

Staff Report

Report To: Community Services Committee
Report From: Jacklyn Iezzi, Junior Planner
Meeting Date: April 20, 2022
Report Code: CS-22-045
Subject: Technical Report – Housekeeping Amendment to Zoning By-law 2010-078, as amended (ZBA No. 30)

Recommendations:

THAT in consideration of Staff Report CS-22-045 respecting a Housekeeping Amendment to Zoning By-law 2010-078, as amended, the Community Services Committee recommends that City Council:

1. Endorse Zoning By-law Amendment No. 30, being the fourth City-initiated housekeeping amendment; and
2. Direct staff to continue to process the amendment in accordance with the process outlined in the report.

Highlights:

- The City's Zoning By-law (2010-078, as amended) was adopted by City Council and subsequently the Ontario Municipal Board in 2010.
- The last housekeeping amendment to the by-law was undertaken in 2012, two (2) years following approval of the by-law.
- Given the time that has elapsed since the last housekeeping amendment and through day-to-day usage of the document, Staff have identified several changes that are necessary to edit, clarify, and update the By-law.
- The subject amendment is anticipated to be the last housekeeping amendment before Staff undertake a Comprehensive Zoning By-law Review to implement the City's 2021 Official Plan.

Strategic Plan Alignment:

This report supports the delivery of Core Service. Amendments to the City's Zoning By-law are also subject to the legislated review process provided under the *Planning Act*.

Previous Report/Authority:

[Zoning By-law 2010-078](#)

Background:

The [Zoning By-law](#) is one of several tools provided to municipalities under the Planning Act for implementing the policies of the Official Plan. A Zoning By-law controls the use of land within a community and states specifically how land may be used, where buildings and other structures can be located, the types of buildings that are permitted and how they may be used, among other matters.

Housekeeping changes or amendments are intended to keep a zoning by-law relevant with other policies or legislation, user-friendly, accurate, and manageable. The last housekeeping amendment to the City's Zoning By-law (2010-078, as amended) was undertaken by Staff in 2012, two (2) years following approval of the by-law, and was subsequently adopted by City Council on April 3, 2012, through By-law 2012-041 (Housekeeping Amendment No. 3).

Given the time that has elapsed since the last housekeeping amendment and through day-to-day usage of the document, Staff have identified several changes that are necessary to edit, clarify, and update the By-law.

The purpose of this report is to present the changes to the City's Zoning By-law proposed by Staff through Zoning By-law Amendment No. 30, being the fourth city-initiated housekeeping amendment, and identify the next steps in the process, should Committee and Council endorse the proposed housekeeping amendment.

The proposed housekeeping amendment is an interim measure until such time as Staff can initiate a Comprehensive Zoning By-law Review. A comprehensive review is necessary and required by the Planning Act following the adoption of the City's new Official Plan, which came into force on February 15, 2022. A housekeeping amendment is different than a

comprehensive zoning by-law review in that housekeeping amendments are intended to address minor changes and updates to the current by-law. A comprehensive review is larger in scope and scale and typically includes the review of the Zoning By-law in its entirety.

The Proposal

Zoning By-law Amendment No. 30 is a proposed City-initiated housekeeping amendment and considers several changes to eight (8) sections of the by-law to clarify interpretation, improve readability, and correct certain omissions.

A summary of the proposed amendments is attached as Schedule 'A'. The draft amendments are attached as Schedule 'B'.

Property Description

The proposed City-initiated housekeeping amendment is general in nature and impacts a number of zones. The amendment is considered City-wide, because it does not impact a single or collection of properties specifically. For this reason, no mapping is provided at this time and no description of lands is necessary. A summary of the proposed amendments is provided in Schedule 'A' and details which sections of the by-law are subject to the proposed amendment.

Technical Review:

The housekeeping amendment is required to meet all development standards and policies applicable to projects within the City of Owen Sound. The amendment is required to be consistent with the Provincial Policy Statement and in conformity with the City Official Plan. The amendment is subject to review by the City's Development Team, as well as external commenting agencies.

