.6.3 Primary Settlement Areas**

(1) The Primary Settlement Areas as identified in Table 6 and shown on Schedule A of this Plan include existing major urban settlement areas on full municipal services.

(2) Land Use policies and development standards in areas designated Primary Settlement Areas will be in accordance with local Official Plans and/or Secondary Plans.

(3) This Official Plan shall promote the development of the Primary Settlement Areas designation for a full range of residential, commercial, industrial, recreational, and institutional land uses. They will be the focus of a majority of the growth within the County. Lands may be designated to accommodate the growth projected in Tables 1, 2, and 3 of this Plan.

(4) Where there are existing partially serviced or non-serviced areas in Primary Settlement Areas, development shall proceed in accordance with approved local official plan or official plan amendment policies.

**Staff Comment:** The County Plan defers detailed development and land use policies to the Town's Official Plan. This is an unserviced area with no Town water or sewer. The proposal is not considered "development" because the existing house and buildings not changing. Septic design would be determined through Town permits and be consistent with the Building Code.

## **Town of The Blue Mountains Official Plan Excerpts**

### **B3.1 COMMUNITY LIVING AREA**

#### **B3.1.1 Objectives**

It is the intent of this Plan to:

- maintain the unique small town feel and character of Thornbury-Clarksburg;
- maintain compatibility and where necessary, enhance the character and identity of existing residential areas;
- encourage the provision of a full range of housing opportunities to meet the Town's housing needs;
- promote the efficient use of existing and planned infrastructure by creating the opportunity for residential intensification, where appropriate; and,
- maintain the community's low (height) profile and low density feel.

### **B3.1.2 Location**

The Community Living Area designation applies to lands in the Thornbury-Clarksburg *settlement area*, on full municipal sewer and water services, and lands in Clarksburg proposed to be serviced by full municipal sewer and water services.

### **B3.1.3 Permitted Uses**

Permitted uses on lands designated Community Living Area include:

- a) single detached dwellings;
- b) semi-detached dwellings;
- c) duplex dwellings;
- d) townhouse, multiple and apartment dwellings subject to Section B3.1.5;
- e) *accessory apartments* in single detached, semi-detached and townhouse dwellings subject to Section B2.7;
- f) *home occupations* subject to Section B2.10;
- g) bed and breakfast establishments in single detached dwellings, subject to Section B2.5.1
- h) parkettes and neighbourhood parks;
- i) day nurseries and institutional uses subject to Section B.3.1.7;
- j) special needs housing subject to Section B3.1.6;
- k) private home daycare; and,
- l) other similar uses.

Notwithstanding the permitted uses listed in this section, residential *development* in areas without full municipal services shall be limited to single detached dwellings on existing lots. **Staff Comment:** The use of Bed and Breakfast is permitted, subject to criteria in another section. The CLA designation

**Staff Comment:** The proposed use is expressly subject to an additional policy B2.5.1. The

### **B2.5.1 Bed and Breakfast Establishments**

Notwithstanding any other policy of this Plan, a bed and breakfast establishment may be permitted in an existing single detached residential dwelling where permitted in this Plan. The policies for establishing a bed and breakfast use are as listed below.

- a) An amendment to the Implementing Zoning By-law will be required to permit this use.
- b) Bed and breakfast uses should not be permitted unless the owner of the dwelling resides in the dwelling while the dwelling is operating.

- c) That the use of the single detached residential dwelling for a bed and breakfast use shall not be detrimental to any adjacent use. Where necessary, neighbouring uses will be protected by the provision of areas for landscaping, buffering or screening, of buildings, structures or uses, so as to reduce any detrimental affect caused by the use of the dwelling as a bed and breakfast establishment.
- d) That adequate parking facilities over and above the parking requirement for single detached residential dwellings are available which shall be a minimum of one additional parking space per guest room; and,
- e) That bed and breakfast uses may be subject to site plan control.

**Staff Comment:** A site plan application for the Bed and Breakfast use will also be reviewed to look at the site in a little more detail. Staff are satisfied that use would generally be compatible with other residential uses, based on both the small scale (3 guest rooms) and larger lots in this area, with existing well established landscaping. Adequate parking is also on the property.