

Technical Memorandum #3

Definitions

Zoning By-law Review

Town of St. Marys

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Contents

1.	Introduction.....	1
2.	Overview	1
2.1	Purpose and Importance of Definitions	1
2.2	Proper Interpretations.....	1
2.3	Application and Categories of Definitions.....	1
2.4	Structure.....	2
3.	Analysis and Proposed Changes	2
3.1	Align with Provincial Legislation and Policy.....	2
	Planning Act	2
	PPS (2024).....	3
	Conservation Authorities Act	4
	Official Plan	4
3.2	Housekeeping Issues Raised by Staff.....	5
3.3	Other Housekeeping Issues	7
4.	Conclusion and Recommendations.....	12

1. Introduction

This Technical Memorandum forms part of the overall background review for the Town of St. Marys Zoning By-law Review.

The Town of St. Marys (“The Town”) adopted a new Official Plan on April 12, 2022, and it was approved by the Ministry of Municipal Affairs and Housing (MMAH) on October 9, 2024. The purpose of the Zoning By-law Review is to implement policy direction provided by the recently approved Official Plan (OP). This Zoning By-law Review will introduce regulations that are concise, easy to understand, and provide clear direction on land use and built form while also providing flexible implementation where appropriate.

The purpose of this Technical Memorandum is to evaluate the existing definitions section of the Town’s Zoning By-law and identify recommendations that may be required to update the Town’s Zoning By-law for consistency with Provincial legislation and conformity with the updated Town Official Plan.

2. Overview

2.1 Purpose and Importance of Definitions

A definitions section is included in a zoning by-law to aid in the understanding and implementation of the general intent and meaning of the by-law. The definitions are provided in Section 3 in the Town’s Zoning By-law.

2.2 Proper Interpretations

The definitions provided in a zoning by-law play a key role in the appropriate implementation of provisions, and in clarifying uses and permissions. If the definitions provided are too specific, it limits flexibility on what can be developed. However, if the definitions provided for uses are too vague, it can be hard to interpret the true intent of the by-law. In addition, if multiple definitions are provided for the same use, it can lead to confusion in understanding the appropriate provisions that apply.

In some cases, certain definitions may be accompanied by diagrams and/or graphics to facilitate the interpretation and understanding of definitions. As an example, it is common for diagrams to be included illustrating yard definitions and lot measurements. However, it is important that diagrams are appropriately labelled, clear, and simple to prevent misunderstanding in the interpretation of definitions.

2.3 Application and Categories of Definitions

In a zoning by-law, definitions are applied to terms to provide clarity regarding the use, intent of regulatory terms and to clarify responsibilities. As such, terms deemed

important are included in the definition section of a zoning by-law. The categories of definitions included in a zoning by-law are:

- Definitions for permitted and prohibited uses in the by-law such as dwelling types, industrial use, home occupation, daycare, etc.;
- Definitions for terms associated with Building or Structure Regulations such as deck, attic, building height, etc.;
- Definitions for terms associated with vehicle related standards such as parking space, parking area, parking lot, etc.; and,
- Technical terms such as coverage, floor area, lot area, etc.

2.4 Structure

The full list of definitions is presented alphabetically and numbered, beginning with the letter “A.” Each defined term has been bolded, including when it is referenced within another definition.

3. Analysis and Proposed Changes

3.1 Align with Provincial Legislation and Policy

Planning Act

Table 1 – Recommended Updates to Zoning By-law Terminology for Conformity with the Planning Act

Term	Proposed Change	Rationale
Additional Residential Unit	Add	There is no authority to pass a By-law that prohibits up to two Additional Residential Units on a parcel of Urban Residential Land as per Section 35.1 of the <i>Planning Act</i> .
Accessory Apartment	Remove	Refers to a separate dwelling unit that is subsidiary to and contained within a single-detached, semi-detached, duplex, townhouse, back to-back townhouse, or stacked townhouse dwelling unit. The term “Additional Residential Unit” would encompass accessory apartments. This term should be removed from the Zoning By-law.
Dwelling Unit	Update	The definition should be replaced with the definition for “Residential Unit” to ensure consistency with the <i>Planning Act</i> wording.
Parcel of Urban	Add	This term should be added to ensure consistency with the <i>Planning Act</i> wording.

