

Technical Memorandum #4

General Provisions

Zoning By-law Review

Town of St. Marys

Prepared by NPG Planning Solutions Inc.

July 2026



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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. 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.

As part of this process, the Town of St. Marys is seeking to determine an appropriate approach to the general provisions to ensure that it addresses the needs of the Town.

The purpose of this Technical Memorandum is to provide direction on updates to the Zoning By-law regarding the general provisions.

This report will review and analyze the existing general provisions for consistency with Provincial legislations and policy direction, and conformity with the updated policy framework in the updated Town Official Plan, to identify gaps and challenges and determine how to address those gaps.

2. Overview

2.1 What are General Provisions?

In a zoning by-law, the general provisions section contains standards that are applicable to properties in all zones. The intent of these provisions is to avoid the need to reproduce the same requirements for each zone, and to help reduce the length and bulk of a zoning by-law. This section includes general and specific-use provisions which will include matters such as but not limited to permitted and prohibited land uses; accessory dwelling units; lot building standards; home occupations; legal non-conforming and legal non-complying uses; outside storage; parking area requirements; planting strips; and more.

The general provisions help implement the policies of the Town Official Plan by turning the Town's broad visions/direction into clear rules that apply to all zones within the Town. For example, if an Official Plan provides policies for home occupations these policies can be implemented through a zoning by-law.

The general provisions will also need to implement updates to Provincial policy and legislation, examples being updates to support Additional Residential Units, and removing the authority of a municipality from restricting elementary and secondary school uses in all zones.

3. Analysis and Proposed Changes

The structure of the analysis of proposed changes is as follows:

Section 3.1 of this Technical Memorandum provides an outline of the general provisions in the existing Zoning By-law, and identifies changes that are required to achieve the following:

- Compliance and consistency with Provincial legislation and policy;
- Conformity with local policies; and,
- Regard for technical issues including items indicated by Town Staff within an issues list or identified through zoning and minor variance trends.

Each of the general provisions will be categorized as one of the following:

- **Keep:** General provisions that are proposed to be kept without any changes.
- **Update:** Outdated general provisions are flagged for revision.
- **Delete:** General provisions that are no longer necessary, including those that are no longer applicable based on legislative and policy changes, are proposed to be deleted.

Section 3.2 of this Technical Memorandum deals with the additions of new general provisions that are required to ensure compliance, consistency, and conformity with Provincial legislation and the Town's Official Plan policies.

3.1 Overview of Changes to Existing General Provisions

Table 1 identifies existing general provisions that are proposed to be kept, updated and deleted, including rationale:

Table 1 - Overview of Existing General Provisions

General Provision	Approach	Change and Rationale
Accessory Apartments	Update	<u>Policy Conformity</u> Provisions will need to ensure consistency with the 2024 Provincial Planning Statement (PPS) regarding Additional Residential Unit permissions in prime agricultural areas and with private servicing. Accessory Apartments are proposed to require one (1) parking space. ARUs will be prohibited on hazardous lands at risk of flooding and erosion.
Accessory Uses	Update	<u>Staff Issues List</u>

General Provision	Approach	Change and Rationale
		A comment was noted for 5.1.1 regarding whether there should be additional restrictions/prohibitions on uses accessory to ARUs. It was decided that only one home occupation should be permitted per residential lot. A comment was noted for 5.1.3 e) regarding location of accessory buildings on a corner lot and the applicable exterior side yard setbacks, including recent minor variance applications. Specifically, there is a desire to reduce exterior side yard setbacks for accessory buildings. The following change is recommended: 5.1.3 Location <i>(e) where an accessory building or structure is built on a corner lot, it shall be no closer to the front lot line than permitted by Clause (a) above and no closer to the exterior side lot line than the minimum exterior side yard distance required for the main building under this By-law.</i> <u><i>(f) Notwithstanding clause 5.1.3(b), an accessory building or structure with a height of 4.5 metres is permitted to be setback 3 metres from an exterior lot line, provided the accessory building or structure is located behind the rear wall of the dwelling.</i></u> A comment was noted for 5.1.4 regarding increased height for accessory buildings. The following change is recommended: 5.1.4 Height <i>Except as otherwise provided in this By-law, no accessory building or structure shall exceed 4.5 6 metres in height or be higher than the main building on the lot, whichever is the lessor. This provision shall not apply to the Agricultural Zone One (A1).</i>
Application of Other By-laws,	Keep	This section should be retained but moved under Section 2.2. "PERMITS,

