



Staff Report

Planning & Development Services – Planning Division

Report To: COW-Operations_Planning_and_Development_Services
Meeting Date: March 19, 2024
Report Number: PDS.24.040
Title: Recommendation Report – Follow-Up to the Public Meeting –
Zoning By-Law Amendment for 178 Marsh Street (Von Teichman)
Prepared by: Carter Triana, Intermediate Planner

A. Recommendations

THAT Council receive Staff Report PDS.24.040, entitled “Recommendation Report – Follow-Up to the Public meeting – Zoning By-Law Amendment for 178 Marsh Street (Von Teichman)”;

AND THAT Council enact a By-law to rezone the subject lands from the Village Commercial ‘C-1’ Zone to the Village Commercial ‘C1-X’ Zone within Zoning By-law 2018-65, as amended, to permit the construction of a mixed use commercial and apartment building.

B. Overview

The purpose of this report is to provide a summary of public consultation and a recommendation regarding a Zoning By-law Amendment application for 178 Marsh Street. The application proposed to rezone the subject lands from the Village Commercial ‘C1’ Zone to the Village Commercial Exception ‘C1-X’ to facilitate the construction of a mixed-use building on the corner of Marsh Street and Clark Street in Clarksburg. The proposed building would contain two commercial units and ten residential units. The requested amendments to the C1 zone include:

1. A reduced exterior side yard setback of 1.5m, whereas a minimum of 4.5m is required;
2. A rear yard setback of 2.01m, whereas a minimum of 7.5m is required;
3. Permission to locate dwelling units on the ground floor of a non-residential building in a commercial zone;
4. The provision of 22 parking spaces, whereas a minimum of 24 are required.

It is noted that a subsequent Site Plan Control application will be required to facilitate this development and will be subject to additional review by Town Staff to confirm items such as servicing, landscaping, parking, access, and snow storage. This application has not yet been submitted to the Town.

Planning Staff are supportive of the proposal and recommend approval of the rezoning as requested.

C. Background

Planning Staff received an application for a Zoning By-law Amendment on December 15, 2023. The application was deemed complete on January 17, 2024 and notice of the complete application and scheduled public meeting was circulated on January 22, 2024.

178 Marsh Street is located on the corner of Marsh Street (Grey Road 13) and Clark Street. The front of the property faces Clark Street, based on the definition of the front lot line in the Zoning By-law. The subject lands currently contain a residential apartment building containing four dwelling units, unpaved parking, and landscaping.

The subject application proposes to demolish the existing building and to construct a three-storey mixed use building containing two commercial units on the first floor and ten residential dwelling units (6 one-bedroom and 4 two-bedroom). Two of the residential units are proposed to be located on the first floor. The application proposes reduced exterior side yard and rear yard setbacks and seeks a reduction to the number of required parking spaces. It also requests permission to locate two residential units on the first floor.

In 2023, the proposal has been [awarded](#) \$76,990.60 through the Town's [Housing Within Reach Community Improvement Plan \(CIP\)](#). As a condition of this grant, the proposed development will include two attainable units, in accordance with the CIP requirements. The allocation of these funds can be used to cover feasibility studies, Town and County Development Charges for the two attainable units, municipal fees for the site plan review and building permit, and landscaping of the site. It is noted that the Town's development charges are currently under review and are proposed to be increased substantially, which may affect the ultimate pricing of units in this development.

Figures 1-5 provide additional context for the subject lands.



