



Agenda
Planning Advisory Committee

May 30, 2022

6:00 pm

Video Conference

Click the following link:

<https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>

Pages

1. **CALL TO ORDER**
2. **DECLARATION OF PECUNIARY INTEREST**
3. **AMENDMENTS AND APPROVAL OF AGENDA**

RECOMMENDATION

THAT the May 30, 2022 Planning Advisory Committee agenda be accepted as presented.

4. **ACCEPTANCE OF MINUTES**

4

RECOMMENDATION

THAT the May 2, 2022 Planning Advisory Committee meeting minutes be approved and signed by the Chair and the Committee Secretary.

5. **REPORTS**

5.1. **DEV 37-2022 Application for Zoning By-law Amendment (Z03-2022) for 178 Queen Street West by A. and N.D. Brooke**

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To **participate** in the consideration of the Application (provide comments or ask question), join the Zoom Webinar as follows:

<https://us06web.zoom.us/j/84484116288?pwd=RS9GRUpTYkI2ZTduVmtNMy9hcGJoQT09>

Webinar ID: 844 8411 6288

Telephone: 1-855-703-8985

Passcode: 366704

To **observe** the meeting (no comments or questions), visit the Town's YouTube Channel:

<https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>.

RECOMMENDATION

THAT DEV 37-2022 Application for Zoning By-law Amendment (Z03-2022) by A. and N.D. Brooke for 178 Queen Street West be received;

THAT the Planning Advisory Committee endorse the Application, in principle; and,

THAT the Planning Advisory Committee recommend to Council:

THAT Council proceed with a public meeting to consider the Application.

RECOMMENDATION

THAT DEV 38-2022 Town of St. Marys Zoning By-law – Housekeeping Amendment report be received; and

THAT the Planning Advisory Committee recommend that Council initiate a Housekeeping Amendment to the Town’s Zoning By-law to:

1. employ the use of tables throughout the Zoning By-law to display zoning information in a more condensed and clear manner;
2. consolidate similar zone sections through the use of tables;
3. update the Zoning By-law list of definitions (without a numbering system) to avoid the need for the complex re-numbering of all definitions any time a definition is added or removed in the future;
4. update definitions to reflect contemporary terminology and provide definitions for all land use terms;
5. increase the allowable lot coverage for accessory buildings and structures on residential lots;
6. modify certain setback, coverage and other regulations to allow for more efficient use of land and improved built form; and,
7. modify the Development (D / RD) Zone to permit the replacement of existing single detached dwellings, additions onto existing single detached dwellings, and new accessory buildings and structures, subject to appropriate regulations.

6. UPCOMING MEETINGS

Town staff to contact the Committee when an application has been deemed complete.

7. ADJOURNMENT

RECOMMENDATION

THAT this meeting of the Planning Advisory Committee be adjourned at _____ pm.



Minutes

Planning Advisory Committee

May 2, 2022

6:00 pm

Video Conference

Click the following link:

<https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>

Member Present	Chair Don Van Galen Councillor Craigmile William Galloway Councillor Hainer Susan McMaster
Staff Present	Mark Stone, Town Planner Grant Brouwer, Director of Building and Development Morgan Dykstra, Committee Secretary
Others Present	Stewart Findlater, Findlater & Associates (478 Water St South)

1. CALL TO ORDER

Chair Don Van Galen called the meeting to order at 6:00 pm.

2. DECLARATION OF PECUNIARY INTEREST

None declared.

3. AMENDMENTS AND APPROVAL OF AGENDA

Moved By William Galloway

Seconded By Councillor Craigmile

THAT the May 2, 2022 Planning Advisory Committee agenda be accepted as presented.

4. ACCEPTANCE OF MINUTES

Susan McMaster requested an amendment to the April 4, 2022 Planning Advisory Committee minutes as it relates to the resolution for Item 6.1.

Susan McMaster requested that the following statement be removed from the minutes as it is incorrect:

"THAT the Planning Advisory Committee endorse the Application, in principle".

Moved By William Galloway

Seconded By Councillor Hainer

THAT the April 4, 2022 Planning Advisory Committee meeting minutes be approved as amended and signed by the Chair and the Committee Secretary.

Carried

5. REPORTS

5.1 DEV 26-2022 Application for Zoning By-law Amendment (Z02-2022) for 478 Water Street South by Forman Electric Ltd.

Chair Don Van Galen advised how members of the public can participate in the meeting and provide comments related to the application being considered by the Planning Advisory Committee.

Chair Don Van Galen asked the Town's Planner, Mark Stone to speak to the Application.

Mark Stone spoke to the Application as detailed in the staff report and suggested that the Applicant consider including office space as a permitted use on the property.

Chair Don Van Galen asked the Applicant's Agent, Stewart Findlater of Findlater & Associates to speak to the Application.

Stewart Findlater spoke to the Application. Stewart Findlater advised that the property was purchased to accommodate the Owner's expanding business, Forman Electric, and acknowledged that subject property is a better location for the business compared to its existing location. Stewart

Findlater agreed with Mark Stone's suggestion that the Application include office space as a permitted use.

Chair Don Van Galen asked if the Committee has any questions.

Councillor Craigmile inquired if the addition of including office space as a permitted use will slow down the Application.

Mark Stone indicated that it should not slow down the Application, and that the Applicant may provide a letter to Town staff requesting the additional permitted use.

Councillor Hainer inquired what are the Owner's obligations regarding accessibility for the proposed building.

Mark Stone responded that that accessibility is dealt with during the site plan agreement process for exterior works, and at time of building permit for interior works.

Susan McMaster inquired if the proposal is compatible with the neighbouring development at 488 Water Street South.

Grant Brouwer advised the Committee that a bovine clinic is being constructed at 488 Water Street South, the use is permitted under the Town's Zoning By-law and a site plan agreement was approved earlier this year. Grant Brouwer acknowledged the Applicant's proposed use of the subject property is sympathetic to neighbouring uses such as the bovine clinic, veterinarian office and dentist office. Grant Brouwer noted that a noise study will not be required for the proposed development.

Susan McMaster asked if the Town requires the installation of construction fencing, noting that construction fencing has not been installed at 488 Water Street South.

Grant Brouwer responded that the Town's By-laws do not require the installation of construction fencing, but he will speak to the property owner.

Susan McMaster noted that the inclusion of office space as a permitted use should be described as ancillary to the contractor's yard / shop.

Mark Stone responded that he'll work with the Applicant's Agent to confirm the appropriate wording.

Don Van Galen inquired under which zoning classification a contractor's yard / shop would be appropriate.

Mark Stone responded that typically a contractor's yard / shop is permitted in the "Light Industrial Zone (M1)" and site-specific zoning. Mark Stone remarked that there is an overlap of permitted uses in the "Light Industrial Zone (M1)" and the "Highway Commercial Zone (C3)", and that at this location the proposed use of a contractor's yard / shop is appropriate in the "Highway Commercial Zone (C3)".

Stewart Findlater agreed with Mark Stone's interpretation

Chair Don Van Galen asked if fencing or other screening materials are required to mitigate noise impacts.

Mark Stone responded that fencing may be required, however, this will be determined during the site plan review process.

Stewart Findlater advised that the Applicant has not yet completed a draft site plan, however R. J. Burnside & Associates Limited has produced a noise impact study and advised they do not anticipate noise impacts with respect to the use being proposed.

Chair Don Van Galen asked if there are any public comments. Morgan Dykstra responded that no public comments have been received during the meeting. Morgan Dykstra advised the Committee that Delmer Thompson (466 Water Street South) has indicated that he has no concerns with the proposal.

The Committee made the following recommendation:

Moved By William Galloway

Seconded By Susan McMaster

THAT DEV 26-2022 Application for Zoning By-law Amendment (Z02-2022) by Forman Electric Ltd. for 478 Water Street South be received; and,

THAT the Planning Advisory Committee endorse the Application, in principle.

THAT the Planning Advisory Committee recommend to Council:

THAT Council proceed with a public meeting to consider the Application.

Carried

6. UPCOMING MEETINGS

Town staff to contact the Committee when an application has been deemed complete.

7. ADJOURNMENT

Moved By William Galloway

Seconded By Councillor Hainer

THAT this meeting of the Planning Advisory Committee be adjourned at 6:26 pm.

Carried

Don Van Galen, Chair

Morgan Dykstra, Committee Secretary



FORMAL REPORT

To:	Chair and Members of the Advisory Committee
Prepared by:	Mark Stone, Planner
Date of Meeting:	30 May 2022
Subject:	DEV 37-2022 Application for Zoning By-law Amendment (Z03-2022) for 178 Queen Street West by A. and N.D. Brooke

PURPOSE

The purpose of this report is to: provide an overview of the Application; consider information and comments provided by the Applicant, Town departments, agencies and the public; and consider recommendation(s) with respect to the further processing of the Application.

RECOMMENDATION

THAT DEV 37-2022 Application for Zoning By-law Amendment (Z03-2022) by A. and N.D. Brooke for 178 Queen Street West be received;

THAT the Planning Advisory Committee endorse the Application, in principle; and,

THAT the Planning Advisory Committee recommend to Council:

THAT Council proceed with a public meeting to consider the Application.