Term	Proposed Change	Rationale
Residential Land		

PPS (2024)

Table 2 – Recommended Updates to Zoning By-law Terminology for Consistency with PPS (2024)

Term	Proposed Change	Rationale
Agriculture-Related Use	Add	This term should be added to ensure consistency with the PPS wording.
Development	Update	Current definition should be updated with the definition of “Development” to ensure consistency with PPS wording.
Erosion Hazard	Add	This term should be added to ensure consistency with the PPS wording.
Flood Fringe	Update	Current definition should be updated with the definition of “Flood Fringe” to ensure consistency with PPS wording.
Floodway	Update	Current definition should be updated with the definition of “Floodway” to ensure consistency with PPS wording.
Minimum Distance Separation Formulae	Add	This term should be added to ensure consistency with the PPS wording.
On-Farm Diversified Use	Add	This term should be added to ensure consistency with the PPS wording.
Resource Extraction Operation	Update	Current definition should be updated with the definition of “Mineral Aggregate Operation” to ensure consistency with PPS wording.

Conservation Authorities Act

Table 3 – Recommended Updates to Zoning By-law Terminology for Conformity with Conservation Authorities Act

Term	Proposed Change	Rationale
Hazardous Land	Add	Add definition to ensure consistency in wording with the <i>Conservation Authorities Act</i> .
Watercourse	Update	This definition should be updated to ensure consistency in wording with the <i>Conservation Authorities Act</i> .

Official Plan

Table 4 – Recommended Updates to Zoning By-law Terminology for Conformity with Town's Official Plan

Term	Proposed Change	Rationale
Lumber Yard	Add	Policy 3.3.2 of the Town OP identifies this as a permitted use in the Highway Commercial designation.
Place of Worship	Add	Policy 3.2.2 and 3.2.3.6 of the Town OP identifies this as a permitted use in the Downtown designation.
Church	Remove	The term “church” should be removed.
Production Studio	Add	Policy 3.4.2 of the Town OP identifies this as a permitted use in the General Industrial designation.
Data Processing Facility	Add	Policy 3.4.2 of the Town OP identifies this as a permitted use in the General Industrial designation.
Height	Update	This definition should be updated to ensure consistency with how height is measured in the OP per Policy 7.24.3.
Dwelling, Back-to-Back Townhouse	Add	Policy 3.1.2.8 of the Town OP identifies this as a permitted use within the Medium/High Density Residential designation.
Dwelling, Stacked Townhouse	Add	Policy 3.1.2.8 of the Town OP identifies this as a permitted use within the Medium/High Density Residential designation.

3.2 Housekeeping Issues Raised by Staff

Table 5 – Recommended Updates to Zoning By-law Terminology based on Issues Raised by Staff

Term	Proposed Change	Rationale
Adult Day Service Facility	Add	This definition should be added to recognize it as a permitted use in applicable zones.
Cellar	Add	Cellar is referenced in the Zoning By-law but there is currently no definition. A definition should be added for this term to assist with interpretation.
Basement	N/A	This term, in addition to the proposed addition of “cellar” as a defined term per the previous recommendation, provides a distinction between a cellar and basement for the purposes of interpreting Section 5.8 Dwelling Units Below Grade. Section 5.8 provides that a dwelling unit would not be permitted entirely within a cellar except for an ARU. No changes have been made.
Dwelling, Garden Suite	N/A	The Town inquired whether this term is still applicable, given the term Additional Residential Unit. This term should be retained as garden suites are intended to be a temporary dwelling.
Dwelling, Modular	N/A	Town requested to know whether there is a need to mention “pre-manufactured homes.” The definition already mentions “prefabricated” which speaks to the pre-manufactured nature of the dwelling. No change is proposed.
Farm Market	Remove	It was mentioned that this use should be regulated through a separate by-law. This definition should be removed from the Zoning By-law.
Farmer’s Market	Remove	It was mentioned that this use should be regulated through a separate by-law. This definition should be removed from the Zoning By-law.
Kennel	Update	This definition should be updated to remove the reference to “purebred dogs” and “Canadian Kennel Club Incorporated”, and should instead say, “registered in accordance with the Animal Pedigree Act”.

