



**The Corporation of the City of Stratford  
Planning and Heritage Committee  
Open Session  
AGENDA**

**Date:** Monday, March 25, 2019

**Time:** 7:40 P.M.

**Location:** Council Chamber, City Hall

**Committee Present:** Councillor Ingram - Chair Presiding, Councillor Ritsma - Vice Chair, Councillor Beatty, Councillor Bunting, Councillor Burbach, Councillor Gaffney, Councillor Henderson, Councillor Sebben, Councillor Vassilakos

**Staff Present:** Rob Horne - Chief Administrative Officer, Ed Dujlovic - Director of Infrastructure and Development Services, Michael Humble - Director of Corporate Services, David St. Louis - Director of Community Services, Jacqueline Mockler - Director of Human Resources, Jeff Leunissen - Manager of Development Services, John Paradis - Fire Chief, Joan Thomson - City Clerk, Tatiana Dafoe - Deputy Clerk, Mike Beitz - Corporate Communications Lead

Pages

**1. Call to Order**

The Chair to call the Meeting to Order.

Mayor Mathieson and Councillor Clifford provided regrets for this meeting.

**2. Disclosure of Pecuniary Interest and the General Nature Thereof**

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

### 3. Sub-committee Minutes

4 - 11

Sub-committee minutes are attached for background regarding the discussion held at the February 28, 2019 Sub-committee meeting.

### 4. Delegations

None scheduled.

### 5. Report of the Manager of Development Services

#### 5.1 Comprehensive Zoning By-law Review Update (PLA19-005)

12 - 53

**Staff Recommendation:** THAT Council receive this update on the Comprehensive Zoning By-law Review and confirm the direction set out in the August 2018 draft By-law and in this report

Or

THAT Council receive this update on the Comprehensive Zoning By-law review and confirm the direction set out in the August 2018 draft By-law and in this report the following revisions:

- *(To be completed by Sub-committee/Committee/Council)*

Motion by \_\_\_\_\_

**Sub-committee Recommendation:** THAT staff are directed to continue to proceed with the principal residence requirement for short term rental accommodations in the Comprehensive Zoning By-law Review.

Motion by \_\_\_\_\_

**Sub-committee Recommendation:** THAT Sub-committee receives this update on the Comprehensive Zoning By-law Review and confirms the direction set out in the August 2018 draft By-law and in the Report dated February 28, 2019;

**AND THAT** staff are directed to look into the matters raised at the February 28, 2019 Sub-committee meeting by members.

### 6. Report of the Chief Building Official

#### 6.1 Annual Building Permit Fee Report 2018 (PLA19-004)

54 - 56

**Staff Recommendation:** THAT Council add the amount of \$59,560.01 into the Building Permit Reserve G-R07-BSUR-0000 established to administer and enforce the *Building Code Act*.

Motion by \_\_\_\_\_

**Sub-committee Recommendation:** THAT Council add the amount of \$59,560.01 into the Building Permit Reserve G-R07-BSUR-0000 established to administer and enforce the *Building Code Act*.

## 7. For the Information of Committee

### 7.1 Project Update

57 - 58

Copies of the Project Update – February 2019 were provided to Sub-committee and the Manager of Development Services highlighted the building permits to date.

### 7.2 Advisory Committee/Outside Board Minutes

59 - 63

The following Advisory Committee/Outside Board minutes are provided for the information of Sub-committee:

Heritage Stratford minutes of November 20, 2018

## 8. Adjournment

Meeting Start Time:

Meeting End Time:

Motion by \_\_\_\_\_

**Committee Decision:** THAT the Planning and Heritage Committee meeting adjourn.



## The Corporation of the City of Stratford Planning and Heritage Sub-committee MINUTES

Date: February 28, 2019  
Time: 4:30 P.M.  
Location: Council Chamber, City Hall

Sub-committee Present: Councillor Ingram - Chair Presiding, Councillor Ritsma - Vice Chair,  
\*Councillor Bunting, \*Councillor Clifford, Councillor Vassilakos

Staff Present: Ed Dujlovic - Director of Infrastructure and Development Services,  
Jeff Leunissen - Manager of Development Services, Mike Beitz -  
Corporate Communications Lead, Jonathan DeWeerd - Chief  
Building Official, Joan Thomson – City Clerk

### 1. Call to Order

The Chair called the meeting to Order.

### 2. Disclosure of Pecuniary Interest and the General Nature Thereof

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the *Act*.

#### Name, Item and General Nature of Pecuniary Interest

No disclosures of pecuniary interest were made at the February 28, 2019 Sub-committee meeting.

### 3. Delegations

None scheduled.

### 4. Report of the Chief Building Official

#### 4.1 Annual Building Permit Fee Report 2018 (PLA19-004)

**Staff Recommendation:** THAT Council add the amount of \$59,560.01 into the Building Permit Reserve G-R07-BSUR-0000 established to administer and enforce the *Building Code Act*.

**Sub-committee Discussion:** The Chief Building Official reviewed the report and advised that expenses and number of permits were up in 2018. It was a very good year for construction in Stratford.

In response to a question if building permit fees cover the City's costs, the CBO advised yes and noted that an amount of \$57,000 was also taken from the reserve for a software upgrade.

Motion by Councillor Vassilakos

**Sub-committee Recommendation:** THAT Council add the amount of \$59,560.01 into the Building Permit Reserve G-R07-BSUR-0000 established to administer and enforce the *Building Code Act*.

Carried

### 5. Report of the Manager of Development Services

#### 5.1 Comprehensive Zoning By-law Review Update (PLA19-005)

**Staff Recommendation:** THAT Council receive this update on the Comprehensive Zoning By-law Review and confirm the direction set out in the August 2018 draft By-law and in this report

Or

THAT Council receive this update on the Comprehensive Zoning By-law review and confirm the direction set out in the August 2018 draft By-law and in this report the following revisions:

- (*To be completed by Sub-committee/Committee/Council*)

**Sub-committee Discussion:** The Manager of Development Services gave a PowerPoint presentation and advised staff are looking for direction from Sub-committee on certain provisions.

The Manager reviewed what is a zoning by-law, official plan conformity, the current zoning by-law, the project purpose and timeline and the consulting and 4 open houses held today. The consultants have conducted background studies and research.

The Manager then reviewed the proposed changes to the comprehensive zoning by-law as outlined on page 4 of the Report:

- New format with colour coding and use of tables
- Holding provisions
- Bonus provisions
- Temporary use provisions
- A new definitions section to clarify use of terms
- New provisions for drive throughs, group homes, non-conforming uses and secondary suites
- Parking and Loading provisions with reduced sizes of required parking spaces and a cash in lieu of parking provision for the downtown and a provision for off-site parking
- Provision for off large and commercial vehicles parked in residential areas
- New zones and revisions to the industrial zones
- New provisions for bed and breakfast establishments and short term accommodation provisions

The next step is to set a public meeting date in April or May, subject to direction from Sub-committee.

A discussion took place regarding short term rentals and problems in other municipalities. It was questioned if the owner of a short rental place needs to live on the property or if they could live right beside property. A question was raised if the operator should provide their name and contact information and the name of another key holder in case of problems so that the police did not need to be called. It was questioned if the City could enforce a bond payment system and what licencing would involve.

The Manager advised that bed and breakfast operators are currently required to provide proof of insurance. More information on a licencing regime for short term rentals can be provided.

In response to a question about the Bradshaw building being converted to residences for student accommodation and then after the school term, converted to short term rental, the Manager advised that the current zoning allows hotels. There is no licensing of apartments or hotels and the zoning by-law review is not looking at changing this.

A discussion took place regarding secondary suites. The Province requires municipalities to allow secondary suites within single detached dwelling units, townhouses and semi-detached homes unless a valid reason why secondary suites should be prohibited – such as in a flood zone.

A discussion took place regarding restricting short term rentals to the property owner's principal residence and value in an initial licencing system. A discussion took place regarding how many days the property could be available for short term rental per year. It was noted that the tourist season in Stratford is generally April to November.

In response to a question about bed and breakfast inspections, the Manager advised that by-law enforcement, fire inspector go out to inspect and to check for fire safety plans. A similar inspection system is being considered for short term rentals.

In response to a question if a person owns a small apartment building and lives in one of the units, can this building be used for short term rentals. The Manager advised not as currently provided for in the zoning by-law; however, if Sub-committee wishes, staff could look into this possibility or if the property owners needs to live in Stratford.

A discussion took place regarding shared parking provisions. The Manager advised that under this new provision, there would be a slight reduction in the required number of overall parking spaces to be provided.

In response to a question why the bed and breakfast and the short term rental parking provisions are not the same, the Manager advised that with a bed and breakfast establishment, the owner is on site and requires a

parking space for the owner's vehicle. With a short term rental accommodation, while renters are using the rental unit, the owner is not there.

In response to why a bed and breakfast establishment does not require 2 parking spaces for the owner, the Manager advised that this could be looked into.

Concern was raised with reducing the width of parking spaces and it was suggested that the width be kept at 2.8 m.

A discussion took place regarding height density, bonusing and community benefit. Table 2.5.3 includes public art, day care and affordable housing provisions. There is a need to also include community space beyond these and that the space could be rented out to the community. It was questioned if underground or inground parking in this bonusing section is a community benefit.

Staff were requested to give consideration to allowing semi-detached owners with rental unit attached or 2 residences adjacent or perhaps two doors in between. The Manager advised a legal opinion has been obtained on this and the two doors down provision cannot be done, but staff will not into semi-detached units side by side as well as the principal residence matter.

Concern was expressed regarding the proposed 90 limit as being too restrictive as some bed and breakfast establishments operate 120 days per year and some are year round.

Concern was expressed with allowing short term rentals in apartments due to the impact on the available housing stock. Requiring the principal residence provision is a good approach to take and follows the original intent of home sharing.

It was questioned if a partner or spouse can each own a principal residence. The Manager advised that the definition of principal residence is based on the person's driver's licence address.

A discussion took place regarding the new agricultural zone and existing



animal operations can remain; however, what about new livestock operations, expansions, adding buildings or livestock. The Manager advised that these would be subject to Minimum Distance Separations set by the Ministry of Ag, Food and Rural Affairs. With respect to the new agricultural zone, an expansion may not be restricted because the livestock use is not changing. Zoning is about use of property and expansion could not be restricted through zoning.

In response to a question about secondary suites and if they need to be attached or unattached, the Manager advised that the Act provides for secondary suites for up to 10 years and they can be unattached from the house. The suite can also be an addition to an existing home. The zoning by-law review is looking into incorporating these provisions as there is no framework in the by-law at this time. It was noted that a secondary suite requires full servicing for the suite. Severances of secondary suits would be discouraged down the road.

\*Councillor Clifford now absent from the Sub-committee meeting [5:21 pm]

In response to a question if the bonusing list is exhaustive, the Manager advised that developers can come back with other options.

A discussion took place regarding cash in lieu of parking and that the City may need to look at the rate. Parking is being currently provided through municipal lots.

In response to a question about off-site parking between two property owners and if the City needs to be a third party to such an agreement, the Manager advised that it would require a site plan agreement to create new off-site parking on that property. Staff to look into a type of limit on how many off-site parking spaces should be provided off site.

Staff to also look into if the City can allow for reduced parking where cooperative housing has a car sharing program. It was noted that other municipalities allow car sharing and charging stations as community benefit options.

In response to a question, if a similar presentation would be helpful for all of Committee, staff were advised it would be.

Motion by Councillor Vassilakos

**Sub-committee Recommendation: THAT staff are directed to continue to proceed with the principal residence requirement for short term rental accommodations in the Comprehensive Zoning By-law Review.**

**Carried**

Motion by Councillor Ritsma - Vice Chair

**Sub-committee Recommendation: THAT Sub-committee receives this update on the Comprehensive Zoning By-law Review and confirms the direction set out in the August 2018 draft By-law and in the Report dated February 28, 2019;**

**AND THAT staff are directed to look into the matters raised at the February 28, 2019 Sub-committee meeting by members.**

**Carried**

\*Councillor Bunting now absent from the Sub-committee meeting [5:42 pm]

## **6. Project Update**

Copies of the Project Update – February 2019 were provided to Sub-committee and the Manager of Development Services highlighted the building permits to date.

## **7. Advisory Committee/Outside Board Minutes**

The following Advisory Committee/Outside Board minutes are provided for the information of Sub-committee:

Heritage Stratford minutes of November 20, 2018

**8. Next Sub-committee Meeting**

The next Planning and Heritage Sub-committee meeting is March 28, 2019 at 4:30 p.m. in the Council Chamber, City Hall. Councillor Clifford has provided regrets for this meeting.