BACKGROUND

The 682.7 m² (0.17 acre) subject property is located at the southwest corner of Queen Street West and Ontario Street South as shown on the General Location Map (provided as Attachment 1 of this report). The property is zoned “Residential Zone Three (R3)” in the Town of St. Marys Zoning By-law Z1-1997, as amended. The owners have submitted a Zoning By-law Amendment Application (the ‘Application’), along with a concept site plan and a planning justification letter (the ‘PJL’) prepared by Baker Planning Group (refer to Attachments 2 and 3 of this report).

There is an existing residential building on the property containing two dwelling units. According to the PJL, the:

- first unit is located on the main floor and is comprised of 4-bedrooms with an approximate floor area of 120.8 m² (1,300 ft²)
- second unit is located on the second floor and is a one-bedroom unit with an approximate floor area of 55.7 m² (600 ft²)

There are three existing parking spaces provided on the property (2 spaces accessed from Ontario Street and 1 space accessed from Queen Street West).

The owners are proposing to convert the main floor unit into two separate dwelling units. No external alterations to the existing building are proposed however, the owners propose to add one additional (tandem) off-street parking space from the existing Queen Street West site access.

The purpose and effect of the Zoning By-law Amendment Application is to amend the Town's Zoning By-law to change the zoning of the property to "Residential Zone Four (R4-X) Zone" to permit a converted dwelling with a maximum of three dwelling units, and accessory uses, buildings and structures.

REPORT

PLANNING CONTEXT

Provincial Policy Statement

Section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act. The Provincial Policy Statement (PPS) was issued under the authority of Section 3 of the Act. The PPS provides policy direction on matters of provincial interest related to land use planning and development, including the protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment. The purpose of this section is to identify policies in the PPS relevant to this Application.

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by:

- promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term
- accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs
- promoting cost-effective development patterns and standards to minimize land consumption and servicing costs

Section 1.1.2 of the PPS states, in part, that sufficient land shall be made available in settlement areas through intensification and redevelopment and, if necessary, designated growth areas. Section 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land, resources, infrastructure, and public service facilities; minimize negative impacts to air quality and climate change, and promote energy efficiency; and support active transportation.

Section 1.1.3.4 states that "appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety".

Section 1.4.3 of the PPS states, in part, that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents by:

- permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements, and all forms of residential intensification, including second units, and redevelopment
- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs

- promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed
- establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety

Sections 1.6.3 and 1.6.6.1 promote the efficient use and optimization of existing infrastructure and public service facilities.

Official Plan

The subject property is designated Residential according to the Town's Official Plan. Goal 2.1.1 of the Official Plan states that "residential areas in St. Marys shall provide a range of housing accommodation suitable for all age groups and household incomes".

The primary use of land in the Residential designation is for a range of dwelling types from single detached dwellings to walk-up type apartments, parks and open spaces, and institutional uses subject to the policies of the Plan. Residential Objectives are provided in Section 3.1.1 as follows:

- "3.1.1.1 To encourage the provision of an adequate supply and choice of housing for the existing and future residents of St. Marys in terms of quality, type, location and cost.
- 3.1.1.2 To promote creativity and innovation in new residential development in accordance with current design and planning principles and constantly evolving energy-saving measures and construction techniques.
- 3.1.1.3 To maintain and improve the existing housing stock and character of residential areas.
- 3.1.1.4 To prevent the location of non-compatible land uses in residential areas.
- 3.1.1.5 To continue to provide an attractive and enjoyable living environment within the Town.
- 3.1.1.6 To promote housing for Senior Citizens, the handicapped and low income families.
- 3.1.1.7 To encourage and promote additional housing through intensification and redevelopment.
- 3.1.1.8 To encourage a diversification and inter mixing of different housing types and forms.
- 3.1.1.9 To maintain at least a 10 year supply of land that is designated and available for residential uses and land with servicing capacity to provide a 3 year supply of residential units zoned to facilitate residential intensification and redevelopment, and in draft and registered plans".

Section 3.1.2.3 of the Official Plan states the following:

"Residential infilling type development is generally permitted throughout the "Residential" designation where such development is in keeping with the attributes of the neighbourhood in terms of building type, building form, and spatial separation. When evaluating the attributes of the neighbourhood, regard shall be given to lot fabric (i.e., area, frontage, and depth), and built form (i.e., setbacks, massing, scale, and height). In cases where one or more of the existing zone provisions are not met, an amendment or a minor variance to the zone provisions may be considered to permit the proposed development provided that the spirit of this Section is maintained."

Section 3.1.2.4 states that “Council will favour residential intensification and redevelopment over new green land residential development as a means of providing affordability and efficiencies in infrastructure and public services”.

Section 3.1.3.10 states that “the conversion of older single-detached residences to multiple residential use may be permitted through an amendment to the Zoning By-law. In considering an amendment to convert a single-detached residence to multiple residential use, Council may consider the following:

- a) the conversion would be in keeping with the adjacent residential area;
- b) the conversion would not result in changes to the existing exterior of the building proposed for conversion;
- c) the site can accommodate adequate parking for the proposed dwelling units so as not to detract unduly from adjacent single detached residential development, or alternatively, such required parking area can be effectively buffered;
- d) the municipal services are adequate in the immediate area to accommodate the proposed conversion; and
- e) conversions which propose basement residential units will generally be discouraged.

Zoning By-law

The subject property is zoned “Residential Zone Three (R3)” in the Town of St. Marys Zoning By-law Z1-1997, as amended.

The purpose and effect of the Zoning By-law Amendment Application is to amend the Town’s Zoning By-law to change the zoning of the property to “Residential Zone Four (R4-X) Zone” to permit a converted dwelling with a maximum of three dwelling units, and accessory uses, buildings and structures and site-specific regulations. The following table provides a summary of proposed site-specific regulations as compared to regulations in the Zoning By-law for three converted dwelling units in a residential building.

Zoning By-law Section	Required	Proposed
Minimum Lot Area (m²)	740	650
Minimum Lot Depth (m)	37	29
Minimum Front Yard (m)	6	5.3 (on Ontario Street)
Minimum Interior Side Yard (m)	1.8	1.1 (south side)
Minimum Exterior Side Yard (m)	6	1.0 (on Queen Street)
Minimum Off-Street Parking	2 per converted dwelling unit	1.25 per converted dwelling unit
Maximum Driveway Width	The lessor of 8 m or 60% of the lot width	Existing on the date of the passing of the proposed by-law

Zoning By-law Section	Required	Proposed
Parking Space Access	From internal driveway if greater than 2 converted dwelling units	Accessed directly from a public road
Tandem Parking	Not permitted for converted dwelling units	Permitted for one dwelling unit
Daylight Triangle	10.8 x 10.8	Existing on the date of the passing of the proposed by-law

The vast majority of requested changes to zoning regulations are required to recognize the existing situation on the property (i.e. existing building and parking).

COMMUNICATIONS

Notice of this meeting was circulated by first class mail to all landowners within 120 metres of the subject property and any agencies as per the Planning Act.

PRELIMINARY DISCUSSION AND COMMENTS

Approval of the Application will permit intensification that provides an additional rental housing unit that utilizes existing infrastructure such as roads and water and sewer services. The Application would support certain objectives and policies in the Official Plan with respect to the provision of a range of housing options through intensification,

Affordable/attainable Housing

In response to the Town's requirement for information to assess to what extent proposed development contributes to the provision of affordable and attainable housing, the applicant's planning justification letter states, in part, the following:

- Approved alternate average market rent (AMR) values as identified through the Stratford, Perth County, and St. Marys Housing and Homelessness Plan (5-year update 2020-2024), for a 1-bedroom apartment is \$1,031 and for a 2-bedroom apartment in the area it is \$1,351.00.
- The proposed rental rates will range between \$1,400 to \$1,800. While this is slightly above the established alternate average market rate, there have been significant increases in housing costs since the preparation of the [Town's] report in 2020.

Parking

The current parking requirement in the Zoning By-law for converted dwelling units is two spaces per unit. The P/L states, in part, the following with respect to the proposed reduction to 1.25 spaces per unit:

- the rate is appropriate to the size and scale of the dwelling units
- a converted dwelling requires two parking spaces per dwelling unit, regardless of the dwelling units size; however, an apartment requires only 1.25 parking spaces per dwelling unit and there is no limit on the size of an apartment or the number of bedrooms
- the dwelling units proposed on the site function similar to an apartment dwelling, as the dwelling units are smaller in size (all less than 900 square feet) and do not exceed 2 bedrooms

- understand that a higher rate for a converted dwelling was established in the St. Marys Zoning By-law, with the belief that converted dwellings would likely be in larger older homes, with inherently larger unit sizes
- the proposed parking solution on the site will provide two parking spaces for the largest unit, and one parking space for the smaller units
- on-street parking is available on Ontario Street to accommodate visitors

Town staff notes that the latest draft of the Town's Parking Study recommends a parking standard of one space per converted dwelling unit.

FINANCIAL IMPLICATIONS

None known at this time.

SUMMARY

Staff will provide further comments and opinion following the statutory public meeting. Based on the preliminary review of the submission thus far, it is recommended that Planning Advisory Committee consider endorsing the Application in principle and recommend to St. Marys Town Council that it proceed with the statutory public meeting.