Term	Proposed Change	Rationale
Liquor, Beer, and Wine Store	Update	This definition should be updated to include cider as part of the list of alcoholic beverages sold, as well as to clarify that the retail store is to be licensed under the Liquor License and Control Act, as amended.
Mini Storage Facility	Remove	This definition overlaps with the existing term “Self-Storage Establishment” and should be removed. Any reference to this term should be updated.
Mobile Home	Update	This definition should be updated to note that it is a prefabricated dwelling designed to be mobile (notwithstanding whether its running gear is or may be removed) according to specifications from the Canadian Standards Association (CSA), to provide cooking, eating, living, sleeping and sanitary facilities, to be used as a place of residence.
Mobile Home Site	N/A	This definition describes a parcel of land within a Mobile Home Park in which a Mobile Home is to be located. This term is distinct from “Mobile Home Site”, which describes a dwelling typology. No change is proposed.
Motor Home / Travel Trailer	Remove	This definition overlaps with the existing term “Recreation Vehicle” and should be removed. Any reference to this term should be updated.
Motor Vehicle Commercial	Update	This definition should be updated to include catering trucks and ambulances, to reference “recreation vehicle” instead of motor home/travel trailer, and to note that it excludes vehicles used for commercial purposes but are of a physical form that does not meet this definition.
Pet Hotel	Update	This definition should be updated to include daycare for animals which may include but is not limited to overnight accommodations.
Regulatory Floodplain	Add	This definition should be added to assist with matters related to regulation of floodplain areas.
Site Plan	Update	This definition should be updated to note “hazard areas and regulated areas” as one of the potential details to be shown on the site plan.

Term	Proposed Change	Rationale
Special Policy Area	Update	This definition should be updated to note “ <i>as approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry</i> ”.
Top-of-Bank	Add	This definition should be added to assist with matters related to regulation of watercourses and conservation areas.
Illustration on 3-13	N/A	This illustration should remain. Both cellar and basement are used in the Zoning By-law, with cellar proposed to be defined per the previous recommendation in Table 5 . This illustration is important for interpretation as it provides visual clarity on the distinction between both terms.

3.3 Other Housekeeping Issues

Table 6 - Recommended Updates to Zoning By-law Terminology based on Other Housekeeping Issues

Term	Proposed Change	Rationale
Converted Dwelling	Update	This term should be updated to account for four (4) or more dwelling units. This prevents overlap with a dwelling with the two (2) permitted additional residential units.
Modular Dwelling	Update	The numbering for “Dwelling, Modular” is inconsistent and does not align with the rest of the numbering in this section. It should be updated accordingly. A clause has been included in the draft Zoning By-law to permit technical revisions. This item is not needed in the draft Zoning By-law Amendment.
Nursery School	Remove	While this term is defined, the Zoning By-law does not use this term and instead refers to “Day Nursery”. However, the term “Nursery School” is outdated as it refers to the <i>Day Nurseries Act</i> which has been repealed. It is also redundant of the term “Child Care Centre”. This term should be removed. The existing term “Child Care Centre” should replace all instances of “Nursery School” and/or “Day Nursery”.

Term	Proposed Change	Rationale
Postal Ounlet	Update	"Postal Outlet" is currently misspelled in the Definitions section of the Town's Zoning By-law. Modify "Postal Ounlet" to "Postal Outlet".
Boutique	Remove	This use is permitted in a Commercial Zone but is not defined in the Zoning By-law. Furthermore, this term is redundant with retail store.
Bowling Alley	Remove	This use is permitted in a Commercial Zone but is not defined in the Zoning By-law. However, this use will be captured under the definition of "Place of Entertainment", as such it is recommended that this term is deleted.
Bus Station	Add	This use is permitted in a Commercial Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.
Fire Hall	Remove	This use is permitted in a Commercial Zone but is not defined in the Zoning By-law. This use will be captured under the definition of "Emergency Service Facility", as such it is recommended that this term is deleted.
Grocery Store	Remove	This use is permitted in a Commercial Zone but is not defined in the Zoning By-law. This use appears to be the same use as supermarket. Both the uses supermarket and grocery store appear in the same zones.
Movie Video Rental and Sales Business	Remove	This use is permitted in a Commercial Zone but is not defined in the Zoning By-law. This term will be captured under the definition for "retail store" as such, it is recommended that this term is deleted..
Office, Service	Remove	This use is permitted in a Commercial Zone but is not defined in the Zoning By-law. This term is captured under the definition of "Office, Business", as such, it is recommended that this term is deleted.
Pet Shop	Add	This use is permitted in a Commercial Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.
Photographic Studio	Delete	This use is permitted in a Commercial Zone but is not defined in the Zoning By-law. This term is