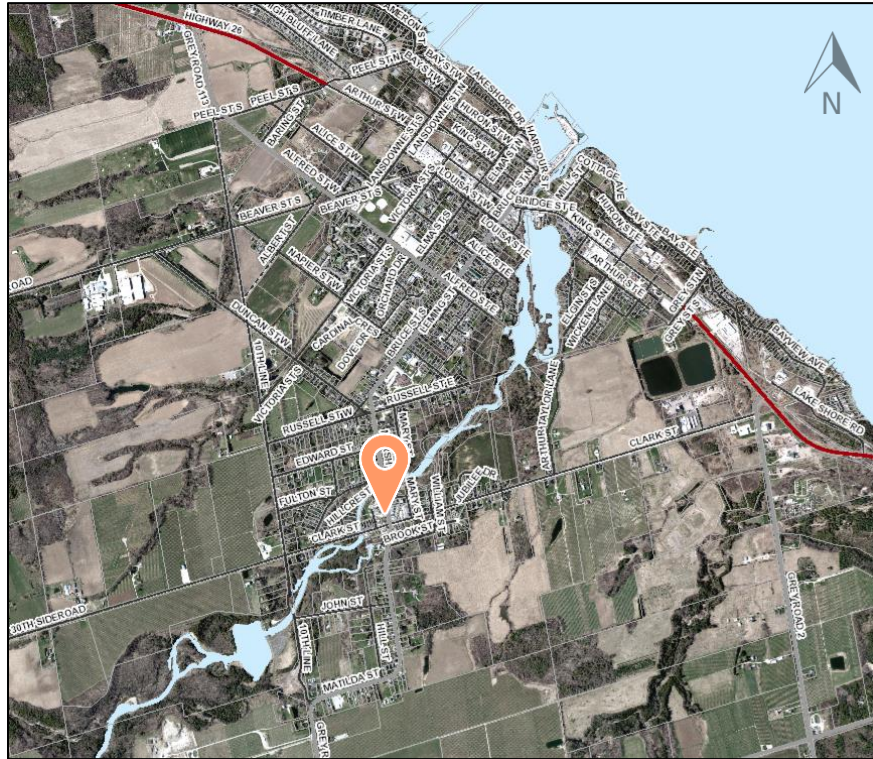


Figure 2. Location Map



Figure 3. Aerial Photo (ca. 2020)