OTHERS CONSULTED

Town of St. Marys Development Team

ATTACHMENTS

- 1) General location map
- 2) Concept site plan
- 3) Planning justification letter

REVIEWED BY

Respectfully submitted,



Mark Stone,
Planner

GENERAL LOCATION MAP

178 Queen Street West
Town of St. Marys



Subject Property



May 2022

May 2nd, 2022

File No.: 2022-28

Morgan Dykstra
Public Works & Planning Coordinator
Town of St. Marys
175 Queen Street East
St. Marys, ON
N4X 1B6

**RE: Planning Justification Letter
Zoning By-law Amendment Application
178 Queen Street West, St. Marys**

On behalf of Amy and Nigel Brooke ("Owners") we are pleased to submit a Zoning By-law Amendment Application ("Application") for land known municipally as 178 Queen Street West, St. Marys (herein referred to as the "Site"). The Owners are seeking a Zoning By-law Amendment to convert the existing duplex to a triplex, providing an increase in one (1) dwelling unit on the Site. Specifically, the Amendment is requesting that the Site be rezoned from "Residential Zone Three (R3)" to a site-specific "Residential Zone Four (R4)".

As outlined in the Formal Consultation Submission Requirements Report, a Planning Justification Letter is required in support of the Zoning By-law Amendment Application and the intent of this letter is to fulfill said requirements.

Site Overview

The Site is located at the southwest corner of the Queen Street West and Ontario Street intersection, to the immediate west of downtown St. Marys. With a lot area of 682.7 square metres, The Site has 29.269 metres of frontage on Queen Street West and 23.271 metres of frontage on Ontario Street. The Site slopes from west-east, with mature vegetation along the property boundaries.

There is an existing building on the Site, which currently contains two (2) dwelling units. The first unit is located on the main floor and is comprised of a 4-bedroom unit with an approximate square footage of 1,300 square feet. The second unit is located on the second floor and is a one-bedroom unit with an approximate square footage of 600 square feet. Extensive renovations have occurred to the exterior of the property, with the removal of stucco, revealing the original stonework.

There are three (3) existing off-street parking spaces on the Site, with two (2) spaces from Ontario Street and one (1) space from Queen Street West.

The land surrounding the Site includes a mix of residential and commercial uses. To the immediate west are two commercial developments containing a variety store, real estate office and government offices. Land to the south, east and north is characterized as low density residential.

Image 1: Site Frontage on Ontario Street (Looking West)



Source: Owner, 2022

Image 2: Looking North West from Queen Street across the Site



Source: Owner, 2022

Image 3: Site and Surrounding Area



Source: Google, 2022

Proposed Development

The Owners are proposing to convert the main floor unit into two (2) separate dwelling units, each being a 2-bedroom unit. No external alterations to the structure are required to accommodate the conversion; however, the Owners are proposed to add one (1) additional off-street parking space to support the creation of a new dwelling unit. The two (2) existing parking spaces from Ontario Street will remain, and the parking space from Queen Street West will be altered into two (2) tandem parking spaces intended to be used by the occupants of only one unit. The second floor dwelling unit will remain unchanged.

The existing R3 Zone permits the use of the existing building for two (2) dwelling units. In order to permit three (3) dwelling units, the Site is required to be rezoned to the R4 Zone.

Proposed Zoning By-law Amendment

As noted, it is proposed that the Site be rezoned to a site-specific R4 Zone to permit three dwelling units on the Site. Site-specific provisions are required to:

1. Permit an off-street parking rate of 1.25 parking spaces per dwelling unit (converted dwelling), whereas the By-law requires a minimum of 2 parking spaces per dwelling unit
2. Recognize the existing legal non-conforming matters for the Site (see Table 1 below)

Affordable Housing Analysis

The significance and need for affordable and attainable housing was highlighted in the Town of St. Marys' Strategic Plan where addressing housing needs is identified as a Pillar, as well as in the Stratford, Perth County, and St. Marys Housing and Homelessness Plan (5 year update 2020-2024). These documents indicate the importance of encouraging and facilitating affordable and attainable housing developments to meet local social and economic development needs. The Town of St. Marys Official Plan also puts additional emphasis on opportunities to encourage housing to meet local needs. The Provincial Policy Statement encourages accommodating an appropriate affordable and market-based range and mix of residential types, and alignment with applicable housing and homelessness plans to meet social, health, economic and wellbeing of residents.

The Provincial Policy Statement definition of affordable rental housing is described as the least expensive of:

1. *a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households (in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution are considered low and moderate) or;*
2. *a unit for which the rent is at or below the average market rent of a unit in the regional market area.*

In the Council Report of October 27, 2020 "DEV 77-2020 Affordable/Attainable Housing in St. Marys" it was recommended that the Town continue to define affordable ownership based on Provincial definitions as outlined above. Local affordable rental rates were calculated using both of the above noted definitions. Approved alternate average market rent (AMR) values as identified through the Stratford, Perth County, and St. Marys Housing and Homelessness Plan (5-year update 2020-2024), for a 1-bedroom apartment is \$1,031 and for a 2-bedroom apartment in the area it is \$1,351.00. The proposed rental rates will range between \$1,400 to \$1,800. While this is slightly above the established alternate average market rate, there have been significant increases in housing costs since the preparation of the report in 2020.

Planning Policy Framework

This section of the Planning Justification Letter provides an overview and assessment of the relevant planning policies to the proposed Application.

Planning Act, R.S.O. 1990, CHAPTER P.13

In our opinion, the Application has regard for matters of public interest, as provided in the Planning Act, R.S.O. 1990, CHAPTER P.13 and are appropriate to proceed. The Application provides for the efficient use and supply of energy, water, and services by optimizing municipal infrastructure that is available and

connected. Further, the Application provides for an additional rental housing unit within the built-up area that is well connected to amenities, services and recreation opportunities in St. Marys.

Provincial Policy Statement, 2020

The Provincial Policy Statement (“PPS”), 2020 is a province-wide policy document that sets out the government’s land use vision for the built environment and the management of land and resources. The overarching intent of the PPS is to “provide for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.” The document is to be read in its entirety and all relevant policies are to be considered.

The PPS, in Section 1.1 promotes the efficient use of land and infrastructure, range of appropriate housing and the development and growth of communities within the built-up area. Section 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form.

Section 1.4 of the PPS more specifically speaks to residential growth and the provision of an appropriate range and mix of housing types and densities. Section 1.4.3 states that planning authorities shall provide for a mix of housing types and densities by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
 - 2. all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;
- e) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

It is our opinion that the Application is consistent with the PPS, fulfilling housing needs within the defined built-up area. As outlined in the preamble to the PPS, the policy-led planning system in Ontario seeks to address the complex inter-relationships between the pillars that contribute to good land use planning. This includes agricultural protection, the provision of a range and mix of housing types, supporting long-term economic prosperity, promoting efficient use of municipal infrastructure, logical and orderly growth and the mitigation of climate change.

The Site has access to existing public infrastructure, including roads, municipal services, and public transportation, which supports the extension and increase of residential density.

The Proposed Development does not create any public health or safety concerns, being located in an existing residential area, with no increase in the building size. The proposed off-street parking rate is in keeping with the intent of the Zoning By-law, requiring 1.25 off-street parking spaces per unit for smaller dwelling units.

Town of St. Marys Official Plan, 1987

The Town of St. Marys Official Plan ("OP"), adopted in 1987 (Consolidated October 1, 2007), provides a series of policies to "ensure that St. Marys continued to attract new development in balance with preserving the Town's character and charm."

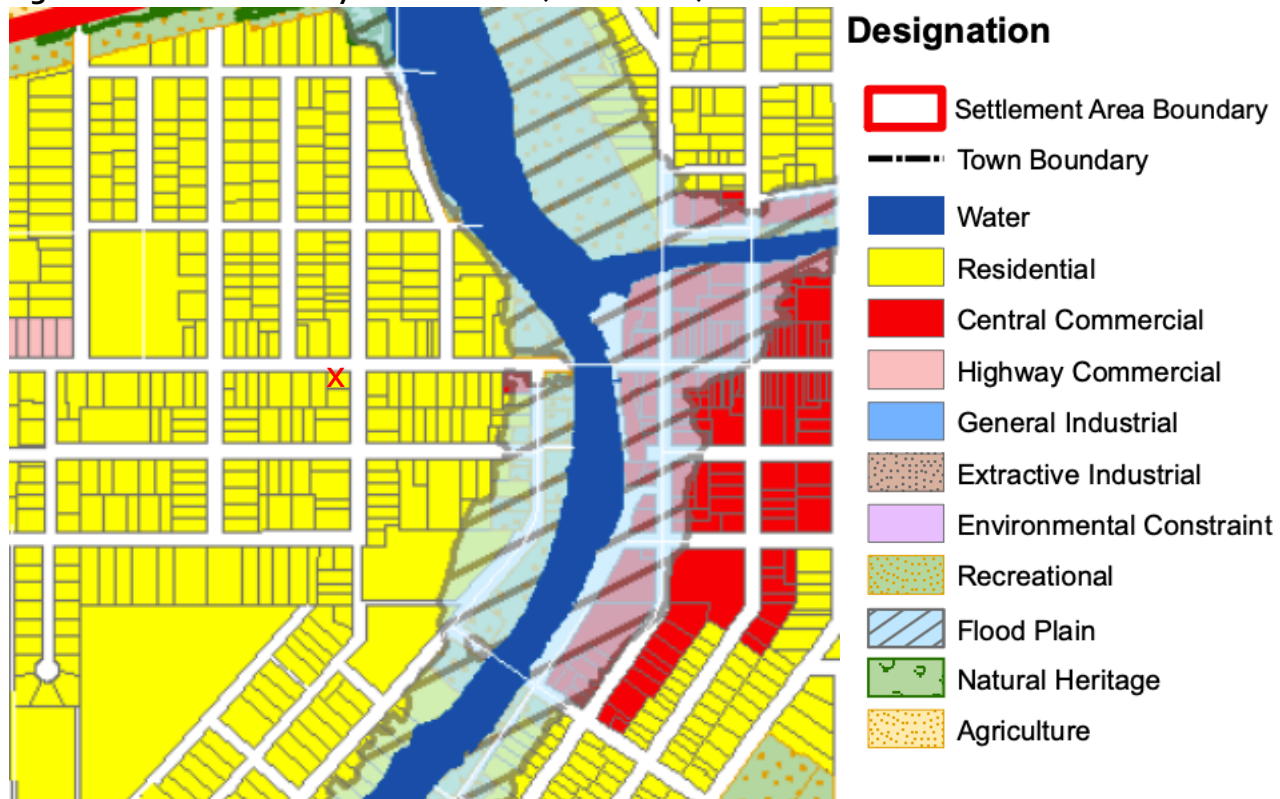
The Site is designated "Residential" on Schedule A to the OP and Queen Street West is identified as an "Arterial Road".