**9. Adjournment**

Motion by Councillor Vassilakos

**Sub-committee Decision: THAT the Planning and Heritage Sub-committee meeting adjourn.**

**Carried**

Meeting Start Time: 4:30 pm

Meeting End Time: 5:43 pm



## MANAGEMENT REPORT

**Date:** February 28, 2019  
**To:** Planning and Heritage Sub-committee  
**From:** Jeff Leunissen, Manager of Development Services  
**Report#:** PLA19-005  
**Attachments:** None

**Title:** Comprehensive Zoning By-law Review Update

**Objective:** To provide Sub-committee: (i) an update on the major changes proposed to the Comprehensive Zoning By-law; (ii) report on the feedback received to date from the public; (iii) to confirm the direction on major changes; and (iv) obtain direction on how the draft Comprehensive Zoning By-law should be revised to reflect the priorities of Council.

### **Background:**

#### Process

Following adoption of a comprehensive amendment to the City of Stratford Official Plan on December 14, 2014 (Official Plan Amendment No. 19), the City retained MMM Group, a WSP Company, at a total price of \$79,690 (excluding HST), to undertake a comprehensive review of the City's Comprehensive Zoning By-law (February 9, 2015).

This review was undertaken in accordance with Section 26(8) of *The Planning Act* which states that "no later than three years after a revision under subsection (1) or (8) comes into effect, the Council of the municipality shall amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the official plan." The reason the *Planning Act* requires zoning by-laws to be amended following adoption of a comprehensive Official Plan amendment is because a zoning by-law is the principal tool relied upon to implement the policies of the official plan. Zoning by-laws control the use of land through regulations and the placement of buildings and structures on a lot.

In December 2015, the City of Stratford repealed Official Plan Amendment No. 19 and adopted Official Plan Amendment No. 21. OPA No. 21 built on the foundations of OPA 19 and included Ministry of Municipal Affairs and Housing comments, updated mapping from the Upper Thames River Conservation Authority, Agricultural policies and lands annexed into the City of Stratford on January 1, 2015. On July 21, 2016, the Ministry of Municipal Affairs and Housing approved OPA No. 21 without any amendments (representing the new

Official Plan for the City of Stratford). One site specific appeal to OPA No. 21 has been received and is proceeding to a hearing.

As reported to Council in June of 2017, staff and its consultant have held two stakeholder meetings and two Public Information Centres (PIC's) on the entire comprehensive by-law update and one PIC focusing with just Bed and Breakfast Establishments and Short Term Rental Accommodations.

A second draft Comprehensive Zoning By-law was released to the public for review and feedback on August 15, 2018. More than 100 individuals were notified by email the draft by-law was available for public review. A Public Information Centre was held on November 14, 2018 to review the draft by-law. Notice of the Public Information Centre was sent to the same individuals who were notified of the By-law being posted on the Shaping Stratford website. In addition to the email notice, Notice of the Public Information Centre was advertised in the Town Crier on October 20, 2018, October 27, 2018 and November 3, 2018. Approximately 50 individuals attended the PIC on November 14, 2018.

The format of the November 2018 PIC differed from previous PIC's. After allowing time to review information boards and a presentation on the following:

- the purpose of a zoning by-law,
- the process to date, and
- the major changes to the by-law by the consultant,

attendees were invited into smaller groups to facilitate dialogue. Feedback on the PIC format was generally positive. Both the presentation and display boards have been posted on the [www.shapingstratford.ca](http://www.shapingstratford.ca) website.

A stakeholder meeting was also held on November 14, 2018. A broad range of groups and organizations were invited with representatives from the Communities in Bloom Committee, Town and Gown Committee, Stratford and Area Builders Association, Stratford and Area Bed and Breakfast Association, Heritage Stratford, City Centre BIA and Housing Division attending.

In response to releasing the second draft of the Comprehensive Zoning By-law on [www.shapingstratford.ca](http://www.shapingstratford.ca) website and the PIC, staff has received 26 written responses from 25 individuals/property owner representatives. Many respondents commented on the proposed Short Term Rental Accommodations regulations. Below is a table showing the nature of the responses received on that topic. It is noted that not every respondent provided rationale why they either support or oppose the proposed regulations and some respondents provided several reasons for their position.

	<b>Support Proposed Short Term Rental Accommodations Regulations</b>	<b>Oppose Proposed Short Term Rental Accommodations Regulations</b>
	XXXXX XXXXX	XXXXX
<b>Issues</b>		
Impact on Neighbourhoods	XX Negligible	Significant XXXXX X
Parking	XXX Too Restrictive	Negative Impact on Neighbourhood X
Limited to Principal Resident	XXX Disagree	Agree
Economics	XX	
Going to Happen Anyways	X	
Enforcement	X	X
Equity between B&B's and STRA	X	X
Allow in limited areas of the City	X	

For those individuals who expressed concerns with short term rental accommodations, not knowing their neighbours, absentee landlords and on and off-street parking were raised most often.

Housing Division has provided detailed comments on the draft by-law. Their comments are below:

#### 2.5.3 Bonus Provisions

Housing Division is pleased the By-law identifies affordable housing as an eligible community benefit under Section 2.5.3.5, to be exchanged for increases in building heights and densities. Housing has requested that "affordable rental housing" be added to the list of eligible community benefits in Table 2.5.3.

#### 4.3 Bed and Breakfast Establishments and Short Term Rental Accommodations

Housing Division has advised they are pleased to see the By-law restricts the use of Short Term Rental Accommodations to the principal resident. The increase in short term rental market could negatively impact the already limited supply of

long term housing in Stratford. According to CMHC (October 2018), the current vacancy rate for the City of Stratford is 1.8%, which is well below the health rental benchmark of 3%. The scarcity this creates could eventually contribute to a higher housing and rental prices. Short term rentals also have the unintended consequences of changing the character and social cohesion of neighbourhoods.

#### 4.10 Group Homes

Section (b) states that: "No other uses shall be permitted on a lot used as a group home". One of our community partners, L'Arche, is proposing to renovate 426 Britannia St. into a fully accessible space where individuals with disabilities can live and participate in activities. The basement and main floor would contain administration offices and activity rooms for their clients, many of whom will not reside in the building. The second floor would contain six one-bedroom suites. CMHC is currently considering supporting this development, and the Housing Division would like to support it. We would like to ensure that this type of development would be allowed under the proposed Zoning By-Laws.

#### 4.24 Secondary Suites

Like Garden Suites, Housing Division is pleased to see that the proposed Zoning By-Law permits the use of Second Suites. Secondary units are one of the most inexpensive ways to increase the stock of affordable rental housing in a community. They also have the added benefit of providing homeowners an opportunity to earn additional income to help meet the costs of homeownership. Why are Secondary Suites restricted from lots that are only accessible by a private street?

#### Proposed Changes to the Zoning By-law

Below is a list of major changes to the Comprehensive Zoning By-law.

- New format
- New definitions
- Revisions to the Bed and Breakfast Establishment provisions
- New Short Term Rental Accommodations regulations
- Revised Home occupations regulations
- Revised Parking Regulations including – revisions to the minimum size of a parking space, revised barrier free parking requirements, new shared parking provisions, cash-in-lieu of parking and new bicycle parking requirements
- Revised Drive Through, Stacking Lanes and Stacking Space regulations
- Revised Non-conforming Uses provisions
- New regulations allowing Second Suites
- New Source Protection regulations (Wellhead Protection Areas)
- New Overlay of Upper Thames River Conservation Authority Regulated Areas
- New Bonus Provisions
- New Holding Provisions
- New structure to allow for Temporary Zones

- New Theatre Zone
- New Grand Trunk Anchor District Zone
- New Open Space Zones
- Revisions to the Industrial Zone structure
- New Urban Reserve Zone
- New Agricultural Zone

Each of the proposed changes are reviewed in greater detail below. Public feedback on the change, if any, is in italics.

It is worth noting that the scope of work for this project did not include pre-zoning underutilized lands for new or additional uses. Neither staff nor its consultants have the information necessary to undertake a site specific review of underutilized or underdeveloped lands and propose alternate zoning through this project. Further, this project does not allow the site specific community consultation necessary with pre-zoning lands for a broad range of new or different uses. One exception to this approach is proposed zoning for the Cooper Block. As part of the Grand Trunk District Master Plan, the City conducted a detailed evaluation of the Cooper Block and undertook extensive public consultation. Based on the work conducted through the Master Plan process, staff believe it is possible, and would be appropriate, to pre-zone the Cooper Block lands for uses recommended by the Master Plan.

### **Analysis:**

- New format –  
The format has been revised for easier reading and wayfinding. Some of these changes include:
  - a separate section dealing specifically with parking and loading areas
  - sections in the by-law are colour coded and zone colours match the zone section. For example the residential section and residential zones are the same orange
  - uses and regulations (minimum lot area, frontage, etc.; setbacks) displayed in a table format
  - many defined terms are illustrated to show definitions
  - defined terms are shown in italics and they hyper-linked to the definition
  - zone exceptions grouped in one section (Section 15)

*No concerns have been raised by the public about the format of the Draft By-law.*

- Holding Provisions – Section 2.5.2  
Official Plan Amendment No. 21 contains provisions to allow for a Holding Provision to be applied. Holding provisions allow lands to be zoned for their intended purpose while limiting development until certain criteria is satisfied. For example, lands may be suitable for a broad range of industrial uses but only



when full municipal services are available. The draft By-law sets the framework for the easy application and removal of Holding Provisions.

Pre-determined Holding Provisions have been included in the by-law to address common issues such as adequacy of services (H1), submission of heritage impact assessment (H9), submission of a market study or financial impact study (H13), submission of a tree analysis or tree preservation study (H11) and submission of a traffic impact study (H7). Application of a Holding provision would be a decision of Council. Similarly removal of a Holding provision requires Council approval. Pre-determined Holding Provisions ensure consistency in application and transparency.

*No public feedback*

- Bonus Provisions – Section 2.5.3

Official Plan Amendment No. 21 contains Height and Density Bonus Provisions. "Bonusing" as it is often referred to, authorizes an increase in height or density for elements of a development that are considered to be in the public interest. For example, height bonusing may be permitted if an applicant provides an increase in the amount of public open space, day care facilities, affordable housing, and/or underground or in-ground parking. The proposed by-law contains provisions to implement this policy. The proposed by-law sets out the standard that must be achieved to permit the increase in height or density. For example, for every 100 m<sup>2</sup> of public open space in excess of the required parkland dedication, the number of dwelling units may be increased by one. Application of Bonusing Provisions would be through a site specific zone change application approved by Council.

Housing Division is supportive of proposed regulations allowing bonusing for affordable housing and recommends it be included in the Bonus Zoning applied to the Grand Trunk District Zone. Planning staff support this recommendation.

*No public feedback*

- Temporary Use Zones – Section 2.5.4

Official Plan Amendment No. 21 contains provisions for the application of Temporary Use Zones. A Temporary Use Zones permits a property to be used for a use not allowed by the Official Plan for a period of up to three years. For example, Council may allow a property designated Residential Area to be used as commercial parking lot without an Official Plan Amendment for three years. Application of a Temporary Use Zone requires Council approval. Temporary Use Zones lapse upon the passing of the pre-determined date if not extended by

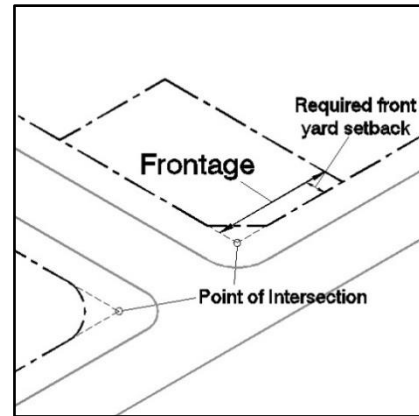
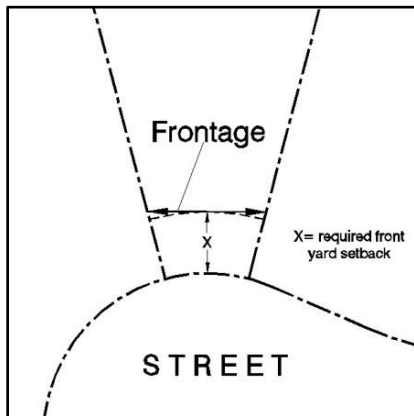
Council. The draft By-law sets the framework for the easy application of Temporary Use Zones.

