

DATE: September 14, 2020

REPORT NO: PD-120-2020

SUBJECT: Technical Report - Housekeeping Amendments to Zoning Bylaw 2017-70, as Amended (Round 3)

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OVERVIEW:

- On June 26, 2017 the Township Council approved the Township's new Comprehensive Zoning Bylaw 2017-70.
- On June 11th, 2018 and again on April 22, 2019 the Township Council approved a number of minor housekeeping amendments to the Township Zoning Bylaw to address a number of inconsistencies and gaps in the document.
- The amended comprehensive zoning bylaw has been functioning well, but as certain development proposals have come forth, Township staff continue to identify a few areas of the bylaw that need further clarification and updating.
- These areas include, but are not limited to:
 - Private garages and required parking spaces
 - Misplaced Commercial Zonings
 - Corrections to misplaced zone lines
 - Accessory Dwelling Units
 - Sign Bylaw references
- A totally separate review from this Housekeeping application is the current review that is underway for Driveways, Entrances and Parking. Those changes will be presented in a separate report and at a separate public meeting.
- Planning staff recommend that following input from the public and agencies, a recommendation report be prepared and presented to Committee and Council for approval.

RECOMMENDATION:

1. That, report PD-120-2020, regarding “Housekeeping Amendments to Zoning Bylaw 2017-70, as Amended (Round 3)”, dated September 14, 2020 be received, and;
2. That, a Recommendation Report be presented at a future Planning/Building/Environmental Committee meeting.

ALIGNMENT TO STRATEGIC PLAN:**Theme #3**

- **Strategic, Responsible Growth**

BACKGROUND:

Township Council in June of 2017 approved the new Comprehensive Zoning Bylaw 2017-70. On June 11, 2018 and also on April 22, 2019 the Township Council approved several housekeeping amendments to address minor issues relating to the new Zoning Bylaw. The Zoning Bylaw, as amended, has functioned well, however, there are still a few changes that need to be made to correct site specific zoning issues, as well as address some items relating to parking, signage and secondary apartments.

The proposed changes can be found in Table 1 below. After receiving and reviewing comments from the public and agencies, planning staff will present a recommendation report to a future Committee or Council meeting.

CURRENT SITUATION:

The proposed housekeeping changes are summarized in Table 1 below:

Table 1 – Proposed Changes

Section/Table/Page #/Schedule	Issue	Current Wording	Consideration
TOWNSHIP WIDE AMENDMENTS			
Part 3 – Off-street Motor Vehicle Parking Facility Requirements	Limited parking requirements for new residential uses and lack of visitor parking	Currently only require 1 space per single detached, or semi-detached	Consider increasing required parking spaces to 2 spaces on low density residential development
Part 3 – Parking Space	Garages can count as a parking space provided that it meets the minimum interior dimensions of 2.7m wide and 6m in length	Parking spaces shall be located in accordance with the following: In a residential zone on a lot with less than five dwelling units: within a permitted private garage or	Consider minimum parking space requirements for garages. For example, 3.5 metres wide by 6 metres long unobstructed.

		other parking structure; or	
Part 3 – Accessory Dwelling Units	Accessory Dwelling units which are only permitted on the second floor of a detached building are in some cases occupying first floors.	Accessory dwelling units shall be located within... a residential accessory building...above the ground floor and remain a secondary use within the accessory building.	Consider allowing a small percentage, no greater than 10 per cent, of the main floor to be used in conjunction with the second storey accessory unit. For Example, the second storey could be 90 s.m. while the entrance room on the first floor 10 s.m.
Part 3 – Sign Bylaw 3.7.1 g) 3.7.2 g) 3.11 3.23	The Township now has a sign bylaw in place and to avoid duplication, sign provisions will be removed throughout the zoning bylaw.	Various Sign Regulations	Signs shall be erected in accordance with the sign bylaw, 2020-54, as amended from time to time
SITE SPECIFIC HOUSEKEEPING AMENDMENTS			
Map C2 – 9382 & 9380 Regional Road 65 Road	Rezone from Commercial ‘C3’ to Rural Residential ‘RuR’ - in line with previous zoning bylaw	Commercial ‘C3’ OP Designation (Agriculture)	Rural Residential ‘RuR’
Map S5 – 116 West Street – United Church and FORT	Correct zoning boundaries to include the church building and FORT in an Institutional Zone	Open Space ‘OS’ OP Designation (Institutional)	Institutional ‘I’
Map S5 – 6659 RR 20 – Greek Community Centre	Rezone the lands to the previous Institutional ‘I’ to align with the Secondary Plan	Development ‘D’ OP Secondary Plan Designation (Institutional)	Institutional ‘I’

Township staff have done a preliminary review of the changes for alignment to the Township Official Plan, Regional Official Plan, the Provincial Growth Plan and the Provincial Policy Statement. This review is summarized in Table 2 below:

Table 2 – Planning Policy Review

Section/Table/Page	Township Official	Regional Official	Growth Plan and PPS
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#/Schedule	Plan	Plan	
TOWNSHIP WIDE AMENDMENTS			
Part 3 – Off-street Motor Vehicle Parking Facility Requirements	Throughout the Township OP there are references to the need to have adequate off street parking	The Regional OP does not reference parking specifically but it does recognize the importance of complete streets, which, if there is more off street parking, will better serve the complete streets model	The A Place to Grow plan makes provision for less parking requirements in areas where there are major transportation hubs, however, as Smithville has no public transit, vehicular parking is still needed for new development. To avoid burdens on Township Infrastructure, this parking is best located off-street.
Part 3 – Parking Space	The OP requires there to be adequate parking for residential uses. This is often done by developers and home builders through a private garage. The OP states that garages should not dominate the streetscape so minimum garage dimensions should not be excessively large.	The Regional Official Plan does not speak to residential vehicular parking.	The Growth Plan and PPS do not speak to residential vehicular parking.
Part 3 – Accessory Dwelling Units			
Part 3 – Sign Bylaw 3.7.1 g) 3.7.2 g) 3.11 3.23	Removing sign regulations from the zoning bylaw does not have any impact on Planning Policy		
Map C2 – 9382 & 9380 Regional Road 65 Road	The Township OP has this property designated as Good General Agricultural Land. Returning the properties back to an agricultural zoning	The Regional OP has this property designated as Good General Agricultural Land. Returning the properties back to an agricultural zoning	The subject properties are designated as Prime Agricultural lands within the PPS. The Growth Plan directs commercial operations that are unrelated to

	will create alignment to the OP.	will create alignment to the OP.	agriculture to settlement areas. Returning the zoning back to an Agricultural zone will be in alignment with the Growth Plan and PPS.
Map S5 – 116 West Street – United Church and FORT	The Township OP has this entire area designated as Institutional. The adjustment to the zone line will better align the zoning to the OP and will recognize the Institutional nature of the FORT building.	The Regional OP has the property designated as within the Built up area of Smithville and allows for a variety of uses including institutional uses.	The Growth Plan and PPS both permit institutional uses within designated settlement areas.
Map S5 – 6659 RR 20 – Greek Community Centre	The Northwest Quadrant Secondary Plan, as included in the Township's OP has this property designated as Institutional. The zoning change is to recognize its current institutional use and to align with the secondary plan.	The Regional OP has the property designated as greenfield within the urban boundary of Smithville. Existing institutional uses are permitted within these designations.	The Growth Plan and PPS support a mix of land uses including residential, employment and institutional uses to meet long term needs. It may be that changes can occur on the property that result in a more efficient land use pattern, however, that may require a change to the zoning if approved.

PUBLIC AND AGENCY COMMENTS:

A request was made by the owners of 5432 Sixteen Road, being the former St. Anns Food site, to include in the Housekeeping bylaw amendments an amendment to the existing zoning to allow an abattoir. An abattoir had previously been permitted on the site, but ceased operation around 2008. In 2017 the Township passed a new comprehensive zoning bylaw, 2017-70, which changed the zoning on the property to Agricultural Related 'AR' which does not permit an abattoir. Township staff have reviewed the request and have not included it in the housekeeping bylaw as there are a number of outstanding questions that need to be resolved, with staff still waiting for information. A separate report is preferred.

Orders from the Ontario Ministry of the Environment, Conservation and Parks were placed on the site for the operation of the waste water lagoons. Staff are not aware that this issue has been fully resolved based on communication with the Ministry staff.

Staff also notes that the formal request to be included in the Housekeeping

amendments was made after notice was already distributed. Sending out a new notice was not possible to meet the required notification timelines.

One comment from a member of the public was submitted concerning the draft changes to 9380 and 9382 Regional Road 65 (Silver Street). The comment came from the owner of 9380 in support of reverting the zoning back to a residential zoning.

The Region of Niagara also provided comments that they have no objection to any of the proposed changes.

These comments can be found in Attachment 4.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report or the proposed changes to the Zoning Bylaw. The housekeeping amendment and proper notice requirements can be processed based on the approved 2020 Operating budget.

CONCLUSION:

Staff recommends that following any comments from the public or agencies a recommendation report be prepared and presented to Committee for approval of the housekeeping changes. These changes will address some of the minor issues identified in the Township's Zoning Bylaw 2017-70, as amended.

ATTACHMENTS:

1. 9382 & 9380 Regional Road 65
2. 116 West Street
3. 6659 Regional Road 20
4. Public and Agency Comments

Prepared & Submitted by:



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Approved by:



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Prepared & Submitted by:



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