



Town of Erin

Corporate Report

Department: Community Services

Business Unit: Planning & Development

**Presented/
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Report Number:
PD2022-15

Meeting Date:
6/30/2022

Subject

**Zoning By-Law Amendment Z21-05 Town-Initiated Technical Amendment,
Statutory Public Meeting**

Recommendation

Be it resolved that Council hereby receive report number PD2022-15 “*Zoning By-Law Amendment Z21-05 Town-Initiated Technical Amendment, Statutory Public Meeting*” for information.

Purpose and Report Highlights

The purpose of this report is to present the proposed technical amendment to Zoning By-Law 07-67, as amended, and to obtain feedback, answer questions, and provide clarity to members of the public and Council.

The proposed amendments fall into four main categories:

1. Updates to existing definitions and provisions to provide better clarity;
2. Addition of new definitions;
3. Addition of new urban residential zones and zoning standards to reflect full municipal servicing; and,
4. minor corrections to existing site-specific zone codes and By-law provisions.

Following the review and consideration of all comments and feedback received, Staff will bring forward a recommendation report with a final By-Law, for Council’s consideration.

Background

In March 2020 the Town of Erin Council passed housekeeping By-Law No. 20-06 which had the effect of amending By-Law 07-67, in order to add new definitions, amend existing provisions to provide better clarity and make minor corrections.

Since that time, the construction of the Waste Water Treatment Plant (WWTP) was approved allowing for the development of plans of subdivision on full municipal services. The Town’s Zoning By-law 07-67, as amended, does not provide for zoning provisions and performance standards for residential lots on full municipal services. One draft plan of subdivision was approved by LPAT in January 2021 which included a site specific zoning amendment. A number of additional draft plan of subdivision applications have recently been, or are expected to be, submitted to the County and Town.

Staff are proposing to create new urban residential zone categories and zoning provisions that will provide consistent design standards within the urban areas of Erin and Hillsburgh going forward. This has also resulted in the need to create new definitions.

In April 2021, Council approved the Town of Erin Community & Architectural Design Guidelines- 'Urban Design Guidelines' (UDGs). The UDGs provide recommendations for various building standards including, but not limited to, building setbacks, landscaped areas, etc., within the Town's urban areas of the Villages of Erin and Hillsburgh. The UDGs have been reviewed as part of this technical amendment exercise; and, where appropriate, provisions have been incorporated into the draft amendment to ensure consistency.

Finally, Staff have identified a number of additional edits, items requiring clarification and updates required to the By-Law that were not captured in By-Law 20-06. The draft zoning by-law has been prepared to address the items outlined above for Council's consideration. A copy is attached to this report as Appendix A.

At some point in the future, Council may wish to consider a Comprehensive Zoning By-Law Review. This would likely occur upon completion of the County's MCR; and, the Town's own Official Plan Review. The comprehensive zoning review would be substantially larger in scope and scale than the proposed technical amendment; and, would include the review of the Zoning By-Law in its entirety.

Proposed Amendments

The following is a brief overview of some of the key amendments being proposed in the draft zoning by-law. A Summary Chart has also been prepared and is attached as Appendix B to this report which provides a comprehensive list of all of the proposed modifications.

1. Revisions and/or Clarifications

The following definitions and provisions in Zoning By-law 07-67 require updating; or, further clarification.

Definitions:

Lot frontage

Hobby Farm

Townhouse

The current definition of *lot frontage* does not specify the point at which the frontage of a lot is measured. This has raised a number of issues in obtaining surveyor certificates for several recent developments. Staff are proposing to calculate lot frontage measured 7.5 metres back of the front lot line, which is considered standard practice. This addresses issues related to irregular shaped lots, corner lots, pie-shaped lots, etc.

The current definition of *hobby farm* is proposed to be revised to include a maximum lot area. Hobby Farms are primarily residential in nature; however, the landowner may have limited crops and/or animals and poultry. To ensure hobby farms are kept at an

appropriate scale and size, Staff are proposing to establish a maximum lot area of 4.0 hectares.

The current definition of *townhouse* is proposed to be amended to provide clarity; and, to provide consistency with new townhouse definitions proposed below.

Zoning Provisions:

Section 4.27 Apartment & townhouse parking

By-law 07-67 does not include a requirement for visitor parking within the apartment and Townhouse parking provisions of Section 4.27, Table 1. Currently a parking requirement of 1.5 spaces per unit only is required. Staff are proposing the provision be amended to require 1 space per unit, plus 0.50 space for visitor parking which would allow for designated visitor parking spaces within a development.