*No public feedback*

- Definitions – Section 3

New contemporary definitions have been added such as BREW-PUB, BREW YOUR OWN ESTABLISHMENT, CLUSTER and COMDOMINIUM.

Included with some definitions are illustrations. An example of such an illustration is below. These illustrations are for Lot Frontage.



Not included in the two drafts released to date, but which staff is considering, is modifying the definition of dwelling unit to limit the number of bedrooms to five. The reason for this change is that staff has seen a number of building permits recently depicting 8 and 10 bedrooms. These permits pose a challenge to determine if the dwelling unit is functioning as a single housekeeping unit, as intended by the by-law, or if they are functioning as a boarding or lodging house or a group home. Section 35 of *The Planning Act* does not permit a zoning by-law to include regulations that have the effect of distinguishing persons who are related and persons who are unrelated in respect of occupancy of a building, but it does allow zoning to limit intensity. Dwelling units with greater than five bedrooms have greater demands on municipal services, a greater need for off-street parking spaces, and are more likely to be used as boarding or lodging houses. Based on the 2016 Census, less than 5.5% of private households in Stratford contain 5 or more persons. (The census does not contain information on the number of households containing 6 or more persons.) Inclusion of such a provision would impact a small number of households. Other municipalities have placed limits in the number of bedrooms within a dwelling unit including London – 5, Ottawa – 4 and Waterloo – 4.

*Generally, there has been little feedback regarding the definitions section of the by-law with the exception of the definition of Short Term Rental Establishment,*

*Principal Resident and Height. Feedback on the definition of Short Term Rental Establishment and Principal Resident will be addressed elsewhere in this report.*

*Regarding the definition of Height, staff received a request to change the definition height from average finished grade to the highest point of the building to the average finished grade to the highest point for a flat roof or the mean height between the eaves and ridge for a sloped roof. In essence this request is to go back to the definition of height contained in the 1979 Zoning By-law. Council previously changed the definition of height for a number of reasons including ease in interpretation and application. In response to recent requests to increase the maximum height for some multi-family forms of dwellings and concerns raised through this process, the proposed by-law contains an increase in the maximum height regulations in the R3, R4 and R5 zones.*

*As staff has only recently considered limiting the number of bedrooms for a dwelling unit, the public has not had an opportunity to provide feedback on this issue. Staff intend to include the intent to limit the number of bedrooms in a dwelling unit in the Notice of Public Meeting and to specifically raise it at the next Public Meeting.*

*Several people have inquired about the definition of "Principal Residence" or "Principal Resident". Specifically, they have asked what is required to determine what constitutes a person's principal residence. The existing by-law defines principal residence and no change is proposed to the definition regarding a person's principal residence and that is the address "identified by that person as his or her place of residence for financial, legal or government related purposes". The draft by-law proposes to remove the clause allowing a dwelling unit to be occupied by someone other than a principal resident if they are attending school or a person employed by the Festival on a seasonal basis. This change is in response to zoning requirements that limit zoning by-laws to zoning the use not the user. The Ontario Human Rights Code prohibits discrimination based on a number of factors including age and "students" are generally within one age range. If Council believes short term rental accommodations should be limited to the principal resident, further review is required to ensure the regulations are consistent with the Planning Act and will be upheld should there be any court challenges.*

*Staff has received feedback requesting cannabis retail stores be treated as other retail stores. On January 14, 2019, Council resolved, in response to the Provinces regulations on the sale of cannabis in Ontario, that "cannabis retail stores be permitted to operate within the City of Stratford." However, the location of cannabis retail stores will be governed by the applicable legislative requirements.*

- Bed & Breakfast Establishment and Short Term Rental Accommodations – Section 4.3  
The Official Plan contains specific provisions to allow visitor accommodations in private homes. Visitor accommodation in private homes is recognized for the role it plays in complementing the needs of theatre-goers. The Official Plan also contains provision allowing measures to be taken to reduce conflicts in residential areas. Measures which may be taken include limiting the number of rooms, ensuring the site has adequate municipal services, ensuring the site is of sufficient size to accommodate additional parking, that the lands are above the regulatory flood line and that a high percentage of the rear yard continues to be landscaped open space. The policies allow larger operations to dwellings designated under the *Ontario Heritage Act*.

### Bed and Breakfast Establishments

Many of the proposed regulations for B&B's are unchanged from the current Zoning By-law.

#### Existing provisions

- Current B&B regulations limit B&B's to single detached dwellings
- B&B's continue to be required to be operated by the principal resident
- One Accessory Guest Room allowed every single detached dwelling
- Licensing required for B&B's and Accessory Guest Rooms
- Each B&B bedroom requires an additional parking space
- Tandem parking permitted

#### Changes

- Regulations are in a table format for easier reading
- The proposed regulations would allow B&B in a broader range of dwelling types. B&B's would be permitted in single detached dwellings, semi-detached dwellings, converted dwellings, townhouse dwellings and apartment dwellings (A converted dwelling is a dwelling originally constructed as a single detached dwelling that has been altered to contain more than 1 dwelling unit.)
- Clarification that operating one Accessory Guest Room is a B&B and requires a license
- Tandem parking limited to a maximum depth of 2 vehicles
- A B&B cannot operate on the same lot as a secondary suite

*Generally, feedback on the changes to the B&B regulations has been positive. There have been some concerns with the provision that would limit tandem parking to two spaces. How will it affect existing B&B's? B&B's established prior to the new provisions coming into effect would be allowed to continue to operate as a legal non-conforming use, but any changes or alterations to their operation would have to comply with the new provisions. For example, if a B&B already employed tandem parking of more than 2 vehicles, that would be permitted to continue. If that same B&B proposed an additional bedroom, the parking space*

*for the additional bedroom would be limited to 2 tandem spaces. Staff has also received feedback both in support and opposed to allowing B&B's in townhouse dwellings. Broadening the range of dwelling types in which B&B's would be permitted is consistent with the Provincial requirement to allow secondary suites in a range of dwelling types and is not expected to result in significant new impacts on residential neighbourhoods. Further, as parking is required for B&B's, the number of locations where B&B's would be permitted within a townhouse dwelling will be limited.*

*Some feedback has not been supportive of the changes specifically allowing B&B's in residential areas. The concerns raised include increased noise, parking problems, the impact of commercial uses in residential areas, in general. Council has previously determined that B&B's provide a vital role in meeting the temporary accommodation needs of visitors, particularly accommodating theatre patrons, and there are no plans to deviate from that previous decision. The proposed changes provide a greater range of dwelling types which would allow a B&B while ensuring those properties have the ability to accommodate the additional use without adversely affecting abutting properties.*

*Some feedback has also been received regarding "inns", specifically that there is the potential for abuse of the regulations because inns do not require a license and allow short term accommodation.*

*The proposed definition of inn is "a building used for the purposes of supplying temporary living accommodation to the public, and containing a maximum of 10 guest rooms, dwelling units or combination thereof wherein such dwelling units are not restricted to occupancy by a person as their principal residence and may include 1 accessory dwelling unit for the owner or operator thereof." Inns are currently allowed, and proposed to continue to be allowed, in the Central Commercial C3 and Mixed Use Residential MUR Zones.*

*The existing and proposed definition of "inn" would allow a bed and breakfast establishment or a short term rental accommodation without a license.*

*The Province of Ontario regulates establishments which cater to the travelling public and which have more than six bedrooms through the Hotel Registration of Guests Act. It does not regulate home-sharing uses.*

*In order to protect the safety of the travelling public in a similar manner as Bed and Breakfast Establishments and Short Term Rental Establishments, Council should consider requiring "inns" containing six or less rooms to be licensed.*

*It is noted one minor change has been proposed to the existing definition of "inn" and that is to delete "for a fee". Removal of reference to a fee would result*

*in the by-law being consistent with other zoning by-laws such as Kitchener, London, and Niagara-on-the-Lake. This change would not impact licensing.*

### Short Term Rental Accommodations

The proposed by-law introduces a new use: Short Term Rental Accommodations (STRA). A Short Term Rental Accommodation is the commercial use of an entire dwelling unit by a principal resident that may be rented for a period of up to 28 days for temporary accommodation. A short term rental accommodation is not a hotel, motel, bed and breakfast establishment. The principal resident shall not reside in the dwelling unit while the Short Term Rental Accommodation is being rented. Regulations permitting STRA's is considered desirable for a number of reasons including, they allow visitor accommodation that meet the needs of tourists, which plays a vital role in the local economy supporting both the Stratford Festival and area property owners; allowing STRA's recognizes existing trends in visitor accommodations; and STRA's provides an additional accommodation option especially for larger families/groups.

The City of Stratford currently permits the short term of an entire dwelling unit in the C3 and MUR Zones through the use "inn." The proposed by-law continues to allow "inns" and would allow Short Term Rental Accommodations as a new permitted use with the following provisions:

- Allowing STRA in all single detached dwellings, semi-detached dwellings, converted dwellings, townhouse dwellings and apartment dwellings
- STRA occupied by the principal resident
- Limiting STRA rental for a period of 28 consecutive days
- STRA must be licensed
- Requirement of 0.67 parking spaces per bedroom
- A STRA cannot be on the same lot as a secondary suite

Web-based services such as Airbnb, VRBO, kijiji, etc. advertise both traditional Bed and Breakfast Establishments and Short Term Rental Accommodations. Staff does not have comprehensive data on STRA's in Stratford because such uses are not currently permitted; however, in 2017 AirBnB reported they had 93 active listings with 73 hosts for Stratford. 77% of hosts rent out their unit/suite less than 60 nights per year with 9% of hosts renting out their unit/suite more than 120 days per year. The typical host rented out a unit/suite 34 nights per year. Airbnb also reported that 63% of listings are for an entire dwelling unit (STRA). A recent search of Airbnb for Stratford generated well over 100 options, from individuals rooms to entire dwelling units, and ranging in price from \$26 to \$796. It appears most listings are by the principal resident who rent their units/suites to supplement their income. A small percentage of listings are not occupied by the principal resident and revenue generated by renting units/suites is more than supplemental.

What is the rationale for limiting rental for 28 consecutive days? The purpose of the 28 day limit is to ensure the rental never exceeds one month. Some provisions of the Residential Tenancies Act refer to 28 days. Restricting any rental to not more than 28 days ensures the provisions of the Residential Tenancies Act do not apply.

What are other communities doing? Many communities such as Toronto and Vancouver are taking a similar approach as proposed in the Draft By-law in that they are restricting STRA's to the principal resident. Part of the rationale for this requirement is the desire to reduce impacts on the rental housing stock. Other communities, such as Kitchener, permit STRAs in mixed use areas. (Kitchener refers STRA as a Tourist House.). Some seasonal communities, such as Niagara-on-the-Lake and Town of the Blue Mountains, do allow STRA's dwelling units in some residential areas. Niagara-on-the-Lake permits STRA in what is known as the "Old Town Community" and Town of the Blue Mountains STRAs in communities in close proximity to the ski hills.