Figure 3. Official Plan Land Use Designation

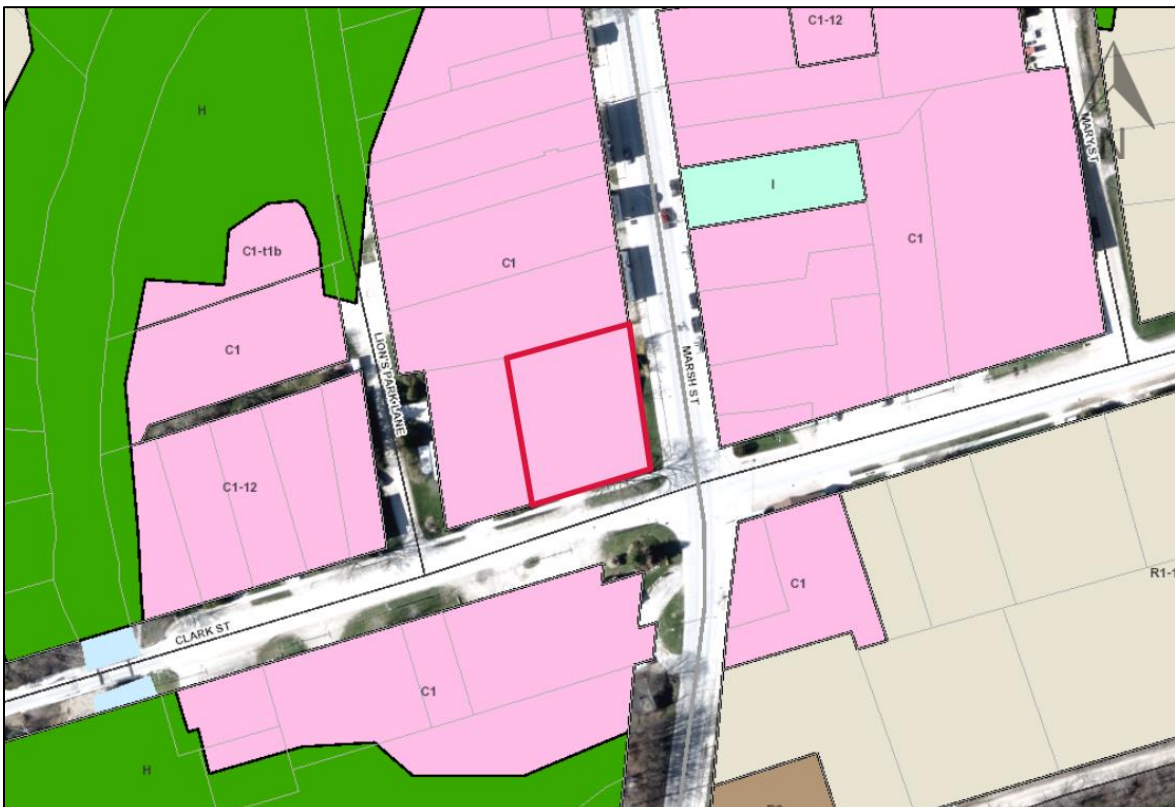


Figure 4. Zoning

The subject of the Zoning By-law Amendment application is the use of the land, namely if the proposed use of the subject lands for a mixed-use building complies with the relevant Provincial, County, and Municipal policy documents. The subsequent Site Plan Control application will review additional details such as servicing, landscaping, parking, access, and snow storage.

Public Comments

A statutory public meeting was held on February 13, 2024, for the subject application. In response, the Town received several written and verbal comments from area residents and external agencies. All comments received to date have been summarized as Attachment 2 and full versions of all written comments are included as Attachment 3 to this report. Planning Staff responses to the summarized written comments are also included in Attachment 2. A summary of common responses received, and Staff responses is included below:

- **Various comments related to servicing, access, type of parking spaces, snow removal, garbage, etc.**
These items will be reviewed by Town Staff as part of the subsequent Site Plan Control application and are not the subject of this Zoning By-law Amendment application.
- **Are the existing trees on the property proposed to be retained?**
Two mature trees along Clark Street are proposed to be retained. One tree in the middle of the property is proposed to be removed to allow for a new parking area to be constructed. Additional review of tree retention and landscaping will be conducted during review of the Site Plan Control application.
- **The building does not fit the character of Clarksburg (design, height).**
The applicant has expressed interest in working with residents to make modifications to the proposed design of the building to better match the design of existing buildings along Marsh Street. The current zoning of the subject property permits a building height of three-storeys as-of-right.
- **What will happen to tenants of the existing building?**
The applicant has indicated that he has spoken personally with all tenants about the proposal, and they have been given approximately 8 months to make arrangements. The N13 form from the Landlord and Tenant Board is the formal letter that provides tenants official notice and must be provided at least 120 days before the termination of a lease. The applicant has indicated that all existing tenants were appreciative of the transparency and time and that he will be working to provide a letter of recommendation to each tenant and other support as needed.
- **Is there potential liability for residents of The Blue Mountains to pay for a water system if adequate supply is not provided?**
This will be addressed in full during review of the Site Plan Control application, but the Town will require financial assurance as part of an agreement with the owner to ensure that any financial burden will not fall on the taxpayer should the proposed drinking water system not be maintained properly. Additional details of this agreement will be determined through future review of the proposed development.
- **What are the next steps for this proposal?**
This report will be presented at the March 19 Committee of the Whole meeting. Committee members will have an opportunity to ask questions of Staff and will then make

a decision on the Zoning By-law Amendment application. This decision will be finalized at the April 2 Council meeting. The applicant will be required to submit a Site Plan Control application for the proposed development, which will be reviewed by Town Staff. It is noted that review of and decisions on Site Plan Control applications are delegated to Staff at the direction of the province. Through this review, Staff will confirm items such as servicing, access, snow removal, waste management, parking, and landscaping. As part of this approval, the applicant will enter into an agreement with the Town to facilitate the development in accordance with approved drawings and conditions.

D. Analysis

Planning Act

In making planning decisions, the Planning Act requires approval authorities to 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. S.34 of the Act provides authority to municipal councils to enact land-use zoning by-laws. Additional commentary is provided below regarding the policies of the PPS and Official Plan.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides more detailed policy direction on matters of provincial interests related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. Within the framework of the PPS, the subject lands are located within a settlement area. The PPS supports a wide range and density of uses within Settlement Areas, acknowledges these areas as the focus for growth and development, and that their vitality and regeneration shall be promoted.

Section 1.0 of the PPS promotes Building Strong Healthy Communities through the provision of efficient development and land use patterns that promote cost effective development patterns to minimize land consumption and servicing costs. Residential uses should have compact form and be comprised of a range and mix of dwelling types and densities in order to allow for efficient use of land and services (PPS Section 1.4.3). In this regard, the PPS directs growth and intensification to existing Settlement Areas where suitable infrastructure is available or planned, adjacent to existing development. Municipal water and sanitary sewer systems are the preferred servicing form within settlement areas (PPS Section 1.6). Healthy active communities should be promoted by facilitating active transportation, providing a range of built and natural recreational amenities, providing opportunities for public access to shorelines, and encouraging a sense of place by promoting well-designed built form (PPS Sections 1.5, 1.6.7 and 1.7.1). The proposed applications appear to provide for efficient land-use by maximizing the development potential of the lands through dense design and the inclusion of both commercial and residential uses.

