



# Staff Report

## Planning & Development Services – Planning

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**Report To:** Committee of The Whole  
**Meeting Date:** September 11, 2017  
**Report Number:** PDS.17.83  
**Subject:** Zoning By-law Amendment –Revisions to C2-9 Zone Provisions  
(Janet Samson – CCE Promotions)  
**Prepared by:** Travis Sandberg, Planner I

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### A. Recommendations

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THAT Council receive Staff Report PDS.17.83, entitled “Zoning By-law Amendment – Revisions to C2-9 Zone Provisions (Janet Samson – CCE Promotions)” for the lands known as Part of Lot 12, South West King Street, Town Plot of Thornbury (135 King Street East); and

THAT Council enact a Zoning By-law Amendment to revise the site-specific provisions of the General Commercial Exception 9 (C2-9) zone in order to remove restrictions on building expansion, to increase the maximum allowable size of an accessory structure, and to impose a minimum 3m side and rear yard setback requirement for all accessory structures abutting a residential zone. All other provisions of the C2-9 zone and the requirements of Section 6 and Section 15 of Zoning By-law 10-77 shall apply, as outlined in the attached draft by-law.

### B. Overview

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The purpose of this report is to provide information to Council on this zoning by-law amendment application which requests revisions to existing site-specific zoning provisions to permit a second storey addition to an existing commercial building and an accessory detached garage. No major site works, such as grading or new services, are required as a part of this application.

This report summarizes the comments received at the public meeting held on August 21, 2017, and provides a Planning Policy review as it relates to the proposal. Staff recommend approval of this application and a draft by-law is attached to this report (Attachment #2).

### C. Background

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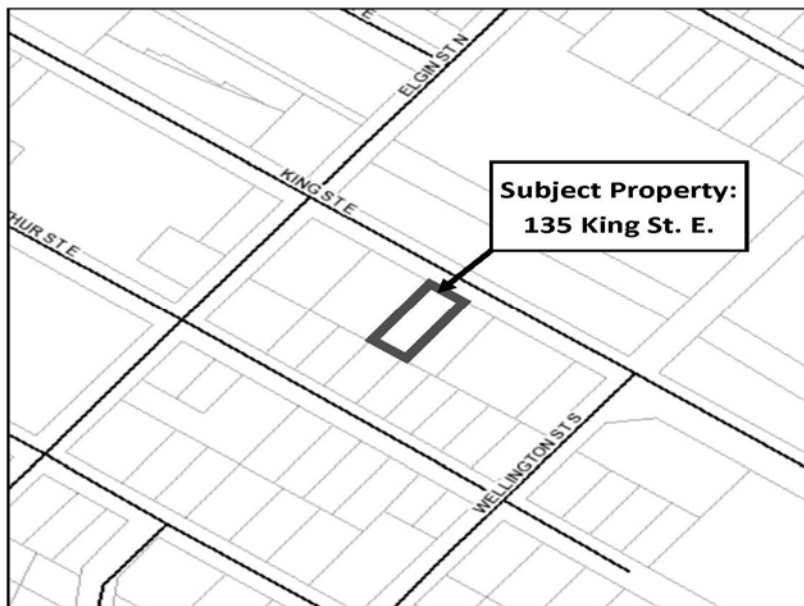
The applicant proposes to construct a second-storey accessory residential suite and a detached garage on an existing commercial property. A Zoning By-law amendment application was submitted to Planning Services requesting the removal of site-specific zoning provisions which prohibit ‘expansion’ of the existing building without amendment to the zoning by-law. The applicant also requests new site-specific zoning provisions to increase the maximum size of an

accessory structure to 7% of the lot area, with associated minimum rear and side yard setback requirements of 3m when abutting a residential zone. All other provisions of the C2-9 zone will remain applicable to the subject property and the existing site-specific front and side yard setback requirements for the principle building will be maintained. Notwithstanding the revisions proposed above, the standard provisions of the General Commercial (C2) zone and the general provisions contained in Section 6 of Zoning By-law 10-77 will apply to the General Commercial Exception 9 (C2-9) zone.