*Much of the feedback on the draft Comprehensive Zoning By-law has been regarding the Short Term Rental Accommodations regulations. Most of those who provided comments on this issue have been in support of permitting STRA and they are either operating some type of short term accommodations currently or would like to operate short term rental in the future. Representatives of the B&B community are generally supportive of the proposed STRA regulations. They have consistently requested that B&B's and STRA be regulated in a similar manner and the proposed regulations do treat both in a similar fashion. Both would require licensing, and with licensing comes fees, inspections and mandatory insurance, both have minimum parking requirements, and both are allowed in similar types of dwellings. Some individuals have questioned the need to license STRA and B&B's at all, as most are registered on websites and if they are not clean and safe, they would not receive a positive evaluation.*

*In preparing regulations around STRA's, staff is attempting to balance the needs of tourists, changes in the way people book accommodations, the local economy, including the needs of property owners, with the desire to promote stable residential neighbourhoods and the need to maintain a rental housing stock.*

*At the public open house dealing with just Bed and Breakfast Establishments, and Short Term Rental Accommodations staff asked attendees for feedback on the types of restrictions, if any, which should be placed on B&B and STRA. Below is a dot matrix board showing preferences. There was little support for locational restrictions.*

Board 5

**REFINEMENT OF OPTION 3**  
**COMPREHENSIVE REGULATIONS**  
**FOR ACCESSORY GUEST ROOMS, B&B'S & SHORT-TERM RENTAL ACCOMMODATIONS TO ADDRESS COMMUNITY ISSUES (ASSUME LICENSING)**

(IDENTIFY THE THREE BOXES MOST IMPORTANT TO YOU – 3 YELLOW DOTS)

<b>LOCATIONAL CRITERIA:</b> PROXIMITY TO FESTIVAL FACILITIES & DOWNTOWN	<b>SITE CRITERIA:</b> PARKING
<b>LOCATIONAL CRITERIA:</b> RESTRICTED TO ARTERIAL ROADS	<b>SITE CRITERIA:</b> ALLOWED IN SINGLE DETACHED DWELLING ONLY
<b>LOCATIONAL CRITERIA:</b> RESTRICTED TO ARTERIAL AND COLLECTOR ROADS	<b>SITE CRITERIA:</b> ALLOWED IN MULTI-UNIT BUILDINGS
<b>LOCATIONAL CRITERIA:</b> ONLY ALLOWED IN CERTAIN ZONES	<b>LIMIT ON THE NUMBER OF LICENCES ISSUED</b>
<b>LOCATIONAL CRITERIA ONLY</b>	<b>ALLOWED PROVIDED THEY DO NOT IMPACT HOUSING MARKET</b>
<b>LOCATIONAL CRITERIA:</b> SEPARATION DISTANCE	<b>ALL OF THE ABOVE</b>
<b>ALLOWED WITH REGULATIONS TIED TO OWNERSHIP</b>	

*In place of locational restrictions, such as only on certain categories of streets or within certain zones, staff has prepared draft regulations that would permit both B&B's and STRA throughout the community subject to regulations regarding type of dwelling, parking, licensing, and being operated by the principal resident.*

*The draft By-law proposes to limit Short Term Rental Accommodations to being operated by the principal resident, similar to what is required for B&B's. This approach is supported by Housing Division Staff as Stratford already has a very low vacancy rate and changes which may further reduce the number of rental housing units may contribute to higher prices. As noted above, if Council believes the regulations should limit the operation of Short Term Rental Accommodations to the principal resident, staff intends to review this matter further to ensure it would be upheld by any possible court action. If it is not possible to limit STRA to "principal resident", staff will investigate alternatives which attempt to achieve a similar balance of objectives. It is noted that if it is not possible to restrict STRA's to the principal resident, revisions to the B&B regulations will be required as they too, restrict the use to the principal resident.*



*Staff is seeking direction whether STRA's should be limited to the principal resident or not. Tying to a principal resident would promote property owners knowing each other, minimize the creation of absentee-landlord short term rental accommodations and greater oversight of on and off street parking associated with any commercial use of the property. If Council does not support tying a STRA to a principal resident, other restrictions such as separation distances, limiting STRA's to certain geographic locations, or limiting the maximum number (through municipal licensing), would be explored as to not place any limits STRA's would impact the rental housing stock.*

#### *Parking*

*As with B&B's, a parking rate based on the number of bedrooms is proposed for STRA's. The August 2018 version of the Draft By-law recommended 0.67 spaces per bedroom, but with rounding provision in the By-law, this rate would require a 3 bedroom STRA to provide 3 off-street parking spaces. It is recommended the parking rate per bedroom be reduced slightly to 0.66 spaces per unit and this would permit a three bedroom STRA with only 2 off-street parking spaces. A larger STRA, one containing 4 bedrooms, would require 3 off-street parking spaces. Parking needs for STRA's do differ in one respect from B&B's. There is no need to provide parking for an operator or principal resident with a STRA as the principal resident does not occupy the unit when it is being used as a STRA.*

#### *What to do with existing Short Term Rental Accommodations*

*A number of individuals have inquired whether the City will recognize existing STRA's. It is difficult to provide one response that will deal with all situations. As existing STRA were not approved by the City, they may not satisfy the regulations deemed by Council to be necessary for compatible, functional STRA's in residential neighbourhoods. For example, they may not meet the parking requirements.*

*When the City reviewed Bed and Breakfast Establishments in the early 2000's, a similar request was made by the B&B operators and at that time, it was recommended that "any B&B that is not considered a permitted use be considered on its merits and on a case by case basis." For B&B's and STRA's, as there were some in existence at that time, that meant a site specific zone change application which included public notice and a public meeting. The approach employed by Council to non-conforming B&B's in the early 2000's was appropriate and it remains appropriate today. Those STRA's that comply with any new regulations adopted by Council would be permitted to continue, provided they comply with the regulations and obtain a license, and those that do not comply have the opportunity to have their use evaluated and approved on a site specific basis.*

- Drive Throughs, Stacking Lanes and Stacking Spaces – Section 4.7

The current by-law requires 10 stacking spaces for all drive-through's. The proposed regulations would vary the number of stacking spaces by type of use. For example, a restaurant would require 10 stacking spaces while a financial institution requires only 4. The proposed regulations would also prohibit drive-throughs in the Central Business District.

*No public feedback*

- Group Homes – Section 4.10

The Group Home regulations have been modified by removing the maximum number of group homes permitted in the City, in each Ward and the minimum separation distance between group homes. In addition, the definition of Group Home has been modified to no longer contain a minimum number of people receiving treatment. The changes are consistent with recent trends regarding group home zoning regulations throughout Ontario.

Housing Division is supportive of the proposed Group Home regulations. Housing has requested that the zoning by-law allow the type of project being planned by L'Arche at 426 Britannia Street. 426 Britannia Street was recently the subject of a site specific zone change to permit the L'Arche proposal and this site specific zoning will be incorporated into the new Comprehensive By-law.

- Home Occupations – Section 4.12

Revised Home Occupations provisions to allow home occupations in all dwelling units, not only single detached dwellings, types, they allow a small percentage of the space, 15% retail to be used for retail purposes, they require 1 additional parking space for the home occupation use in tandem and they limit the floor area to a maximum of 30 m<sup>2</sup> (323 ft<sup>2</sup>).

*Some public feedback has been received regarding the requirement for an additional parking space and the allowing of up to 15% for retail use. The intent of this provision is to allow uses to sell a small amount of products related to their use. For example, a personal care home occupation would be permitted to sell shampoo, conditioner, etc. Limiting the area of retail 15% would mean a 30m<sup>2</sup> home occupation would be permitted 4.5m<sup>2</sup> (48ft<sup>2</sup> or 6 ft x 8 ft) of retail. Requiring 1 parking space for the home occupation use is intended to lessen any impacts on area streets.*

- Non-conforming Uses – Section 4.17

Stratford's first Zoning By-law was adopted on October 15, 1951. This date is critical when determining if use was legally established. One way to support whether a use existed prior to October 15, 1951 is the submission of an Affidavit. As 68 years has passed since the first Zoning By-law came into effect, it is often not possible to provide an Affidavit and thus difficult to determine if the use existed prior to October 1951. This section has been revised to, in effect, reset the clock to May 28, 1979. This date was selected because it is the day Comprehensive Zoning By-law No. 4 – 79 came into effect.

Upon further review, staff believes resetting the clock to May 1979, may not achieve the desired effect of setting a date to one which a property owner can reasonably prove existence of a use. Council is expected to pass the new Comprehensive Zoning By-law later this year which means approximately 40 years will have passed since May 1979.

Staff believes resetting the clock to another date should be reviewed further. If a use has existed for a considerable period of time without any complaints and has achieved an acceptable level of compatibility in the neighbourhood such that no complaints have been received, staff believe it should be allowed to continue to exist provided the property owner obtains any necessary permits. The regulations regarding non-conforming uses is continuing to be reviewed and the effective date may be different than the May 28, 1979 date contained in the draft by-law.

*Public feedback has generally been supportive of this approach.*

- Second Suite Regulations – Section 4.24

In accordance with changes to the *Planning Act* and Official Plan Amendment No. 21, the draft By-law would allow a secondary suite in all single detached, semi-detached and townhouse dwellings. A secondary suite is a separate, self-contained dwelling unit. Permitting secondary suites is considered a principle tool to increase the rental housing stock and provide affordable housing.

The proposed zoning would allow secondary suites as-of-right in the dwelling types listed. The proposed regulations would limit secondary suites to a maximum of three bedrooms, to being less than 50% of the main dwelling unit to a maximum of 100 m<sup>2</sup>, to require a separate entrance, and to require 1 additional parking space for the unit. Secondary suites are subject to the requirements of the Ontario Building Code.

Housing Division is supportive of the draft Secondary Suite regulations, but questioned why secondary suites are not permitted on lots only accessible by a

private street. Private streets are not maintained to City standards. Staff is concerned with as-of-right intensification on lots that may not be accessible to emergency services. Should a property owner on a private street wish to erect a secondary suite, they would be able to submit a zone change application and have the matter considered on a site-specific basis.

*Very little public feedback has been received regarding secondary suites. Those who have responded are generally supportive of the proposed regulations as it is expected to assist in providing more rental and affordable housing. Some respondents have questioned why any additional required parking cannot be in tandem.*

- Source Protection (Wellhead Protection Areas) – Section 4.28

Official Plan No. 21 contains policies on the identification and implementation of the City's Source Protection Plan. Within areas identified on Schedule "C" to the Official Plan, the proposed Zoning By-law prohibits uses and activities that may have an impact on Wellhead Protection Areas.

*No public feedback.*

- Upper Thames River Conservation Authority Regulated Area – Section 4.29

Official Plan No. 21 contains policies limiting, and in some cases prohibiting development, in natural hazard areas. Upper Thames River Conservation Authority Regulated Areas are shown on Schedule "A" as an overlay indicating the lands are subject to UTRCA review and permitting.

The Comprehensive Zoning By-law is the City's primary tool to determine land uses and it is a very public document. Showing the Regulated Areas on Schedule "A" is considered an effective means to inform property owners whether they are subject to UTRCA Regulation Area policies.

*No public feedback.*

- Parking and Loading Requirements - Section 5

Parking and loading spaces are now within a separate section (Section 5). In addition to this structural change, other changes include the following:

- requiring 2 off street parking spaces per single detached dwelling
- Reduction in the size of a parking space from 2.8m x 6m to 2.6m x 5.6m
- mandatory bicycle parking
- changing the width of barrier free parking spaces from a uniform 4.5 m to 3.4 m and 2.4 m with a 1.5 m pedestrian access aisle (Type A and B)
- provisions for shared parking

- provisions for cash-in-lieu of parking in the Central Business District
- provisions to allow required parking to be located off-site if secured in an agreement
- revisions to minimum driveway aisle widths
- provisions to prohibit the parking of large vehicles (buses, vehicles with more than three axles, large trailers and farm tractors) on residentially zoned lands.

## 2 Spaces for Single Detached Dwellings

The current Zoning By-law requires 1 off-street parking space for a single detached dwelling. This parking space is not permitted to be within the front yard setback. The By-law does permit the parking of a vehicle in the driveway leading to a setback. Functionally, the existing Zoning By-law creates two parking spaces for each single detached dwelling.

The Draft Comprehensive By-law proposes to increase the required number of off-street parking spaces for single detached dwellings to 2 spaces. This change would reflect actual demand for parking associated with a single detached dwelling. Staff has researched what parking requirements are in other municipalities and determined there is not a consistent approach across the province. Ottawa, Kingston, Windsor, Kitchener and Waterloo all require 1 off-street parking space per single detached dwelling while London, Woodstock, Orillia, and St Mary's require 2 parking spaces per unit.

Within some Residential zones, the draft By-law requires a minimum setback of 4.5 m. It is not possible to park a vehicle between the minimum setback and the road allowance. In order to meet the actual demand for off-street parking and to encourage dwellings which frame the public realm, staff has proposed the By-law require 2 off-street parking spaces per single detached dwelling.

The change from one required parking space to two will not impose a hardship on existing single detached dwellings as the new regulation will apply to new single detached dwellings only.