Term	Proposed Change	Rationale
		captured under the definition of “Artisan’s Establishment”, as such, it is recommended that this term be deleted.
Police Station	Delete	This use is permitted in a Commercial Zone but is not defined in the Zoning By-law. This term is captured under the definition of “Emergency Service Facility”, as such, it is recommended that this term be deleted.
Printing and/or Publishing Establishment	Delete	This use is permitted in a Commercial Zone but is not defined in the Zoning By-law. It is recommended that this term is replaced with “Convenience Business Service Establishment” which is defined as a commercial premise where communications and postal services are provided to both businesses and the public such as printing, photocopying, laminating, binding, fax machines, mailboxes, internet links, desktop publishing, and/or package shipping and receiving.
Studio	Add	This use is permitted in a Commercial Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation. The following definition is proposed: premises used by one or more persons engaged in the production, creation, teaching or practice of an art form, craft, or skill, including but not limited to visual arts, performing arts, photography, film, audio recording, or personal fitness, and may include an accessory use the display or retail sale of goods or services produced on the premises.
Laboratory or Research Facility	Add	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.
Cement Plant	Add	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.
Cold Storage	Delete	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. This term is captured under the definition of the term “Warehouse”, as such it is recommended that this term be deleted.

Term	Proposed Change	Rationale
Communications Facility	Add	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.
Concrete Plant or an Asphalt Plant	Add	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.
Emergency Service Facility	Add	This use is being added to the Institutional Zone to replace: an ambulance dispatch depot, fire hall and a police station which are currently undefined uses. This use may be defined as “means fire, emergency, police and ambulance facilities and distress centre.”
Egg Processing plant	Delete	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. There are two (2) egg processing plants in Town. The use falls under other defined terms.
Equipment Sales and Rental Business	Add	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.
Farm Implement Sales and Service Establishment	Add	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.
Flour Mill	Delete	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. This use would fit within the broader category food processing plant.
Fuel Storage and/or Supply Business	Add	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.
Furniture Refinishing, Woodworking and/or Upholstery shop	Delete	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. This term is captured under the definition of the term “Service Trade” as such it is recommended that this term be deleted.
Grain Elevator	Add	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.

Term	Proposed Change	Rationale
Lumber Yard and Building Supply Outlet	Add	This use is permitted in an Industrial Zone. Building Supply Outlet is defined. Lumber Yard is not defined. A definition should be added for Lumber Yard to assist with interpretation.
Planing Mill or Saw Mill	Add	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.
Steel Supply business	Delete	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. This use fits within the definition of wholesale establishment.
Welding Shop	Delete	This use is permitted in an Industrial Zone but is not defined in the Zoning By-law. This term is captured under the definition of the term "Trade Service", as such, it is recommended that this term be deleted.
Conservation Use	Add	This use is permitted in the Flood Plain Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.
Forestry Use	Add	This use is permitted in the Flood Plain Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.
Public Works and Utility Facilities	To be determined	This use is permitted in the Flood Plain Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation. The Conservation Authority will be requested to comment on this matter once the draft Zoning By-law Amendment is drafted.
Waste Disposal Facility	Add	This use is permitted in the Environmental Constraints Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.
Landfill Site	Add	This use is permitted in the Environmental Constraints Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.

Term	Proposed Change	Rationale
Sewage Treatment Facility	Add	This use is permitted in the Environmental Constraints Zone but is not defined in the Zoning By-law. This definition should be added to assist with interpretation.
Private Home Daycare	Add	The general provisions section has been updated to include this use as a home occupation. As such, a definition should be added to assist with interpretation.

4. Conclusion and Recommendations

This review of the definitions section in the Town's Zoning By-law was undertaken to modernize and conform with the Town's Official Plan, the *Planning Act*, and the PPS 2024. The analysis identified recommended changes based on legislative and policy requirements, and technical issues including those identified by Town and Upper Thames River Conservation Authority (UTRCA) Staff.

Specifically, this review has:

- Identified **terms to be added** to reflect definitions found in the *Planning Act*, PPS 2024, and the Town Official Plan that are currently absent from the Town's Zoning By-law;
- Identified **terms to be updated** to ensure clarity, relevance, reduce redundancy and alignment with terminology used in the provincial plans or the Town's Official Plan; and
- Identified **terms to be deleted** where they are not used in the Town's Official Plan, the Town's Zoning By-law, or the specified provincial policies.

Only those terms identified in this Technical Memorandum are recommended for revision in the updated Zoning By-law. All other existing definitions that have not been flagged for change are intended to be carried forward in their current form.