The proposed development would diversify the types of dwellings available in Clarksburg by increasing the number of apartment dwelling units on the subject lands. As the subject lands are a corner lot, there is direct connection to existing roads and sidewalks along those roads. The development would also have direct access to the commercial businesses along Marsh Street and

proposes to provide open amenity space on the corner of Marsh Street and Clark Street for use by Clarksburg residents.

Section 2.0 of the PPS promotes the long-term prosperity, environmental health, and social wellbeing of the province through the conservation of biodiversity, protection of the Great Lakes, and protection of natural heritage, water, agricultural, mineral, and cultural resources. Natural heritage features are to be protected for the long term. Site alteration is not permitted within areas containing habitat for fish, or endangered or threatened species, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Grey County Planning Ecology Staff have reviewed the proposal and have indicated no concerns with the requested zoning for the property. Additional review will be completed through the subsequent Site Plan Control application.

Section 3.0 of the PPS aims to protect public health and safety by directing development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards. Grey Sauble Conservation Authority Staff have reviewed the proposed zoning and have indicated no concerns. Additional review will be completed through the subsequent Site Plan Control application.

Based on the above comments, Planning Staff are satisfied that the proposed zoning is consistent with the direction provided by the Provincial Policy Statement (2020).

Grey County Official Plan

The subject lands are designated Primary Settlement Area in the Grey County Official Plan. This designation promotes a full range of residential, commercial, industrial, recreational, and institutional land uses and is identified as the focus of the majority of growth within the County.

Section 3.5(4) of the County Official Plan indicates that developments in areas with partial or no municipal services must proceed in accordance with local official plans.

Section 8.9.1(4) of the County Official Plan indicates that the feasibility of servicing options for individual on-site sewage and water services must be considered and assessed in accordance with Section 8.9.1. County Staff have recommended that Town staff confirm that the proposed development can be adequately serviced by on-site sewage and water servicing and that the recommendations of the Preliminary Hydrogeological Assessment and Functional Servicing Report are completed. Servicing will be reviewed in detail as part of the subsequent Site Plan Control application.

Section 3.5(6) of the County Official Plan states that new construction through intensification shall take into account the existing built and physical environment and shall be compatible with surrounding land uses. The proposed development would intensify the lot and is compatible with surrounding land uses which consist of mainly commercial and residential uses.

Comments from the County indicate that a setback exemption has been granted by County Transportation Services for a reduced setback from Marsh Street/Grey Road 13. A setback of

22.86m (75ft) from the centerline of a County road is required for the construction of a commercial building and the proposed building is located 14.5m (47.6ft from the centerline). Planning Staff confirm that a formal exemption request was submitted by the applicant and an letter from County Transportation Services was received on January 17, 2024.

Based on the commentary above and comments received from Grey County, Planning Staff are satisfied that the proposed development is consistent with the policies of the Grey County Official Plan.

Town of The Blue Mountains Official Plan

The subject lands are designated Downtown Area 'DA' in the Town's Official Plan. The intent of this land use designation is to maintain and promote Downtown Thornbury and Clarksburg as focal points for commerce in the Town, for residents, businesses, and the traveling public. This designation encourages the development of a mix of uses to enhance the character of the Downtowns and encourages streetscape and façade improvements that revitalize the cultural and historic character of the Downtowns. Permitted uses include residential uses as part of a commercial building or multiple unit apartment.

Section B3.3.4 indicates that the scale and location of new development or redevelopment in the Downtowns maintains and/or enhances the existing character of the Downtowns. Policies to achieve this goal are included below, followed by Staff commentary:

- a) encouraging the development of diverse, compatible land uses in close proximity to each other;

The proposed development would include residential and commercial uses in the same building. These uses would be located near other commercial uses in Downtown Clarksburg.