### Location

The subject property is located at 135 King Street East, as shown in Figure 1. The legal description of the lands is Part of Lot 12, South West of King Street, Town Plot of Thornbury.

**Figure 1: Property Location**



The King Street East corridor consists of predominantly commercial land uses and vacant development lands. The subject property has direct frontage onto King Street East and is currently used for general commercial purposes. Surrounding land uses include residential (R2) to the south and west, general commercial (C2) to the east, and vacant development land (D) north of the King Street East right-of-way.

### Public Meeting Summary

A public meeting for this application was held on August 21, 2017. Comments received from the Historic Saugeen Metis indicate no objection or concerns with the proposed zoning amendment.

Comments received from the County of Grey indicated no objection or concerns with the proposed zoning amendment.

Comments received from the Grey Sauble Conservation Authority indicate no objection or concerns with the proposed zoning amendment.

Comments received from the Town of the Blue Mountains Community Services department indicate no objection or concerns with the proposed zoning amendment.

Comments received from the Town of the Blue Mountains Infrastructure and Public Works department suggests considering paving the parking area and recommends that the accessory residential unit receive a unique address (i.e. 135A King Street East) in order to assist with waste collection.

No other comments were received with respect to this application.

**Figure 2: Aerial Photo**



## D. Analysis

Provincial Policy Statement (PPS 2014)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS identifies settlement areas as the main focus for growth and development within the Province and promotes a wide range of land uses to promote their long-term prosperity and vitality.

The amendment proposes a mixed-use approach for moderate intensification of the site, which is within an established settlement area. Municipal services are currently provided to the site and no major site works (i.e. grading, parking area expansion, etc.) are required to accommodate the second storey addition. As such, the proposed zoning by-law amendment is consistent with the Settlement Area goals and objectives of the PPS and contributes to an appropriate mix and density of land uses within the settlement area.

Official Plans

County of Grey Official Plan

The subject property is located within a designated **Primary Settlement Area** in the County of Grey Official Plan. The policies of the plan strongly encourage local intensification within Primary Settlement Areas, including mixed-use approaches which incorporate second-storey accessory residential uses over existing ground-floor retail uses. The proposal is consistent with the direction of the County of Grey Official Plan.

Town of the Blue Mountains Official Plan

The subject property is designated as **Downtown Area** by the Town of the Blue Mountains Official Plan. Permitted uses within this designation include accessory residential as a part of a commercial building or multiple unit apartment. It is the intent of the Official Plan to maintain Downtown Areas as the focal point of the community and to encourage the maximum use of existing buildings to accommodate a wide range of uses, with an emphasis on utilizing second-storey spaces for office, residential, and accommodation uses. The applicant's proposal makes more efficient use of existing infrastructure and will utilize the proposed second storey space for an accessory residential use. Based on the Downtown Area policies, the proposal is consistent with the Town of the Blue Mountains Official Plan.

**Figure 3: Official Plan Map (Schedule A2)**



Zoning By-law No. 10-77

The subject property is currently zoned **General Commercial Exception 9 (C2-9)** by the Town of Thornbury Zoning By-law No. 10-77. The C2-9 zone permits a wide range of commercial and accessory residential land uses. The proposed retail use with an accessory residential apartment is permitted in the General Commercial Exception 9 (C2-9) zone.

The C2-9 zone provisions currently recognize the existing building and parking setbacks on the property and prohibits expansion of the building without amendment to the Zoning By-law. The proposed amendment will remove the restriction on building expansion and will rely on the

standard General Commercial (C2) zone provisions to permit a second storey addition up to a maximum building height of 10m without amendment to the Zoning By-law. The special provisions recognizing the existing non-compliant building and parking setbacks will be maintained, while new provisions will be included to allow an increase in the maximum size of an accessory structure with associated minimum rear and side yard setback requirements of 3m when abutting a residential zone.