## Size of a Parking Space

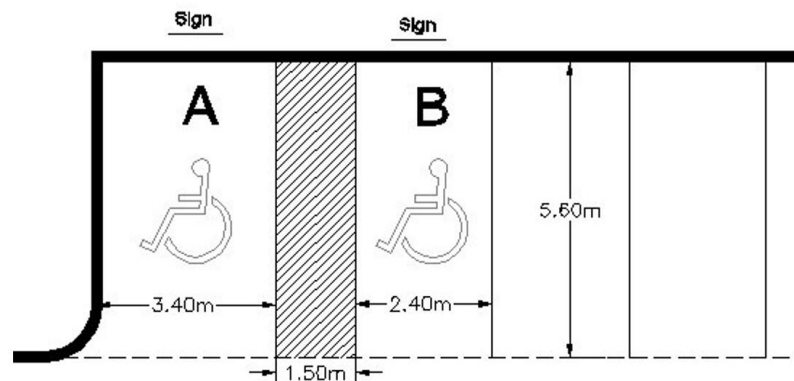
The draft By-law proposes to reduce the minimum size of a parking space from 2.8 m x 6.0 m to 2.6 m by 5.6 m (9.18 ft x 19.68 ft to 8.53 ft x 18.37 ft). This reduction in the size of a parking space is intended to match the trend to smaller, more fuel efficient vehicles. It is recognized a reduction in parking space size slightly reduces costs associated with development as providing required parking is a cost of developing lands.

Most vehicles have dimensions less than the proposed minimum dimension of a parking space, but there will be some, particularly pickup trucks, which are longer than 5.6 m in length.

The minimum width of a parking space and driveway for a single detached, semi-detached, converted and townhouse dwelling is a proposed 2.4 m (7.87 ft). This is the same requirement which currently exists for single detached and semi-detached dwellings. As the standard width of a garage door is 2.44 m, reducing the width of a parking space and driveway for townhouse dwellings will allow the parking space in a garage of a townhouse dwelling to be applied to meet the minimum parking requirements. It will also reduce the number of minor variance applications in the future.

### Barrier Free Parking Spaces

The proposed by-law changes the name and size of parking spaces for those with limited mobility. The change in name is from “parking space for the physically challenged” to “barrier free parking space” and the size is changing from a width of 4.5 m to a width of 3.4 m plus a 1.5 m pedestrian aisle (Type A) and 2.4 m wide plus a 1.5 m pedestrian aisle (Type B). This new standard meets the minimum standards of the Province as set out in Ontario Regulation 191/11.



*Illustration of Type A and Type B Barrier Free Parking Spaces*

On December 4, 2018 the Accessibility Advisory Committee passed a motion requesting a change to the current By-law for Type B accessible spots. They resolved that all future Type B parking spots in the City of Stratford be 2.6 m wide.

Prior to the adoption of this motion, the Accessibility Advisory Committee expressed concerns with the width of accessible parking spaces in Market Square. They were particularly concerned that individuals had been ticketed in the accessible parking space because their vehicle was parked on the pedestrian aisle. The Clerk's Division has advised that tickets have been issued to vehicles who park in the accessible parking space and also obstruct the pedestrian aisle.

### Shared Parking

In a mixed use building, parking for offices is generally greatest in the morning and afternoon while demand for residential use is greatest in the evenings and

weekends. The introduction of shared parking provisions into the By-law will allow the same parking space to meet the requirements of both uses. Depending on the mix of uses, it may allow for a reduction in the total number of parking spaces required.

#### Central Business District Exemption

The current Zoning By-law exempts buildings, structures or uses in the Central Business District from any requirement to provide parking; although buildings erected after May 28, 1979 are required to provide 1 parking space per dwelling unit. The draft By-law contains a revised exemption for the Central Business District. Specifically, the new provision would exempt legally existing buildings and structures from any parking requirements provided they do not increase the overall gross floor area on the lot. Generally, internal renovations and changes to uses would not necessitate additional parking, whereas a new building or an addition would require parking be provided.

Minimum parking requirements in the Central Business District differ from other areas for several reasons. Firstly, the Central Business District is the historic and geographic centre of the City. It contains different development patterns, different property fabric and a unique mix of uses. It is simply not possible for every building or use to provide on-site parking. Secondly, Stratford's Central Business District is a Heritage Conservation District and area specific parking provisions encourage (or at least don't discourage) the adaptive re-use of these designated buildings. Lastly, the City of Stratford maintains commercial parking lots in and around the Central Business District which fulfills the demand for parking.

#### Cash-in-lieu of Parking in the Central Business District

Since 1993, the City's Official Plan has allowed cash-in-lieu of parking in the Downtown Core designation; however, there is nothing in the Comprehensive Zoning By-law to implement this policy. As a result, any proposal to provide cash-in-lieu of parking requires additional planning approvals (either a minor variance or zone change). The Draft By-law contains a regulation which exempts a landowner in the Central Business District from providing required vehicle or bicycle parking for non-residential uses if they have entered into an agreement with the City respecting cash-in-lieu of parking in accordance with Section 40 of the *Planning Act*. Any agreement would require the approval of Council.

#### Off-Site Parking

The draft By-law contains provisions for off-site parking as allowed by the Official Plan. Off-site parking must be secured in an agreement registered on title, cannot be for required visitor, barrier free, loading and bicycle spaces, and must be within 400 m from the subject site. The 400 m separation distance was taken from the Ministry of Transportation Transit-Supportive Land Use Planning Guidelines which indicates pedestrians are not likely to walk greater than 400 m

from a residential use or place of employment to a transit stop. Upon further review, staff believes a 400 m separation distance between parking and a use is too great to function as intended. Such a large separation distance is likely to result in both on and off-street parking problems in the area of the use. For this reason, staff believes the maximum separation distance from a use to off-site parking should be reduced to 200 m. A 200 m separation distance would be more in keeping with the Transit-Supportive Land Use Planning Guidelines which recommend transit stops be spaced at 200 m to 250 m intervals.

The City of London also allows for off-site parking in commercial zones. London's by-law requires off-site parking to be within 150 m of the use.

Provisions prohibiting large vehicles on residentially zoned lands are new to Stratford, but common in many urban municipalities including Kitchener, London and Woodstock. The new provisions would not prohibit a property owner from parking a large or commercial vehicle on their property, if they were doing it prior to the passage of the By-law.

*General support for revised parking provisions, some question as to the need for 2 spaces per single detached dwelling, some questions on reducing parking spaces for apartment dwellings, and the size of barrier free parking spaces. The changes to the barrier free parking standards are to meet provincial standards. No feedback on provisions to prohibit the parking of large vehicles on residentially zoned lands.*

*There have been some questions regarding the new parking provisions, but no concerns received.*

- Grand Trunk Anchor District Zone - Section 8

New zone to recognize the site specific policy in Official Plan Amendment No. 21 and the Grand Trunk District Master Plan. This section of OPA No. 21 is not yet in effect and is the subject of an appeal. A Decision is pending. Implementation of this Zone is contingent on the site specific policy coming into effect.

*The same individual who appealed the Cooper Site – Major Institutional Use Focus Area policies contained in Official Plan Amendment No. 21 has expressed concerns with the proposed Grand Trunk Anchor District Zone.*

- New Industrial Zones – Section 9

The existing Zoning By-law contains two base industrial zones: Prime Industrial I1 and General Industrial I2. The proposed By-law contains a third base industrial zone: I3. Main permitted industrial uses will continue to be listed in either the I1 or I2 zones and accessory or ancillary uses will be included in the I3



zone. With the creation of a new base zone for industrial uses, it is hoped fewer site specific industrial zones will be required in the future.

*No public feedback.*

#### New Open Space Zone – Section 10

The existing Zoning By-law contains a Park (P) Zone and this zone permits a range of uses from a park and a cemetery to an auditorium and a theatre. The Park (P) Zone has been applied to a wide range of locations including neighbourhood parks, city wide parks (Upper Queens Park), natural areas (T.J. Dolan Natural Area) and lands within the regulated floodplain. The draft plan proposes a new Open Space Zone to be applied to natural areas and lands below the floodplain. The new Open Space Zone would permit parks and conservation uses, but not theatres and auditoriums. It is not consistent with the OPA No. 21 to permit a theatre or auditorium in a natural area or below the floodplain.

The proposed By-law will contain a Park (P) Zone and the Park (P) Zone is proposed to be applied to neighbourhood and regional parks and would permit the same range of uses as currently permitted by the Park Zone in By-law 201-2000 including auditoriums, private clubs and theatres.

*No public feedback.*

- Tom Patterson Theatre – Section 11

A new zone to recognize the site specific zone change adopted by Council on June 25, 2018, for the Tom Patterson Theatre redevelopment.

*No public feedback.*

- New Agricultural – Section 13

Official Plan No. 21 designates lands within the City of Stratford as Agriculture Area. As By-law No. 201-2000 does not have any agriculture zones or contain any provisions to allow new agricultural uses, a new zone is needed to implement the Agriculture Area policies of OPA No. 21. The new Agriculture A Zone will permit both agriculture uses and agriculture-related uses (farm commercial and industrial uses). Livestock facilities are limited to existing uses only.

*No public feedback.*

- New Urban Reserve Zone – Section 14

The existing Zoning By-law applies a Future Residential (FR), Future Commercial (FC) or Future Industrial (FI) Zone to lands that are designated for urban uses, but where it is premature to apply a zone which permits new buildings and structures. In place of a Future Residential, Future Commercial or Future Industrial, the proposed By-law has applied an Urban Reserve (UR) Zone.

The Official Plan allows a limited range of uses in all designations. For example, some convenience commercial uses are allowed within a Residential Area designation and these uses would normally be zoned Neighbourhood Commercial C1. The Future Residential zoning suggests only residential uses will be permitted in the future while the Urban Reserve approach suggests the full range of uses allowed by the Official Plan will be considered. The Urban Reserve (UR) Zone approach is preferred as it does not predetermine future development zoning.

*No public feedback.*

#### Next Steps

Upon confirmation of the approach taken in the draft Comprehensive Zoning By-law or direction to change the approach, staff will work with the consultant and schedule the statutory Public Meeting, expected in April. Notice of the Public Meeting will be sent to individuals who have participated in the project to date, to stakeholders and agencies. Notice of the Public Meeting will also be posted on the City's website, the Shaping Stratford website and advertised in the Town Crier. Based on feedback from the public and the direction of Council, final changes will be made to the draft By-law and a final by-law submitted to Council for adoption before the fall 2019.

Recent changes to the *Planning Act* mean that upon adoption of a Comprehensive Zoning By-law amendment, no person or public body shall submit an application for an amendment to the By-law before the second anniversary of the day on which Council repeals the previous By-law unless Council declares by resolution an application is permitted.

**Financial Impact:** None at this time.

Upon adoption of the Comprehensive Zoning By-law there will be an opportunity to appeal the By-law to the Local Planning Appeal Tribunal (LPAT). An appeal to the LPAT must explain how the existing part or parts of the By-law are inconsistent with the Provincial Policy Statement and/or fail to conform to the City's Official Plan.

**Staff Recommendation: THAT Council receive this update on the Comprehensive Zoning By-law Review and confirm the direction set out in the August 2018 draft By-law and in this report.**

**Or**

**THAT Council receive this update on the Comprehensive Zoning By-law review and confirm the direction set out in the August 2018 draft By-law and in this report the following revisions:**

- ***(To be completed by Sub-committee/Committee/Council)***
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- 




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Jeff Leunissen, Manager of Development Services




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Ed Dujlovic, Director of Infrastructure and Development Services



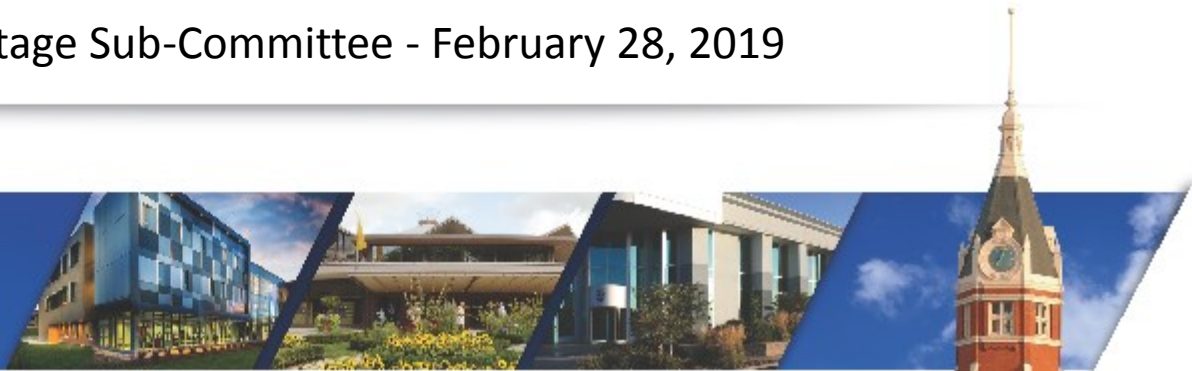

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Rob Horne, Chief Administrative Officer