- b) encouraging the maximum use of existing buildings in the Downtowns to accommodate a wide range of uses, with an emphasis on using upper-level space for offices, residential and accommodation uses;

The existing building on the property is in a state of disrepair and the property will be greatly enhanced through the proposed development. Residential uses are proposed on the upper floors of the proposed building.

- c) encouraging the establishment and maintenance of a streetscape that is geared to the pedestrian;

The proposed reduced setbacks will allow for an enhanced streetscape along Marsh Street by allowing the building to be in line with existing buildings on Marsh Street and to be located near the building on the adjacent lot to the north. Commercial uses on the first floor and the proposed open space on the corner will further enhance the streetscape. Parking has been located behind the proposed building and open space so as not to detract from the streetscape.

- d) limiting the height of new buildings to a maximum of three storeys, in order to maintain consistent facades;

The proposed building is three storeys in height.

- e) the preservation and enhancement of the cultural and historic features that exist in the Downtowns, which may include requirements for the restoration and enhancement of building facades in accordance with the following guidelines:
 - i. Original architectural details and features should be restored;
 - ii. Where an existing building lacks significant architectural detail or a new building is to be built on a vacant lot, the façade should be representative of or consistent with adjacent architectural styles;
 - iii. Building materials such as steel and vinyl siding which are not in keeping with the architectural character of the Downtowns will be discouraged;
 - iv. Traditional signage and lighting is preferred rather than fluorescent sign boxes and corporate signage; and,
 - v. The façade should incorporate broad window treatments at street level to maintain an open, pedestrian friendly environment.

Conformity with these policies will be reviewed during consideration of the Site Plan Control application. It is noted that discussions are ongoing between the applicant, Town and residents regarding potential modifications to the design of the building.

Section B3.3.4.1 includes policies for new development in the DA designation. These policies are provided below, followed by Staff commentary:

- a) adequate on-site parking facilities are provided for the use with such parking being provided in locations that are compatible with surrounding land uses;

The proposed Zoning By-law Amendment seeks a reduction in the number of required parking spaces from 24 spaces to 22 spaces. Town Staff have reviewed the submitted Traffic Impact Study and have no concerns with the proposed reduction. The mixed-use nature of the building would allow for parking spaces to be shared between the commercial and residential uses. Details of the parking layout and use of parking spaces will be confirmed through review of the Site Plan Control application.

- b) the use will not have a negative impact on the enjoyment and privacy of neighbouring properties;

The proposed building is located close to the property line along Marsh Street, away from adjacent residential uses to the west and near adjacent commercial uses to the north. Planning Staff do not anticipate negative impacts on adjacent properties as a result of the development.

- c) the use will have minimal impacts on adjacent properties in relation to grading, drainage, access and circulation, and privacy;

Vehicular access to the site will be from Clark Street, avoiding potential conflicts with vehicles traveling on Marsh Street. Grading and drainage will be confirmed through future review of the proposal.

- d) any loading and storage facilities that are provided are buffered so as to minimize disruption and the enjoyment of neighbouring residential properties;

Loading and storage facilities are not required or proposed.

- e) vehicular access points to multiple uses on the lot are coordinated and consolidated;

There is only one access point from Clark Street.

- f) the road and/or municipal infrastructure is able to provide water and wastewater service, waste management services and fire protection;

Servicing, waste management, and fire protection will all be confirmed through review of the Site Plan Control application.

- g) the lot has sufficient lot frontage, depth and area for the siting of proposed uses;

The lot appears to be of a sufficient size for the proposed development. Details of site layout will be confirmed through review of the Site Plan Control application.

- h) improvements to the streetscape, such as soft landscaping, lighting fixtures, benches and public art, are part of the overall project design;

The corner of the property at Marsh and Clark Streets is proposed to be retained as open space for use by future residents of the development and visitors and residents of Clarksburg. Landscaping and design details of the open space will be confirmed through review of the Site Plan Control application.

- i) new buildings are designed to present their principal building facades with an appropriate building design and fenestration to the public road;

The design of the building is currently in draft form and ongoing discussions between the applicant, the Town, and residents will seek to make modifications to ensure the proposed design compliments the existing character of Clarksburg. Commercial units provide ample fenestration and consideration has been given to fenestration for ground-floor residential units, raising windows to a higher level than those of units on upper floors. Garage doors are proposed on the first floor of the building facing the corner open space, providing a connection between the public realm and the commercial space.

