

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; and • All 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.