General Provision	Approach	Change and Rationale
Requirements, and Regulations		CERTIFICATES, AND LICENCES” to ensure a logical order.
Bed and Breakfast Establishment	Update	<u>Staff Issues list</u> A comment was noted requesting a review of the bed and breakfast establishment regulations. The following changes are based on a best practices review of bed and breakfast establishment provisions in other zoning by-laws. In addition, it is recommended that provision 5.3.d) be updated, as legal non-conforming uses and structures are addressed in Sections 5.15 and 5.16 of the Zoning By-law. The following changes are recommended: 5.3 Bed and Breakfast Establishment <i>Where bed and breakfast establishments are permitted by this By-law, they shall be subject to the following criteria:</i> <u>(a) a bed and breakfast shall only be permitted in a single-detached dwelling.</u> (a) a bed and breakfast establishment use must be clearly secondary to the main residential use of the dwelling as a private residence; (b) a bed and breakfast establishment use must not change the character of the dwelling as a private residence; (c) no more than three (3) guest rooms or fifty percent of the gross floor area, whichever is less, of the single-detached dwelling shall be used for bed and breakfast establishment. <u>(c) the bed and breakfast shall be operated by the person or persons whose principal residence is in the single detached dwelling.</u> <u>(d) the bed and breakfast establishment shall be conducted entirely within the single-detached dwelling.</u> <u>(e) there shall be no external evidence of the bed and breakfast establishment with the exception of a single sign measuring not greater than 0.4 square metres in size. Such</u>

General Provision	Approach	Change and Rationale
		sign may be ground mounted with a setback of 4.0 metres from any lot line. The maximum height to the top of the sign shall not exceed 1.2 metres. Said sign shall not be internally illuminated; (ef) a bed and breakfast establishment must meet all of the applicable requirements of this By-law, including parking requirements, and all other applicable laws; Where a bed and breakfast establishment existed prior to September 24, 1996, it shall be subject to the criteria of Section 5.3, above. However, if a bed and breakfast establishment that existed prior to the date of passing of this By-law does not satisfy one or more of the criteria of Section 5.3 (a) thru 5.3(e), inclusive it shall be deemed to be a permitted use under the provisions of this Section. Any addition or alteration to an existing bed and breakfast establishment shall be in accordance with the criteria of Section 5.3. This Section of the By-law does not relieve any person operating a bed and breakfast establishment from complying with all health, fire and safety standards and regulation established by the Federal, Provincial, or local Government.
Building Repairs	Keep	N/A
Conflicting Regulations	Keep	N/A
Conservation Lands and Conservation Works	Keep	N/A
Daylight or Sight Triangle	Update	Changes are proposed as follows based on Town Staff comments: No building or structure shall be permitted on that portion of a corner lot which is within a daylight triangle or sight triangle as defined in Section 3.42 of this By-law where a distance of 10.8 metres measured along the street

General Provision	Approach	Change and Rationale									
		lines is used for the purpose of determining the location of the daylight triangle or sight triangle, except as specifically stated otherwise in this By-law-, or identified in Table ## below. Where identified in Table ##, distances used to establish a daylight triangle or sight triangle shall be measured along the lot lines abutting a street, as follows: Table ## - Distances along Street Lines Used to Establish a Daylight Triangle or Sight Triangle <table> <tr> <th>Road Classification</th><th>Interesting Road Class</th><th>Daylighting Triangle Dimension</th></tr> <tr> <td>Local</td><td>Local Collector Arterial</td><td>5.0 metres 7.5 metres 10.8 metres</td></tr> <tr> <td>Collector</td><td>Local Collector Arterial</td><td>7.5 metres 10.0 metres 10.8 metres</td></tr> </table> The provisions of Section 5.24.8 of this By-law shall also apply.	Road Classification	Interesting Road Class	Daylighting Triangle Dimension	Local	Local Collector Arterial	5.0 metres 7.5 metres 10.8 metres	Collector	Local Collector Arterial	7.5 metres 10.0 metres 10.8 metres
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Local	Local Collector Arterial	5.0 metres 7.5 metres 10.8 metres									
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Drainage	Keep	N/A.									
Dwelling Units Below Grade	Update	<u>Staff Issues List</u> A comment was noted that this section is to be updated in the context of new proposed ARU regulations. The following changes are recommended: 5.8 Dwelling Units Below Grade <i>No dwelling unit shall, in its entirety, be located in a cellar with the exception of an <u>additional residential unit</u> accessory apartment. If any portion of a dwelling unit is located in a cellar, such portion of the dwelling unit shall be used only as a furnace room, laundry room, storage or utility room, recreation room, bedroom subject to applicable Building Code requirements, or for a similar use. However, a dwelling unit, in</i>									