General goals and principles of the Official Plan (Section 2.1), applicable to the Proposed Development include:

- 2.1.1 Residential areas in St. Marys shall provide a range of housing accommodation suitable for all age groups and household incomes.
- 2.1.2 The Town will endeavour to provide stable, attractive residential areas for all its residents.
- 2.1.4 Owners will be encouraged to maintain and improve the physical condition and economic health of existing buildings in order to allow the Town to capitalize upon its natural and heritage resources and to provide for the integration of new, compatible uses.

Residential objectives and policies are provided in Section 3.1 of the OP and outline a number of objectives including the provision of a range in housing types, the promotion of creativity in new residential development, the promotion of housing for senior citizens, the handicapped and low-income families, and the encouragement of additional housing through intensification, diversification, and intermixing of different housing types and forms.

Figure 1: Town of St. Marys Official Plan (Schedule A)



Source: Town of St. Marys, 2007

Section 3.1.3.10 states that conversions of older single-detached residences to multiple residential use may be permitted through an amendment to the Zoning By-law, and that Council may consider:

- a) the conversion would be in keeping with the adjacent residential area;
- b) the conversion would not result in changes to the existing exterior of the building proposed for conversion;
- c) the site can accommodate adequate parking for the proposed dwelling units so as not to detract unduly from adjacent single detached residential development, or alternatively, such required parking area can be effectively buffered;
- d) the municipal services are adequate in the immediate area to accommodate the proposed conversion; and
- e) conversions which propose basement residential units will generally be discouraged.

It is our opinion that the Application conforms to the OP as it provides for the efficient reuse of an existing structure providing an increase in the range of available housing options in the community. Sufficient on-site amenities, including appropriate off-street parking to the unit sizes and amenity area are available to support the additional dwelling unit. A portion of one dwelling unit is located in the basement; however, the main living space is on the ground floor.

The Site has access to full municipal infrastructure, is located on an arterial road and is within walking distance to a range of commercial, recreational, and community services.

Town of St. Marys Official Plan Review and Update (Adopted 2022)

The Town of St. Marys is currently going through an Official Plan (“Adopted OP”) review process and adopted a new Official Plan in March of 2022. The adopted OP has been sent to the Ministry of Municipal Affairs and Housing for final approval. Until such time as final approval is granted and the appeal period lapses, the current OP remains in full force and effect.

The Site continues to be designated “Residential” on Schedule A to the Adopted OP. The proposed development supports the intended purpose and goals of the Adopted OP and there are no recommended policy changes that would alter the planning analysis of the proposed development.

In keeping with the Provincial Policy Statement, the Adopted OP has an increased emphasis on infill and intensification (Sections 3.1, 3.1.1, 3.1.2). The Adopted OP also provides additional encouragement for the development of affordable housing (Section 3.1.2.4, 3.1.2.16).

Town of St. Marys Zoning By-law, 1997

The Town of St. Marys Zoning By-law (By-law), adopted in 1997, zones the Site as R3, which permits a range of residential uses, including a converted dwelling, containing not more than two dwelling units. The proposed R4 Zone will permit the conversion of the Site to permit a total of three (3) dwelling units.

Figure 2: Town of St. Marys Zoning By-law



Source: Town of St. Marys, 2022

The following table outlines the applicable zoning provisions for R4 and the compliance of the proposed Application.

Table 1: Zoning By-law Review

Regulation	R4 (Three Units in Converted Dwelling)	Proposed Application	Complies?
Minimum Lot Area	740.0 sq.m.	682.7 sq.m.	No*
Minimum Lot Frontage	20.0 m	23.271 m	Yes
Minimum Lot Depth	37.0 m	29.269m	No*
Minimum Front Yard – Ontario Street	6.0 m	5.35m	No*
Minimum Side Yard (Interior) – South Property Line	1.8 m	1.18m	No*
Minimum Exterior Side Yard – Queen Street West	6.0m	2.06m	No*
Minimum Rear Yard – West Property Line	7.5 m	13m	Yes
Maximum Building Height	10.5 m	Complies	Yes
Maximum Lot Coverage	35%	25%	Yes
Minimum Dwelling Unit Floor Area	55.0 sq.m.	New dwelling unit to exceed minimum requirement.	Yes
Minimum Landscaped Open Space	35%	>50%	Yes
Off-Street Parking	Converted dwelling = 2 per unit = 6	4 (1.25/dwelling unit)	No
Off-Street Parking Space Size	2.7 m by 5.5 m	2.7m by 5.5m	Yes
Driveway Requirements	width of 3.0-8.0 m or max 60% of width of the lot, whichever is less	Queen Street – 2.7m	No*
Maximum Number of Driveways	Where lot frontage is greater than 20m, two driveways permitted	Two	Yes
Parking Space Access	Converted dwelling with three units – must be from internal driveway	Direct parking space access proposal	No*
Tandem Parking	Not permitted for a three-unit converted dwelling	To permit tandem parking spaces for one (1) dwelling unit	No
Daylight Triangle	10.8m by 10.8m	N/A	No*

*Legal non-complying

The requirement for a Zoning By-law Amendment Application was based on the proposed to add an additional dwelling unit and to address the parking requirements. However, given the age of the building on the Site, there are a number of legally non-complying provisions as outlined in the table above (lot area, lot depth and setbacks). Through the Zoning By-law Amendment, the Owner is also seeking to address these legal non-complying provisions.

In our opinion, addressing the legal non-complying provisions is appropriate and represents good land use planning as it will allow for an older, established building within the built-up area to be retained and for the efficient and effective use of existing infrastructure. In addressing these legal non-complying provisions, it is our opinion that there is no inherent over intensification of the property that would create negative impacts related to traffic, noise and privacy.

With respect to the proposed off-street parking rate, it is our opinion that the rate is appropriate to the size and scale of the dwelling units. The St. Marys Zoning By-law permits a range of residential uses, including converted dwelling, and apartment dwellings. Each specific residential use is defined in the Zoning By-law and has separate parking requirements. A "converted dwelling" requires two (2) parking spaces per dwelling unit, regardless of the dwelling units size; however, an "apartment" requires only 1.25 parking spaces per dwelling unit and there is no limit on the size of an apartment or the number of bedrooms.

In our opinion, the dwellings units proposed on the Site function similar to an apartment dwelling, as the dwelling units are smaller in size (all less than 900 square feet) and do not exceed 2 bedrooms. It is our understanding that a higher rate for a converted dwelling was established in the St. Marys Zoning By-law, with the belief that converted dwellings would likely be in larger older homes, with inherently larger unit sizes.

The proposed parking solution on the Site will provide two (2) parking spaces for the largest unit, and one (1) parking space for the smaller units. In addition, on-street parking is available on Ontario Street to accommodate visitors.

Summary

In our opinion, the Zoning By-law Amendment Application is appropriate, represents good land use planning and is in the public interest as it provides for an increased mix of available rental housing stock, within an existing structure using current municipal services.

We trust this letter can be accepted as part of the existing Application. Should you have any questions or comments, please let us know and we would be happy to discuss further.

Kind regards,



Caroline Baker, MCIP, RPP

Principal

c.c Amy and Nigel Brooke

FORMAL REPORT

To: Chair and Members of the Advisory Committee

Prepared by: Mark Stone, Planner

Date of Meeting: 30 May 2022

Subject: **DEV 38-2022 Town of St. Marys Zoning By-law – Housekeeping Amendment**

PURPOSE

The purpose of this report is to present a summary of proposed modifications to the Town's Zoning By-law for general housekeeping purposes to be implemented through a Town initiated Zoning By-law Amendment.