- j) roof top mechanical units are organized and screened with complementary materials, colours and finishes as necessary to provide a skyline with desirable visual attributes;

Review of any roof top mechanical units will be undertaken during consideration of the Site Plan Control application.

- k) new buildings on corner lots are located in close proximity to the public road rights-of-way and are designed and located to emphasize their important community presence by employing appropriate strategies for major landscape treatments as well as building massing and articulation that emphasize the corner condition;

The proposed open space at the corner of Marsh and Clark Streets will provide an area for residents of Clarksburg to use. Landscaping and features of the proposed open space will be confirmed through review of the Site Plan Control application.

- l) the majority of the first storey wall of buildings located along public roads where a strong pedestrian environment is encouraged are the site of openings;

Main openings for the proposed building are located along Marsh Street. Openings for the two residential units on the first floor are located at the back of the building for additional privacy.

- m) barrier free access for persons using walking or mobility aids are provided in all public and publicly accessible buildings and facilities and along major pedestrian routes;

A barrier free parking space is provided. Both commercial units are proposed to be universally accessible and contain universal washrooms. The two residential units on the first floor would also be accessible for individuals using walking or mobility aids.

- n) display areas are designed to make a positive contribution to the streetscape and the overall site development;

Large windows are proposed for both commercial units along Marsh Street, would could be utilized as display areas.

- o) all lighting will be internally oriented so as not to cause glare on adjacent properties or public roads;

Lighting will be confirmed through review of the Site Plan Control application.

- p) site and building services and utilities such as waste storage facilities, loading, air handling equipment, hydro and telephone transformers and switching gears and metering equipment, are located and/or screened from public roads and adjacent residential areas or other sensitive land uses, in order to buffer their visual and operational effects; and,

This will be addressed through review of the Site Plan Control application.

- q) waste storage areas are integrated into the principal building on the lot and where waste storage areas are external to the principal building, they are enclosed and not face a public road.

This will be addressed through review of the Site Plan Control application.

Section B3.3.5.3 identifies that the planned function for the Downtowns includes a residential component, which contributes to maintaining the Downtowns as vibrant and safe places throughout the day and evening. The proposed development includes a substantial residential component, which would add 10 new residential units to Clarksburg. Section B3.3.5.3.1 directs new residential uses on main streets to the upper floor of buildings on these streets. The two proposed Zoning By-law Amendment seeks permission to allow two residential units to be located on the first floor. The applicant has indicated that these two units have been designed to accommodate conversion to commercial units in the future, when the commercial market in Clarksburg would support additional commercial businesses. Planning Staff are satisfied that the proposed location of two residential units on the first floor complies with the intent and direction of the Official Plan as consideration has been given to the potential for future commercial uses at street level.

Section C5 indicates that commercial and residential developments shall be supported by a Stormwater Management Report prepared by a qualified professional. A Functional servicing Report was submitted as part of this application and additional review of stormwater management will occur during consideration of the Site Plan Control application.

Section D1 outlines that the preferred means for servicing within a settlement area is by full municipal water and sewage services. As municipal servicing is not available in this area of Clarksburg, servicing for the development is proposed to be provided by on-site well and septic and will be confirmed through review of the Site Plan Control application.

Section D2 provides policy direction on roads and transportation. A traffic impact study may be required to support development applications to ensure that impacts on the adjacent road network are appropriately mitigated. Active transportation and public transit considerations are also important for the development of healthy communities. A Traffic Impact Study was submitted as part of the application and indicates no concerns or recommended improvements to the existing road network for the proposed development. It also indicates no concerns with the reduced number of parking spaces. Parking layout and vehicular access will be confirmed through review of the Site Plan Control application.

Section D5 provides policies for community design, including that development should respect the relevant policies of the Official Plan and the Community Design Guidelines. The Community Design Guidelines are intended to improve the quality of the built environment in the Town, and they are meant to be a flexible guide for design and development. The submitted Planning Justification Report includes guidelines that can and will be applied within the proposed development. Additional discussion of consideration for these guidelines will be undertaken as part of the Site Plan Control application and in ongoing discussions regarding the design of the proposed building.