General Provision	Approach	Change and Rationale
		its entirety, may be located in a basement subject to applicable Building Code requirements.
Exterior Lighting	Delete	This matter is not a zoning issue. Please see Section 129 of the <i>Municipal Act</i> .
Home Occupation	Update	<u>Staff Issues List</u> A comment was noted that this section was to be reviewed and updated to address additional uses such as childcare, corn stands, lemonade stands, and doggy daycare, as well as whether there should be additional restriction on home occupations in ARUs. While home-based childcare can be considered a home occupation, permitting a doggy daycare as a home occupation would present zoning and land-use compatibility issues such as scale and intensity of operation and noise. The use Animal Care Establishment has been added to the C1 and C3 zones. Furthermore, the OP prohibits home occupations to be located in an ARU. The following changes are recommended: 5.11 Home Occupations <i>Where a home occupation is permitted in a zone the following provisions shall apply:</i> (a) <i>such home occupation must be clearly secondary to the main use of the <u>single-detached or semi-detached</u> dwelling for residential purposes;</i> (l) <i>for greater clarity, a home occupation shall include but not be limited to an office or consulting room for a professional person or agent; an office for a trade such as a builder, a plumber, an electrician; an office for a charitable organization; a workroom for a dressmaker or a tailor; a hairdresser/barber; a dog groomer; a studio for a teacher of music, art, or academic subjects, a</i>

General Provision	Approach	Change and Rationale								
		photographer or a commercial artist; <u>a private home daycare</u> and any other use of a similar nature which satisfies all of the criteria of this Section of the By-law; but shall not include a kennel, a boarding house, a medical clinic, a retail store, or any workshop, or plant for any trade. <u>(m) One home occupation is permitted per residential lot.</u>								
Loading Space Requirements	Update	<u>Staff Issues List</u> A comment was noted that it is not realistic to exempt loading space requirements for commercial and industrial uses with less than 500 m². Changes to the loading space requirements are recommended based on gross floor area (GFA), to require a loading space if the GFA exceeds 300 m². The following changes are recommended: 5.12.1 Number of Loading Spaces <i>The minimum number of loading spaces required shall be in accordance with the following provisions:</i> <table><tr><th>Gross Floor Area (square metres)</th><th>Number of Spaces</th></tr><tr><td>(i) less than 500 <u>300</u></td><td>0</td></tr><tr><td>(ii) 500 <u>301</u> to 4,000</td><td>1</td></tr><tr><td>(iii) 4,001 to 10,000</td><td>2 Plus 1 for each additional 10,000 m² of gross floor area or fraction thereof</td></tr></table>	Gross Floor Area (square metres)	Number of Spaces	(i) less than 500 <u>300</u>	0	(ii) 500 <u>301</u> to 4,000	1	(iii) 4,001 to 10,000	2 Plus 1 for each additional 10,000 m ² of gross floor area or fraction thereof
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(ii) 500 <u>301</u> to 4,000	1									
(iii) 4,001 to 10,000	2 Plus 1 for each additional 10,000 m ² of gross floor area or fraction thereof									
Mobile Homes Prohibited	Keep	<u>Staff Issues List</u> A comment was noted to review this section in context of proposed ARU regulations. The OP does not permit mobile homes and								

