

DATE: November 11, 2024November 11, 2024

REPORT NO: PD-54-2024

SUBJECT: **PD-54-2024 – Recommendation Report – Housekeeping By-law Amendment No. 8 (File No. 1601-005-24)**

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OVERVIEW:

- Following various comments and concerns with the current Zoning By-law regulations and provisions presented by members of the public and Council, Administration has completed this round of housekeeping amendments to the Zoning By-law that relate to:
 - Part 2 – Definitions to provide greater clarity for terms used in the regulations.
 - Part 3 – General Provisions to provide updates and refinements to the following sections and tables:
 - Section 3.1: Decrease regulations for accessory buildings and structures within Agricultural Zones
 - Section 3.2.1: Updates to Accessory Dwellings Units to allow on the ground floor and to align with provincial policy.
 - Section 3.2.2: Clarify when Accessory Farm Dwellings are permitted.
 - Section 3.2.4: Garden Suites (f)
 - Section 3.12.6: Correct inconsistent parking area requirements
 - Section 3.2.17: Reduce regulations for private attached and detached garages
 - Section 3.2.18.1: Replace ‘TransCanada Pipelines’ to ‘Oil and Gas Pipeline’
 - Part 5 – Agricultural Zones and Table 12
 - Part 6 – Correct a number of Residential zoning provisions.
 - Part 7 – Introduce a new Commercial Mixed Use Zone
- The proposed amendments are to improve the function of the by-law and better align land use regulations with the current community needs, development goals, and the environmental and infrastructure considerations.
- Administration recommends that the amending By-law be passed with the proposed changes recognized in this report with consideration of the comments and suggestions provided by various consultants, members of the public, and Council at large, and in keeping with current Provincial policies and legislation.

RECOMMENDATION:

1. That, Recommendation Report PD-54-2024, titled “Housekeeping By-law Amendment No. 8” (File No. 1601-005-24), dated November 11, 2024 be received; and,
2. That, the Attached draft Zoning By-law Amendment – Housekeeping 8, be approved; and that the Mayor and Clerk be authorized to sign the Bylaw; and,
3. That, no further Public Meeting is required for the consideration of this By-law in accordance with Section 34(17) of the Planning Act.

ALIGNMENT TO STRATEGIC PLAN:

Theme # 1

- **Build** – A safe, connected caring and active community

Theme # 2

- **Champion** – Strategic and responsible growth

BACKGROUND:

The Township’s Zoning By-law 2017-70, as amended has functioned well and has been improved over the years to address minor issues through a number of Housekeeping Amendments. These amendments have focused on Township wide regulations and site specific zoning provisions in an effort to keep the by-law current and align the land use regulations with community needs and strategic development growth.

Over the past year, further issues and opportunities with the by-law regulations and zoning provisions have come to the attention of Administration Staff from various users of the by-law. In addition, there have been a number of significant changes to provincial policy triggering the need to proceed with another housekeeping amendment process.

A Public Meeting was held on July 15, 2024 and Technical Report [PD-32-2024](#) was presented to members of Committee and the public. Coupled with additional feedback and comments received by agencies, consultants and landowners Administration staff have finalized the recommended amendments to the housekeeping by-law eight edition.

Additionally, the revisions to the by-law was necessary to continue to function and implement changes triggered by Provincial Changes through Bill 23, Bill 185 and recently on the new Provincial Planning Statement, 2024 (PPS), introducing fundamental changes in how growth planning is carried out in the province. The PPS is effect as of October 20, 2024 and applies to all decisions with respect to the exercise of any authority affecting planning matters made on or after that date.

On October 15, 2024, Administration Staff submitted Information Report [PD-42-2024](#) to Committee for further consideration. This report was additionally circulated to those who has previously provided comments. A final housekeeping by-law is now presented for

Committee and Council approval which can be found in Schedule B.

CURRENT SITUATION:

Administration has consolidated the issues and comments received to date and summarized them into topics and why the proposed amendments are necessary to resolve the issues that were brought to our attention by the general public, consulting agencies, developers/builders, and Council.