RECOMMENDATION

THAT DEV 38-2022 Town of St. Marys Zoning By-law – Housekeeping Amendment report be received; and

THAT the Planning Advisory Committee recommend that Council initiate a Housekeeping Amendment to the Town's Zoning By-law to:

1. employ the use of tables throughout the Zoning By-law to display zoning information in a more condensed and clear manner;
2. consolidate similar zone sections through the use of tables;
3. update the Zoning By-law list of definitions (without a numbering system) to avoid the need for the complex re-numbering of all definitions any time a definition is added or removed in the future;
4. update definitions to reflect contemporary terminology and provide definitions for all land use terms;
5. increase the allowable lot coverage for accessory buildings and structures on residential lots;
6. modify certain setback, coverage and other regulations to allow for more efficient use of land and improved built form; and,
7. modify the Development (D / RD) Zone to permit the replacement of existing single detached dwellings, additions onto existing single detached dwellings, and new accessory buildings and structures, subject to appropriate regulations.

BACKGROUND

A Zoning By-law is a legally enforceable document containing regulations and maps, and consists of a series of zones in a range of categories (e.g. residential, commercial, industrial/employment, institutional, agricultural/rural, environmental, etc.). A Zoning By-law is used by municipalities to implement the policies of the Official Plan and control:

- the use of land, buildings and structures

- the type, bulk, height, size, floor area, spacing, character and location of buildings and structures permitted
- minimum and maximum density
- lot sizes and dimensions
- parking and loading requirements

Zoning By-laws are used by a wide variety of people including planners, building officials, by-law enforcement officers, Councillors, residents, agencies, land owners, developers, business owners, lawyers, architects and real estate agents.

The Town of St. Marys Zoning By-law No. Z1-1997 was originally enacted in 1997 and has been subject to several amendments since then as a result of Town initiated amendments to various regulations from time-to-time and the approval of Zoning By-law Amendment Applications initiated by property owners. The Town has consolidated these amendments into the Zoning By-law and with the last consolidation occurring in 2018, staff is finalizing a consolidation for 2022.

This report seeks to present a summary of proposed modifications to the Town's Zoning By-law for general housekeeping purposes to be implemented through a Town initiated Zoning By-law Amendment. The intent of housekeeping amendments is to implement technical updates and to address minor issues or discrepancies.

REPORT

This section will identify issues and/or possible areas of improvement in the Zoning By-law with respect to the format of the by-law (i.e. how regulations are presented and organized), definitions,

Format

Zone Sections

The Town's Zoning By-law provides a separate section for each Zone with separate listings of permitted uses, regulations and exceptions, as shown in the Residential Zone One (R1) Zone excerpt to the right. As a result, there are 28 sections in the By-law. There is the need for a large number of distinct zones in the By-law however, the use of tables can improve how zoning regulations are displayed and reduce the overall size of the document.

Use of Tables

For the most part, tables are not utilized to display information in the Town's Zoning By-law. Many municipalities now employ the use of tables to display definitions, general provisions, permitted uses and regulations, and exceptions. Tables can be used to group zones

Excerpt from Town of St. Marys Zoning By-law

SECTION 8 - RESIDENTIAL ZONE ONE (R1)

No person shall within any R1 zone use any land or erect, alter, or use any building or structure for any purpose except in accordance with the following provisions:

8.1 Permitted Uses, Buildings, and Structures

- (a) a bed and breakfast establishment;
- (b) a home occupation;
- (c) a public park;
- (d) one single-detached dwelling on one lot;
- (e) accessory uses, buildings, and structures.

8.2 Requirements for a single-detached dwelling on one lot.

8.2.1 Lot Area, Minimum	Interior Lot	990	square metres
	Corner Lot	1102.5	square metres
8.2.2 Lot Frontage, Minimum	Interior Lot	22.0	metres
	Corner Lot	24.5	metres
8.2.3 Lot Depth, Minimum		45.0	metres
8.2.4 Front Yard, Minimum		7.5	metres
8.2.5 Interior Side Yard, Minimum		3.0	metres on one side and
		2.4	metres on the opposite side (in the case of a corner lot 2.4 metres is required on the interior side.)
8.2.6 Exterior Side Yard, Minimum		7.5	metres
8.2.7 Rear Yard, Minimum		7.5	metres
8.2.8 Building Height, Maximum		10.5	metres
8.2.9 Lot Coverage, Maximum		35.0	per cent
8.2.10 Gross Floor Area, Minimum		125	square metres
8.2.11 Landscaped Open Space, Minimum		30.0	per cent
8.2.12 Parking Requirements			
	In accordance with the provisions of Section 5.21.		

by setting out permitted uses and regulations as shown below in examples from the Town of Newmarket Zoning By-law.

Excerpt from Town of Newmarket Zoning By-law

Uses	Zones			
	R1	R2	R3	R4
Apartment			✓(b)	✓(b)
Duplex		✓	✓	
Group or Cluster			✓	✓
Single-Detached	✓(a)	✓	✓	
Semi-Detached		✓	✓	
Townhouse			✓	
Senior Citizen Housing			✓(b)	✓(b)
Retirement Home			✓(b)	✓(b)
Boarding Home		✓(c)	✓(c)	
Nursing Facility			✓(b)	✓(b)
Community Garden	✓	✓	✓	✓

Lot Provisions	R1	R2		
	Single Detached	Single Detached	Duplex	Semi-Detached
Minimum Lot Area (m ²)	1,400	450	550	275
Minimum Lot Frontage (m)	20.0	15.0 (a)	15.0	9.0
Minimum Front Yard (m)	6.0	4.5	4.5	4.5
Minimum Exterior Side Yard (m)	4.5	4.5	4.5	4.5
Minimum Interior Side Yard (m)	2.0	1.2	1.2	1.2 & 0.0
Minimum Rear Yard (m)	7.5	7.5	7.5	7.5
Maximum Height (m)	12.0	12.0	12.0	12.0
Maximum Lot Coverage (bungalow)	20%	45%	Not applicable	45%
Maximum Lot Coverage (other than bungalow)	20%	40%	40%	40%
Minimum Landscaped Open Space	30%	35%	35%	35%
Other provisions				

Using tables allows for a more organized and concise display of information. Unnecessary text can be eliminated when using tables, leaving only pertinent information. This approach also allows practitioners and users of zoning by-laws to compare permitted uses and regulations amongst similar zones.

Recommendation #1

That Council consider the use of tables throughout the Zoning By-law to display zoning information in a more condensed and clear manner.

Using tables, the Town should consider consolidating zone sections to reduce the number of sections and the overall size of the By-law. For example, the By-law has eight separate sections for residential zones (R1, R1A, R2, R3, R4, R5, R6 and R7), whereas the use of tables would allow for the consolidation of all residential zones into one section of the By-law.

Recommendation #2

That Council consider the consolidation of similar zone sections through the use of tables.

Definitions

Definitions are important components of any zoning by-law since they are used to help us understand land uses and regulations, and how each should be implemented. Specifically, definitions:

- are used to assist in the implementation of Provincial and official plan policies
- provide direction for determining property characteristics and measurements (such as number of storeys, building setbacks, yards), and building types (such as primary versus accessory buildings, or single detached dwellings versus secondary suites)
- provide clarity with respect to uses that are permitted by specifying what does and does not constitute a 'use'
- provide clarity with respect to uses that are **not** permitted - if a use is defined in a zoning by-law but not identified as a permitted use in a zone, then that use is not permitted

Definitions are provided in Section 3 of the current By-law. Definitions in the current By-law fall under a range of categories including:

- Land Use – (e.g. 'medical clinic' or 'place of entertainment')
- Regulation Components – often related to a numerical standard (e.g. 'gross floor area' or 'yard')
- Parking Related – (e.g. 'parking area' or 'loading space')
- Legal or Condition – (e.g. 'legal non-conforming use')

Definitions are provided in alphabetical order in the By-law. Some classes of definitions are listed in reverse order based on multiple use of a common term. For example, there are multiple definitions for different types of 'yards'. Instead of listing them alphabetically (e.g. front yard, minimum front yard, rear yard, etc.), the current By-law identifies these terms by identifying the common term first (i.e. 'yard') to group this class of definitions, as shown in the excerpt below.

Excerpt from Town of St. Marys Zoning By-law

3.155 Yard means a space appurtenant to a **building or structure**, located on the same **lot** as such **building or structure**, and which is open, uncovered, and unoccupied from the ground to the sky except as **permitted** otherwise by this By-law.

3.156 Yard, Front means a **yard** extending across the full width of a **lot** between the **front lot line** and the nearest **main wall** or supporting member of any **main building or structure** on the **lot**.

3.157 Yard, Minimum Front means the minimum depth of a **front yard** between the **front lot line** and the nearest **main wall** or supporting member of any **main building or structure** on the **lot**.

3.158 Yard, Rear means a **yard** extending across the full width of a **lot** between the **rear lot line** and the nearest **main wall** or supporting member of any **main building or structure** on the **lot**.

The current approach to numbering definitions necessitates complex amendments to the Zoning By-law (i.e. renumbering of all definitions that follow) any time a definition is added or deleted. The Town

should consider eliminating the existing numbering system for definitions to avoid the need in the future to re-number all definitions when a new definition is added with future amendments. Definitions would simply be listed alphabetically – this is a common approach in many zoning by-laws today.