#### Planning Analysis

Revising the site-specific zoning provisions, as recommended, will allow for more efficient use of the site and will contribute to the development of the King Street East corridor as a compact and mixed-use downtown area, as contemplated by the Official Plan. Site plan approval will not be required as the proposed works do not result in a substantial increase or intensification of use and do not require changes to existing site design including, but not limited to, changes to existing municipal services, grade changes, or expansion to the existing building footprint or parking area. The addition of a second-storey on the existing building is in keeping with the general character of adjacent parcels with respect to building style and massing, and contributes to a diversified housing stock within the downtown area.

Staff are satisfied that the proposal is consistent with the Provincial Policy Statement, the Official Plans, and the Zoning By-law, and represents good planning.

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

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The recommendations contained in this report support the following goals and objectives of The Blue Mountains Strategic Plan:

- Goal #1 - Create opportunities for sustainability, Objective #1 – Retain Existing Business, Objective #3 – Promote a Diversified Economy
- Goal #3 - Support healthy lifestyles, Objective #2 – Increase the Range of Housing Choices and Promote Housing Affordability

### **F. Environmental Impacts**

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None.

### **G. Financial Impact**

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None.

### **H. In consultation with**

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Agencies, the public and internal staff through the Public Notice process under the Planning Act.

**I. Attached**

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1. Comments Received
2. Draft Zoning By-law

Respectfully Submitted,

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Travis Sandberg, BA Geography  
Planner I

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Michael Benner, MCIP RPP  
Director of Planning and Development Services

For more information, please contact:  
Travis Sandberg, Planner I  
[tsandberg@thebluemountains.ca](mailto:tsandberg@thebluemountains.ca)  
519-599-3131 extension 283





## Planning and Development

595 9<sup>th</sup> Avenue East, Owen Sound Ontario N4K 3E3  
519-372-0219 / 1-800-567-GREY / Fax: 519-376-7970

August 16, 2017

Corrina Giles, Clerk  
Town of the Blue Mountains  
32 Mill Street Box 310  
Thornbury, Ontario N0H 2P0  
\*Sent via E-mail

**RE: Proposed Application for a Zoning By-law Amendment  
135 King Street East  
Town of the Blue Mountains (Geographic Township of Collingwood)  
Owner: Pauline and Chris Wood  
Applicant: Janet Samson**

Dear Ms. Giles,

This correspondence is in response to the above noted application. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

The purpose of the subject application is to add a second storey addition to the existing building where their business is located. The purpose of the addition is for an accessory apartment above the commercial use. The applicants would also like to construct a detached garage at the rear of the property, setback 3 metres from the rear lot line and 3 metres from the east side lot line.

The current zoning is General Commercial Exception (C2-9). The Exception 9 limits the building on the property to the current size and does not currently allow any expansion without amendment to the Zoning By-law. The proposed zoning amendment would remove the special building size restrictions and use the standard provisions of the General Commercial (C2) zone, with special provisions to allow the detached garage location.

Schedule A of the OP designates the subject property as 'Primary Settlement Area'. Section 2.6.3(3) of the OP states,

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.

The subject application conforms to the above noted policy. Within Primary Settlement Areas, the County OP generally defers detailed development standards to the local OP and/or Secondary Plans.

Although Appendix A does not map any constraints on the subject property, the County is aware that updated mapping is available, which indicates that the subject property is within an 'Intake Protection Area – 2' (IPZ-2). However, the subject property is also within an Events Based Area, which is mainly concerned with the storage of fuel exceeding. This does not appear to be a part of the subject application and therefore the IPZ policies shall not constrain this proposal.

County planning staff have no further concerns with the subject application.

The County requests notice of any decision rendered with respect to this application.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,

A black rectangular redaction box covers the signature of Kelly Henderson.

Kelly Henderson

Planner

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August 14, 2017

Ms. Corrina Giles, Clerk  
Town of The Blue Mountains  
32 Mill Street, P.O. Box 310  
Thornbury ON  
N0H 2P0

Dear Ms. Giles:

**RE: Zoning By-law Amendment Application**  
**Applicant: Pauline and Chris Wood**  
**Lot 32, Concession 9; 135 King St East**  
**Roll Number: 42-42-000-016-032-00**  
**Town of the Blue Mountains, formerly Thornbury**  
**Our File: P12772**

Grey Sauble Conservation Authority (GSCA) has reviewed this application in accordance with our mandate and policies for natural hazards, for natural heritage issues as per the provincial Policy Statement and relative to our policies for the implementation of Ontario Regulation 151/06. We offer the following comments.