Topic	Comment & Issue/Concern	Response & Proposed Amendment	Provincial, Regional & Local Policy
Part 2 – Definitions			
Bonafide Farm Operation Definition	Bonafide farm operation is too individualized and does not speak to the changing trends on farming.	Definition of ‘bonafide farm operation’ was taken from the Township’s OP with some minor changes to broaden the terms for operators and persons working on a farm.	PPS encourages the long term protection and sustainability of farm operations. Similarly the Region and Local Official Plan (OP) promotes a variety of agricultural uses and related uses to facilitate a strong, diverse and resilient agricultural community. Including the definition of bonafide farm operation ensures that agricultural operations are protected. Administration will be undertaking the 5-year review of the OP in the early 2025 to explore additional opportunities to improve terms used in the OP and Zoning By-law to be consistent with current legislation and policies.
Warehousing	Term and parking requirements not provided.	Updated the by-law to include warehousing/ warehouse as a permitted use and provided the parking requirement for an industrial type of use.	
Part 3 – General Provisions			
Accessory Buildings in the Agricultural Areas	Issue with the regulation for the maximum distance from a main building and for an agricultural	For easier use of the by-law and to allow for greater flexibility when clustering agricultural buildings, maximum	PPS encourages the long term protection of farmland and the proposed maximum distance from buildings is

	<p>use and clarification on the definition of “agricultural use” as a “principle use” and what is considered a main building. Issues also around locating accessory buildings in front of a main building.</p>	<p>setbacks can be taken from not only a main agricultural building but accessory buildings as well. Also proposed is to allow larger accessory agricultural buildings to be located in front of a main building in the agricultural area provided it provides the minimum 30 metre setback from the front property line.</p>	<p>one method to cluster farm buildings and maintain as much land dedicated for agricultural uses. This provides a balance to address the needs of different farming practices.</p>
<p>Accessory Dwelling Unit</p>	<p>Need to be consistent with the Province and access to more housing that is affordable.</p> <p>Concerns around the accessibility of ADUs, as the Zoning By-law currently does not permit ground floor detached accessory units in hamlets or the agricultural area.</p>	<p>Proposed changes to the by-law include to permit up to two (2) ADUs anywhere in the Township subject to regulations. Permit ADUs in the main dwelling (basement, attached, attic) or in an accessory building. Specific regulations have added to ensure that the main dwelling remains the principle and the ADUs are subordinate. Parking requirements and distance separation of ADUs to the main dwelling have also been provided.</p>	<p>Consistent with PPS, Region and Local policies for housing is to accommodate an appropriate range and mix of housing types to meet the projected needs of current and future residents. The proposed ADU regulations allows for housing options that are required to meet the social, health, economic and well-being requirements of current and future residents, including additional housing and needs arising from demographic changes and employment opportunities.</p>
<p>Garden Suites</p>	<p>More clarification on the types of garden suite is necessary.</p>	<p>Administration received clarification by the Building Department on the minimum requirement for a garden suite.</p>	<p>Consistent with the PPS, Region and Local policies for a mix of housing types that are affordable and equipped to be serviced.</p>
<p>Parking Requirements and Private Garages</p>	<p>Issues with the inconsistent parking dimensions and requirements for using garages as a parking space for different housing uses.</p>	<p>Proposed changes to ensure that the parking dimensions for a private garage are the same through the by-law. To provide a balance with the growing market for</p>	<p>Consistent with the PPS, providing opportunities to accommodate smaller and compact housing units promotes higher densities for new housing that efficiently</p>

		compact build forms like townhouses is to permit a narrower garage width and the change for 3.25 metres by 6 metres depth with a projection of 0.8 metres (one step) can accommodate a vehicle and storage.	uses land, resources and infrastructure. From the Regional and Local policy framework, the ability to balance unit density with built form to include parking supports the achievement towards complete communities.
Landscape Open Space	Concerns that the existing townhouse zoning regulations, particularly regarding the stacked or back-to-back units will not be able to achieve the landscape space since there are no or limited areas on the lots to accommodate this space.	Proposing a reduction of the landscape requirement for stacked and back-to-back townhouse units to 15% which provides a balance between the appearance and function of the dwelling units. The regulation will also meet the needs of persons of all ages and abilities, including pedestrians, to foster social interaction, facilitate active transportation and community connectivity.	Consistent with the PPS, Region and Local polices, flexibility in the requirements for landscape open space and amenity areas supports the integration of higher density developments with efficient use of land to optimize amenity spaces and active living.
Part 6 – Residential Zones and Table 15			
Amenity Area Calculation for Medium and High Density Residential with 5 or more Units	Issues with the amenity area calculation for the multiple residential units when compared to other municipalities and current planning trends.	The previous housekeeping amending by-law 7 (By-law 2023-79) applied changes to the amenity area which created greater restrictions in terms of amenity areas for certain built forms. Through recent development applications it became apparent that the required amenity area is too large in many circumstances. The amenity areas was reduced from 40m ² plus 10m ² per dwelling unit for RM2, RM3, and RM4 to 20m ² per dwelling plus 10m ² per unit and from 80m ² plus 10m ² per dwelling unit for RH to	Consistent with the PPS, Region and Local policies, the modifications better align with current trends with the higher density residential uses and comparable to area municipalities in the Region.

