



## STAFF REPORT

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**DEPARTMENT:** Planning and Building Services

**CHAIR:** Councillor J. Contin

**DATE:** January 18, 2017

**REPORT NO.:** **PL-2017-5**  
**ZONING BY-LAW HOUSEKEEPING REVIEW**

### **RECOMMENDATION:**

1. That the Planning and Building Services Department be directed to commence the Zoning By-Law Housekeeping Review in accordance with Staff Report PL-2017-5 dated January 18, 2017.
2. That a Notice of Project Commencement be provided.

### **BACKGROUND:**

Committee, at its January 2017 Regular Meeting, approved the 2017 Departmental Objectives for the Planning and Building Services Department. A proposed Zoning By-law Housekeeping Amendment project was described as follows:

*A major housekeeping amendment to Zoning By-law 2004-90 has not occurred since 2010. Staff is proposing to undertake, on an 'own-resources' basis, a new Housekeeping By-law to the Town's Zoning By-law in 2017. A full Staff Report on the project including the subject areas of the proposed Housekeeping Amendment will be presented to Committee in February 2017 for consideration and authorization to proceed. One of the main focuses of the proposed Housekeeping Amendment Project would be to address the Zoning By-law recommendations of the Downtown Master Plan.*

The principles that will guide the Housekeeping Amendment project are as follows:


- Changes should improve the clarity and format of the By-law to make it as "user friendly" as possible.
- Implement historic interpretations directly into the text of the By-law.
- New standards and regulations should be added only to fill an identified gap in the By-law.

- Correct errors and omissions in the By-law that can be determined definitively.
- All changes must be in conformity with the Town's Official Plan and not require an amendment thereto.

**ANALYSIS:**

Table 1 below describes the range of issues that have been identified by Staff that should be addressed at this time and included in the proposed Housekeeping Amendment.

#	Issue	Description
1	Downtown Master Plan implementation	<p>The Downtown Master Plan (DMP) was adopted by Council in 2015. The Master Plan made a number of both policy and regulatory recommendations for the Town's Official Plan and Zoning By-law. If the Town waited for the OPR to be complete and approved by the County, the zoning recommendations of the DMP would not be implemented until 2018 or 2019 at the earliest. Pursuant to the <i>Planning Act</i>, the Town shall update its Zoning By-law within three (3) years of when the OP is approved by the County.</p> <p>Attachment #1 are the relevant sections from the DMP.</p>
2	Sea Containers	<p>Sea Containers (Sea Bins or Sea Cans – see picture below) are becoming a more popular option for residents and businesses to propose and use as accessory structures and storage. The perception is that these units are not subject to Zoning By-law regulations or the Ontario Building Code (OBC) for permit purposes. This is a popular misconception. Where a Sea Container is proposed to be used as a structure and put to an identified use, it must meet all Zoning Requirements and be proven, through the Building Permit process, to meet the requirements for its intended occupancy under the OBC. Sea Containers, where used as commercial structures, must pay Development Charges as well.</p> <p>The Housekeeping Review will investigate and make recommendations with respect to the use of Sea Containers as structures in the Town of Midland.</p>

#	Issue	Description
		
3	Servicing Gaps	<p>Staff have identified a number of properties within the Town's Urban Services Area that are not connected to sewer and water and where the current zoning would not create a mechanism to require connection as a condition or requirement for development. The Housekeeping Review would identify these properties and make specific recommendations on how to address them from a Zoning perspective.</p>
4	Omissions, Clarifications and Corrections	<p>There are a number of omissions, clarifications and corrections that Staff have identified in the use and administration of the By-law. The following are the issues that should be considered for inclusion in the Housekeeping Review:</p> <ul style="list-style-type: none"> <li>- Consider expanding the parking exemption area in the Downtown – particularly the block on King Street between Elizabeth &amp; Yonge Street (Section 4.1.3) as was recommended in DMP</li> <li>- Consider a net increase parking standard for other commercial zones</li> <li>- Consider exempting Industrial parking lots from asphalt paving (Section 4.1.6.3)</li> <li>- Consider requiring loading spaces only for uses that need loading spaces (Section 4.1.8.1)</li> <li>- Consider creating a site specific parking standard for Self-Storage Units that is realistic to the use (Section 4.1)</li> <li>- Consider creating a site specific parking standard for Warehousing that is realistic to the use</li> <li>- Consider permitting 0.5m encroachments into the front yard for enclosed porches in addition to the currently</li> </ul>

