



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JANUARY 25, 2010

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**FROM:** Planning Services

PD: 011-10

**DATE:** January 4, 2010

**SUBJECT:** **Bed and Breakfast Review - Land Use Policies and Regulations**

**LOCATION:** Town wide

**WARD:** Town wide

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### **RECOMMENDATION:**

That Planning Services Report PD: 011-10, Bed and Breakfast Review - Land Use Policies and Regulations, dated January 4, 2010, be received.

### **BACKGROUND:**

This review of the existing land use policies and regulations for bed and breakfast establishments was prompted by a resolution of Council on August 10, 2009, "That the Planning Services Department be requested to review the definition and regulations pertaining to Bed and Breakfast establishments to determine if (or how) such uses could be accommodated / permitted within semi-detached dwellings..."

#### ***History***

Bed and breakfast establishments within Oakville have been generally permitted since 1997 when controls were established by way of amendments to the Official Plan and Zoning By-law, as well as the enactment of a licensing by-law. Prior to that, Council permitted bed and breakfast establishments through site-specific Zoning By-law amendments. The application for, and approval of, a bed and breakfast at 385 Trafalgar Road in 1996 (since closed), triggered Council's call for Planning staff to conduct the comprehensive study of bed and breakfast establishments that resulted in the current policies and regulations.

### **DISCUSSION:**

#### ***Official Plan***

Part D, section 1.1, of the current Official Plan permits bed and breakfast establishments in urban residential areas. Part D, section 6.1 b) iv), permits "bed and breakfast establishments in conjunction with a residential use" in agricultural

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areas. These permissions were added to the Plan in 1997 by Official Plan Amendment (OPA) 133 (By-law 1997-41).

### ***Livable Oakville (under appeal)***

The new Official Plan permits bed and breakfast establishments in all of the Residential and Mixed Use designations. Section 11.1.7 of Livable Oakville, which applies to residential areas, states that, "...bed and breakfast establishments may be permitted in accordance with section 11.1.9 and the Town's Zoning By-law and any other applicable by-laws or requirements." Section 11.1.9 sets out compatibility criteria for development within all stable residential communities. Section 12.1.8 states that the uses permitted in section 11.1.7 (above) may also be permitted in the Mixed Use designations.

### ***Zoning By-law***

The Zoning By-law was amended by By-law 1997-45 (same time as OPA 133) to:

- include a definition of bed and breakfast establishment;
- establish parking requirements for bed and breakfast establishments in residential zones;
- add "bed and breakfast establishment in a detached dwelling" as a permitted use in all residential zones except for R11 (Mixed Dwellings; small lots) and R9 (Apartments); and,
- add "bed and breakfast establishment in a detached dwelling" as a permitted use in the O1 (Public Open Space) and A (Agricultural) zones

The Zoning By-law definition actually sets out regulations for the use:

*"bed and breakfast establishment" means the provision of lodging with or without meals for the traveling public within a detached dwelling, provided that:*

- i) The minimum lot frontage is 12 m;*
- ii) A maximum of two rooms or two suites not exceeding in total 25% of the gross floor area of the detached dwelling shall be used for the purposes of lodging for the traveling public;*
- iii) There shall be no kitchen facilities for the exclusive use of the traveling public lodging at the bed and breakfast establishment;*
- iv) The bed and breakfast establishment shall be operated by a person or persons whose principal residence is the detached dwelling; and,*
- v) There shall be one additional off-street parking space for each room used for the purposes of lodging for the traveling public in addition to the required parking for the detached dwelling.*

### ***Licensing***

Bed and breakfast establishments in the Town of Oakville are required to be licensed. There are four bed and breakfast establishments with current licenses: 46 Cameo Street, 538 Bronte Road, 155 Douglas Avenue and 136 Forsythe Street. A licence costs \$100 and expires on the 31<sup>st</sup> day of August following the issuance of

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the licence (i.e. annual fee, expiring Aug. 31 each year). The license carries prohibitions and regulations related to the operation of a licensed bed and breakfast.

**Other Municipalities**

Staff researched how some other mid-sized Ontario municipalities have addressed bed and breakfast establishments (B & Bs).