Section 4.27.5 Setback of Parking Area from Lot Lines

Current zoning provisions in Section 4.27.5 require a minimum 1.5 m setback from parking areas to a street line which is for no other purpose than landscaping. This would allow, for example, surface parking of a multi-unit residential building to have parking immediately abutting a single detached residential use. Staff consider it appropriate to apply a minimum 1.5 m landscape buffer along all property lines.

Section 4.33.1.2 Planting strips on lots with commercial or industrial uses

Section 4.33.1.2 requires planting strips for commercial or industrial uses adjacent to residential or park and open space uses. It is proposed that the provision be revised to require planting strips adjacent to institutional uses also.

Section 4.49 & 4.50 Model Homes & Temporary Sales Office

To date, the Town has been dealing with Model Homes and/or Temporary Sales Offices on a site-by-site, as-need basis with provisions included within a specific agreement or a Site Servicing Agreement. No provisions are currently included within the Town's Zoning By-Law. For clarity and to standardize the process going forward, definitions and standards are proposed to be included within the By-Law. Agreements would still be required.

2. New Definitions

As a result of the new proposed urban residential zone categories outlined below, a number of new definitions are required.

New built form variations of townhouse development have become popular across the GTA and the Town's existing definition is no longer applicable. New definitions are being proposed to distinguish between different townhouse types, specifically, street, back-to-back, block and stacked.

In addition, with the anticipated increase in townhouse and low-rise apartment development and related increased density, the provision of adequate private and public amenity area is important and have been incorporated into the urban residential zoning standards. A corresponding definition for "amenity area" is proposed.

The Town currently identifies “barrier free” parking spaces as “special” parking spaces. This is not consistent with the Accessibility for Ontario with Disabilities Act (AODA) and industry standards. The amendment proposes to replace the reference of “special” with “barrier free”, and add new related definitions including barrier-free access aisle and barrier-free accessible parking space.

“Live-work” townhouse units have been approved as part of the Kensington Square development (former Erin Public School site). The new definition for live-work unit is proposed to be incorporated into the technical amendment.

3. New Urban Residential Zones and Zoning Standards

As Council is aware, the Solmar subdivision was approved by LPAT in January 2021, based on the provision of full municipal services. The approval included a site-specific zoning amendment to reflect the proposed development. Applications for similar developments have been submitted or are expected in the near future. Staff is of the opinion that new “urban” residential zone provisions be created to ensure consistency and clarity moving forward.

Through this technical amendment, Staff are proposing two urban residential zone categories and associated definitions and provisions. A detailed outline of the provisions and performance standards is outlined in Appendix B.

Urban Residential One (UR1) and Urban Residential Two (UR2)

The Solmar By-Law (2020-53 LPAT) provides for one zone category “Residential – Exception 101”, which establishes a minimum lot frontage of 10 m and a corresponding set of performance standards. Upon review, it was determined that a “one size fits all” approach was not considered desirable. In addition, the Solmar By-Law was approved prior to Council approving the UDGs and, therefore, some of the UDG recommendations were not incorporated into the site specific By-law.

Based on the above, and in consideration of future anticipated development, Staff are recommending the following new provisions and/or modifications going forward:

- Creation of two (2) new zoning categories - Urban Residential One (UR1) and Urban Residential Two (UR2)
 - UR1 proposes a minimum frontage of 10.0 m and related performance standards (i.e., lot area, yard setbacks, building height, etc.)
 - UR2 proposes a minimum frontage of 12.0 m and related performance standards
- Maximum Garage width of 50% of any size lot frontage
 - Staff are of the opinion that this is not appropriate; for larger lots this has the potential to allow for an extremely large garage;
- Maximum height for single detached dwelling of 12.5 m
 - Staff are proposing that the maximum height be reduced to 11.0 m which is more in keeping with industry standards
- Minimum landscaped area of front yard

- Staff are proposing a minimum landscaped area within a front yard in order to avoid the paving or expansion of hard surfaces to allow for additional parking pads, etc.
- Parking Structures
 - By-law 07-67, as amended, does not contain provisions for above or below ground parking structures; in anticipation of possible parking structures, Staff are proposing the introduction of standards with respect to setbacks from property lines and required yards
- Revision to Daylight Triangle Provisions

Zoning By-law 07-67, as amended, currently requires a daylight triangle at all intersections, regardless of road type, of 9.0 m. With the new Urban Residential Zone standards, 9.0 m is considered excessive and typical smaller frontage lots cannot be accommodated. Requests have been made to the Town to reduce the daylight triangle to 5.0 m or less, in some instances.