General Provision	Approach	Change and Rationale
		mobile home parks in the Town (See Section 3.1.2.16). No changes are proposed.
Multiple Uses	Keep	N/A
Non-Conforming Uses, Buildings, and Structures	Update	<u>Staff Issues List</u> A comment was noted to include better clarity for this section and to provide a regulation regarding when legal non-conforming uses cease. This regulation should be provided in the updated zoning by-law. The following changes are recommended: <i>Non-Conforming Uses, Buildings, and Structures</i> <i>The following provisions shall apply to legal non-conforming uses, buildings, and structures:</i> <i><u>### End of Legal Non-Conforming Status</u></i> <i><u>Notwithstanding the provisions of Section 5.15, if a legal non-conforming use ceases to function or operate for a period of six (6) months or more, the legal non-conforming status of said use shall be deemed to end as determined by the Town.</u></i>
Non-Complying Uses, Buildings, and Structures	Update	<u>Staff Issues List</u> A comment was noted to include better clarity for this section and to provide a regulation regarding when legal non-complying uses cease. This regulation should be provided in the updating zoning by-law. This matter should be included in the legal non-conforming status section.
Occupancy of Completed Buildings	Keep	N/A
One Dwelling on One Lot	Update	<u>Staff Issues List</u>

General Provision	Approach	Change and Rationale
		A comment was noted to review this section in the context of the proposed ARU regulations to see if it is still applicable. This section should be amended, as more than one dwelling unit is permitted on a lot in the form of multiple unit dwellings and additional residential units. The following changes are recommended: 5.18 One Dwelling on One Lot <i>Not more than one (1) dwelling unit shall be permitted on a lot, except <u>in the case of additional residential units or where otherwise</u> as permitted specifically by other provisions of this By-law or other Provincial legislation.</i>
Outdoor Storage	Keep	<u>Policy Conformity</u> OP Policy 4.5.2.1 g) states that outdoor storage areas are to be located to the sides and rear of buildings and screened from public view. The existing regulations for outdoor storage conform with the OP. No changes are proposed.
Outdoor Display and Sales Area	Update	<u>Staff Issues List</u> A comment was noted requesting a review of the existing outdoor display and sales area provisions. The following changes are proposed based on a best practices review of outdoor display and sales area provisions in other zoning by-laws. The following changes are recommended: 5.20 Outdoor Display and Sales Area <i>Where <u>an</u> outdoor display and sale area is permitted by the zone provisions of this By-law, it shall be permitted in any yard on a lot provided that the following provisions are satisfied:</i>

General Provision	Approach	Change and Rationale
		(a) such outdoor display and sales area is accessory to the main use on the lot and is for merchandise kept for sale, lease, or rent on the premises; <u>(b) The total area for outdoor display and sale is not to be more than 35% of the lot area;</u> (b) (c) such outdoor display and sales area shall be set back a minimum distance of 3.0 metres from a front or exterior side lot line and a minimum distance of 1.0 metres from an interior side or rear lot line; (e) (d) notwithstanding the provisions of Clause (b) above, no outdoor display and sales area shall be <u>permitted to be located within:</u> in a required daylight or sight triangle; <u>i. A required parking space;</u> <u>ii. A required loading space;</u> <u>iii. A driveway, access aisle or stacking lane;</u> <u>iv. A required yard or minimum setback;</u> <u>iv. A daylight or sight triangle; and</u> <u>v. A required landscape strip.</u> <u>(e) The outdoor display and sales area shall be setback a minimum of 12 metres from any Residential Zone Boundary.</u> (e) (f) such outdoor display and sales area shall not block-off or restrict access to the lot; (e) (g) such outdoor display and sales area is kept in a neat and attractive manner.
Parking Area and Space Requirements	Update	<u>OP Conformity</u> Section 4.5.2.1 c) and d) provides urban design considerations for parking and loading areas, directing that parking and loading should be located away from the streetscape and should ensure compatibility with surrounding uses, and that the design

General Provision	Approach	Change and Rationale
		of large parking areas should incorporate landscaped planting strips. These provisions should be incorporated into the zoning by-law. <u>Staff Issues List</u> A comment was noted regarding the apartment dwelling/multiple unit dwelling parking requirements for the Central Commercial District, remarking that the only difference between the downtown area and areas outside of the downtown area is the exemption from visitor parking space requirements for the downtown. A question was asked about whether apartment dwelling parking requirements for the downtown area should be reduced. It is noted that Paradigm Transportation Solutions completed a comprehensive parking review for the Town in 2021, including a review of the parking rates for each land use, with Zoning By-law No. Z153-2022 containing the recommended parking rates adopted by Town Council in 2022. We have reviewed parking demand rates in the ITE Parking Generation Manual, 6th Edition. This manual provides data on surveys across the USA and Canada of peak parking demand of different land uses. Applying parking demand for Multifamily Housing (Low-Rise), Dense Multi-Use Urban setting, the average parking demand is 1.10 parking spaces per dwelling unit or 0.70 parking spaces per bedroom. Of note, the downtown meets most criteria for a Dense Multi-Use Urban setting, except that it is not served by significant transit (either rail or bus). The parking rates contained within the Town Zoning By-law are appropriate. As such, no changes are recommended to the apartment dwelling parking requirements.