# Comprehensive Zoning By-law Review Update and Directions

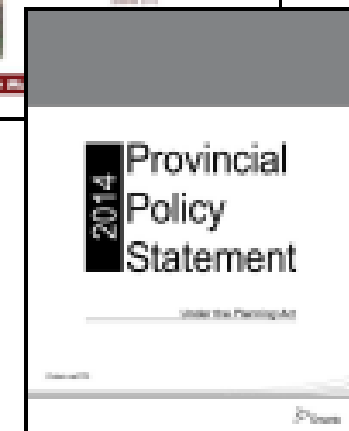
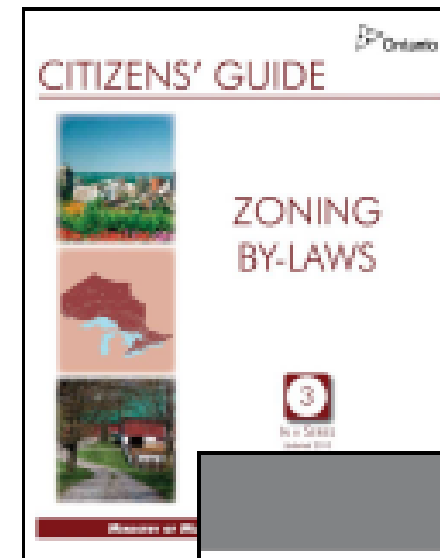


Planning and Heritage Sub-Committee - February 28, 2019



## WHAT IS A ZONING BY-LAW?

- A by-law passed by a municipality to regulate the use of land and the placement of buildings and structures on a lot.
- Divides the municipality into various zone categories (i.e., residential, commercial, industrial, open space).
- Specifies how the land may be used:
  - permitted uses
  - where buildings are located (required yard setbacks)
  - scale and intensity of buildings (height, density, lot coverage limits)
  - parking requirements
  - hazard areas and natural features
- Zoning By-law is the City's primary tool to control the use of land and must implement the City's new Official Plan.

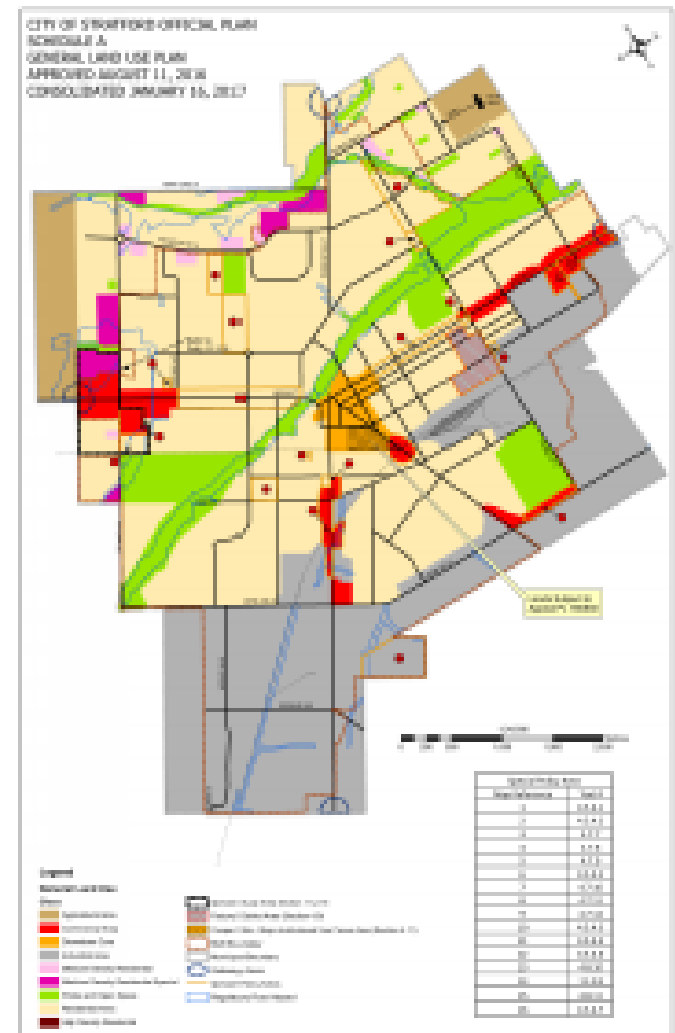


## Zoning By-law needs to implement the City's new Official Plan:

- translate broad policies into zone regulations; and
- consider appropriate built forms and permitted uses.

## New Official Plan (August 2016):

- Comprehensive update to the Official Plan.
- Downtown Core is the focus of compact, mixed use development.
- protection of Stable Residential Areas.
- strengthen the existing commercial structure.
- protect industrial areas for employment uses and complementary uses.



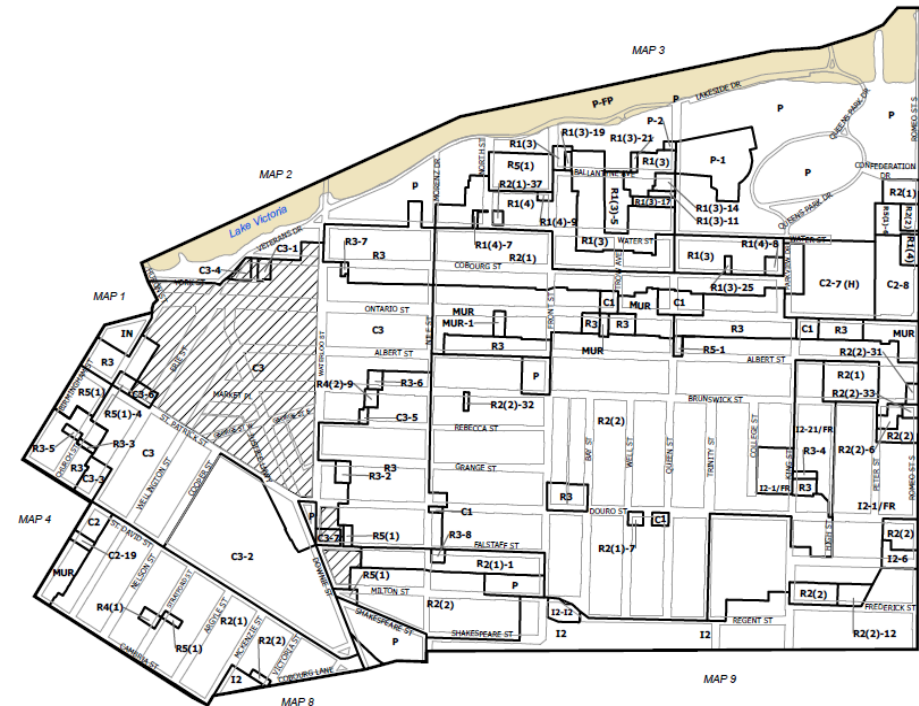
# By-law<sup>30</sup> 201-2000

## RESIDENTIAL FIRST DENSITY (R1) ZONE

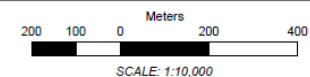
### 1.1 PERMITTED USES

group home  
single detached dwelling

	B	C	D	E	F
	ZONE VARIATION STANDARD①	R1(1)	R1(2)	R1(3)	R1(4)
1	Lot Area: Interior lot	1200 m <sup>2</sup>	600 m <sup>2</sup>	450 m <sup>2</sup>	360 m <sup>2</sup>
2	Lot Area: Corner lot	1500 m <sup>2</sup>	750 m <sup>2</sup>	600 m <sup>2</sup>	550 m <sup>2</sup>
3	Lot Frontage: interior lot	30 m	20 m	15 m	12 m
4	Lot Frontage: corner lot	35 m	25 m	20 m	18 m
5	Lot Depth	40 m	30 m	30 m	30 m
6	Front Yard Depth / Exterior Side Yard Width	10 m②	7.5 m②	7.5 m②	4.5 m③
7	Side Yard Width	5.0 m	1.0 m④	1.0 m④	1.0 m④
8	Aggregate Side Yard Width	10 m	3.5 m	3.0 m	3.0 m
9	Rear Yard Depth	10 m	7.5 m	7.5 m	7.5 m
10	Maximum Lot Coverage	30%	35%	35%	40%
11	Maximum Height	10 m	10 m	10 m	10 m
12	Maximum Number of Dwellings per Lot	1	1	1	1
13	Landscaped Open Space	50%	40%	35%	30%



City of STRATFORD  
Zoning By-law No.201-2000  
Revised: June 2, 2014, Consolidated Version



SCHEDULE



## PROJECT PURPOSE AND TIMELINE

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The City is undertaking a review and update to replace the current Zoning By-law No. 201-2000, with a new Comprehensive Zoning By-law.

Focus of review:

- Conform to City's new Official Plan and recent provincial policy/legislation.
- Provide updated and contemporary zoning regulations.

The work program is divided into three stages:

- Stage 1 - Data Collection and Background Review (fall 2015)
- Stage 2 - Draft Zoning By-law (2016-2018)
- Stage 3 - Final Zoning By-law and Council Adoption (2019)





# Proposed Changes to the Comprehensive Zoning By-law

- New format
- New definitions
- Revisions to the Bed and Breakfast Establishment provisions
- New Short Term Rental Accommodations regulations
- Revised Home occupations regulations
- Revised Parking Regulations including – revisions to the minimum size of a parking space, revised barrier free parking requirements, new shared parking provisions, cash-in-lieu of parking and new bicycle parking requirements
- Revised Drive Through, Stacking Lanes and Stacking Space regulations
- Revised Non-conforming Uses provisions
- New regulations allowing Second Suites
- New Source Protection regulations (Wellhead Protection Areas)
- New Overlay of Upper Thames River Conservation Authority Regulated Areas
- New Bonus Provisions
- New Holding Provisions
- New structure to allow for Temporary Zones
- New Theatre Zone
- New Grand Trunk Anchor District Zone
- New Open Space Zones
- Revisions to the Industrial Zone structure
- New Urban Reserve Zone
- New Agricultural Zone



1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

THESE RESULTS ARE IN ACCORD WITH THE FINDINGS OF OTHER RESEARCHERS WHO HAVE SHOWN THAT THE EFFECTS OF THE PARENTS' ATTITUDE AND BEHAVIOR ON THE CHILDREN'S ATTITUDE AND BEHAVIOR ARE STRONGER THAN THE EFFECTS OF THE PEERS' ATTITUDE AND BEHAVIOR.

THE STATE OF TEXAS, COUNTY OF DALLAS, ss. I, JAMES M. HARRIS, Clerk of the County, do hereby certify that the within and foregoing is a true and correct copy of the original record as the same appears in the books of the County of Dallas, Texas, kept by me according to the legal duty imposed upon me by the laws of the State of Texas, and I have signed my name and the seal of the County to this certificate.

**FIGURE 1**

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**Abstract**

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## SECTION 5.6



**TABLE 1**

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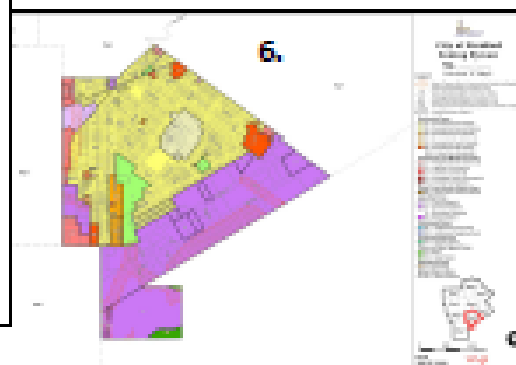
100 The corresponding source code is available at <https://github.com/maayanlab/bioRx>.