### **Subject Proposal**

The proposed Zoning By-law Amendment would change the zoning on the subject property from General Commercial Exception (C2-9) to General Commercial (C2) in order to permit the expansion of the existing building and a detached garage.

### **Site Description**

The subject property includes an existing hair salon, parking area, manicured lawn, and several landscape trees.

### **GSCA Regulations**

The subject property is not currently regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.

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

#### **3.1 Natural Hazards**

GSCA did not identify any natural hazard areas on the subject property.

#### **2.1 Natural Heritage**

GSCA did not identify any significant natural heritage features on the subject property.

1 of 2



**Watershed Municipalities**  
Arran-Elderslie, Chatsworth, Georgian Bluffs, Grey Highlands  
Meaford, Owen Sound, South Bruce Peninsula, Blue Mountains

Zoning By-law Amendment Application  
Lot 32, Concession 9; 135 King Street, East  
Roll Number: 42-42-000-016-032-00  
Town of the Blue Mountains (Thornbury)  
August 14, 2017  
Our File No. P12772

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**Recommendations**

GSCA has no objections to the approval of the proposed Zoning By-law Amendment application, as the property is not currently regulated under Ontario Regulation 151/06 and no natural hazard areas or significant natural heritage features were identified on site.

We request a notice of decision in this matter to be provided to our office.

If any questions should arise, please contact our office.

Regards,



Andrew Sorensen  
Environmental Planning Coordinator

cc Building Department, Town of the Blue Mountains  
John McGee, Authority Director, Town of the Blue Mountains

**From:** [Lands and Resources Consultation Coordinator](#)  
**To:** [Denise Whaley](#)  
**Subject:** Request for Comments - Blue Mountains (Wood) Zoning By-law Amendment  
**Date:** August 1, 2017 12:47:08 PM

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Your File: Roll: 424000016032000000  
Our File: Blue Mountains Municipality

Good Afternoon Ms. Whaley,

The Historic Saugeen Metis (HSM) Lands, Resources, and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed development, land re-designation, rezoning, land severance, Official plan and/or Zoning By-law Amendments.

I trust this may be helpful.

Regards,

**George Govier**

Co-ordinator Lands, Resources, and Consultation

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204 High Street  
Southampton, Ontario  
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**The Corporation of the Town of The Blue Mountains**

**By-Law Number 2017 –XX**

Being a By-law to amend Zoning By-law No. 10-77 which may be cited as "The Town of Thornbury 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. 10-77;

And Whereas pursuant to the provisions of Section 34 and 36 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 26 of the Town of Thornbury Zoning By-law is amended by deleting the existing provisions of Subsection 9 and adding the following text:

*“9. Notwithstanding the requirements of Section 6 and Section 15 of this By-law, the lands zoned C2-9 are subject to the following special provisions:*

<i>Maximum Front Yard:</i>	<i>6.4m</i>
<i>Minimum Side Yard abutting a Residential Zone:</i>	<i>6.1m</i>
<i>Minimum Parking Setback abutting Residential Zone to the West:</i>	<i>0m</i>
<i>Maximum size of an Accessory Structure:</i>	<i>7% of lot area</i>
<i>Minimum Rear Yard for an Accessory Structure abutting a Residential Zone:</i>	<i>3m</i>
<i>Minimum Side Yard for an Accessory Structure abutting a Residential Zone:</i>	<i>3m”</i>

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

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
John McKean, Mayor

\_\_\_\_\_  
Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2017-XX as enacted by the Council of The Corporation of the Town of The Blue Mountains on the \_\_ day of \_\_\_\_\_, 2017.

Dated at the Town of The Blue Mountains, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Corrina Giles, Clerk