General Provision	Approach	Change and Rationale
		At the request of Town Staff we have also completed a general review of Town Parking rates and are proposing revisions as follows: • Removal of visitor parking space requirements for Fourplex and Townhouse Dwelling Units that front a public street. • Eliminating the requirement to provide a parking space in addition to the required number of parking spaces for a dwelling unit for a group home consisting of less than four (4) residents. (i.e. parking rates would be 2 parking spaces per dwelling unit plus 1 additional parking space for every 4 group home residents beyond the first four (4) residents). We have also considered whether it would be appropriate to reduce parking requirements in the Downtown. We have determined that it is not appropriate to reduce parking requirements due to a lack of frequent transit service and constraints regarding residential development opportunities in the Downtown which limits the availability of complementary land uses appropriate for shared parking. Additionally, the Zoning By-law also presently includes provisions that permit the continuation of existing deficiencies where a change in use is contemplated. These provisions will facilitate modest intensification. Another comment was made regarding the current driveway requirements for semi-detached dwellings and townhouse dwellings, as well as consideration for permitting more than one driveway for corner lots. The Zoning By-law should be updated to permit more than one driveway on a corner lot, and to provide that a driveway is permitted for each semi-detached and townhouse dwelling unit located on a lot.

General Provision	Approach	Change and Rationale
		A comment was made about whether driveway widths should be increased. The Town Zoning By-law provides that Each driveway in a Residential Zone shall have a maximum width of 8.0 metres or 60 percent of the width of the lot, whichever is less. The driveway width for residential zones is appropriate and would allow for at least two side-by-side lanes of parking in most cases. Increasing driveway widths in this context may have implications on on-street parking, the streetscape and stormwater infiltration by reducing landscaping coverage and increasing impervious surfaces. The Town Zoning By-law further provides that each driveway in a non-residential zone, except a driveway located in the M2 zone, shall have a maximum width of 10.0 metres. In reviewing maximum driveway widths in recent Zoning By-laws, the existing driveway widths are appropriate (Thorold - 9.0 metres; Puslinch 10.0 metres). A comment was noted to remove the requirement to go to the Committee of Adjustment to permit required parking spaces to be located on an adjacent lot, and to include a requirement for an agreement to be registered on title. This should be included in the updated Zoning By-law. A comment was noted inquiring whether tandem parking is still relevant. This provision can be updated to permit tandem parking for additional residential units. The following changes are recommended: 5.21.1.1 Parking Requirements B Fourplex and Row or Townhouse dwellings 2 plus 0.25 visitor per dwelling unit 6 per dwelling

General Provision	Approach	Change and Rationale
		B.1 Row or Townhouse – Street 2 per dwelling unit B.2 Dwelling, Row or Townhouse 2 per plus 0.25 visitor per dwelling unit Dwelling, Row or Townhouse – Back-to-Back 2 per plus 0.25 visitor per dwelling unit Dwelling, Row or Townhouse – Stacked 2 per plus 0.25 visitor per dwelling unit F Group home dwellings 2 per dwelling unit plus 1 per 4 group home residents beyond the first 4 group home residents 5.21.2 Ingress and Egress <i>a) Ingress and egress to parking spaces required by this By-law shall be provided by a sufficient number of unobstructed driveways. Each driveway shall have a minimum width of at least 3.0 metres. Each driveway in a Residential Zone shall have a maximum width of 8.0 metres or 60 percent of the width of the lot, whichever is less. Each driveway in a non residential zone, except a driveway located in the M2 zone, shall have a maximum width of 10.0 metres.</i> <i>b) The number of driveways serving a lot shall be limited in accordance with the following:</i> <i>a) i. up to the first 20.0 metres of lot frontage - not more than 1 driveway;</i> <i>b) ii. from 20.0 metres to 30.0 metres of lot frontage - not more than 2 driveways;</i> <i>c) iii. for each additional 30.0 metres of lot frontage - one additional driveway is permitted.</i>