All applicable policies, standards, and comments will be fulsomely reviewed in the Staff Recommendation Report anticipated to come before Council in the coming weeks. The review below describes the proposal more completely and outlines the key considerations, evident to Staff at this time, that are relevant to the subject amendment.

A: Provincial Policy Statement

Municipal decisions on planning matters, including City-initiated zoning amendments are required to be consistent with the Provincial Policy Statement (PPS).

The PPS Vision for the long-term prosperity and social well-being of Ontario focuses growth and development within settlement areas and recognizes that land use must be carefully managed. Strong, liveable, and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

The housekeeping amendment directly and indirectly addresses a number of matters of provincial interest including the orderly development of safe and health communities, the accessibility for persons with disabilities, the adequate provisions of a full range of housing, and the promotion of built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

The pending recommendation report will assess the consistency of the housekeeping amendment with the policy direction provided by the PPS.

B: County of Grey Official Plan

The City of Owen Sound is designated as a 'Primary Settlement Area' in the County of Grey Official Plan (County OP). Settlement areas with full municipal services are to be the focus of the majority of growth within the County. The County OP promotes a full range of residential, commercial, industrial, recreational, and institutional land uses within Primary Settlement Area. Land-use policies and development standards are to be in accordance with the local Official Plan. The pending recommendation report will assess conformity with the policies of the County OP. County Planning Staff will be circulated on the housekeeping amendment in accordance with the City's standard development review process and the legislated requirements of the *Planning Act*.

C: City of Owen Sound Official Plan

The majority of housekeeping changes proposed are technical in nature and concerned with clarifying existing zoning provisions (e.g., setbacks) and/or terminology. The proposed changes will have no impact on the policies of the City's 2021 Official Plan (OP).

As outlined in Section 'D' of this report, the amendment proposes to remove minimum gross floor area (GFA) requirements for residential uses, permit accessory apartments within all residential zones as-of-right, and remove previous zoning provisions that required Group Homes and Boarding and Lodging Houses to be located a certain distance from the same use, among other matters. These changes are in support of the Residential land-use policies of the OP which support the provision of a full range of housing types and densities to meet the needs of current and future residents (Sec. 3.1.4.1).

Similarly, the amendment proposes modified provisions for landscape buffer strips and new general provisions pertaining to the location of garbage, refuse, and storage in support of the Urban Design policies of the OP which generally encourage a high standard of building and landscape design to achieve an appealing, comfortable, accessible, and safe living and work environment for residents and visitors (Sec. 8.1.1.2) and adequate buffering between land uses (Sec. 8.6.7).

Lastly, to promote viability and vitality of commercial areas, and specifically the River District, the amendment proposes to remove general zoning provisions that required Body Piercing Establishments and Tattoo Parlours to be located a certain distance from institutional, residential, and other commercial land uses. Over the past year, the zoning provisions required business owners to obtain a Minor Variance from the City's Committee of Adjustment to locate within the River District.

The pending recommendation report will provide a fulsome assessment of the proposal and conformity with the applicable policies of the City's Official Plan.

D: Draft Amendment

A summary of the proposed housekeeping amendments is attached as Schedule 'A' and the draft amendments are attached as Schedule 'B'. The draft amendments propose to alter eight (8) sections of the Zoning By-law as summarized below.

Section 4: Definitions

In the draft by-law, certain definitions are proposed to be altered or deleted for the purposes of this amendment.