Recommendation #3

That Council consider updating the Zoning By-law list of definitions (without a numbering system) to avoid the need for the complex re-numbering of all definitions any time a definition is added or removed in the future.

Some other general issues or areas for improvement including:

- a) Due to the age of the existing By-law, some terminology is outdated and not consistent with contemporary best practices. The term 'eating establishment' is currently used in the existing By-law however, a more contemporary term for this use is 'restaurant'.
- b) There are some land uses not defined in the current By-law or definitions are provided for similar land use terms. For example, uses such as 'arena', 'grocery store', 'laboratory or research facility' are listed as permitted uses in certain zones but are not defined in the By-law.

Where existing terminology is outdated, it should be updated based on contemporary terms or best practices, and all uses referenced in the By-law should be associated with a clear definition.

Recommendation #4

That Council consider updating definitions in the Zoning By-law to:

- reflect contemporary terminology
- provide definitions for all land use terms in the By-law

General Provisions

Accessory Uses, Buildings and Structures

Accessory uses, buildings and structures are defined as follows in the Zoning By-law:

3.1.1 Accessory Building or Structure means a **building** or **structure** that is normally incidental, subordinate, and exclusively devoted to the principal **use, building, or structure**, which is separate (detached) from the **main building or structure** and which is located on the same **lot** therewith. No **accessory building or structure** shall be **used** for human habitation.

3.2 Accessory Use means a **use** that is normally incidental, subordinate, and exclusively devoted to the main **use** of the **lot** and which is located on the same **lot** therewith.

Section 5.1A of the By-law sets out provisions to regulate accessory uses as summarized below:

5.1A Accessory Uses

5.1.1A Use

Where this By-law provides that a **lot** may be **used** or a **building or structure** may be **erected, altered, or used** for a purpose, that purpose shall include any **accessory building or structure** or **accessory use**, but shall not include:

- (a) any occupation or business for profit conducted within a **dwelling unit** except as may be specifically **permitted** by this By-law; and
- (b) any **building** or **structure used** for human habitation except as may be specifically **permitted** by this By-law.

5.1.2A Time of Establishment

No **accessory use**, **building**, or **structure** shall be **permitted** on any **lot** until such time as the main **use** to which it is **accessory** has been lawfully and physically established on the **lot**.

5.1.3A Location

- (a) all **accessory buildings** and **structures** shall comply with the **minimum front yard** requirement for the **main building** on the **lot** or be located to the **rear** of the front wall of the **existing main building** on the **lot**, whichever is greater;
- (b) all **accessory buildings** and **structures** shall be required to comply with the **side** and **rear yard** requirements for the **zone** in which they are located as set out in this By-law;
- (c) **accessory buildings** and **structures** shall not be structurally attached to a **main building** in any way and they shall be located at a distance of not less than 1.0 metres from the **main building**. The provisions of this Section shall not apply to standby generators or air conditioning/ventilation devices;
- (d) notwithstanding the foregoing, in any Residential Zone One (R1), Residential Zone Two (R2), Residential Zone Three (R3), or Residential Zone Four (R4) a **detached garage** or other **accessory building** may be **erected** and **used** in a **rear yard** provided it is located not less than 1.0 metres from any **lot line**;
- (e) where an **accessory building** or **structure** is built on a **corner lot**, it shall be no closer to the **front lot line** than **permitted** by Clause (a) above and no closer to the **exterior side lot line** than the **minimum exterior side yard** distance required for the **main building** under this By-law.

5.1.4A Height

Except as otherwise provided in this By-law, no **accessory building** or **structure** shall exceed 4.5 metres in **height** or be higher than the **main building** on the **lot**, whichever is the lessor. This provision shall not apply to the Agricultural Zone One (A1).

Amended by By-law No. Z107-2014

5.1.5A Coverage

- (a) The total **lot coverage** of all **accessory buildings** and **structures** on a **lot** shall not exceed 10 per cent of the **lot area**.
 - (b) Notwithstanding the above paragraph (a), the total **lot coverage** of all **accessory buildings** and **structures** on a **lot** in any Residential Zone One (R1), Residential Zone Two (R2), Residential Zone Three (R3), or Residential Zone Four (R4) shall not exceed 10 per cent of the **lot area** or 50 square metres whichever is the lesser.
- In a R1, R2, R3, or R4 **zone** with a **lot area** of 1,050 square metres or more, shall not exceed 5% of the **lot area** or 115 square metres, whichever is the lessor.

For the purpose of Section 5.1.5 (a) and 5.1.5 (b), the area of a **swimming pool** that is not enclosed by a **building** or **structure** shall not be included in the calculation of **lot coverage**.

Between 2017 and April of 2022, there have been six minor variances approved by the Committee of Adjustment related to accessory buildings and structures, as summarized in the table below.

Summary of Approved Minor Variances, St. Marys (2017 to 2022)

Minor Variance Type	Number of Variances	Notes
Maximum Height of Accessory Building	1	<ul style="list-style-type: none"> Increased from 4.5 to 4.652 m
Maximum Lot Coverage for Accessory Building 5.1.5(b) – the lessor of: <ul style="list-style-type: none"> 10% of lot area or 50 m² 5% of lot area or 115 m² on lots >115 m² 	4	<ul style="list-style-type: none"> Increase from 70 m² to 111.94 m² Increase from 5% (=60 m²) to 6% (=72.5 m²) Increase from 5% to 6.7% Increase from 5% to 5.9% Increase from 5% to 7.9%
Minimum Interior Side Yard for Accessory Building	1	<ul style="list-style-type: none"> Reduced from 1.0 to 0.39 metres

Based on a review of the Zoning By-law and analysis of minor variances, staff does not recommend any changes to the regulations related to minimum setbacks or maximum height for accessory buildings and structures. However, staff is of the opinion that two changes are needed as it relates to lot coverage:

1. A simpler way of applying and calculating lot coverage requirements.
2. Increasing the maximum permitted lot coverage. The current five percent maximum lot coverage requirement under 5.1.5A(b) is lower than many of the municipal zoning by-laws surveyed and there have been a number of requests for variances to increase this standard.

Our review of best practices in other municipalities also revealed that many zoning by-laws set out different lot coverage provisions for accessory buildings and structures based on zones and lot sizes. For example, the Township of Centre Wellington and Guelph Eramosa Zoning By-laws permit the following:

- five percent in industrial, commercial, institutional, open space and mixed uses zones
- 10 percent in residential zones

The Municipality of Strathroy-Caradoc sets out the following requirements for accessory buildings and structures:

Zone	Maximum Size
Residential Zones and A2 Zone where the lot size is 1 ha or smaller	15% of the lot coverage but not exceeding 80% of the ground floor area of the dwelling (calculation of floor area shall exclude any attached private garage)
Commercial / Other Zones	Not exceeding the size of the main building
Agricultural / Industrial Zones	No maximum size

Recommendation #5

That Council consider increasing the allowable lot coverage for accessory buildings and structures on residential lots.

Parking

On October 13, 2020 Council procured the services of Paradigm Transportation Solutions Limited to prepare a Comprehensive Parking Review. Strategic Priorities Committee (SPC) reviewed the first draft on August 17, 2021 and on November 30, 2021, the SPC accepted DEV 52-2021 Comprehensive Parking Review but directed staff to report back with an implementation plan, in particular showing how High Priority recommendations will be advanced, as well as the other matters raised by the Committee.

Staff presented a report to SPC on March 15, 2022 which included the proposed implementation plan for the parking study. The following chart summarizes high priority recommendations to be implemented through zoning.

Summary of High Priority Study Recommendations (Zoning Related)

STUDY RECOMMENDATIONS	IMPLEMENTATION THROUGH TOWN INITIATED AMENDMENT TO THE ZONING BY-LAW
Update Section 5.21 of the Zoning By-law to include new residential and non-residential parking rates as contained herein	Proposed amendments to Section 5.21 based on Attachment 1 for Table 6.3: Recommended Minimum Parking Rates from the Comprehensive Parking Review report.
Update Section 5 of the Zoning By-law to include a requirement for all new development (independent of land use) to provide electric vehicle charging station rough-ins for a minimum of 5% of all required parking spaces	Proposed amendments to implement this recommendation by proposing new regulations in Section 5.21.
Update Section 5.21 of the Zoning By-law to include minimum bicycle parking rates as contained herein	Proposed amendments to Section 5.21 based on Attachment 2 for Table 6.4: Recommended Minimum Bicycle Parking Requirements from the Comprehensive Parking Review report.
Adopt the visitor parking rates for select residential land uses as contained herein	Proposed amendments to Section 5.21 based on Attachment 1 for Table 6.3: Recommended Minimum Parking Rates from the Comprehensive Parking Review report.
Update Section 5.21.1 of the Zoning By-law to include the following text related to visitor parking spaces: <ul style="list-style-type: none">All required visitor parking spaces shall be provided and maintained for each use located on a lot and shall be located on the same lot as the uses requiring the visitor parking spaces; andAll required visitor parking spaces shall be clearly identified, demarcated, and reserved at all times	Proposed amendments to implement this recommendation by proposing new regulations in Section 5.21.
Update Section 5 of the Zoning By-law to include minimum bicycle parking requirements and bicycle parking design guidelines as contained herein	Proposed amendments to implement this recommendation by proposing new regulations in Section 5.21 based on the following Bicycle Parking Design Guidelines in the Town of Carleton's Place Development Permit By-law 15-2015:

STUDY RECOMMENDATIONS	IMPLEMENTATION THROUGH TOWN INITIATED AMENDMENT TO THE ZONING BY-LAW
	<p><i>All required spaces for bicycles or similar vehicles must be provided in accordance with the following design standards:</i></p> <ul style="list-style-type: none"> <i>The minimum dimensions for each space intended for bicycles must be 0.6 metres (2 feet) in width and 1.8 metres (5.9 feet) in length with a 1.2 metre (3.9 feet) clear access aisle and 1.2 metre (3.9 feet) vertical clearance;</i> <i>Bicycle parking spaces shall be secured by a locked door or shall include a securely anchored rack to which the bicycle frame and one wheel can be locked; and</i> <i>Bicycle parking spaces shall be located close to main building entrances</i>
Adopt accessible parking requirements in accordance with the Accessibility for Ontarians with Disabilities Act (AODA)	Proposed amendments to Section 5.21 based on Attachment 3 for Section 6.3, Accessible Parking from the Comprehensive Parking Review report.
Update Section 5.21.1.2 of the Zoning By-law to specify accessible parking spaces are not required for single-detached, semi-detached, duplex, or triplex uses	Proposed amendments to implement this recommendation by proposing new regulations in Section 5.21.
Retain Section 5.12 of the Zoning By-law as it pertains to Loading Space Requirement	No action required
Update Section 3 of the Zoning By-law to include definitions for new land use parking requirements, or reclassification of current land uses as contained herein	Refer to recommended definition changes from Comprehensive Parking Review report.
<p>Adopt definitions for stacking lanes and stacking spaces as follows:</p> <ul style="list-style-type: none"> Stacking Lane: a continuous on-site queuing lane that includes stacking spaces for motor vehicles, which is separated from other vehicular traffic and pedestrian circulation by barriers, markings, or signs; and Stacking Space: a rectangular space that may be provided in succession and is designed to be used for the temporary queuing of motor vehicles in a stacking lane. 	Proposed amendments to implement this recommendation by proposing new definitions in Section 3.
Modify Section 3.13 of the Town's Zoning By-law and remove the current requirement for queuing spaces	Refer to recommended definition changes from Comprehensive Parking Review report.
Adopt a minimum number of stacking spaces for select land uses as contained herein	Proposed amendments to implement this recommendation by proposing new regulations in Section 5.21.

Recommended parking related definition additions from the Comprehensive Parking Review report:

Automobile Washing Establishment means a building or structure containing facilities used or intended to be used primarily for washing vehicles by the use of mechanical devices or by hand. Rate adopted from City of Stratford Zoning By-law 201-2000 and modified based on feedback from Town planning staff;

Conference or Banquet Facility: means a building or part thereof, used for the gathering of groups of persons for specific functions including the consumption of food and drink, Full kitchen facilities shall be provided on the premises. Rate adopted from the City of Burlington. Definition adopted from existing Town of St Marys Zoning By-law for Banquet Hall; and

Service Trade: means an establishment, other than an automotive use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, the shop of a printer, a plumber, a painter, a carpenter, an electrician, a welder, a furrier, an upholster, a custom engraver, a monument engraver, a merchandise service shop, a battery storage and recharging shop, a small engine repair shop, a workshop for the physically challenged, a catering establishment, a tool or small equipment rental establishment. Rate adopted from City of Stratford Zoning By-law 201-2000.

Recommended parking related definition modifications from the Comprehensive Parking Review report:

Assembly Hall means a building or part thereof, in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social purposes. An Assembly Hall does not include a Conference or Banquet Facility; and

Automobile Washing Establishment is replaced with the previous noted definition.

These recommended changes have been reviewed by Council and direction has been provided to staff.

Zone Regulations

Provincial policies and the current and proposed new Official Plan are generally supportive of development at densities that will make more economic use of existing infrastructure and use land more efficiently.

There are a number of ways to improve built form including requiring buildings to be located close to street frontages instead of large expanses of parking areas. To achieve this, the Town should consider reducing certain regulations such as the minimum lot frontage and exterior side yard requirements. For example, based on a review of several other municipal zoning by-laws, minimum front yard requirements can be as low as 6 metres (as compared to 15 metres in the current General Industrial M2 Zone).

From a residential perspective, a minimum front yard setback of 6 metres may be appropriate whereas 7.5 metres is required in the current R1 Zone. Also, maximum lot coverages ranging from 40 to 50 percent are more common now for residential development, as compared to a maximum coverage of 35 percent in the current R1 and R2 Zones.

Recommendation #6

That Council consider modifying certain setback, coverage and other regulations to allow for more efficient use of land and improved built form.

Development (D) / RD Zone

Town staff has received concerns regarding the restrictive nature of the Development Zone (D) in the Zoning By-law (Section 28) of the By-law is the Development Zone (D). The D Zone symbol has been applied to some properties designated for non-residential uses under the Official Plan (e.g. Extractive Industrial or Recreational) or to a few smaller properties with development constraints. According to Section 28.1, permitted uses, buildings and structures are limited to:

- (a) **uses, buildings, and structures** lawfully existing on the date of passing of this By-law and additions thereto.
- (b) **agricultural uses**, excluding **buildings** and **structures**.
- (c) **accessory uses, buildings, and structures** lawfully existing on the date of passing of this By-law.

Staff interprets Section 28.1 to mean that the only uses, buildings and structures permitted on lands zoned RD are those that lawfully existing when the Zoning By-law was passed. The only new uses that can occur on a property are agricultural uses provided there are no new buildings or structures. Additions onto existing uses, buildings and structures are permitted but it is unclear to what extent and what regulations should apply. Section 28.2 states that “the **minimum lot area, lot frontage, front yard, interior side yard, exterior side yard, rear yard, and the maximum building height and lot coverage** requirements shall be as they lawfully existed on the date of passing of this By-law”. Staff interpret this to mean that the required regulations have been established based on setbacks, coverage, etc. of existing buildings. On this basis, no additional buildings could be built due to the maximum lot coverage being based on the condition that exists.

Subsection 28.3 provides other types of zone symbols (RD and RD-1). The RD Zone symbol has been applied to several properties in the Town and according to subsection 28.3.1, “some form of residential development is contemplated in the future for the lands within the ‘RD’ zone; however timing for development and development standards (i.e. housing type and density) have yet to be determined”. A review of the Town’s Official Plan reveals that the RD Zone has been applied to undeveloped lands designated Residential. Many of these properties are larger in size providing ‘Greenfield’ type development opportunities in the future. The policies of the Official Plan generally discourage the piecemeal division of these lands by consent since the fragmentation of lands would make it more difficult for future residential development envisioned for these lands. Only existing uses are permitted on lands zoned RD and these on restrictions on further development and/or intensification are intended to ensure that maximum flexibility for future development is maintained until there is a planning process (secondary plan, block plan and/or site specific applications) when there is the opportunity to ensure planned growth can occur in a logical and well thought out manner.

Lands within the RD-1 zone symbol are located within 500 metres of operating or closed landfill sites. Subsection 28.3.2 states that “in accordance with the Environmental Protection Act R.S.O. 1990, agreements shall be entered into specifying any necessary studies and protective measures to the satisfaction of the Town of St. Marys, demonstrating that the development in the form and manner proposed, will not be adversely affected prior to the changing of the ‘RD-1’ symbol”.

There have been a range of concerns expressed regarding the D / RD zones including the inability to build a house on a vacant lot and/or the ability to enlarge existing buildings and/or build new accessory buildings or structures. Staff have identified 5 options for consideration:

Option 1 – Status Quo

- Not recommended

Option 2 – Permit new single detached dwelling on vacant lot

- Not recommended

Option 3 – Permit replacement of existing single detached dwelling

- Recommended but replacement dwellings larger than the original should be restricted

Option 4 – Permit addition onto existing single detached dwelling

- Recommended subject to restrictions

Option 5 – Permit new accessory buildings or structures

- Recommended subject to restrictions

If required, restrictions related to building location, setbacks, coverage, etc. will need to be established by either developing regulations in the D / RD Zone and/or maintaining the approach of using existing established setbacks but requiring a minor variance for any proposed development that goes beyond an existing established footprint.

Recommendation #7

That Council consider modifying the Development (D / RD) Zone to permit the replacement of existing single detached dwellings, additions onto existing single detached dwellings, and new accessory buildings and structures, subject to appropriate regulations.

SUMMARY

It is recommended that the Planning Advisory Committee consider staff's recommendations to advise Council on housekeeping amendments to the Town's Zoning By-law.