General Provision	Approach	Change and Rationale
		<u>c) Notwithstanding 5.21.2 b), a corner lot is permitted to have a minimum of one driveway on each street frontage regardless of the frontage of the lot.</u> <u>d) Notwithstanding 5.21.2 b), a semi-detached dwelling or a townhouse dwelling located on one lot shall be permitted to have one driveway for each dwelling unit that is not an additional residential unit.</u> 5.21.4 Parking Area Location All required parking spaces and areas shall be provided on the same lot as the building or structure is located, with the exception that the Committee of Adjustment may permit the Required parking spaces and areas may <u>may</u> be located on an adjacent lot provided that such lot is appropriately zoned so as to permit such parking use <u>with an agreement registered on title for such an arrangement,</u> and provided that no part of such parking space or area is located further than 150.0 metres from the lot on which the building or structure requiring the parking is located. The above exception shall not apply in the case of parking spaces required for a residential use in a Residential Zone. <u>Parking areas in the Central Commercial Zone shall be located in the interior side yard or rear yard. Where a required parking space abuts a public street, a planting strip with a minimum width of 1.5 metres shall be provided between the parking space and street.</u> 5.21.5 Parking Space Access Tandem Parking shall be permitted for <u>additional residential units, for</u> a single-detached dwelling, for one unit of a semidetached dwelling, street front

General Provision	Approach	Change and Rationale
		<i>townhouse dwelling, and for bed and breakfast establishments.</i> <u>5.21.15 Landscaping and Buffers in Parking Areas</u> <i><u>A minimum three (3) metre wide planting strip shall be provided along the full length of any interior side lot line or rear lot line where a lot in a Commercial, Institutional, Agricultural, or Industrial Zone abuts a lot in a Residential Zone.</u></i> <i><u>Where a surface parking area contains 50 or more parking spaces, a minimum of 15% of the parking area must be provided as landscaped open space.</u></i>
Parking of Commercial Vehicles in Residential Zones	N/A	<u>Staff Issues List</u> Staff inquired the definition of a commercial vehicle. This has been addressed in Technical Memorandum #2.
Parking of Recreational Vehicles in Residential Zones	Update	<u>Staff Issues List</u> A comment was noted requesting a review of the provisions related to the parking of recreational vehicles in Residential Zones. The following changes are proposed based on a best practices review of parking of recreational vehicles in residential zone provisions in other zoning by-laws. The following changes are recommended: 5.23 Parking of Recreational Vehicles in Residential Zones The parking of recreational vehicles as an accessory use to a residential use in any Residential Zone shall be subject to the following provisions: (a) not more than: (i) one motor home; or (ii) one travel trailer; or

General Provision	Approach	Change and Rationale
		(iii) one boat with or without its boat trailer; or (iv) two snow mobiles; or (v) two all-terrain vehicles; or (vi) one snow mobile and one all-terrain vehicle shall be parked or stored outside on a lot in a Residential Zone. (b) the location of recreational vehicles shall be regulated as follows: (i) within a carport; or (ii) within a driveway but outside of any daylight triangle or sight triangle; or (iii) <u>only located in an interior side yard or rear yard</u> outside of any building or structure on the lot provided that no motor home or travel trailer is parked in the area on a lot no closer than 1.0 metres to an interior side lot line and/or a rear lot line and no closer to the front lot line and/or exterior side lot line than the minimum front yard and/or exterior side yard distance required for the main building under this By-law. (iv) recreational vehicles shall not occupy a required parking space; <u>(v) recreational vehicles shall be located a minimum of 1 m away from a side lot line and rear lot line.</u>
Permitted Encroachments into Required Yards	Update	<u>Staff Issues List</u> Another comment was noted to consider generators as an accessory structure and be subject to the same setbacks as air condition/ventilation devices. The following changes are recommended: 5.24.3 Accessory Structures <i>Air conditioning/ventilation devices <u>and generators</u> shall be permitted:</i> <i>(a) in the interior side yard but no closer than the minimum side yard requirement for the zone classification in which such device is located. In the case of the R1, R2, R3,</i>

