



Town of Erin

Corporate Report

Department: Community Services
Business Unit: Planning & Development
**Presented/
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Report Number:
PD2022-29
Meeting Date:
11/24/2022

Subject

RECOMMENDATION REPORT Town-Initiated Technical Zoning By-law Amendment (Z21-05), Technical Amendment

Recommendation

Be it resolved that Council hereby receive report number PD2022-29, “*RECOMMENDATION REPORT Town-Initiated Technical Zoning By-law Amendment (Z21-05) (Technical Amendment)*” for information;

And that Council enact the Zoning By-law amendments as presented in Appendix A.

Background

Town Staff initiated a Technical Amendment to the Town’s current Zoning By-law 07-67, as amended, to, among other things, add new urban residential zoning provisions and performance standards for residential lots on full municipal services. The draft By-law was presented at a Statutory Public Meeting held on June 30, 2022. Following the review and consideration of all comments and feedback received, Staff brought forward a recommendation report with a final By-law, on September 22, 2022 (see Appendix B, Report Number PD2022-28).

At the September 22, 2022 Council Meeting, Council requested clarification regarding the proposed methodology of calculating accessible parking spaces and passed Resolution 22-225 referring the matter back to Staff for further review.

Discussion

Staff have reviewed the proposed accessible parking space requirements and confirm that the proposed By-law is consistent with the *Accessibility for Ontarians with Disabilities Act* (AODA). However, to provide greater clarity on the minimum required spaces, the draft By-law has been revised to identify the minimum required accessible parking spaces based on the total number of required parking spaces.

Section 80.36 (1) of Ontario Regulation 191/11 under the AODA state the minimum number of accessible parking spaces required based on the total number of required parking spaces. See provisions below:

Minimum number and type of accessible parking spaces

80.36 (1) Off-street parking facilities must have a minimum number of parking spaces for the use of persons with disabilities, in accordance with the following requirements:

1. One parking space for the use of persons with disabilities, which meets the requirements of a Type A parking space, where there are 12 parking spaces or fewer.
2. Four per cent of the total number of parking spaces for the use of persons with disabilities, where there are between 13 and 100 parking spaces in accordance with the following ratio, rounding up to the nearest whole number:
 - i. Where an even number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.
 - ii. Where an odd number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd-numbered space, may be a Type B parking space.
3. One parking space for the use of persons with disabilities and an additional three per cent of parking spaces for the use of persons with disabilities, where there are between 101 and 200 parking spaces must be parking spaces for the use of persons with disabilities, calculated in accordance with ratios set out in subparagraphs 2 i and ii, rounding up to the nearest whole number.
4. Two parking spaces for the use of persons with disabilities and an additional two per cent of parking spaces for the use of persons with disabilities, where there are between 201 and 1,000 parking spaces must be parking spaces for the use of persons with disabilities in accordance with the ratio in subparagraphs 2 i and ii, rounding up to the nearest whole number.
5. Eleven parking spaces for the use of persons with disabilities and an additional one per cent of parking spaces for the use of persons with disabilities, where more than 1,000 parking spaces are provided must be parking spaces for the use of persons with disabilities in accordance with the ratio in subparagraphs 2 i and ii, rounding up to the nearest whole number. O. Reg. 413/12, s. 6.

Based on the requirements above, there are situations where the minimum accessible parking space requirements may overlap and be the same. For instance 171 to 200

parking spaces have the same requirements as 201 to 250 parking spaces. These required accessible parking space provisions have now been more clearly identified within the Town-Initiated Technical Zoning By-law Amendment (Z21-05). As such, the proposed accessible parking zone provisions within the proposed final By-law, as outlined in Appendix A, aligns with the AODA.

In addition to the review of the accessible parking space provision, Staff have also removed the proposed provisions for Live-Work Units within Street Townhouse Units. The introduction of Live-Work Units is determined to be more appropriately dealt with through an applicant-initiated rezoning. Through an applicant-initiated rezoning, Staff will ensure these units are strategically located along higher order right-of-ways, with increased parking requirements and with restrictions on the gross floor area for the commercial use. Staff are of the opinion that Live-Work Units should not be permitted within all Street Townhouse Units.

Additional Comments Received

Comments were submitted by KLM Planning Partners Inc. on behalf of Beachcroft Investments Inc. (Ballantry) on October 24, 2022. KLM identified discrepancies between the proposed Urban Residential Zones and the proposed development standards they will be seeking as part of the development applications for 63 and 63A Trafalgar Road. These include, but are not limited to, reduced minimum lot frontages for single detached dwellings and increased heights for street townhouse dwellings. Staff continue to support the proposed Urban Residential Zones and related provisions. The applicant will be required to apply for a site-specific zoning amendment along with an application for draft plan of subdivision. Any modifications to the Urban Residential Zones may be made at that time and no changes are required to the final By-law as outlined in Appendix A to this report.

Comments were also submitted by KLM Planning Partners Inc. on behalf of National Properties Inc. and Equity Venture Group Corp. (Solmar) on November 4, 2022. KLM identified discrepancies between the Town's approved engineering standards and the existing and proposed daylight triangle provisions within the Town's Zoning By-law. To rectify the discrepancy between the Town's Engineering Standards and the Town's Zoning By-law, staff are proposing to revise all Local Road daylight provisions to 6 metres, which is consistent with the initial intent of the technical amendment. Any applicant deviation from these standards will require relief from the Zoning By-law.

Strategic Pillar

Economic Prosperity

Financial Impact

There is no financial impact associated with the proposed recommendation.

Conclusion

Staff recommend approval of the Town-Initiated Technical Zoning By-law Amendment Z21-05, to implement the addition of new Urban Residential Zone provisions and to address technical issues identified, as outlined in **Appendix A** to this Report. The

amendment is intended to provide greater clarity and consistency to guide development in the urban areas of Erin and Hillsburgh, and align with Provincial accessibility requirements.

Attachments

Appendix A – Zoning By-law

Appendix B – PD2022-28 Recommendation Report for Z21-05

Appendix C – Summary Response to Comments

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