Municipality	B & B Definition and/or Policy	Parking Regulations
City of Burlington	- "Means an owner-occupied <b>detached dwelling</b> offering short term lodging for compensation to the traveling and vacationing public..." (Zoning By-law 2020)	- 2 parking spaces for the detached dwelling + 1 parking space per guest room
City of Kingston	- "Bed and breakfast operations are permitted in <b>single detached or semi-detached units</b> in the City in accordance with the regulations of the applicable zoning by-law..." (Official Plan) - "...means a dwelling in which guest rooms are let, with or without meals, for the temporary accommodation of the travelling or vacationing public. Such establishment shall have the proprietor or manager residing on the premises..." (Downtown and Harbour Zoning By-law)	- any off-street parking required for the dwelling + a minimum of 1 parking space for each guest bedroom (on the lot; not in the required front yard)
Town of Niagara-on-the-Lake	- "means a <b>single-detached dwelling</b> with no more than three (3) guest bedrooms for overnight guest lodging, where only breakfast is included, for the temporary accommodation of the traveling or vacationing public and includes the living accommodation of the residents of the dwelling..." (Zoning By-law)	- any off-street parking required for the dwelling + a minimum of 1 parking space for each guest bedroom (on the lot; not in the required front yard)
City of Stratford	- "... means a <b>single detached dwelling</b> of an owner... who resides therein... containing at least two (2) accessory guest rooms for the purposes of supplying temporary living accommodation to the public, for a fee..." (Licensing By-law)	- a minimum of one parking space for the dwelling + one parking space per guest room (also location and landscaping requirements)

**COMMENT/OPTIONS:**

The majority of the municipalities reviewed permit bed and breakfast establishments in detached dwellings only. However, the City of Kingston does permit bed and breakfast operations in semi-detached dwellings in the downtown and harbour area. Downtown Kingston is an urban business and tourist area characterized by historic limestone buildings, including mid- and low-rise mixed-use buildings, and detached, semi-detached and multiple-attached dwellings. The tolerance for, and expectation

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of, guest accommodation, including bed and breakfast establishments, in this type of area is different than in Oakville's largely suburban context.

Staff supports the policies in the current Official Plan and the Livable Oakville Plan regarding bed and breakfast establishments, as well as the related definition and regulations set out in the Zoning By-law. The existing policies and regulations were based on a fairly recent (1997) study involving stakeholders and the public and staff is unaware of any challenges or disputes related to them, apart from the recent request to reconsider them.

It is recognized that bed and breakfast establishments have relatively low-impact, and generally compatible with established residential areas. The form and function of single detached dwellings, and zoning regulations for them, provide for the associated impacts of the use to be controlled on site with independent parking, driveways, amenity areas and yards.

Semi-detached dwellings are of a form and function that may include shared parking, driveways and amenity areas. A concern with the use of a semi-detached dwelling for a bed and breakfast establishment is the greater potential for conflict with an "attached neighbour" whose home would be physically and inextricably associated with a semi-detached bed and breakfast establishment. In contrast, in Niagara-on-the-Lake where bed and breakfast establishments are only permitted in detached dwellings, the Zoning By-law requires a minimum site area of 47 m<sup>2</sup> (506 sq.ft.) for them, with no dimension less than 6.0 m (19.69 ft), to "accommodate on-site outdoor amenity area(s) and provide a buffer strip between adjacent uses."

It is also recognized that on-site parking currently required for bed and breakfast establishments in Oakville is appropriate, and would be a limiting factor for many semi-detached dwellings.

If an owner of a semi-detached dwelling wishes to operate a legal bed and breakfast, they should consider applying for a site-specific zoning amendment, perhaps as a temporary use.

### **CONCLUSION:**

Staff support the existing land use policies and regulations regarding bed and breakfast establishments. Broadening the definition of a bed and breakfast establishment to include all semi-detached dwellings is not appropriate. An owner of a "non-detached" dwelling wishing to operate a bed and breakfast establishment should make an application for a site-specific Zoning By-law amendment supported by a planning justification.

**CONSIDERATIONS:****(A) PUBLIC**

Notice regarding this study was sent to people with a past or present involvement or interest in the operation of a bed and breakfast in Oakville, and owners of a property that has been operated as a bed and breakfast in the past. This amounted to ten people or partnerships, and two responded with input.

The first, from northeast Oakville, wrote that, "We have had no success in trying to establish a B&B... and had to give up on the idea due to [the] lack of ability to attract visitors... We found that there are ample establishments throughout the town and doubt that Oakville has the "draw" to attract more traffic." The second response was from the individual whose inquiry prompted this review. She conducted her own research and found that other Ontario municipalities do permit bed and breakfast establishments in semi-detached dwellings. She also expressed an interest in having this matter addressed expeditiously as the existing zoning regulations are preventing her from operating.

**(B) FINANCIAL**

There are no financial implications resulting from this report.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

This report does not impact other departments or users.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- be accountable
- be the most livable town in Canada

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