General Provision	Approach	Change and Rationale
		<i>and R4 zones no closer than 1.2 metres from the interior lot line;</i> <i>(b) in the rear yard but no closer than 5.0 metres from the rear lot line;</i> <i>(c) in the exterior side yard but no closer than 5.0 metres from the street line provided that such device is screened from view of the abutting road by fencing and/or landscaping.</i>
Planting Strip	Keep	<u>Staff Issues List</u> A comment was noted regarding whether a design standard is required for fences as an alternative to a planting strip. The applicable design standard would be more appropriately contained in a site plan guideline and/or manual. No changes are proposed.
Prohibited Uses	Update	<u>Staff Issues List</u> A comment was noted regarding trailer camps as a prohibited use and an outdated reference to the <i>Municipal Act</i>. The <i>Municipal Act</i> still provides that municipalities may prohibit or license trailers. This will be updated with the correct reference to the legislation, being Section 164(4).
Public Uses, Utilities, and Services	Keep	N/A
Railway Crossings	Update	<u>Staff Issues List</u> A comment was noted to review the railway crossing regulations for updates. This section was reviewed against the policies of the OP as well as requirements from the railway authority and applicable guidelines. The Guidelines for New Development in Proximity to Railway Operations (2013) prepared by the Federation of Canadian

General Provision	Approach	Change and Rationale
		Municipalities (FMC) and the Railway Association of Canada (RAC) is a widely used document in the industry for assisting local governments in determining planning policies and reducing land-use compatibility issues for development in proximity to railway operations. The document outlines standard mitigation measures that can be implemented through zoning in Section 2.3, which includes a minimum setback, earthen berm, acoustical and/or chain link security fence, as well as additional measures for sound and vibration attenuation. Section 3 provides detailed guidelines for the design of these mitigation measures for rail yards, main lines, branch lines, or spur lines. The railways in the Town are principle main lines. The following changes are recommended: 5.28 Railway Crossings <i>Notwithstanding anything contained in this By-law, the following shall apply in respect to buildings erected in proximity to railways:</i> Amended by By-law No. Z107-2014 (a) no building or structure shall be erected and no tree or shrub shall be planted within 15 metres of the point of intersection of the centre lines of a railway and a street. <u>(a) b) The minimum distance from the principle main line boundary of a railway right-of-way and the nearest wall of a dwelling unit shall be 30 15 metres.</u> <u>(b) An earthen berm designed with a slope of 2.5 to 1 and minimum height of 2.5 metres shall be erected where any residential, commercial, institutional, or open space use abuts a principle main line.</u> <u>(c) A chain link security fence with a minimum height of 1.83 metres shall be designed and maintained by the property owner at the mutual property line with any</u>

General Provision	Approach	Change and Rationale
		<u>right-of-way of a secondary main line railway.</u> <u>(d) Safety structures and noise/vibration attenuation measures such as earthen berms, fencing, and sound walls can be erected within the required setback.</u>
Reserves	Keep	N/A
Satellite Dishes, Antennae, and Aerials	Keep	N/A
Setbacks of Buildings and Structures Along Watercourse and Municipal Drains	Update	<u>Staff Issues List</u> A comment was noted to include a 15-metre setback for watercourses. Another comment was noted to replace the wording “an area regulated by the Conservation Authority’s Fill, Construction, and Alteration to Waterways Regulation” with “UTRCA regulated area”. The following changes are recommended: 5.31 Setbacks of Buildings and Structures Along Watercourses and Municipal Drains <i>The following shall apply to buildings and structures erected in proximity to open watercourses and municipal drains:</i> <i>(a) no building or structure shall be permitted within an UTRCA regulated area regulated by the Conservation Authority’s Fill, Construction, and Alteration to Waterways Regulation except as specifically permitted by the Conservation Authority.</i> <i>(b) no building or structure shall be permitted within 10 metres of the top-of-bank of an open municipal drain; and</i> <i>(c) no building or structure shall be permitted within 5.0 metres of the vertical projections</i>

General Provision	Approach	Change and Rationale
		<i>of the edges of an enclosed municipal drain; <u>and,</u> <u>(d) no building or structure shall be permitted within 15 metres of an open watercourse.</u></i>
Swimming Pools	Keep	N/A
Temporary Uses	Keep	N/A
Undersized Lots	Keep	N/A
Wayside Pits	Keep	N/A
Yard and Setback Requirements for Land Without Buildings	Keep	N/A
Yard Sale, Residential	Keep	N/A

3.2 Proposed General Provisions

Table 2 identifies new general provisions that are proposed to be added to the Zoning By-law, including rationale for these additions.