Section D6 of the Plan describes the Town's parkland and open space policies. These policies aim to establish a system of connected public open space and parkland areas. In order to achieve this objective, parkland dedications for developments shall be obtained through the development process in accordance with the Planning Act, either in the form of land or cash-in-lieu. Land is generally preferred for larger development proposals. When cash-in-lieu payments

are received, the Plan directs that the funds be used to purchase park land or to secure public shoreline access. The Town's Official Plan and Parkland Dedication By-law allow the Town to require the dedication of a maximum of 2% of the land to be developed or payment of cash-in-lieu equal to the value of that land. Additional discussions with the applicant regarding parkland dedication during review of the Site Plan Control application will confirm the applicable dedication or payment. Council may wish to direct Staff how to proceed in this regard, with the understanding that additional fees incurred by the applicant may affect the ultimate pricing of units in the development for future tenants.

Section D7 of the Plan provides policy direction on housing, requiring the Town to monitor the housing supply within the municipality and to maintain a ten-year supply of residential land. These policies further identify that a variety and range of housing types shall be encouraged. One and two-bedroom apartment units are proposed in the mixed commercial-residential building. In addition, the inclusion of two attainable units in accordance with the requirements of the CIP will provide needed attainable housing within the Town. As identified in the Town's [Housing Needs Assessment](#), there is currently a need for 215 affordable housing units in the Town and a need for smaller housing units as nearly 70% of households in the Town could be considered "overhoused". Both smaller units and attainable units are provided in this development.

Section D8.2 provides policy direction on the Town's tree canopy, encouraging the planting of native or non-native non-invasive tree species and vegetation, promoting development that maximized areas for tree planting, and requiring reimbursement or replanting for healthy trees proposed to be removed in development applications. There are three large, mature trees on the property, two along Clark Street and one in the middle of the property. The trees along Clark Street are proposed to be retained, while the tree in the middle of the property is proposed to be removed to allow for the construction of the proposed parking area. Additional review of tree removal and landscaping for the subject lands will be completed through review of the Site Plan Control application.

Town of The Blue Mountains Zoning By-law 2018-65

The subject lands are currently zoned Village Commercial 'C1', which permits various commercial uses and dwelling units in commercial buildings if they are not located on the ground floor. An analysis of each of the proposed amendments to the Zoning By-law is provided below.

Exterior Side Yard Setback

The development proposes an exterior side yard setback of 1.5m, whereas a minimum of 4.5m is required in the C1 zone. The purpose of this standard is to ensure adequate sightlines are maintained at corner lots and to provide ample spacing from the public realm along the street. The exterior side lot line is the eastern property line of the subject property, adjacent to Marsh Street. The requested reduction to this setback seeks to align the façade of the proposed building with the existing established building line along Marsh Street to maintain and extend the existing streetscape character. The building has also been located at the northern end of the property, away from the corner of Marsh and Clark Streets, ensuring that adequate sightlines are maintained at the corner. As previously mentioned, County Transportation

Services have also granted an exemption to County setback requirements from a County road, which would support this request. Planning Staff are satisfied that the requested reduction to the exterior side yard setback maintains the intent and purpose of the Zoning By-law.

Rear Yard Setback

The development proposes a rear yard setback of 2.01m, whereas a minimum of 7.5m is required in the C1 zone. The purpose of this standard is to ensure ample open space is preserved on a property and to maintain adequate distances between lots that back onto each other. Whereas one might assume the rear lot line of the property is the property line opposite of Marsh Street, the Zoning By-law defines the front lot line as that along Clark Street and the rear lot line as that opposite of the front lot line. The rear lot line of the subject property is therefore adjacent to the commercial property to the north. In consideration of the layout of the property and adjacent buildings and uses, it is more applicable to compare the request to the setback that would be required from an interior side lot line, or 3.0m. Many buildings on Marsh Street have little or no setbacks from buildings on adjacent lots. In order to maintain the existing streetscape by avoiding large gaps between buildings along the road, a reduced setback from the northern property line is request. Planning Staff are satisfied that the requested reduction to the rear yard setback is appropriate and maintains the intent and purpose of the Zoning By-law.

Parking Requirement

Table 5.2 of the Zoning By-law provides parking requirements for residential uses and requires 1.25 parking spaces per 1-bedroom apartment unit, 1.75 parking spaces per 2-bedroom apartment unit, and 0.25 parking spaces per unit for visitor parking. As such, the required number of parking spaces for the residential units for the proposed development is 15 spaces plus 2 visitor spaces.