#	Issue	Description
		<p>permitted unenclosed porches.</p> <ul style="list-style-type: none"> <li>- Clarify that you are only allowed to have 1 driveway per frontage (Section 4.1.6.9)</li> <li>- Consider reducing the width of a two-way driveway aisle from 6.7m down to 6m to be consistent with the Building Code (Section 4.1.6.3)</li> <li>- Consider amending R3 &amp; R4 Zones to establish a 0.6m Interior Side Yard Setback for Linked Semis</li> <li>- Consider including an Interior Side Yard setback for Triplexes in the R4 Zone (currently it is blank)</li> <li>- Provide a definition of Front Lot Line for lots on private roads</li> <li>- Provide yard definitions for lots on condominium roads.</li> <li>- Clean up discrepancies between references to “Townhouse Block” (which is not defined) and “Townhouse Dwelling” and establish Lot Coverage per freehold lot for townhouses</li> <li>- Increase the allowable lot coverage for freehold townhouse lot up from 35%.</li> <li>- Section 3.14.5 – allow steps to encroach into a Required Front Yard.</li> <li>- Exclude stairs from the definition of Lot Coverage</li> </ul>
5	Boarding, Lodging and Rooming Houses	<p>Boarding, Lodging and Rooming Houses (BLRHs) are currently not permitted by the Town’s Zoning By-law. BLRHs are a form of affordable housing where single room lodging is provided in which the rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants. Typically BLRHs include shared or common living areas, kitchen facilities and washrooms. BLRHs exist illegally in Midland and result in both unsafe housing conditions for Midland residents and significant administrative and enforcement time and costs when these BLRHs are discovered.</p> <p>The policy issues around BLRHs should be considered as part of the Town’s OPR including appropriate locations for BLRHs and the regulatory approach for permitting BLRHs (e.g. Registry, Annual Inspections, etc.).</p> <p>However, Committee may wish to consider creating a new zone category and zone performance standards for BLRHs as part of the Housekeeping Review. No lands would be rezoned for BLRHs as part of the Housekeeping Review, but it would permit future applications for BLRHs to permit the establishment of new BLRHs or legalize existing ones.</p>

The proposed schedule for the Zoning By-law Housekeeping Review is as follows:

Task 1 – Project Initiation and Direction	February 2017
Task 2 – Preparation of Draft Housekeeping By-law	February/April 2017
Task 3 – Committee Review of Staff Report & Draft By-law	May 2017
Task 4 – Revisions to Draft By-law (if necessary)	May/June 2017
Task 5 – Public Open House	July/August 2017
Task 6 – Public Meeting	September 2017
Task 7 – Revisions to Draft By-law	September/October 2017
Task 8 – Committee/Council	November 2017

### **SUSTAINABILITY:**

This Report is not specifically addressed in the Sustainability Plan.

### **COUNCIL'S STRATEGIC PLAN:**

Council adopted its STRATEGIC PLANNING PRIORITIES on April 27, 2015. The subject matter of this report is not specifically addressed in the Strategic Priorities.

### **CONCLUSIONS:**

The proposed Housekeeping Amendment will address a limited range of issues that will improve the zoning framework for Downtown in keeping with the Master Plan, address the emerging use of Sea Containers as structures, and address a limited number of gaps in the Urban Service Area and Zoning provisions.

### **FINANCIAL IMPACT:**

The Housekeeping Amendment will be undertaken by the Planning and Building Services Department Staff within its Operating Budget.

Prepared by: Wesley Crown, Director of Planning and Development

Reviewed by: John Skorobohacz, CAO

Attachments

*File: S:\Planning\D14 Zoning\2017 Zoning Bylaw Amendment Applications\2017 Housekeeping Amendment\Staff Reports & Memos\Staff Report PL-2017-05.docx*

## 4.2.2 Proposed Amendments to Zoning By-Law 2004-90

The Town's Zoning By-Law should also be amended to bring development regulations into conformity with this document. The following table indicates the key development regulations for the two zones which comprise the Downtown Plan area, and corresponding recommended amendments:.