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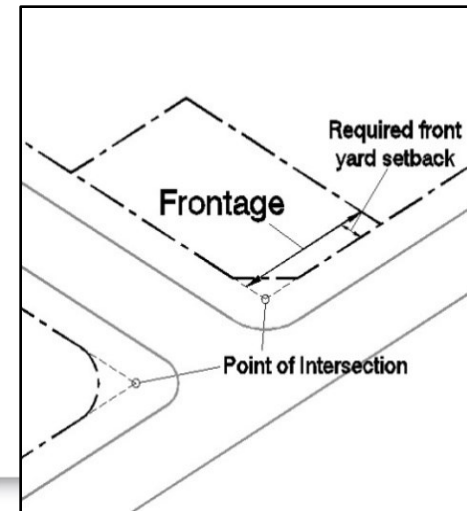
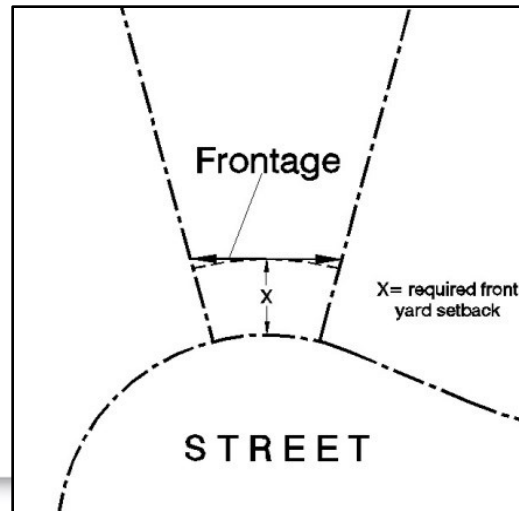
© 2006 Blackwell Publishing Ltd *Journal of Internal Medicine* 260: 399–406

1. Sections are colour coded for easier document wayfinding.
2. Zones are organized together by common uses.
3. Permitted Use and Zone Regulations are organized in tables for easier reference.
4. Defined terms are *italicized* for convenience. Modernized and expanded definitions to apply to all permitted uses.
5. Separate section on Parking and Loading requirements.
6. Updated and colour zone mapping Schedules.
7. Illustrations added to help clarify certain defined terms.
8. Site-specific zone exceptions are organized in a separate section.



- Holding Provisions – Section 2.5.2
- Bonus Provisions – Section 2.5.3
- Temporary Use Zones – Section 2.5.4
- Definitions – Section 3

illustrations.

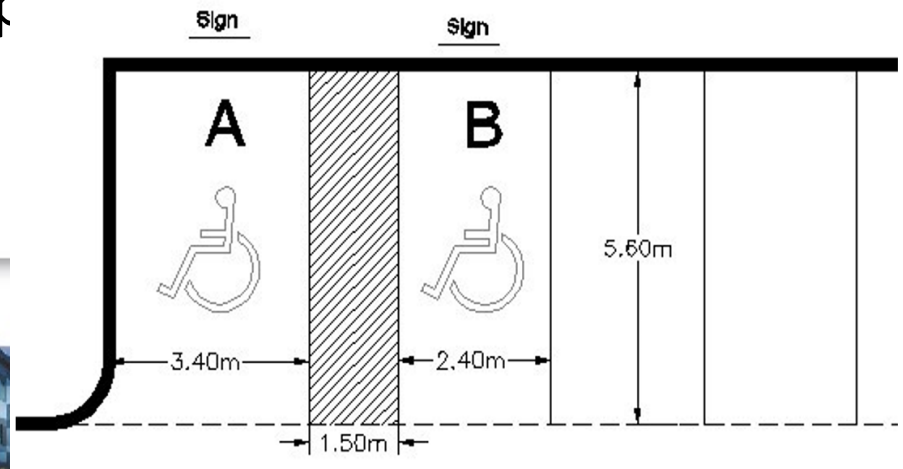


- Drive Throughs, Stacking Lanes and Stacking Spaces – Section 4.7
- Group Homes – Section 4.10
- Home Occupations – Section 4.12
- Non-conforming Uses – Section 4.17
- Second Suite Regulations – Section 4.24
- Source Protection (Wellhead Protection Areas) – Section 4.28



# Parking and Loading Requirements - Section 5

- Requiring 2 off street parking spaces per single detached dwelling
- Reduction in the size of a parking space from 2.8m x 6m to 2.6m x 5.6m
- mandatory bicycle parking
- changing the width of barrier free parking spaces from a uniform 4.5 m to 3.4 m and 2.4 m with a 1.5 m pedestrian access aisle (Type A and B)



# Parking and Loading Continued

- provisions for shared parking

Table 5.1.1 Shared Parking Space Formulae			
Use	Morning Occupancy Rate	Afternoon Occupancy Rate	Evening Occupancy Rate
<u>Office</u> (including a <u>clinic</u> , <u>professional office</u> , or <u>business office</u> )	100	95	10
Retail/Commercial Use, <u>Shopping Centre</u>	60	100	85
<u>Restaurant</u>	20	60	100
Visitor Parking for an Residential <u>Dwelling</u>	20	35	100
<u>Hotel</u>	70	70	100

- provisions for cash-in-lieu of parking in the Central Business District



# Parking and Loading Continued

- provisions for cash-in-lieu of parking in the Central Business District
- provisions to allow required parking to be located off-site if secured in an agreement
- revisions to minimum driveway aisle widths
- provisions to prohibit the parking of large vehicles (buses, vehicles with more than three axles, large trailers and farm tractors) on residentially zoned lands.





- Grand Trunk Anchor District Zone - Section 8
- New Industrial Zones – Section 9
- New Open Space Zone – Section 10
- Tom Patterson Theatre – Section 11
- New Agricultural – Section 13
- New Urban Reserve Zone – Section 14





- Existing provisions

- Current B&B regulations limit B&B's to single detached dwellings
- B&B's continue to be required to be operated by the principal resident
- One Accessory Guest Room allowed every single detached dwelling
- Licensing required for B&B's and Accessory Guest Rooms
- Each B&B bedroom requires an additional parking space
- Tandem parking permitted

- Changes

- Regulations are in a table format for easier reading
- The proposed regulations would allow B&B in a broader range of dwelling types. B&B's would be permitted in single detached dwellings, semi-detached dwellings, converted dwellings, townhouse dwellings and apartment dwellings (A converted dwelling is a dwelling originally constructed as a single detached dwelling that has been altered to contain more than 1 dwelling unit.)
- Clarification that operating one Accessory Guest Room is a B&B and requires a license
- Tandem parking limited to a maximum depth of 2 vehicles
- A B&B cannot operate on the same lot as a secondary suite



# Short Term Rental Accommodations

- Allowing STRA in all single detached dwellings, semi-detached dwellings, converted dwellings, townhouse dwellings and apartment dwellings
- STRA occupied by the principal resident
- Limiting STRA rental for a period of 28 consecutive days
- STRA must be licensed
- Requirement of 0.67 parking spaces per bedroom
- A STRA cannot be on the same lot as a secondary suite



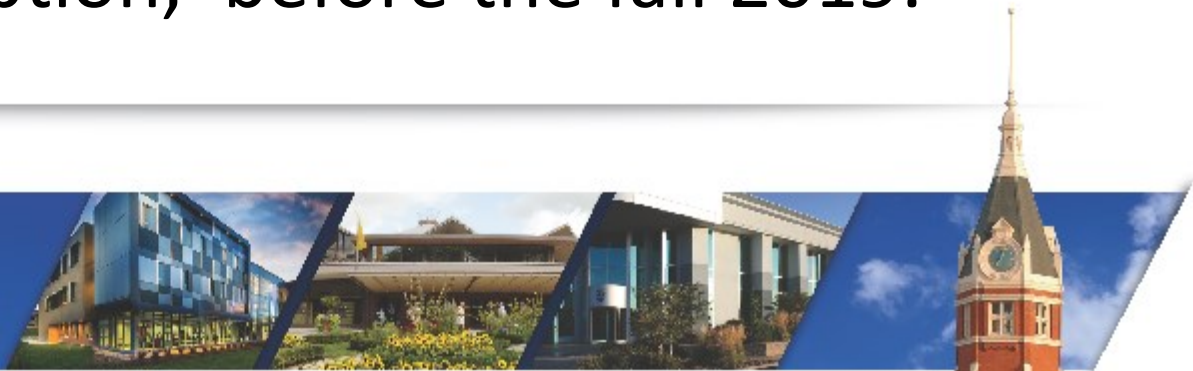
# Bed and Breakfast Establishments and Short Term Rental Establishments – Table

Table 4.3.1: Bed and Breakfast Establishment and Short Term Rental Accommodation Requirements						
	51	Type of Dwelling				
		Single detached dwelling	Semi-detached dwelling (each unit)	Converted dwelling	Townhouse dwelling (each unit)	Apartment dwelling
Permitted Dwelling Type of the Principal Resident	<a href="#">bed and breakfast establishment</a>	Permitted	Permitted	Permitted	Permitted	Permitted
	<a href="#">short term rental accommodation</a>	Permitted	Permitted	Permitted (only in the unit the Principal Resident resides in)	Permitted	Permitted (only in the unit the Principal Resident resides in)
Permitted Dwelling Type of a Non Principal Resident (i.e., Absentee Owner)	<a href="#">bed and breakfast establishment</a>	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
	<a href="#">short term rental accommodation</a>	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
Permitted Zones	<a href="#">bed and breakfast establishment</a>	R1, R2, R3, R4, R5, MUR, C2, C3, and A Zones				
	<a href="#">short term rental accommodation</a>	R1, R2, R3, R4, R5, MUR, C1, C2, C3 and Zones				
Maximum number by type of dwelling	<a href="#">bed and breakfast establishment</a>	1	1	Equal to the number of units	1	Equal to the number of units
	<a href="#">short term rental accommodation</a>	1	1	50% of the units to a maximum of 5	1	50% of the units to a maximum of 5
Maximum number of bedrooms	<a href="#">bed and breakfast establishment</a>	R1 Zone (Local Street): 2 bedrooms R1 Zone (Collector or Arterial Street): 4 bedrooms R1 Zone (Erie Street, Huron Street or Ontario Street): no maximum  R2 and R3 Zones (Local, Collector or Arterial Street): 4 bedrooms R2 and R3 Zones (Erie Street, Huron Street or Ontario Street): no maximum  R4 and R5 Zones: 2 bedrooms  MUR, C2, and C3 Zones: no maximum  A Zone: 4 bedrooms (provided an expansion to the existing dwelling is not permitted)				
	<a href="#">short term rental accommodation</a>	Not Applicable				



# Next Steps

- Revise By-law based on feedback from Council
- Schedule the Statutory Public Meeting, probably in April or May
- Based on direction from the public meeting, staff and our consultant will make final revisions to the By-law and submit it to Council for adoption, before the fall 2019.



# Comprehensive Zoning By-law Review Update and Directions

Questions or Comments





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## MANAGEMENT REPORT

**Date:** February 28, 2019  
**To:** Planning and Heritage Sub-committee  
**From:** Jonathan DeWeerd, Chief Building Official  
**Report#:** PLA19-004  
**Attachments:** None

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**Title:** Annual Building Permit Fee Report 2018

**Objective:** To consider permit fees collected and operational costs for 2018.

**Background:** In accordance with subsection 7(4) of the *Building Code Act*, 1992 S.O. 1992, Chapter 23, as amended, the City is required to prepare a report on the permit fees received and the direct and indirect costs to administer and enforce the *Building Code Act* in its area of jurisdiction. A Building Permit Reserve has been established to ensure funds are available to administer and enforce the *Building Code Act* in the event of an economic slowdown. The *Building Code Act* does not set minimum or maximum reserve fund amounts. Previously, Council approved the Building Permit Reserve to have a target balance of one year's operating costs (direct and indirect), which is in line with other municipalities.

Currently, Stratford's Building Permit Reserve has a balance of \$497,131.69.

**Analysis:** The following table shows total fees and total costs for the calendar year of January 1 to December 31, 2018:

Total Building Permit fees received in 2018		\$911,367.28
Total Direct Costs (Division) to administer and enforce the <i>Building Code Act</i> including the review of applications for permits and inspection of buildings	\$764,857.27	
Total Indirect Costs (Corporate) of administration and enforcement of the <i>Building Code Act</i> including support and overhead costs	\$86,950.00	
Total Direct Costs (Department) and Indirect Costs (Corporate)	\$851,807.27	\$851,807.27
Permit Fees received less Direct and Indirect Costs*		\$59,560.01*

\*Permit fees are not collected for City projects and basement isolation programs.

December 31, 2018 Building Permit Reserve	\$497,917.65
2018 Permit Fees received less Direct and Indirect Costs	\$59,560.01
December 31, 2018 Building Permit Reserve if 2018 surplus is added to Building Permit Reserve	\$557,477.66

If the 2018 surplus is added to the Building Permit Reserve, the fund would be at 65% of the total costs for 2018.

Direct and indirect costs increased from \$631,678.74 in 2017 to \$851,807.27 in 2018, which is \$220,128.53 or approximately a 35% increase in costs. This increase was mainly due to a number of large and complex projects, requiring plan examination assistance, as well as, transition services from RSM Building Consultants. The transition services provided by RSM enabled the department to provide continuous, quality customer service during the time of vacancy of the Chief Building Official and MBO II positions during the course of the past year. Transition services were comprised of approximately 5 months of coverage in 2018 prior to a full time Chief Building Official being hired, and 4 months of transition services for Building Inspectors prior to replacing two Buildings Inspectors.