Table 2 – Proposed General Provisions to be Added

New General Provision	Reason	Change and Rationale
Elementary School/Secondary School to be Permitted in All Zones in Urban Residential Areas	<i>Planning Act Conformity</i>	The <i>Planning Act</i> states that zoning by-laws cannot prohibit schools on a parcel of urban residential land. Add a new section as follows: <u>5.X Schools Permitted in Residential Zones within Settlement Area</u> <u>Notwithstanding any provision to the contrary, an elementary or secondary school of a district school board including any accessory uses to such schools, such as the use of a child care centre located in the school, is permitted on any parcel of urban residential land.</u>

New General Provision	Reason	Change and Rationale
Group Homes	PPS Consistency	Section 6.1.3 of the PPS provides that the PPS shall be implemented in a manner that is consistent with the <i>Ontario Human Rights Code</i> and the <i>Canadian Charter of Rights and Freedoms</i>. As such, zoning by-laws must ensure that its regulations are not discriminatory in any way. Add a new section for “Group Homes”, providing that they may be permitted in any dwelling in the applicable residential zones.
Agriculture-Related Uses	OP Conformity	OP Policy 3.10.2 provides agriculture-related uses as a permitted use in the Agricultural designation. Add a new section for “Agricultural-Related Uses” providing requirements on outdoor storage, size, lot coverage, and more. The Guidelines on Permitted Uses in Prime Agricultural Areas should be considered in the development of such general provisions.
On-Farm Diversified Uses	OP Conformity	OP Policy 3.10.2 provides on-farm diversified uses as a permitted use in the Agricultural designation. Add a new section for “On-Farm Diversified Uses” providing requirements on area of operation, lot size, outdoor storage, outdoor display and retail sales, Minimum Distance Separation (MDS) requirements, and more. The Guidelines on Permitted Uses in Prime Agricultural Areas should be considered in the development of such general provisions.

New General Provision	Reason	Change and Rationale
Minimum Distance Separation (MDS) Formula	OP Conformity	OP Policy 3.10.3.9 provides that all new land uses in the Agricultural designation, including lot creation, shall comply with the Minimum Distance Separation Formulae. Add a new section for “Minimum Distance Separation Formulae” providing requirements on uses that it applies to and when it is to be applied.
Cellar	Staff Issues List	Staff note that there is an issue with regulating cellars, as they may extend beyond the rear of dwelling, posing issues for water infiltration. Provisions should be included regarding setbacks and lot coverage to ensure that such provisions are in alignment with requirements for the dwelling.
Pet Day Care	Staff Issues List	We understand that there were comments regarding permitting pet day care as a form of home occupation. Please see discussion of “Home Occupation” under Section 3.1 of this Report. In addition to this, the current definition of “Home Occupation” provides that it is an occupation to be conducted entirely within the dwelling, which would not apply to a pet day care. There are also land-use compatibility issues such as noise impacts to be considered. This use is not being added.
Automobile Repair Establishment	Staff Issues List	There were comments regarding determining the distinction between an automobile repair establishment and a salvage or wrecking yard. The Town wishes to ensure that an automobile repair establishment does not become a salvage or wrecking yard. Provisions are proposed as follows: 5.X Automobile Repair Establishment

New General Provision	Reason	Change and Rationale
		Where an Automobile Repair Establishment is permitted by this By-law, the removal and reuse of automobile parts shall be subject to the following criteria: (a) the removal and reuse of automobile parts shall only occur as an Accessory Use to the Automobile Repair Establishment; (b) there shall be a maximum of one (1) car per week and at a time on a lift where working parts are removed; (c) following the removal of working parts, the automobile shall immediately removed from the site and taken to a Salvage Yard or Wrecking Yard, where such use is permitted; and (d) a salvage or wrecking yard is not permitted in conjunction with the Automobile Repair Establishment.

4 Conclusion and Recommendations

This Technical Memorandum reviewed the existing general provisions within the Town. It is recommended that the changes outlined in Section 3 be incorporated into the Zoning By-law to ensure consistency with the *Planning Act*, the 2024 Provincial Planning Statement, and the updated Town of St. Marys Official Plan, while also maintaining appropriate consideration of the local context, recent planning trends, and technical issues raised by Staff.