- The terms 'Body Piercing Establishment' and 'Tattoo Parlour' are proposed to be deleted and instead encompassed within the definition of 'Personal Service Use'. The term Personal Service Use is proposed to be further amended to remove reference to other uses otherwise defined in the by-law, such as a Clinic.
- The term 'Dwelling, Converted' is proposed to be modified to remove reference to a building originally designed to contain a non-residential use. In circumstances where a non-residential building or portion thereof is proposed to be modified to contain a residential use, this would be encompassed under other existing residential dwelling types, such as an Apartment, or dwelling unit in combination with a non-residential use.
- Add new definitions of Model Home, Accessible Aisle, Accessible Stall, Indirect Sales, and Vehicle-for-Hire Service and revise the definitions of Studio, Catering Service, and Bed & Breakfast House to support amendments to the general provisions of the by-law (Section 5) for accessible parking regulations and home occupations.
- Minor administrative amendments to certain industrial terms (e.g., vehicle body/repair shop, light industrial use, indoor storage) and the terms 'Lot Frontage', 'Laundromat', 'Museums/Galleries', and 'Repair Store' are also proposed.

Section 5: General Provisions

The bulk of housekeeping amendments are proposed to the General Provisions section of the by-law.

Three (3) sections providing use-specific regulations for Group Homes (Sec. 5.17.3), Body Piercing Establishments and Tattoo Parlours (Sec. 5.17.7) and Boarding or Lodging Houses (Sec. 5.17.10) are proposed to be removed in their entirety. The purpose of these regulations is to require that certain uses are distanced from other "sensitive" land uses and/or from uses of the same type. For example, Sec. 5.17.7 requires that a Body Piercing Establishment be located a minimum of 200 m from an institutional zone, residential zone, and any other Body Piercing Establishment. These provisions do not account for potential land-use change and the City has no method of tracking and/or enforcement of the required distance between land uses.

Similarly, Sec. 5.11 of the by-law is proposed to be removed which requires that a dwelling unit located in a basement be at least 50 percent (50%) above grade. In the experience of Planning Staff, this general provision

severely limits the ability to create a second dwelling unit within the lower level of an existing dwelling, despite the requirements of the Ontario Building Code for clearance height and egress being met. In 2021, Planning Staff processed two (2) minor variance applications to vary this section of the by-law.

Secondly, in the draft by-law, several sections within the general provisions are proposed to be modified as follows:

- Modify Sec. 5.17.5 to require a minimum of 12.0 m of lot frontage for public parks in accordance with policy 7.4.2.3 of the City's OP.
- Modify provisions for accessory buildings and structures (Sec. 5.9) and permitted yard encroachments (Sec. 5.8) to a table format to improve the readability of the by-law.
- Update barrier-free parking regulations (Sec. 5.19) to align with the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- Remove automotive dependent uses (e.g., car washes) from the requirement to provide bicycle parking (Sec. 5.20).
- Modify Sec. 5.17.9 to clarify and add additional criteria that to home occupations. Add a new subsection (Sec. 5.17.9.X) to regulate certain uses that are restricted or prohibited as a home occupation.
- Revise Sec. 5.23 to clarify that a parking area containing more than four (4) stalls or loading area abutting any use or undeveloped land in any zone requires adequate buffering.

Lastly, two (2) new sections are proposed to be added to the general provisions of the by-law pertaining to the location and buffering of garbage, refuse, and storage facilities on a lot and the construction/placement of model homes within a draft plan of subdivision or a description under the Condominium Act.

Section 6: Residential Zones

The following changes are proposed to Section 6 of the by-law, which outlines the uses and site and building regulations pertaining to residential zones:

- Modify section 6.1 (i) to permit an Accessory Apartment within a Single Detached Dwelling in the R1 Zone as of right and remove the requirement for the dwelling to be owner-occupied.

- Revise the required interior side yard setback to 0.0 m for semi-detached and townhouse dwellings, where there is a common party wall.
- Remove minimum gross floor area (GFA) requirements for all residential dwelling types (e.g., 90 m² for a single detached dwelling).