### Downtown Core Commercial - DC F2 Current Zoning Permissions and Proposed Amendments

	CURRENT PERMISSION	PROPOSED AMENDMENT
Permitted Uses	Accessory Dwelling Units Automobile Body Shop Automobile Car Wash Automobile Gas Bar Automobile Sales Agency Bakery Bus Passenger Depot Catering Establishment Commercial Entertainment Establishment Commercial School or Adult Learning Centre Day Care Centre Eating Establishment Financial Institution Fitness Club Funeral Home Hotel or Motel Laundromat or Dry Cleaning Establishment Liquor or Beer Store Medical Laboratory Medical Practitioner Mobile Fast Food Facility Parking Area Personal Service Establishment Pharmacist Place of Assembly Place of Worship Private Club Professional Office Public Use Retail Store Retirement Home Senior Citizens' Home Service Shop Shopping Center Taxi Stand Theatre	<p>Except for properties fronting King Street, introduce additional permitted uses:</p> <ul style="list-style-type: none"> <li>• Apartment building</li> <li>• Dwelling, Apartment Building</li> <li>• Home Occupation</li> <li>• Duplex dwelling unit</li> <li>• Triplex dwelling unit</li> <li>• Street townhouse dwelling unit</li> <li>• Townhouse dwelling unit</li> </ul> <p>For entire DC-F2 zone, delete the following permitted uses:</p> <ul style="list-style-type: none"> <li>• Automobile Body Shop</li> <li>• Automobile Car Wash</li> <li>• Automobile Gas Bar</li> <li>• Automobile Sales Agency</li> <li>• Shopping Center</li> </ul> <p>For entire DC-F2 Zone, amend 'Eating Establishment' Permission to read</p> <ul style="list-style-type: none"> <li>• Eating establishment except drive-through food dispensary</li> </ul> <p>Add an exception that prohibits Personal Service Establishments and Professional Office from fronting King Street on the ground floor of buildings.</p>

	CURRENT PERMISSION	PROPOSED AMENDMENT
Height	Maximum 11.0 metres	<p>For entire DC-F2 zone except properties fronting Bayshore Drive, increase maximum height to 13 metres (three to four storeys).</p> <p>For properties fronting Bayshore Drive, increase maximum height to 17 metres (five storeys).</p> <p>For entire DC-F2 zone except properties along Bayshore Drive, introduce minimum height across downtown of 7 m (two storeys).</p> <p>For properties fronting Bayshore Drive, introduce minimum height of 10 metres (three storeys).</p>
Lot Area	0.0 m minimum	no change proposed
Lot Frontage	0.0 m minimum	no change proposed
Density	2.0 FSI maximum	remove provision
Front Yard Setback	0.0 m minimum	<p>Introduce maximum front yard setback of 1.0 across downtown, except where residential uses are at grade, in which case maximum setback shall be 3.0 metres.</p> <p>Introduce minimum front yard setback of 1.5 metres for any building with residential uses are at grade.</p>
Rear Yard Setback	<p>0.0 m minimum</p> <p>Except when adjacent to Residential, Institution or Open Space Zone, where the minimum shall be 3.0 metres.</p>	No change proposed
Interior Side Yard	0.0 m minimum	No change proposed
Parking	No minimum number of parking spaces required for all permitted uses in DC-F2 area bounded by First Street, Bayshore Drive, Midland Avenue, and Elizabeth Street	Expand southern boundary of exception area to Yonge Street
Zone-specific requirements		Introduce requirement for landscaping in front-yard setback where residential uses are at grade

## Marina Commercial - MC Zone Current Permissions and Proposed Amendments

	CURRENT PERMISSION	PROPOSED AMENDMENT
Permitted Uses	Attached Accessory Dwelling Unit Boat Docking Boat Storage Facility Commercial Entertainment Establishment Eating Establishment Fueling Facility Hotel Marina Mobile Fast Food Facility Motel Private Club Public Use Recreational Vehicles and Vessel Sales and Rental Agency Retail Sale of Marine Equipment, Accessories, Fishing Gear and Bait	Delete the following permitted uses from MC zone within plan area boundary: <ul style="list-style-type: none"> <li>• Motel</li> <li>• Hotel</li> <li>• Private Club</li> </ul>
Height	11.0 m minimum	For MC zone area within plan area boundary, reduce maximum height to 8.0 m.
Lot Area	1,000 m <sup>2</sup> minimum	no change proposed
Lot Frontage	45 m minimum	no change proposed
Coverage	50% maximum	no change proposed
Front Yard Setback	12.0 minimum	no change proposed
Rear Yard Setback	8.0 minimum	no change proposed
Interior Side Yard	6.0 minimum	no change proposed
Exterior Side Yard	4.5 minimum	no change proposed
Water Side	15 minimum	no change proposed
Parking	General Provisions	Exempt MC zone area within plan area boundary from minimum requirements.



## CURRENT PERMISSION

## PROPOSED AMENDMENT

### Zone-specific Requirements

Setback provisions do not apply to Marina Buildings requiring launch ramp directly into water.

Lot area, lot frontage, lot coverage, setback, and height requirements do not apply to boat slips and launch ramp structures in water.

Notwithstanding Section 6.4.3.6 no building or structure shall be located within 15.0 m of the 178.0 m elevation, as established by the Geodetic Surveys of Canada, North American Datum, 1983, adjacent to Georgian Bay. In addition, any openings to any building or structure shall be located no lower than 178.5 m as established by the Geodetic Surveys of Canada, North American Datum, 1983, adjacent to Georgian Bay.

no change proposed