		40m ² per dwelling plus 5.5m ² per unit.	
Part 7 – Commercial Zones and Table 16			
Commercial Mixed Use Zone	There is no zone provided for this use in the current by-law, however there are a number of property's designated Mixed use in the Township's Official Plan.	Proposed new Commercial Mixed Use – 'CM' Zone which integrates the commercial and residential uses into a compact form and higher density threshold. The zone provides regulations that offer sufficient separation between buildings for maintenance and serves to mitigate potential impacts of massing and shadowing to lower density uses while supporting urban design guideline and efficient use of land.	Consistent with PPS for the promotion of mixed uses in strategic locations to integrate employment with residential uses efficiently.
Maximum gross leasable floor area Commercial Mixed Zone	Concerns that the maximum gross leasable floor area for the Commercial Mixed Zone is too restrictive with the permitted dwelling units not able to abut the front wall of the building especially if there are physical or functional constraints of the building to avoid the dwelling units to have some street frontage.	Administration revised the regulation to be more flexible although ensuring that the commercial gross leasable space has a minimum of 50% of the ground floor.	Same as above.

The proposed housekeeping amendment by-law aims to address a number of concerns including:

- Removing and reducing regulations for agricultural buildings which are intended for residential and urban zones;
- Update the accessory dwelling unit regulations in response to provincial policy and accessibility requirements; and
- Provide greater flexibility within the residential zone regulations to support a mix of housing options
- Include a new Commercial Mix Use Zone in response to a number of newly designated mixed use areas in Smithville.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report. Costs associated with notice and staff time is within the 2024 Planning Operating Budget.

EXTRENAL COMMENTS:

The external oral and written comments provided by Township Departments, the general public, consultants, developers/builders, in addition to the Planning and Environmental Committee/Council comments received at the Public Meeting held on July 15, 2024 were considered in the preparation of this housekeeping amending by-law. Refer to Schedule A for the external comments.

A series of comments were provided by NPG consultants on behalf of a landowner/developer requesting the definition of the term ‘buffer area’ be revised. The concern was that the term ‘buffer’ was loosely included in the current by-law although considering the recent OLT for OPA 63, a variety of uses are permitted within buffer areas and the current term was not accurate. Administration opted to not include the definition of ‘buffer area’ in this housekeeping amending by-law since the intent of the definition is covered by other definitions such as public utility and public uses which encompass the formal planning approvals required to provide for the necessary infrastructure and other public uses in buffer areas.

NPG also provided comments with respect to the proposed definition of ‘bona-fide farm operation’ and comments relating to the proposed amenity area requirements for residential developments. Administration could not make the changes to the definition of ‘bona-fide farm operation’ as requested, as what is proposed is consistent with the Township’s Official Plan. Administration staff did take into consideration the comments with respect to amenity area and made further changes to address the comments. Administration will be undertaking the 5-year review of the OP in the early 2025 to explore opportunities to improve terms used in the OP and Zoning By-law to be consistent with current legislation and policies.

A member of the public provided written comments on the proposed accessory dwelling unit zoning regulations in support of permitting the units on the ground floor in accessory buildings in the agricultural area. This comment has also been addressed as Administration Staff have also proposed to permit ground floor accessory dwelling units in the agricultural area subject to a number of regulations.

SCHEDULES:

- Schedule A – External Comments
- Schedule B – Final Zoning By-law Amendment

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