It has been determined that a reduction to 5.0 m or less would not be appropriate as it does not allow for sufficient room for snow storage, etc., without impacting visibility of drivers and pedestrians.

In discussion with Infrastructure Services and the Town's engineer peer reviewer, a daylight triangle of 6.0 m for local to local road connections would be appropriate. Local to collector or arterial road would remain at 9.0 m. It is further proposed that any local, collector or arterial road connecting to a County or Provincial highway, be increased to 15.0 m.

The items under section 3.0 New Urban Residential Zones and Zoning Standards are intended to be applied to the new urban residential zone categories only and will not affect existing properties within the existing built-up areas.

4. Housekeeping/Corrections

As previously noted, Council passed By-Law No. 20-06, which amended By-law 07-67, as amended, to correct technical errors, add definitions in order to be consistent with or conform to provincial policies, etc. Through day to day use of By-law 07-67, and as part of the technical amendment review, a number of additional items were identified as requiring correction or modification.

Accessory Dwelling Unit (ADU)

The Town's Zoning By-Law 20-06, among other things, added the definition of *accessory dwelling unit*, in order to conform with the Greenbelt Plan. However, a slight modification was made to the Greenbelt definition resulting in a change in interpretation which is not consistent with its intent. Staff are proposing to replicate the Greenbelt definition for consistency.

Section 4.2.1.2 currently does not permit ADUs (now Additional Residential Units (ARUs)) in an accessory structure except where permitted by special zoning provision. Under the new *Planning Act* provisions (Bill 108), municipalities are required to permit ARUs within single, semi-detached, row houses and accessory buildings or structures without the

need of a zoning amendment. The technical amendment removes the required for a special zoning provision.

Relocate Provision for Residential Uses within Commercial Buildings

The provision to allow for residential uses within commercial buildings is only contained within Section 7.1.4, which is specific to the Central Commercial (C1) zone. The provision should apply to all commercial buildings. Staff are recommending that Section 7.1.4 be moved to the beginning of Section 7 as part of general provisions and apply to all commercial zones.

Correct site-specific Special Provisions

In Section 14 – Special Provisions, it has been noted that a number of the site specific zone exception codes have been duplicated (i.e., same number applies to more than one site). These are proposed to be corrected through re-numbering.

Update Barrier-free Accessible Parking Space Provisions

The Town's Zoning By-Law does not reflect current AODA standards for the provision of barrier free parking spaces. At present, no barrier free parking spaces are required when a development requires less than 25 parking spaces. Under the AODA and the Ontario Building Code, a minimum of 1 space is required. The draft technical amendment will correct this.

Discussion

The proposed changes contained within the draft technical amendment are intended to clarify or address existing issues that have been identified and are not intended to change the intent of the existing comprehensive Zoning By-Law 07-67, as amended. It is anticipated that a number of these changes will provide better clarity to the general public, reduce Staff review time; and, potentially reduce the requirement for variances or private amendments to the current provisions going forward.

Staff have prepared a Summary Table (Appendix B) which identifies the proposed change, provides a brief explanation; and, provides the proposed modification.

Public Consultation

As prescribed by regulation under the *Planning Act*, a copy of the Public Meeting Notice was placed in the May 19, 2022 edition of the Wellington Advertiser; and, was posted on the Town's website.

To date comments have been received from the following:

Grand River Conservation Authority, May 31, 2022

- We wish to note that GRCA would not support the establishment of new Accessory Dwelling Units (ADUs) within hazardous lands or wetlands as per GRCA and provincial policy. Any ADUs proposed within the regulated allowance adjacent to these areas would be subject to GRCA permit approval under Ontario Regulation 150/06. We welcome a discussion with the Town on how to ensure that the approval process for building permits for ADUs are harmonized with the GRCA permit approval process.

Resident Colin Mackenzie, February 16, 2022

- Identified a mapping error within Schedule B to the Zoning By-law.

No additional comments have been received to date.

Strategic Pillar

Growth Management

Financial Impact

There is no financial impact associated with the proposed recommendation.

Conclusion

That this Public Meeting Report be received for information.

Attachments

Appendix A – Proposed Draft By-Law

Appendix B – Details of Proposed Modifications

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