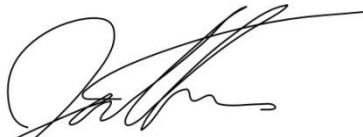
During the past year, Building Services also incurred increased legal fees and an above-average number of permit applications that required staff overtime and plan examination services to be contracted out. With the hiring of a new MBO III position in 2019, Building staff is optimistic that there will be less reliance required on the outside consultant, providing potential cost savings to the department.

The reserve fund is intended to ensure that, even if building activity in a municipality goes down, Building Division services can continue to be provided for a time without affecting the municipality's finances or staffing. Money in the reserve fund can only be used for costs of delivering services related to the administration and enforcement of the *Building Code Act* such as staffing for plan review, permit issuing, and inspections.

The reserve balance is now sitting at approximately 65% of the target level. City Staff will continue to review this balance in accordance with Bill 124 *Building Code Statute Law Amendment Act*, 2001 to determine what can be done with future surpluses.

**Financial Impact:** \$59,560.01 surplus to be added to the Building Permit Reserve account number G-R07-BSUR-0000 established to administer and enforce the *Building Code Act*. The new balance in the reserve would be \$557,477.66

**Staff Recommendation:** **THAT Council add the amount of \$59,560.01 into the Building Permit Reserve G-R07-BSUR-0000 established to administer and enforce the *Building Code Act*.**



Jonathan DeWeerd, Chief Building Official



Ed Dujlovic, Director Infrastructure & Development Services



Rob Horne, Chief Administrative Officer



## **Project Update –February 2019**

### **Recent Zone Change Applications**

45 Cambria St and Pt Lot 30C Plan 93 – From I2 to I2 Special and from R2(2) to R2(2) Special (File Z04- 19)

### **Recent Plan of Condominium Applications**

3205 Vivian Line 37 – Phased Condominium – 63 units (28 residential & 35 parking), File 31CDM19-001

235 John Street North, – Standard Condominium – 108 units (50 residential & 58 parking), File 31CDM19-002

### **Site Plan Applications Under Review**

230 Ontario Street – Mixed-Use Building

300 Wright Boulevard – expansion of parking area to an industrial use

551 Wright Boulevard – 1900 m<sup>2</sup> industrial expansion

865 Ontario Street – new commercial building

677 Erie Street – New gas bar/car wash

89 Parkview Drive – Hotel addition

672 Lorne Ave West – addition to a commercial establishment

### **Committee of Adjustment**

	<b>2019 (To Date)</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>
<b>Consents</b>	3	11	23	6	18
<b>Minor Variances</b>	2	13	33	25	31

<b>Other Planning Applications</b>	<b>2019 Year to Date</b>	<b>2018</b>	<b>2017</b>
<b>Official Plan Amendment Applications</b>		3	1
<b>Zone Change Applications (Holding Provision Applications)</b>	4	10 (1)	9 (2)
<b>Plan of Subdivision Applications</b>		3	1
<b>Plan of Condominium Applications</b>	2	1	1
<b>Part Lot Control Applications</b>	1	1	2
<b>Site Plan Applications</b>	1	26	22

<b>OMB Hearings</b>	1	3	1
<b>Formal Consultation Submissions</b>	4	23	25

### **Local Planning Appeal Tribunal**

None scheduled

Awaiting a Decision on OPA No. 21 appeal

### **New Dwelling Unit Permits Issued**

<b>Dwelling Type</b>	<b>2019 (To Date)</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>Five Year Average (2014-18)<sup>1 2</sup></b>
<b>Single detached dwellings</b>	2	92	102	103	85.8
<b>Duplex/Semi-Detached dwellings</b>	0	8	4	28	9
<b>Triplex/Quad Dwellings</b>	0	0	0	8	3
<b>Townhouse Dwelling</b>	0	4	12	37	26
<b>Apartment Dwelling</b>	0	339	59	53	109
<b>Other</b>	0	4	1	4	3
<b>Total</b>	2	442	179	234	<b>226</b>
<b>Total Number of Permits</b>	28	534	547	626	
<b>Total Construction Value \$</b>	325,000	191,067,060	86,859,411	83,913,429	

<sup>1</sup>Numbers rounded for convenience purposes.

<sup>2</sup>On average, 6 dwelling units are demolished each year

### **Significant Building Permits Recently Issued or Currently Under Review**

230 Ontario Street – institutional demolition

211 Lorne Ave – industrial addition

43 Orr Street – single detached dwelling

### **Comprehensive Zoning By-law Review**

Update and Directions Report submitted to Sub-committee



A meeting of the **Heritage Stratford Committee** was held on the above date at 7:00 p.m., City Hall Annex (Avon Room), 82 Erie Street, Stratford ON

**Present:** Patrick O'Rourke – Chair Presiding, Dave Gaffney, Cambria Ravenhill, Jacob Vankooten, Robbin Hewitt, Amanda Langis, \*Pat Bolton

**Staff Present:** Jeff Leunissen –Manager of Development Services, Rachel Tucker – Planner, Casey Riehl–Recording Secretary

**Absent:** Wayne Graham, Councillor Danielle Ingram

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## MINUTES

### 1.0 CALL TO ORDER

Patrick O'Rourke called the meeting to order at 7:00 p.m.

### 2.0 DISCLOSURE OF PECUNIARY INTEREST

None declared.

### 3.0 ADOPTION OF PREVIOUS MINUTES – September 11, 2018

**Motion by Dave Gaffney, seconded by Jacob Vankooten to adopt the minutes dated September 11, 2018 as printed. Carried.**

### 4.0 BUSINESS ARISING FROM PREVIOUS MINUTES

#### (a) Update on Heritage Stratford Webpage – Councillor Ingram

Patrick O'Rourke updated the committee that Councillor Ingram has sent additional pictures to I.T. to upload to the website. Mr. O'Rourke suggested that clear instructions with the designation forms regarding where to submit the designation requests could be added.

#### (b) Update on Heritage Stratford Brochures – Dave Gaffney

Dave Gaffney is continuing to gather information for the brochures and will update the committee at the next HS meeting.

**(c) Auditorium Photographs – Patrick O'Rourke**

Patrick O'Rourke Updated the committee that he has the replacement photo of the designated property and it will be hung back up in the Auditorium. The remaining ones have been photographed and are currently being framed. New descriptions will have to be completed to include with the five new photos.

\*Pat Bolton now present (7:05 p.m.)

**(d) Heritage Inventory Update – Patrick O'Rourke**

Rachel Tucker is working on a management report to submit to the new Council outlining the steps that will be taken regarding the inventory. She has received the USB from Margaret Rowell with the 245 remaining properties. This will possibly go to sub-committee in December or may wait until January. Ms. Tucker will circulate the list of 245 properties to the committee members to review.

**(e) Update on Heritage Alteration Permit Application & Permit Review Sub-committee Evaluation Form**

Rachel Tucker updated the committee that they have almost completed the new alteration permit application and thanked HS members for their input. She has not started working on the permit review evaluation form, but has a meeting scheduled next week with staff to discuss layout and content. She will circulate the final versions to committee members prior to posting on the website. Future discussion on number of committee members on the review sub-committee to ensure that there is always two representatives available to do reviews.

**(f) Update on Heritage Conservation District Standards – Jeff Leunissen**

Staff has forwarded the HS motion requesting that the standards are reviewed and updated. Jeff Leunissen reported that their staff does not have the expertise and resources to update the HCD standards, they were not completed in-house last time and they will be seeking assistance from a consultant to complete this project. There has not been any discussion regarding a cost/budget for this project. Mr. Leunissen will keep HS updated.

**5.0 DESIGNATION UPDATES**

**Stratford Fairgrounds** – the designation request has gone to the Planning & Heritage Sub-committee and was passed without discussion. It will subsequently be sent to Council for a final decision.

**Land Registry and Jail** – Dave Gaffney suggested proceeding with designations for both these properties. The designation sub-committee will look into this project in the New Year.

#### **6.0 DEVELOPMENT SERVICES REPORT (Oct/Nov 2018) – Rachel Tucker**

Rachel Tucker circulated and reviewed the October and November building and sign permits. She updated the committee that a heritage impact assessment was completed for 230 Ontario Street. Staff will review permits for a designated residence on Norman Street.

#### **7.0 BLUE PLAQUE UPDATE**

Dave Gaffney shared the proposed wording for the blue plaque in honour of Dr. Robert Salter.

Proposed blue plaque wording:

Dr. Robert Salter

Internationally recognized and award-winning Orthopaedic Surgeon

Born Here

15 December 1924

Members supported the plaque wording and, with final confirmation from the property owners, would like to move forward with sharing the proposal with Council.

**Motion by Dave Gaffney, seconded by Cambria Ravenhill that Heritage Stratford spend up to a maximum of \$500.00 for a blue plaque, with the proposed wording, in honour of Dr. Robert Salter to be located at 56 Front Street. Carried**

Members will work on rewording the blue plaque program outline to better explain how the program works and how to nominate a person.

#### **8.0 NEW BUSINESS**

##### **(a) New Permit Review Sub-committee Member – Patrick O'Rourke**

As Dave Gaffney will soon be a member of Council, Robbin Hewitt has volunteered to sit on the permit review sub-committee until permanent members have been appointed in January.

##### **(b) Demolition Control By-Law – Jeff Leunissen**

Jeff Leunissen explained that Council requested staff produce a demolition control by-law dealing with residential, commercial and institutional developments. The current act comes under the authority of the Planning Act and only allows for demolition control for residential properties. Staff presented

a draft by-law to the Planning & Heritage Sub-committee suggesting consulting Heritage Stratford, SABA and feedback from the public. Mr. Leunissen will circulate the draft by-law to Heritage Stratford members for their review and feedback. The by-law states a residential property must be developed within two years (substantial completion or 90% complete) or face the possibility of a fine. There will need to be discussion regarding process and specifics on demolition. Staff is due to report back to Council in February 2019. Mr. Leunissen will request the Chief Building Official attend the December HS meeting for further discussion.

**(c) 122 Birmingham Street – Patrick O'Rourke**

Patrick O'Rourke discussed the new lot created at 122 Birmingham Street and the heritage impact assessment submitted by the owners listing a number of recommendations regarding the development of the lot. Mr. O'Rourke inquired what staff's plan is to give effect to those recommendations and specifically the ones that relate to the Heritage Committee. Jeff Leunissen explained that, in discussions with the city's solicitor, site plan approval was not required for the new lot; it was specific to the existing building located on St. David Street. He will inquire what tools are available to staff to possibly impose the site plan conditions on the new lot in the future. The heritage impact assessment was not circulated to Heritage Stratford. Mr. Leunissen will inquire why this step in the process was not followed in this situation and report back.

**(d) 2019 CHO Membership**

Staff inquired with the committee if they would like to continue receiving the electronic version of the Community Heritage Ontario publication.

**Motion by Cambria Ravenhill, seconded by Amanda Langis that Heritage Stratford spends \$75.00 for their 2019 Municipal Heritage Committee membership to continue receiving their quarterly publications. Carried.**

**(e) 2019 Ontario Heritage Conference**

Patrick O'Rourke noted that next year's Ontario Heritage Conference will be held in Bayfield and Goderich. He encouraged members to consider attending next year. Goderich is a good heritage comparison for Stratford and they have completed some great heritage projects that Stratford can learn from.

**(f) Locks on Bridge to Nowhere – Dave Gaffney**

Dave Gaffney reported that citizens have requested to place "love locks" on the Bridge to Nowhere, Waterloo Street Bridge and the R. Thomas Orr Dam. The Parks Board denied allowing the locks to be placed on these locations. A recent solution is to build an iron heart-shaped cage and locate it on the R. Thomas Orr Dam. He reported that the Parks Board was somewhat receptive to this

idea. Members inquired if UTRCA has been consulted on this and if Council would ultimately have final approval? Mr. Gaffney will inquire and give a further update.

**9.0 NEXT MEETING DATE** – Thursday, December 11, 2018 at 7:00 p.m. – Avon Rm.

**10.0 ADJOURNMENT**

**Motion by Dave Gaffney, seconded by Jacob Vankooten to adjourn the meeting. Carried.**

Time: 8:05 p.m.