ATTACHMENTS

- 1) Recommended Minimum Parking Rates
- 2) Recommended Minimum Bicycle Parking Requirements
- 3) Accessible Parking
- 4) Recommended Minimum Number of Stacking Spaces

REVIEWED BY

Recommended by the Department



Mark Stone

Planner

TABLE 6.3: RECOMMENDED MINIMUM PARKING RATES

Category	Land Use	Rate
Care Facilities	Day Nursery	1 per 40 m ² gross floor area
	Hospital	1 per 4 beds
	Medical Clinic, Veterinary Clinic	5 per practitioner
	Nursing Home	1 per 3 beds
	Group Home	2 per dwelling unit plus 1 per 4 group home residents
	Long Term Care Home/Home for the Aged	1 per 5 beds
	Continuum-of-Care Facility	Non-Assisted Living: 0.5 per dwelling unit (for residents) plus 0.2 per dwelling unit (for visitors and employees) Assisted Living: 0.3 per assisted living unit (for residents), plus 0.2 per assisted living unit (for visitors and employees)
Commercial – Office	Business or Professional Office Support Office	1 per 20 m ² gross floor area
Commercial – Retail	Automobile Repair Establishment/Automobile Service Station/Automobile Sales and Service Establishment	4 plus 1 per repair bay
	Automobile Washing Establishment	1 plus 2 per wash bay, plus 1 per non-drive through car wash bay Automatic Car Wash: 5 per car wash bay, excluding the car wash bay
	Department Store	1 per 20 m ² gross floor area
	Golf Course	8 per hole
	Miniature Golf Course	1.5 per hole
	Personal Service Shop	1 per 20 m ² gross floor area
	Bowling Establishment	3 per bowling lane



Category	Land Use	Rate
	Eating Establishment, Eat-in or Take-out	1 per 10 m ² gross floor area
	Retail Store	1 per 20 m ² gross floor area
	Service Trade	1 per 30 m ² gross floor area
	Supermarket	1 per 20 m ² gross floor area
	Wholesale Establishment	1 per 55 m ² gross floor area
Industrial	Industrial Establishment	3000 m ² or less GFA: 1 per 50 m ² GFA Greater than 3000 m ² GFA: 1 per 50 m ² GFA for the first 3000 m ² and 1 per 100 m ² GFA in excess of 3000 m ² For any office areas, the standards as set out elsewhere in this By-law shall apply.
	Warehouse (including mini-storage)	1 per 150 m ² gross floor area
Overnight Accommodations	Bed and Breakfast Establishment	2 per dwelling unit plus 1 per guest room for rent
	Hotel or Motel	1 space per guest room plus 1 space per 10 m ² GFA devoted to public use such as dining rooms, licensed beverage rooms, banquet rooms and similar uses.
Place of Assembly	Church	The greater of: - 1 per 4 seats (or 3 metres of bench); or - 1 per 10 m ² of gross floor area devoted to public uses where no fixed seating exists
	Conference or Banquet Facility	10 spaces per 100 m ² gross floor area
	Funeral Home	4 plus 1 per 4 persons designed capacity
	Place of Assembly (Assembly Hall, Arena, Theatre)	1 per 5 seats (or 3 metres of bench) of maximum seating capacity; or 1 per 230 m ² of playing field area where no seating exists
	Sports Field	The greater of: - 1 per 5 seats (or 3 metres of bench); or - 1 per 250 m ² of gross field area where no seating exists
Residential	Dwelling, Single-detached Dwelling, Semi-detached	2 per dwelling unit



Category	Land Use	Rate
	Dwelling, Street Townhouse Dwelling, Duplex Dwelling, Triplex	
	Dwelling (Row or Townhouse) Dwelling, Fourplex	Resident: 2 per dwelling unit Visitor: 0.25 per dwelling unit
	Dwelling, Apartment (non Downtown Zone)	Studio: 1 per dwelling unit; One Bedroom: 1 per dwelling unit; Two Bedroom: 1.5 per dwelling unit; Three Bedroom: 1.5 per dwelling unit Visitor: 0.25 per dwelling unit
	Dwelling Apartment (Downtown Zone)	Studio: 1 per dwelling unit; One Bedroom: 1 per dwelling unit; Two Bedroom: 1.5 per dwelling unit; Three Bedroom: 1.5 per dwelling unit Visitor: Not Required
	Dwelling, Accessory Dwelling, Converted	1 per dwelling unit
Schools	School, Elementary	The greater of: - 1.5 per classroom; or - 1 per 3 m ² of assembly area
	School, Secondary or Commercial	The greater of: - 5 per classroom; or - 1 per 3 m ² of assembly area
All Other Non-Residential/Non-Institutional Uses	All Other Non-Residential Uses	1 per 40 m ² gross floor area
All Other Institutional Uses	All Other Institutional Uses	1 per 30 m ² gross floor area



TABLE 6.4: RECOMMENDED MINIMUM BICYCLE PARKING REQUIREMENTS

Land Use	Number of Required Parking Spaces
Apartment Buildings	0.5 space per dwelling unit plus 6 spaces for any development with 20 or more dwelling units
Schools	The greater of: <ul style="list-style-type: none"> ▶ 8 spaces; or ▶ 1 per 20 m² of classroom space, plus 1 per 800 m² of office area
Offices	The lesser of: <ul style="list-style-type: none"> ▶ 8 spaces; or ▶ 4% of required vehicle parking
Commercial Uses (unless otherwise noted), including Restaurants (excluding take-out only)	The greater of: <ul style="list-style-type: none"> ▶ 8 spaces; or ▶ 5% of required vehicle parking
Convenience Store	8 spaces
Cinema, Community Centre, Commercial Sports and Recreation Centre	The greater of: <ul style="list-style-type: none"> ▶ 8 spaces; or ▶ 10% of required vehicle parking
Industrial Use	The lesser of: <ul style="list-style-type: none"> ▶ 4 spaces; or ▶ 4% of required vehicle parking

6.3 Accessible Parking

It is recommended the Town of St. Marys adopt accessible parking standards based on those consistent with the Accessibility for Ontarians with Disabilities Act (AODA) (2005). Regulation 191/11: Integrated Accessibility Standards, Part 5: Design of Public Spaces of outlines the minimum requirements for accessible parking spaces.

Appendix G contains the AODA accessible parking requirements.

It is also recommended the Town update Section 5.21.1.2 of the Zoning By-law to specify accessible parking spaces are not required for single-detached, semi-detached, duplex, or triplex uses.

Table 6.5 summarizes the minimum number of required accessible parking spaces as outlined in Regulation 191/11.

TABLE 6.5: RECOMMENDED ACCESSIBLE PARKING SPACE REQUIREMENTS

Number of Automobile Parking Spaces	Number of Designated Accessible Parking Spaces
1 – 12	1 Type A
13 – 100 ^a	4% of the total number of automobile spaces
101 – 200 ^a	1 plus 3% of the total number of automobile spaces
201 – 1,001 ^a	2 plus 2% of the total number of automobile spaces
1,000 or greater ^a	11 plus 1% of the total number of automobile spaces

a) If the calculation results in an even number of accessible parking spaces, an equal number of Type A and Type B parking spaces shall be provided. If the calculation results in an odd number of accessible parking spaces, an equal number of Type A and Type B parking spaces shall be provided. The odd-numbered space may be a Type B parking space.

b) Where the calculation of the accessible parking space requirements results in a number that is not a whole number, the number shall be rounded up to the next whole number (e.g., 7.3 spaces would be rounded-up to 8).



- Stacking Lane: a continuous on-site queuing lane that includes stacking spaces for motor vehicles, which is separated from other vehicular traffic and pedestrian circulation by barriers, markings, or signs.
 - Stacking Space: a rectangular space that may be provided in succession and is designed to be used for the temporary queuing of motor vehicles in a stacking lane.
- ▶ Modify Section 3.13 of the Town's Zoning By-law and remove the current requirement for queuing spaces;
 - ▶ Adopt a minimum number of stacking spaces for select land uses as described in **Table 8.3**;
 - ▶ Adopt a requirement for a queuing study for all drive through applications not providing the minimum number of stacking spaces, or where projected traffic volumes are greater than 60 vehicles per hour;
 - ▶ Adopt design guidelines to support the design of drive-through facilities.

TABLE 8.3: RECOMMENDED MINIMUM NUMBER OF STACKING SPACES

Land Use	Minimum Number of Stacking Spaces
Automobile Washing Establishment (automatic)	10
Automobile Washing Establishment (self serve)	2 per washing bay
Bank or Financial Institution	3
Automobile Gas Bar	2 per fueling area
Eating Establishment (Restaurant or Take Out)	13
Retail Store	3

8.3 Recommended Drive Through Zoning By-law Text

It is recommended the Town of St. Marys adopt Stacking Provisions similar to those contained in the respective Zoning By-laws of the Municipality of Meaford, City of Kitchener and the City of London as follows:



- a) Stacking lanes shall not be located within 3 metres of a street line.
- b) Stacking lanes for a drive-through facility shall not be located within a front yard or exterior side yard.
- c) Despite Subsection b), on a corner lot, stacking lanes for a drive through facility may be located in either a front yard, or exterior side yard, but not both.
- d) Entrance ways to stacking lanes shall be separated a minimum travelled distance of 16.5 metres from the closest driveway, measured from the centre point of the closest driveway at the lot line along the route travelled to the last required stacking space in the stacking lane.
- e) Stacking spaces must be wholly contained between the entrance to the stacking lane and the last product pick-up window, fueling area, service window, kiosk, or booth. If there are n cases of multiple service windows, the stacking lane is measured from the stacking lane entrance to the last service window.
- f) A stacking space shall be a minimum of 2.6 metres in width and a minimum of 6.5 metres in length.
- g) A stacking space shall lead both to and from a fueling area, service window, kiosk, or booth in accordance with **Table 8.3**.
- h) Subsections a) through g) shall not apply to existing stacking lanes and existing stacking spaces.