Section 7: Commercial and Mixed-Use Zones

The following changes are proposed to Section 7 of the by-law, which outlines the uses and site and building regulations pertaining to commercial zones:

- Remove Body Piercing Establishments and Tattoo Parlours as a permitted use, as these would be permitted where 'Personal Service Uses' are allowed.
- Add a Group Home as a permitted use in the C1 and MC Zones, consistent with permissions previously provided under Sec. 5.17.3.
- Add a single-detached, semi-detached, and duplex dwelling as a permitted use in the MC Zone, as existing on the date of the by-law, consistent with the zoning provisions outlined in Sec. 7.7.
- Clarify that a Converted Dwelling located in the MC Zone is permitted as of right and therefore, is subject to the MR Zone provisions.
- Modify the C1 Zone provisions to require a minimum building height of 6.0 m (2 storeys) for Commercial Uses fronting onto 2nd Avenue East, between 7th Street East and 11th Street East, and those lots fronting onto 8th, 9th, and 10th Streets East between 1st Avenue East and 3rd Avenue East.
- Remove the required minimum gross floor area of 35 m² per dwelling unit.

Section 8: Industrial Zones

Two (2) minor modifications are proposed to Section 8 of the by-law which outlines the uses and site and building regulations for Industrial Zones. Specifically, body piercing establishments, tattoo parlours, financial establishments, and places of worship are proposed to be removed as permitted uses.

A new Section 8.1 (i) has been added pertaining to accessory uses within an Industrial Mall, which previously existed under Sec. 5.9 of the by-law.

Section 9: Institutional Zones

The institutional zone provisions listed in Section 9.2 are proposed to be slightly modified to ensure consistency with the updated use specific regulations for Places of Worship provided in Section 5.17.4.

Section 14: Special Provisions

Various administrative amendments are proposed to Section 14 to improve the readability of certain Special Provisions and ensure that the correct reference is made to underlying zone provisions.

Zoning Maps

One (1) modification is proposed to Zone Map 12 to clarify that Special Provision 14.69 applies only to lands municipally known as 651 19th St E (Curling Club).

Next Steps:

In accordance with the *Planning Act* and City protocols for processing Planning Act Applications, the following outlines the next steps in the process:

| Anticipated Date | Step |
|-------------------------|----------------------------------|
| May 10, 2022 | Notice of Public Meeting Given |
| May 30, 2022 | Public Meeting |
| June 13, 2022 | Recommendation Report to Council |
| June 28, 2022 | Enacting By-laws to Council |

Financial Implications:

The budgetary implications of the proposed housekeeping Zoning By-law Amendment are minimal. The process will incur administrative fees from providing public notice by mail and in the Sun Times newspaper, as legislated by the *Planning Act*. Additionally, an amendment initiated by the City does not collect application fees, as it would from an external application.

It is anticipated that the housekeeping amendment will result in savings in Staff time by reducing the need to process certain application types (e.g., minor variances).

Communication Strategy:

If endorsed, the proposed housekeeping amendments to the City's Zoning By-law would be circulated for review and comment to internal Staff and external commenting agencies. Notice of Public Meeting would be given in accordance with the requirements of the *Planning Act*.

The public notice and a copy of this report would be made available on the [City's website](#).

Consultation:

The public meeting is proposed for May 30, 2022. Members of the public are welcome to attend and make oral submissions at the public meeting or submit comments in writing prior to the public meeting. Comments received prior to the Public Meeting date will be included in the Council agenda package.

In addition to the public notice, a request for comments will be sent to the City's Development Team and external commenting agencies further detailing the nature of the applications.

Planning Staff will consult with the City's Accessibility Advisory Committee (AAC) on the proposed housekeeping amendment and specifically, the changes proposed to accessible parking regulations under Section 5.

All comments will be considered as part of the Staff Recommendation Report.

Attachments:

Schedule 'A': Summary of Proposed Amendments

Schedule 'B': Draft Amendments

Recommended by:

Jacklyn Iezzi, BES, Junior Planner

Amy Cann, M. PL. MCIP, RPP, Manager of Planning & Heritage

Pam Coulter, BA, RPP, Director of Community Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Jacklyn Iezzi, Junior Planner at planning@owensound.ca or 519-376-4440 ext. 1250.