Table 5.3 of the Zoning By-law provides parking requirements for non-residential uses and requires 1 parking space per 20 square metres of retail commercial stores. As such, the required number of parking spaces for the commercial units is 7 spaces.

The total number of parking spaces required is 24 spaces and must include one barrier free parking space, in accordance with Section 5.6. The proposed site plan includes 22 parking spaces, including one barrier free space. All base parking requirements are met for dedicated parking spaces, but the required 2 visitor parking spaces associated with the residential component are not accommodated. The submitted Traffic Impact Study indicates no concerns with the proposed reduction in parking and identifies the potential for visitor parking associated with the residential use to be shares with the commercial uses as residential parking needs would generally be greater in the evening, when need for commercial use parking spaces is reduced. On-street parking on Marsh Street also provides another opportunity for parking for the commercial uses. Parking requirements can often be restrictive to new development as parking generally consumes a large amount of land area that could otherwise be used in more beneficial ways. Planning Staff are satisfied that the requested reduction to the required number of parking spaces maintains the intent and purpose of the Zoning By-law.

Dwelling Units on Ground Floor

Special Provision 1 of Table 7.1 of the Zoning By-law indicates that dwelling units in the C1 zone are permitted in non-residential buildings, provided they are not located on the ground floor. The purpose of this provision is to maintain ground floor space for commercial uses to enhance the commercial character of Downtown Clarksburg, while also allowing for residential uses to be located on upper floors to contribute to the residential character of the area. The applicant has requested permission to include two dwelling units on the ground floor. As discussed previously in this report, the applicant has indicated that these dwelling units have been designed to allow for future conversion to commercial units should the market for additional commercial uses in Clarksburg increase in the future.

As discussed earlier in this report, the Town's Housing Needs Assessment identifies the need for affordable housing units and smaller housing units in the Town. The use of space within the proposed development for additional dwelling units in an area where these units are clearly needed is appropriate. If additional commercial units were to be constructed instead of residential units, difficulty to fill the units with commercial tenants may leave these units vacant, resulting in open units that could have otherwise been used for housing. Planning Staff are supportive of the inclusion of two dwelling units on the ground floor.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

Nil

G. Financial Impacts

Decisions of Council on planning applications may be subject to an appeal to the Ontario Land Tribunal (OLT). Depending on the scope of the appeal and Town involvement in the appeal process, additional financial obligations may be required.

It is also noted that a partial refund of application fees will be required if a decision of Council on this application is not made by the April 15, 2024, Council meeting, in accordance with the “ZBA” row of the table below. The fee paid for this application was \$16,522.

	No Refund	50% Refund	75% Refund	100% Refund
ZBA	Decision made within 90 days	Decision made within 91 and 149 days	Decision made within 150 and 209 days	Decision made 210 days or later
OPA/ZBA	Decision made within 120 days	Decision made within 121 and 179 days	Decision made within 180 and 239 days	Decision made 240 days or later
SP	Decision made within 60 days	Decision made within 61 and 89 days	Decision made within 90 and 119 days	Decision made 120 days or later

H. In Consultation With

Relevant Town Departments and External Agencies

I. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting which took place on **February 13, 2024**. Those who provided comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report. Any comments regarding this report should be submitted to Carter Triana, planning@thebluemountains.ca

J. Attached

1. Draft By-law
2. Public Meeting Comments (Summary)
3. Public Meeting Comments (Originals)

Respectfully submitted,

Carter Triana
Intermediate Planner

For more information, please contact:
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Report Approval Details

Document Title:	PDS.24.040 Recommendation Report - Follow-Up to the Public Meeting - Zoning By-Law Amendment for 178 Marsh Street .docx
Attachments:	<ul style="list-style-type: none">- PDS-24-040-Attachment-1.pdf- PDS-24-040-Attachment-2.pdf- PDS-24-040-Attachment-3_ Redacted.pdf
Final Approval Date:	Mar 7, 2024

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Shawn Postma was completed by delegate Adam Smith

Shawn Postma - Mar 7, 2024 - 3:42 PM

Adam Smith - Mar 7, 2024 - 3:43 PM